

**CITY OF MALIBU
NOTICE OF INTENT TO ADOPT
A MITIGATED NEGATIVE DECLARATION**

Notice is hereby given that the City of Malibu has completed an Initial Study for the following project in accordance with California Environmental Quality Act (CEQA):

Project Title Malibu Memorial Park

Application Nos. Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001, Coastal Development Permit No. 15-028, Variance No. 16-016, Site Plan Review No. 16-009, Minor Modification No. 16-010, Conditional Use Permit No. 15-011, and Lot Merger No. 16-001

Location: 4000 Malibu Canyon Road
Assessor's Parcel Numbers (APNs): 4458-030-007, 4458-028-015 and 4458-028-019

Project Applicant: Bruce McBride

Property Owner: Green Acres, LLC

Project Description: The Malibu Memorial Park Project (proposed project) consists of a chapel, 176 parking spaces, 47 freestanding mausoleum structures with a total square footage of 9,400, approximately 28,265 in-ground burial plot spaces intermittently located throughout the property, 3,644 interments in above grade wall crypt structures and approximately 65,036 square feet of walking trails on approximately 21.0 acres of the 27.8 acre site. The 28-foot in height chapel building consists of a 6,673 square foot main level and 9,348 square foot subterranean garage and basement located in the center of the project site. Visitor access will be provided by a system of pedestrian and golf cart trails used to access the individual mausoleums and burial plots. A sloping waterfall would mark the primary entrance from Malibu Canyon Road, with an additional water feature in the median of the entry driveway. The project is located in the Commercial Visitor Serving-2 zoning district. The complete project description is provided in the Initial Study.

Public Review: The purpose of this review is to allow public agencies and interested members of the public the opportunity to share expertise, disclose agency analysis, check for accuracy, detect omission, discover public concerns and solicit counter proposals pursuant to CEQA Section 15200 (Purposes of Review).

The Initial Study and Mitigated Negative Declaration will be circulated for a 30-day review period. Written comments will be received by the City of Malibu Planning Department until 5:30 p.m. on the ending date of the public review period.

Review Period: Begins: **November 14, 2016** Ends: **December 14, 2016**

Where to Send Comments and Where Documents are Available for Review:

Post: City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Fax: (310) 456-7650
Email: afernandez@malibucity.org

City of Malibu Website: <http://www.malibucity.org/cemetery>

Public Hearing: A public hearing for the City of Malibu Planning Commission to receive comments on the document and to adopt the Initial Study / Mitigated Negative Declaration will be scheduled and noticed at a later date.

Contact: For more information regarding this notice, please contact the following staff member:

Adrian Fernandez, Senior Planner
(310) 456-2489, extension 482
afernandez@malibucity.org



Bonnie Blue, Planning Director

Date: November 10, 2016

City of Malibu
Initial Study Environmental Checklist Form

1.	<u>Project Title:</u>	Malibu Memorial Park
2.	<u>Project Location:</u>	4000 Malibu Canyon Road Assessor's Parcel Numbers (APNs): 4458-030-007, 4458-028-015 and 4458-028-019
3.	<u>Application:</u>	Initial Study (IS) No. 16-002 Mitigated Negative Declaration (MND) No. 16-001 Coastal Development Permit (CDP) No. 15-028 Variance (VAR) No. 16-016 Site Plan Review (SPR) No. 16-009 Minor Modification (MM) No. 16-010 Conditional Use Permit (CUP) No. 15-011 Lot Merger (LM) No. 16-001
4.	<u>Lead Agency Name and Address:</u>	City of Malibu Planning Department 23825 Stuart Ranch Road Malibu, CA 90265-4861
5.	<u>Contact Person and Phone Number:</u>	Adrian Fernandez Senior Planner (310) 456-2489, Ext. 482
6.	<u>Project Applicant Name and Address:</u>	Bruce McBride P.O. Box 6528 Malibu, CA 90265
7.	<u>Property Owner:</u>	Green Acres, LLC P.O. Box 6528 Malibu, CA 90265
8.	<u>Malibu Municipal Code (MMC) Zoning:</u>	Commercial Visitor Serving-2 (CV-2)
9.	<u>General Plan Land Use Designation:</u>	CV-2
10.	<u>Local Coastal Program (LCP) Zoning:</u>	CV-2
11.	<u>LCP Land Use Designation:</u>	CV-2

12. Description of Proposed Project:

The Malibu Memorial Park Project (proposed project) consists of a 6,673 square foot chapel, 176 parking spaces, 47 freestanding mausoleum structures, approximately 28,265 in-ground burial plot spaces¹ intermittently located throughout the property 3,644 interments in above grade wall crypt structures and approximately 65,036 square feet of walking trails on approximately 21.0 acres of the 27.8 acre site located at the northeast corner of the intersection of Pacific Coast Highway (PCH) and Malibu Canyon Road. (Refer to **Figures 1a and 1b, Proposed Project Site Plan** and **Figures 2a and 2b, Proposed Project Elevations**). The main chapel would serve as the central axis for the development and is proposed to house clergy offices and meeting rooms, religious burial preparation areas and private grieving areas. Additional project components include a public mausoleum, private estate plots, terraced estate plots, bench estates, cremation gardens/ossuaries/niche walls, a pet cemetery, and lawn crypts.

The 6,673 square foot chapel would be located in the center of the project site. Primary site access would be provided via a main entrance/exit driveway located at the site's western frontage with Malibu Canyon Road approximately 475 feet north of its intersection with PCH. Visitors would access individual mausoleums and burial plots via a system of pedestrian and golf cart trails. A sloping waterfall would mark the primary entrance from Malibu Canyon Road, with an additional water feature in the median of the entry driveway. The grounds would also include several contemplation areas (with benches). Various topiary features (large and small) would be located throughout the grounds.

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.

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, and LCP Local Implementation Plan (LIP) Sections 4.6.2 and 6.5(G). In addition, all exterior lighting fixtures would be fully shielded and operated at low intensity. As such, the project would be in compliance with current applicable lighting standards.²

¹ This figure includes single, tandem, pet, and factional burial crypts.

² The City of Malibu has contracted with the International Dark-Sky Association (IDA) to prepare a citywide lighting ordinance. However, to date, the City does not have an adopted citywide lighting ordinance.

A new driveway accessible from Malibu Canyon Road would provide vehicular access to the project site. Most vehicles would be directed to park in the surface parking areas; designated stalls located along the entry drive and around the chapel. The entry driveway would provide one way entry and exit via a circular driveway around the chapel with access to the guest surface parking stalls. No parking would be allowed within the required width of the fire-lane surrounding the chapel. A total of 133 perpendicular guest parking stalls would be located along the entry driveway and chapel ring. An additional 19 subterranean parking spaces would be available for family members, clergy, and staff. Parking to accommodate an additional 24 stalls would be provided along the perimeter of the ring driveway and parking for several limousines would be provided near the front entry of the chapel. In sum, a total of 176 parking spaces would be provided for the project.

As shown in **Figures 2a and 2b**, as the topography of the project site is sloped to the southeast, the chapel reflects this slope in its design. The chapel would consist of two levels (basement and ground level). The total proposed floor area for the proposed project is 16,073 square feet (the 6,673 square foot chapel building and 9,400 square feet of mausoleums) and excludes the subterranean garage and basement³, which results in a project floor area ratio (FAR) of 0.013.

The ground floor of the chapel building would consist primarily of the entryway leading to a lobby/reception area, restrooms, an open stairway and elevator bank, and the assembly hall. Indoor fixed seating in the assembly hall would accommodate 392 persons. Additional ground floor components include the chapel office, a small kitchen facility, and the casket lift.

Below the chapel would be a 9,348 square foot basement, including a 19-stall subterranean garage. The subterranean garage would be used for service ingress/egress while the basement area would include bathrooms, storage, elevators and a casket lift car to the main floor.

A public mausoleum would be located directly behind and adjacent to the chapel, to the east, and would accommodate caskets.⁴ The public mausoleum would be sunk below grade but open to the sky. As a result, this public mausoleum will not be visible from elsewhere on the site.

³ FAR does not include underground floor area, interior parking spaces, and spaces with floor-to-ceiling height less than six feet. The FAR calculation is: 16,073 sf / 1,210,968 sf (27.8 acres) = 0.013

⁴ A public mausoleum contains multiple crypts that can be purchased individually by community members.

Forty-seven freestanding private mausoleums would be located throughout the site and would be available for purchase.⁵ The 47 mausoleums range from approximately 140 to 200 square feet each.⁶ Generally, these mausoleums would range from 12 to 14 feet in height and width. The majority of these mausoleums would be located in the south and east portions of the site. The applicant has also revised the mausoleums off the mesa and closer to the chapel.

The project site is zoned CV-2. Similar to other properties zoned CV-2, the proposed project would provide a visitor serving use (e.g., a memorial park and trails) and include landscaping and open space consistent with the surrounding uses and natural setting (surrounding uses and setting are discussed in greater detail under Project Site Setting and Surrounding Land Uses below). Landscaped areas are discussed in greater detail below but generally would include trees, shrubs, and native grasses (refer to **Figures 3 and 4, Proposed Project Landscape Plan**). Existing vegetation in the open space areas would not be disturbed. Two water features would be included on the site, with the largest feature located at the vehicle entrance/exit along Malibu Canyon Road and continuing the length of the main driveway. A smaller water feature would be located at the rear of the chapel.

Excluding the existing vegetation located in the south, east and north portions of the project site (i.e., the portions of the site that would not be developed), all existing vegetation would be removed to accommodate the proposed project. Existing vegetation shall be removed in accordance with the approved project plans.

The project site would be used for services and burials only. No embalming or cremation would occur on the project site. However, the site is anticipated to be used to accommodate various religious functions, special events and public uses, including the chapel and trails, lawns and contemplation areas. Activities could include educational programs and social activities.

The project site, including the landscaped areas, walking trails and public mausoleums would be open to the public from 7:00 AM to 9:00 PM daily, while the chapel would be open from 9:00 AM to 9:00 PM. The private mausoleums would not be open to the public. The project is estimated to employ approximately 18 full-time, part-time, seasonal, and permanent employees at any given time. Staffing would consist of administration, clergy, chapel and service operations staff, and maintenance and security.

⁵ Private mausoleums typically hold fewer crypts than a public mausoleum and are purchased to accommodate fewer caskets, such as for a single family.

⁶ The total square footage attributed to the private mausoleums is approximately 9,400 square feet and is counted as gross floor area in the FAR calculation.

13. Project Site Setting and Surrounding Land Uses:

The project site is located at 4000 Malibu Canyon Road in the City of Malibu (Refer to **Figure 5, Regional Location**). The project site is an elevated coastal terrace bordered by Malibu Canyon Road to the north and west, PCH to the south, and Civic Center Way to the east. The central portions are generally level, but drop steeply 60 to 80 feet into Winter Canyon and the road cut for PCH on the southeastern portions of the project site. The project site is vacant; however, several dirt driveways traverse the site with trees and shrubs located intermittently throughout the project site. Although the project site is 27.8 acres, approximately seven acres contain sensitive habitat and/or are considered unstable because of steep slopes, therefore, development is only proposed on 21 acres. Currently, a variety of native and non-native trees, coastal sage scrub, and native grasses are located on the project site. While coast live oak, Southern California black walnut, and toyon trees were recorded on the site, none of the existing specimens satisfied the combined two-trunk 8-inch diameter or one-trunk measuring six inches or more at breast height requirement for protection under LIP Chapter 5 Native Tree Protection.⁷

The three parcels that make up the project site (APNs 4458-030-007, 4458-028-015 and 4458-028-019) are designated CV-2 (in all City land use documents). Land uses permitted under this designation include visitor serving uses that are consistent with the rural setting, with a maximum FAR of 0.15.⁸

The roughly triangular shaped parcel is bordered by Malibu Canyon Road and Pepperdine's' Alumni Park to the north and west, Civic Center Way and mixed institutional and residential uses to the north, the Malibu Civic Center Wastewater Treatment Facility (CCWTF) to the east, and PCH, the City-owned portion of Malibu Bluffs Park and the undeveloped Crummer site to the south.⁹ Nearby land uses include Pepperdine to the north and west, the State-owned portion of Malibu Bluffs Park to the south, the Los Angeles County Road Maintenance Yard, Webster Elementary School, Our Lady of Malibu Catholic Church and School, and three condominium complexes off of Vista Pacifica and De Ville Way to the east. (Refer to **Figure 6, Project Site and Surrounding Land Uses**). The Pacific Ocean is 0.3 mile to the south, lower Malibu Creek is 0.5 mile to the east and the base of the Santa Monica Mountains foothills are to the north across Malibu Canyon Road. The site borders the low-lying lands of the Civic Center area and is visible from nearby neighborhoods, portions of the Civic Center area,

⁷ Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, City of Malibu, prepared by Rincon Consultants, November 2015. (Refer to **Appendix IV**)

⁸ City of Malibu LCP Local Implementation Plan Section 3.8(A)(5)(a), pg. 85, <http://malibucity.org/DocumentCenter/View/4421>, accessed June 27, 2016

⁹ The Crummer site is currently undeveloped land with approvals for the construction of five single-family residences and associated development.

the Pepperdine campus, westbound PCH and southbound Malibu Canyon Road. In the foothills above the site to the north and east are the Malibu Knolls single-family residential neighborhood, and the structures and faculty housing of Pepperdine. Further to the east is the Civic Center area, including City Hall, various County buildings, Malibu Library, three commercial shopping centers, and Legacy Park.

14. Project Background

The project site was previously proposed as the Rancho Malibu Hotel project. The Rancho Malibu Hotel project included a 274,775 square-foot hotel complex, comprised of 146 rooms, a spa, swimming pool, bar, and ballroom, as well as meeting room facilities, and retail and restaurant uses.¹⁰ A four-level parking structure was proposed to provide 543 parking spaces. The parking structure included three levels of subterranean parking and one ground level parking lot.

A Draft Environmental Impact Report (EIR) for the Rancho Malibu Hotel Project was released in October 2013 for public comment. A Final EIR was not prepared for the project. In September 2014, the project applicant proposed that the subject memorial park be developed on the project site, in place of the Rancho Malibu Hotel Project. The technical studies completed for the Rancho Malibu Hotel Project as well as the Draft EIR are incorporated into this Initial Study by reference and provide background and technical information as appropriate.

15. Landscaping and Open Space

To comply with the City's landscape and open space regulations, 40 percent of the site must be landscaped (approximately 11 acres) and 25 percent must be designated as open space (approximately 7 acres). The applicant is proposing that approximately 57 percent of the project site be landscaped (approximately 16 acres) and 35 percent be left as open space (approximately 10 acres).¹¹

Landscaping and open space would consist of approximately 20.1 acres of the total 27.8 acre site, including landscaped areas and walkways immediately surrounding the chapel and 6.8 acres of "natural vegetation"/open space on undeveloped slopes at the north, east and south sides of the site and environmentally sensitive habitat area (ESHA) area bordering the southeast side of the ground. Landscaping would consist of a mix of walled planters, lawns and other landscaping. Features would include topiaries, the entry drive meandering stream, ponds, fountains, and screening hedges.

¹⁰ City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Executive Summary, October 2013.

¹¹ The percentage of open space includes hardscape and landscape areas as allowed by LIP Section 3.8(A)(5)(b).

The unstable slopes to the north, east, and south (approximately seven acres) would be maintained in their natural condition. The primary internment areas would consist of lawns that use drought tolerant Native Bent Grass (*Agrostis pallens*), and a combination of drought tolerant groundcovers including Berkley Sedge and *Myoporum*. The remaining landscaped portions would include plantings of native and drought tolerant trees (i.e., California Buckeye, Horse Chestnut, Southern Magnolia, Camphor, and Mexican Elderberry) and native and drought tolerant shrubs (i.e., Coast/Dwarf/Trailing blue rosemary, Japanese Wax Myrtle, Boxwood, California Lilac). The applicant is proposing the use of 24 to 36-inch boxed Coast Live and Engelmann Oaks along the perimeter to provide screening.

Should non-potable recycled water from the CCWTF become available, it may be used to irrigate the landscaped areas and operate the water features. As discussed in Section XVII Utilities and Service Systems, recycled water use would be phased in over time as it becomes available from the CCWTF. Signs would be posted throughout the project site to disclose the use of non-potable water.

16. Circulation

Vehicular access to the project site would be provided via Malibu Canyon Road approximately 700 feet north of the PCH centerline. The entrance and exit is near the curvature of Malibu Canyon Road which restricts the sight distance for vehicles exiting the site. For this reason, right-turn egress only would be allowed i.e., no left turns exiting the site would be permitted. However, left-turn entering the site would be allowed. Vehicles would be able to head south on Malibu Canyon Road by performing a U-turn at the intersection of Seaver Drive and Malibu Canyon Road upon exiting the site.

A total of 176 parking spaces would be provided on the project site, including four Americans with Disabilities Act (ADA) compliant spaces. Staff would be directed to park in the chapel basement parking area, while visitors would be directed to park in the surface parking stalls located along the entry driveway and chapel circular driveway. A new driveway accessible from Malibu Canyon Road would provide vehicular access to the project site. Vehicles would be directed to park in the designated surface parking spaces and around the chapel. The entry driveway would provide one way entry and exit via a circular driveway around the chapel with access to the guest surface parking stalls. Visitor access to the individual mausoleums and burial plots from the designated surface parking spaces would be provided by a system of pedestrian and golf cart trails.

17. Archeological Study Area

Archeological resources are discussed in greater detail in Section V(b) Cultural Resources. The current design of the project will include all above grade structures (terraced lawn crypts, wall crypts and a private mausoleum) bounded on all sides by a

native plant screening hedge of 10 feet. The archeological area would be capped with grading of a sufficient depth so as to allow necessary coverage as mandated in the Cultural Resources Management Report (approximately three feet). Total earthwork quantities for capping are approximately 16,985 cubic yards which would be provided by the remaining excavated material from the various grave sites.

18. Construction

Construction of the chapel, parking, driveway improvements, public mausoleum and freestanding mausoleums would involve site preparation activities, limited grading, construction of the proposed structures, and paving. The project is anticipated to require a total of 302,879 cubic yards of earthwork as shown in **Table 1, Estimated Earthwork Quantities**. A total of 76,625 cubic yards is estimated to be exported from burials for the life of the project. Parking and staging is expected to be accommodated on-site in a secured area, with the exception of ingress and egress of vehicle and truck traffic. All required parking and material staging is anticipated to be on-site and within the traffic controlled or delineated areas, per a construction staging plan approved by the City Planning Department and City Public Works Department.

Table 1
Estimated Earthwork Quantities

	Exempt			Non-Exempt	Remedial	Total
	Removal and Recompaction	Under Structure	Safety			
Cut	70,045	106,367	1,172	12,168	0	189,752
Fill	70,045	0	231	32,567	0	113,127
Total	140,090	106,367	1,403	44,735	0	302,879

Source: Green Acres LLC, August 2016.

The initial construction is expected to take approximately 18 to 21 months in two sequences and four phases. The initial construction does not include the ongoing construction of burials which has an estimated 45-year buildout.

Sequence One: the perimeter of the site will be improved. All pre-installed crypts will be placed in the median of the driveways. Excavated material that cannot be fully re-used during this sequence will be temporarily stockpiled at five locations on the project site. These locations are adjacent to anticipated fill locations. Stockpiles are not expected to exceed 12 feet in height.

Sequence Two: this sequence includes the majority of the earthwork removal and recompaction, as well as the soldier piles necessary to stabilize the top of the mesa slope

to the north. The excavation spoil stockpiled from Sequence One (including earthwork from the basement and public mausoleum) will be used to balance the site.

Phase I – site preparation and grading is anticipated to require two to three months and would include removal and grubbing of vegetation and initial rough grading.

Phase II – is expected to require approximately three to four months and would entail site preparation activities, including excavation cut/fill of slopes, removal and recompaction, rough and fine site grading, retaining walls and street work.

Phase III – would entail construction of the proposed substructure and Chapel, as well as all on-site landscape and hardscape improvements, and is anticipated to require up to 10 to 13 months. Private mausoleums will be site prepped only, ready for individual owner design and foundation work.

Phase IV would include completion of off-site improvements for project frontage and utilities and would require two to three months to complete.

The projected number of construction workers is estimated to range from 10 to 40 depending on the project phase. Material delivery would occur throughout the day, with large-scale deliveries typically scheduled outside of the peak traffic hours. Although earthwork for the initial construction is expected to be balanced on-site, any/all haul truck trips would be scheduled outside of the morning and afternoon peak traffic hours, as permitted by the California Department of Transportation (Caltrans).

Off-Site Improvements

An existing 15 3/8-inch water main is located at the intersection of Seaver Drive and Malibu Canyon Road. While the project site is located immediately south of the existing water main owned and operated by the Los Angeles County Waterworks District 29 (WWD No. 29), the project site lacks sufficient infrastructure and necessary facilities including, water pumps and pipes.

The project applicant has also agreed to design and construct all water related property specific improvements which would include a 16-inch water main approximately 1,800 feet long along Malibu Canyon Road, a 16-inch water main approximately 1,200 feet long along PCH, a pressure reducing station, fire hydrant assemblies, and a reduced pressure principle detector assembly(ies). 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.

The project also includes traffic mitigation in the form of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way.

Lastly, as part of the project, existing above ground utilities (operated by Southern California Edison) will be relocated underground, as well as the relocation of two existing transformers and installation of two additional transformers.

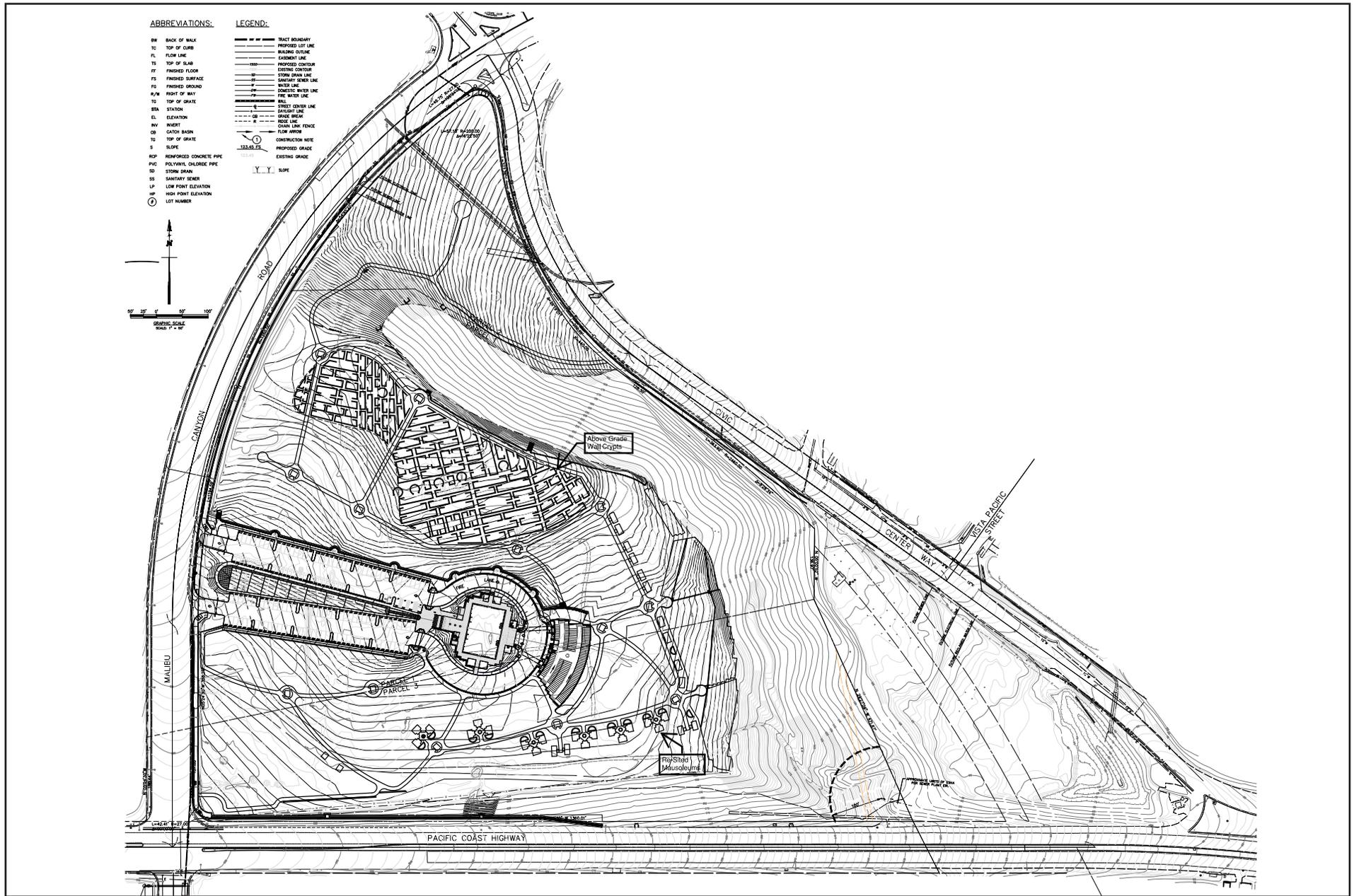
19. Discretionary Entitlements

The City's approval of the following discretionary entitlements would be necessary to facilitate development of the proposed project:

- SPR No. 16-009 for height over 18 feet but less than 28 feet for the sloped roof of the chapel.
- VAR No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum allowed. This is needed in order to cap the archaeological site.
- MM No. 16-010 for the mausoleums to have a less than 50 percent reduction of the required front yard setback.
- CUP No. 15-011 for the proposed memorial park and chapel in the CV-2 zoning district.
- LM No. 16-001 for consolidation of the three existing legal lots into one legal lot.
- CDP No. 15-028: LCP development entitlement.
- Encroachment permit from the City's Public Works Department for all improvements located within the City's right-of-way.
- City approval for recycled water use.
- Individual administrative plan review approvals for each private mausoleum.

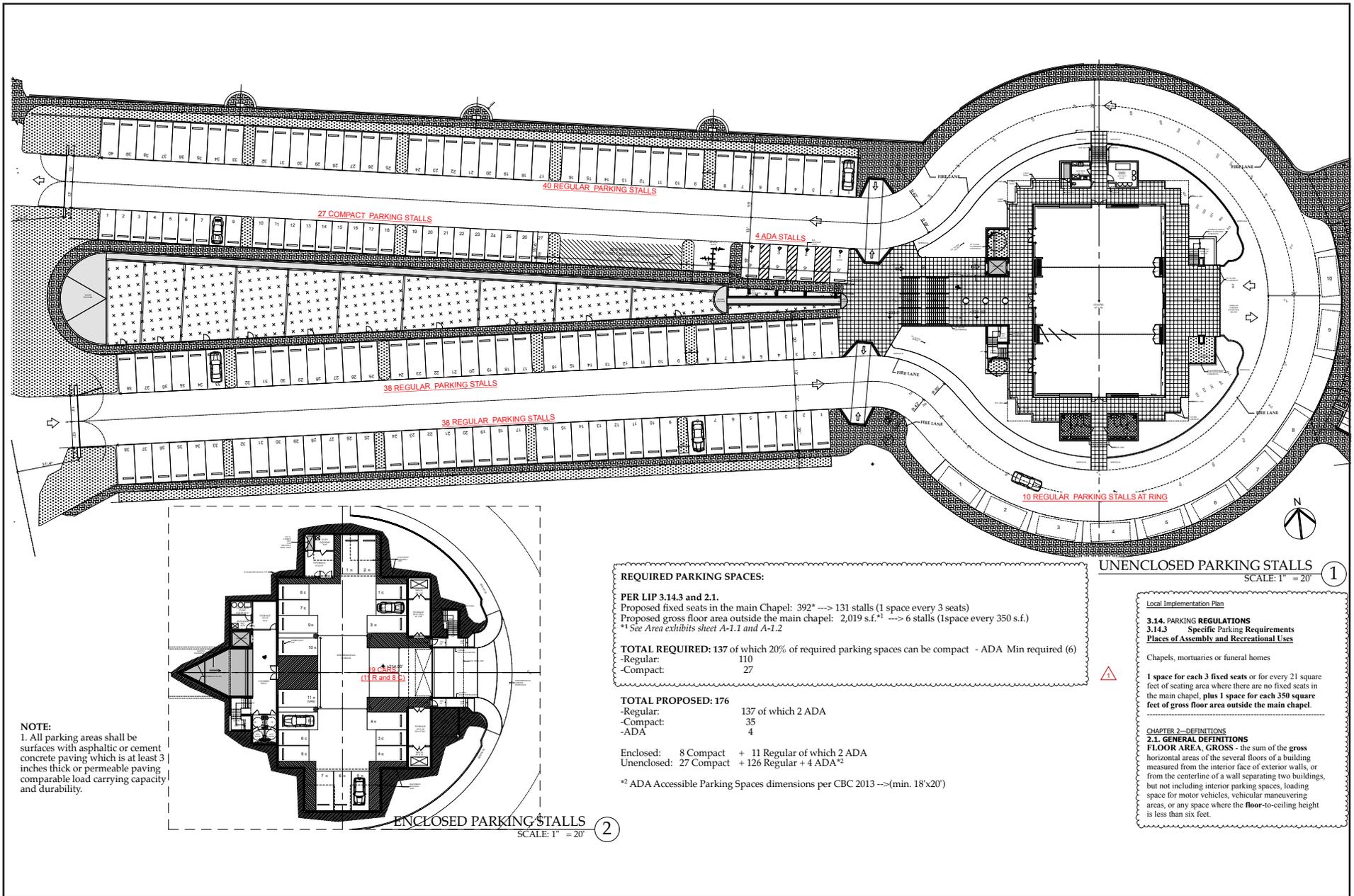
Non-City entitlements include:

- WWD No. 29 approval for water supply and sources for the site
- Caltrans Standard Encroachment Permit (TR-0100) for all improvements adjacent to State highways, namely PCH
- County of Los Angeles Building Code Manual (LACBC) 2011: Cemetery Grading Plan Review and Permit Protocol from County's Public Works Department for all planned cemetery grading at the site
- Applicable State of California Licensing through the Department of Consumer Affairs Cemetery and Funeral Bureau



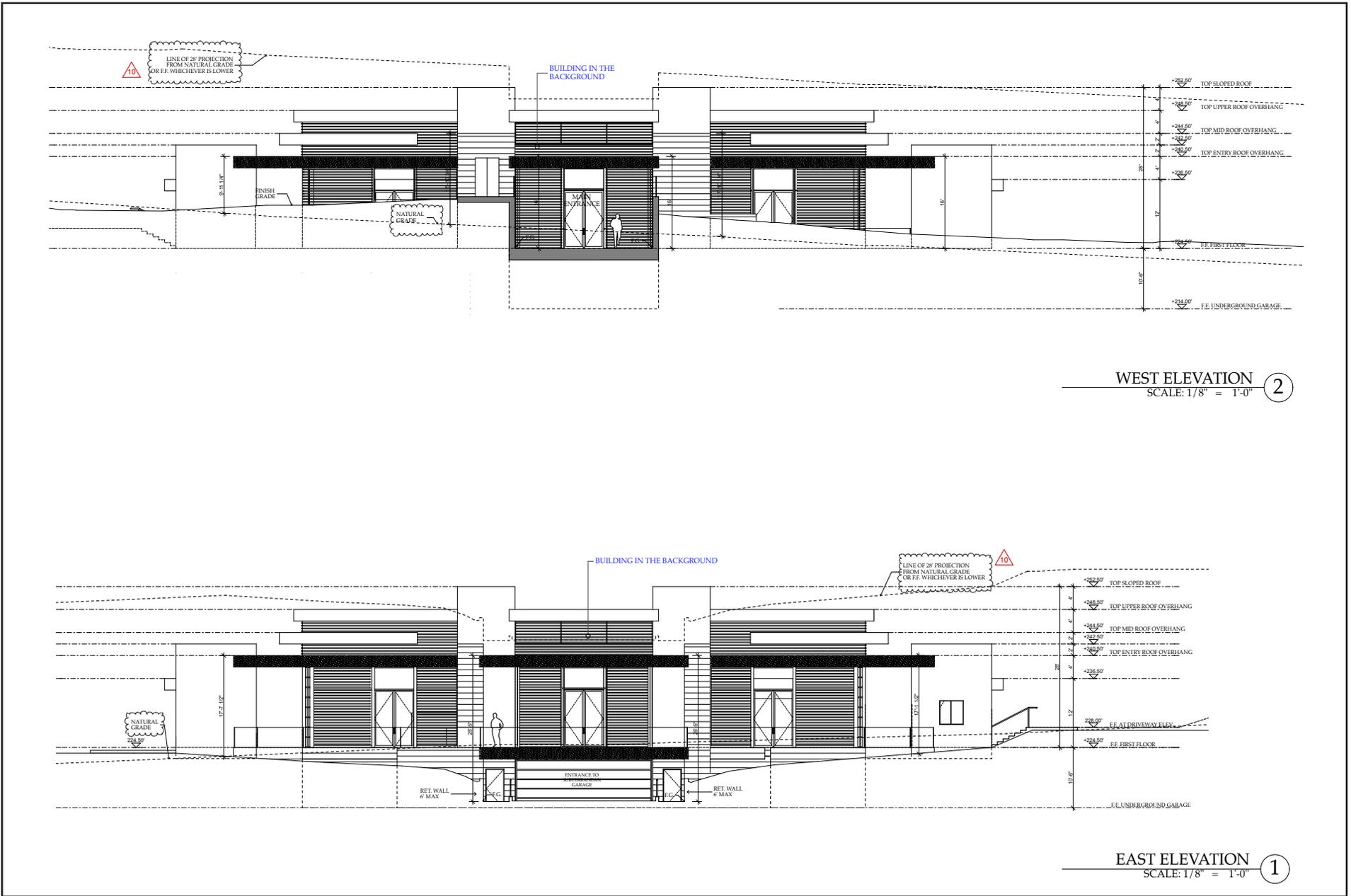
SOURCE: Burdge and Associates Architects

FIGURE 1a



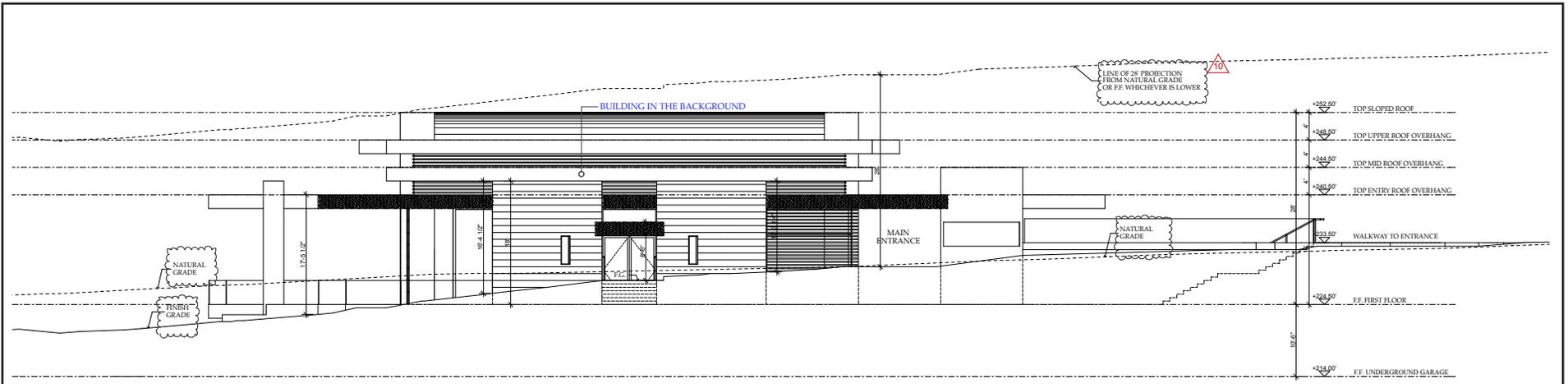
SOURCE: Burdge and Associates Architects

FIGURE 1b



SOURCE: Burdge and Associates Architects

FIGURE 2a



NORTH ELEVATION ①
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION ②
SCALE: 1/8" = 1'-0"

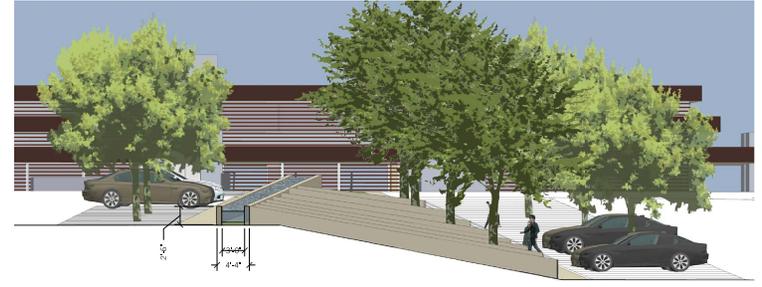
SOURCE: Burdge and Associates Architects

FIGURE 2b



SOURCE: Pakshong Landscape and Architectural Collaborative

FIGURE 3

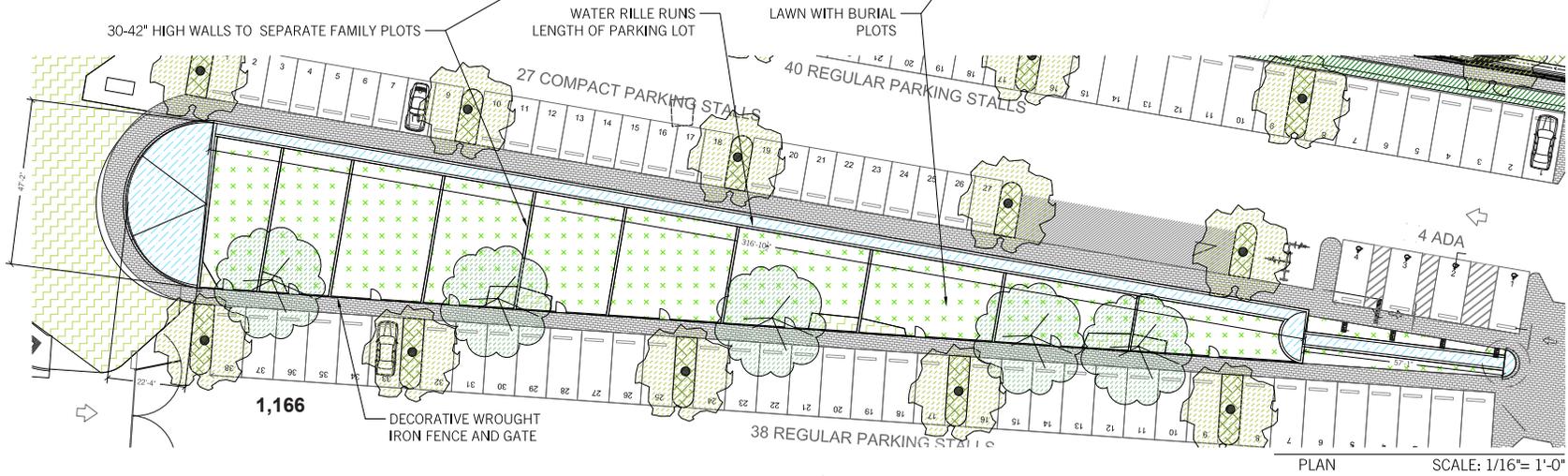


SECTION SCALE: 1/8"= 1'-0"

FOUNTAIN, VISIBLE FROM STREET 6'-0" RETAINING WALL BEYOND WATER RILLE PERSPECTIVE SCALE: NTS

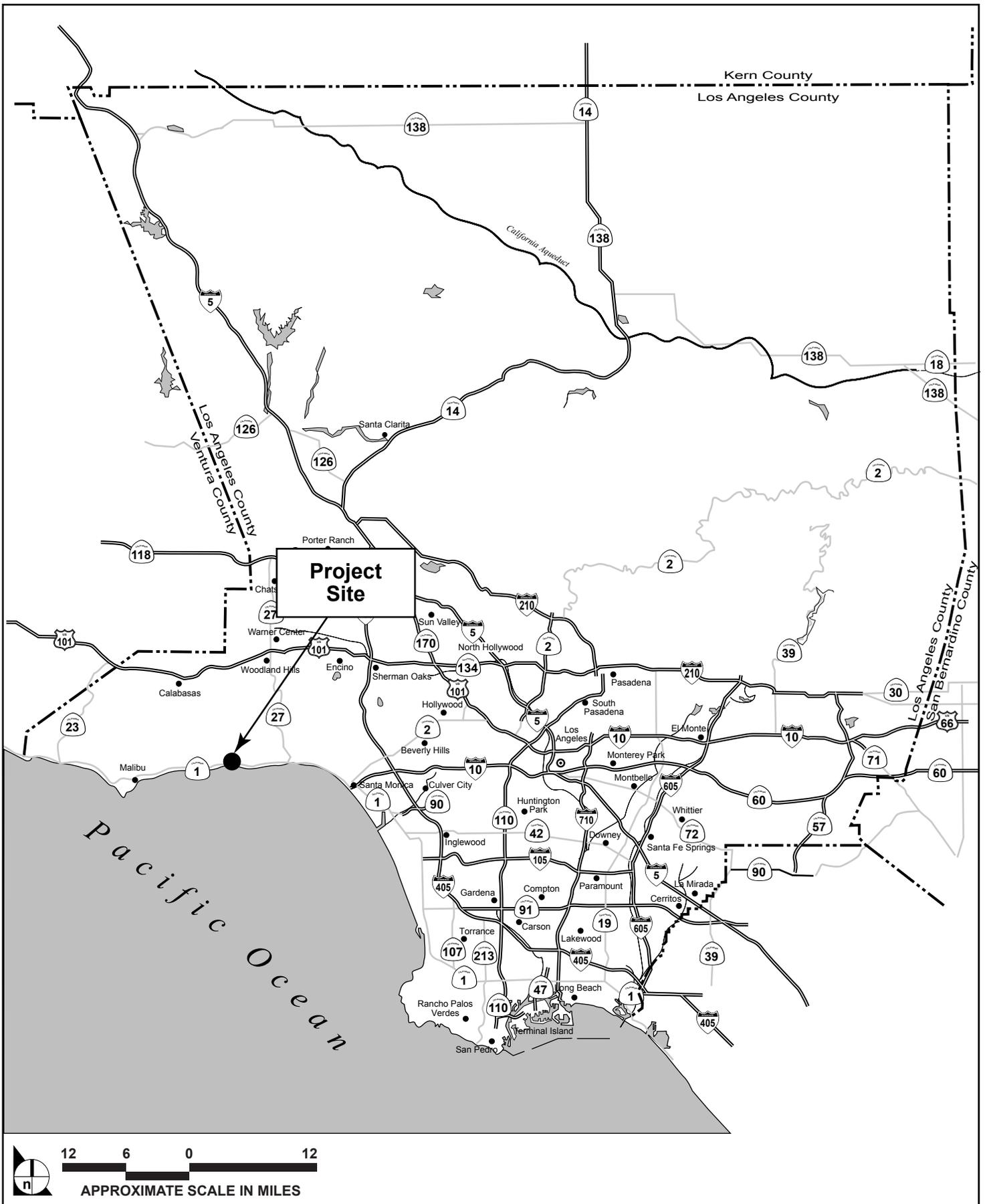


ELEVATION SCALE: 1/16"= 1'-0"



PLAN SCALE: 1/16"= 1'-0"

SOURCE: place, 2016



SOURCE: Impact Sciences, Inc. – May 2016

FIGURE 5



Regional Location



SOURCE: Google Maps

FIGURE 6

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

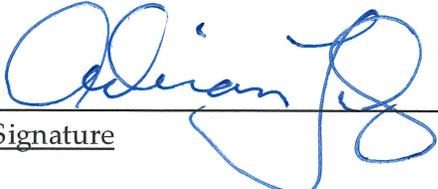
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Greenhouse Gasses | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation and Traffic | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature

Adrian Fernandez

 Printed Name

11/14/16

 Date

City of Malibu

 For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.
- 10) The LCP is a certified CEQA document. Therefore, if all LCP standard conditions designed to minimize impacts to environmental resources are incorporated, and those conditions mitigate potentially significant impacts to a level of less than significant, then no additional mitigation is required by law. For discussion purposes, standard conditions may be listed below the impact discussions but are not actual mitigation measures.

I. AESTHETICS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

a) **Less than significant impact.** The project site is located at the intersection of Malibu Canyon Road and PCH. Malibu Canyon Road borders the project site to the west and north. The topography of the site is a relatively level terrace or mesa with 60 to 80 feet slopes along the north, east and south portions of the site. The project site is not identified as a scenic vista by the City in the General Plan, but is highly visible from both Malibu Canyon Road and PCH. Malibu Canyon Road and PCH, both of which offer foreground and distant views of the project site, are designated as scenic roads in the LCP. PCH and segments of Malibu Canyon Road offer views of natural vegetation and hillsides on the project site, as well as more distant ocean and mountain views over the site from Malibu Canyon Road.

The project site’s east facing slopes, visible from Civic Center Way, are thickly vegetated with coastal sage scrub. The level and gently-sloping portions of the coastal terrace contain large areas of coastal sage scrub, grasslands and open disturbed areas and several groves of eucalyptus, ranging from 10-30 feet in height on the eastern and southern portions of the terrace, with numerous palm trees distributed across the eastern portion of the project site. The site’s south-facing slopes, visible from PCH

support limited coastal sage scrub vegetation and scattered eucalyptus trees, with some areas disturbed by highway maintenance activities.

The project site is visually prominent from surrounding roads and neighborhoods, as well as from Pepperdine. Primary public views of the project site are from PCH and Malibu Canyon Road, which together carry almost 50,000 vehicle trips per day by the project site. The project site is also visible from adjacent public use areas at Pepperdine, the Malibu Knolls and Malibu Country Estates neighborhoods, as well as more distant locations such as the Serra Retreat neighborhood and portions of the Civic Center. Further, distant views of the project site are available from public recreation areas including Malibu Bluffs Park and trails in the Santa Monica Mountains, such as the Coastal Slope Trail.

Existing Views from PCH

Views of the project site from eastbound PCH are mostly of the sloped sides of the mesa as elevated terrain within Pepperdine's Alumni Park blocks views of the project site for east-bound travelers until approximately 600 feet from the intersection with Malibu Canyon Road. The intersection of PCH and Malibu Canyon Road offers open views of the project site and the Santa Monica Mountains to the north. As travelers proceed east on PCH, views of the project site are limited east of Malibu Canyon Road due to this road's steep descent towards Webb Way, as PCH is at approximately 40-60 feet below the project site's level terrace or mesa. Overall, unless stopped at the intersection of PCH with Malibu Canyon Road, motorists traveling eastbound can glimpse the project site for roughly 25 seconds (at the posted speed limit of 45 miles per hour), with substantially longer view times for bicyclists and pedestrians.

For westbound travelers on PCH, views of the project site have a much longer duration. Continuous generally open views of the project site are available from the intersection of Cross Creek Road west to more than 1,000 feet past Webb Way. Although partially obscured at times by hillside condominiums east of the site, the project site's level mesa is visible from a distance. Additionally, the heavily vegetated hillsides associated with both the project site and the Crummer Property (located immediately south of PCH and the project site) are visible to westbound travelers. Views of the project site are most prominent from this vantage for motorists on PCH. Overall, unless stopped at the intersection of PCH and Cross Creek Road or Webb Way, westbound motorists have sustained views of the project site lasting for approximately one minute (at the posted speed limit of 45 miles per hour), with longer view times for bicyclists and pedestrians.

Existing Views from Malibu Canyon Road

Malibu Canyon Road in the project site vicinity extends north from its intersection with PCH to Malibu Knolls Road. Views from this road are relatively open, including

undeveloped hillsides of the Santa Monica Mountains, Pepperdine's Alumni Park, and the undeveloped mesa and hillsides of the project site. The Santa Monica Mountains form a backdrop to the north with the Pacific Ocean to the south.

Northbound motorists on Malibu Canyon Road have views of the western edge of the project site, but views across the entire mesa top are limited as the roadway is located an average of 10-20 feet below the mesa along most of the project site. As motorists approach Civic Center Way, views of the project site's heavily vegetated north facing hillsides and portions of the mesa top become available, backed by more distant views of existing development in Winter Canyon and the Pacific Ocean in the distance. North of Civic Center Way, views of the site along Malibu Canyon Road north of Civic Center Way are intermittent, partially obstructed by shrubs, trees, and existing homes, with steep hillsides dominated by native vegetation and limited views of the HRL Laboratories hillside development.

Southbound motorists exiting Malibu Canyon Road have intermittent brief views of the project site, mesa top and hillsides, and in the last 900 feet before Civic Center Way, unobstructed views for about 15 seconds of most of the project site to the southwest. Motorists moving southbound past Civic Center Way have views of the entrance to the project site and Alumni Park, with glimpses of the Pacific Ocean.

California Coastal Commission 1986 Approval of a 300-Room Hotel

In January 1986, the California Coastal Commission (CCC) approved the following project (Permit No. 5-85-418) for the subject property: 300 room hotel (222,200 square feet), 32,800 square foot community center, offices, restaurant, information kiosk and art center, and 1,039 parking spaces. The CCC's approval had been kept valid over the years but expired on January 7, 2014. The EIR completed for this project in 1986 found the project to be potentially out of character with the extent and types of most existing development in the area, and noted it would be readily visible from certain areas of Malibu and parts of two scenic highway corridors; however, it concluded that the hotel project would not result in impacts to significant ocean views. It also noted that nighttime lighting from the project could disturb adjacent apartment and condominium residents and some nighttime coastline views. The EIR required mitigation that included designing the project to complement natural landforms; revegetation of graded slopes with native vegetation; screening development within native vegetation; and use of low-level outdoor lighting. Impacts to visual resources were considered less than significant with mitigation.

Findings of the 1998 Project EIR

In 1998, the City Council certified an EIR and approved a 146-room hotel design. This EIR determined that the previously proposed project would result in adverse aesthetic

impacts due to the project's large size and high visibility from nearby areas, but that impacts would be less than significant with the incorporation of mitigation. Mitigation consisted of incorporation of design guidelines pursuant to the Civic Center Specific Plan¹² (which was never completed) and completion of the City's MMC permitting process. Further, to minimize the effect of eliminating the natural visual quality of the site, the EIR required mitigation to include a Scrub Garden Component into the Landscape Plan to provide an area for native scrub landscaping to preserve the natural visual appearance of the site to the maximum extent feasible. The approval for this project has since expired.

Findings of the 2013 Rancho Malibu Hotel Draft EIR

The 2013 Rancho Malibu Hotel Draft EIR determined that the Rancho Malibu Hotel project would result in potentially significant impacts due to the massing of the hotel project. Mitigation to "break up" building massing on the top of the hillside and design review was to be included in the project. Potential mitigation of these adverse visual changes would require site plan alterations (i.e., additional setbacks, reductions in height of several specific buildings, reductions in visibility of development from key viewing points, reduction of development envelope, elimination or reduction of retaining walls, or a combination of these measures). The setback of structures further from the edges of slopes, particularly within the southern portion of the site, was found to reduce the prominence and mass of development as viewed from scenic roads, particularly PCH. Impacts related to views of the Pacific Ocean or Santa Monica Mountains were found to be less than significant without mitigation.

Project Visual Analysis

The proposed project would introduce new structures to the undeveloped site. The 28-foot tall chapel and the 47 freestanding mausoleums would be visible on the site. **Figure 7 Viewpoint Key Map**, identifies the location of the six viewpoints on and around the project site that were selected for this analysis because views from these locations would be representative of the views from surrounding scenic areas. As described above, the project site is visible from the surrounding parcels as well as scenic roads such as Malibu Canyon Road and PCH (refer to **Figure 8, View of Project Site from PCH Westbound Lanes**). Visibility of the project site from designated scenic roadways such as PCH and Malibu Canyon Road includes the ascending slopes from these roads to the site's mesa. However, visibility of the project site from scenic resources such as Malibu Bluffs Park, Legacy Park, the Pacific Ocean and Malibu Lagoon, is more limited and obscured by intervening topography, vegetation, and existing commercial development.

¹² The draft Guidelines can be accessed online here: <http://www.malibucity.org/index.aspx?NID=704>

In April 2016, story poles representing the height of the chapel and the location of several of the mausoleums were installed on the project site. The story poled mausoleum locations were selected as representative of the types of structures to be constructed and also as the most likely to be viewed from local roadways. As shown in **Figure 9** and **Figure 10**, off-site views of the chapel and freestanding mausoleums from the surrounding area would be intermittent. Story poles illustrating the location, height and width (that would range from 12 to 14 feet in height and width) of the freestanding mausoleums are shown in these figures.

The views of the Santa Monica Mountains from Pepperdine's Alumni Park, Malibu Bluffs Park, and Legacy Park would not be substantially affected by project development. Malibu Bluffs Park is directly south of the project site, but views of the project site are largely blocked by existing topography. Views of the Santa Monica Mountains would not be affected by the proposed project as viewed from Legacy Park, the closest City-designated vista point. Views of the Santa Monica Mountains from this point occur primarily to the north, while proposed project development would occur approximately one mile to the east and outside the primary viewshed of the mountains from this vantage.

The project development would alter public views of the Santa Monica Mountains from PCH and other public viewpoints. Portions of the proposed development, including the chapel and several of the mausoleums, may be visible; however, this obstruction would be limited, with only the lower slopes of the mountains partially obscured. The project would not obstruct mountain views available to westbound travelers on PCH. Because there are other large commercial, institutional, and residential structures within the same viewshed, the project would not substantially degrade views of the Santa Monica Mountains from this vantage.

The views of the Pacific Ocean from PCH, Legacy Park, and Malibu Bluffs Park would not be affected by the project development. All of these public viewpoints are south of the project site; therefore, the ocean views from such vantages would not be affected.

As shown in the **Figure 10 Photo 6**, the freestanding mausoleums would be visible from Malibu Canyon Road. Ocean views from Malibu Canyon Road and other public roadways and viewpoints located north of the project site could be altered. However, Mitigation Measure LP-2 under the Land Use and Planning section requires that in the administrative plan review process for the mausoleums, it is demonstrated to the satisfaction of the Planning Director that the mausoleums would not have any bluewater view obstructions from Malibu Canyon Road. As a result, these structures would not obstruct views of the Pacific Ocean across the site.

Scenic views from trails in the Santa Monica Mountains, on the Pepperdine campus, and from other high points in the Malibu area would be altered through development of the

proposed project in the foreground of the ocean vista. Such views, however, are sweeping panoramic views, and the proposed project would constitute a relatively minor additional urbanized element of the view alongside adjacent condominium neighborhoods and Pepperdine. As such, these views would not be obstructed nor significantly impacted. Although the proposed project would alter views of both the Santa Monica Mountains and the Pacific Ocean from various vantage points, the project would not substantially obstruct or degrade views of these significant visual resources from key public viewing locations. Therefore, impacts would be less than significant.

The project applicant agreed to revise the site plan to reduce visibility of the mausoleums. As shown in **Figure 11 View of Re-Sited Mausoleums from PCH** and **Figure 12 View of Re-Sited Mausoleums from Civic Center Way**, these changes would change the views from PCH, Malibu Canyon Road, Civic Center Way, and Legacy Park. Adverse impacts related to views with the proposed design would be less than significant.



SOURCE: place, 2016

FIGURE 7



①



②

Legend

 Project Site

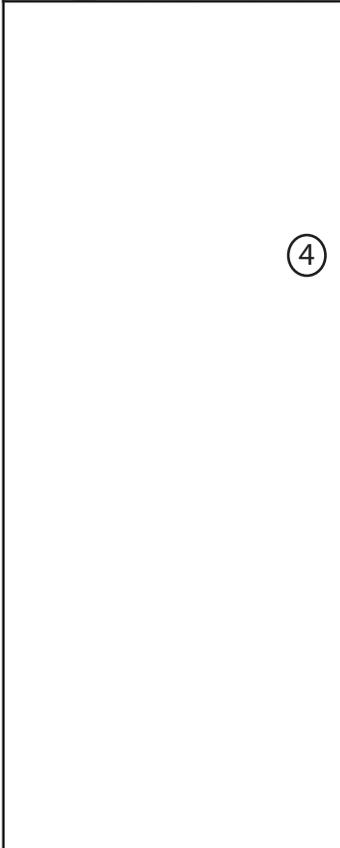
SOURCE: City of Malibu, 2016

FIGURE 8



③

04/21/2016



④



Mausoleum Story Poles

04/21/2016

SOURCE: City of Malibu, 2016

FIGURE 9



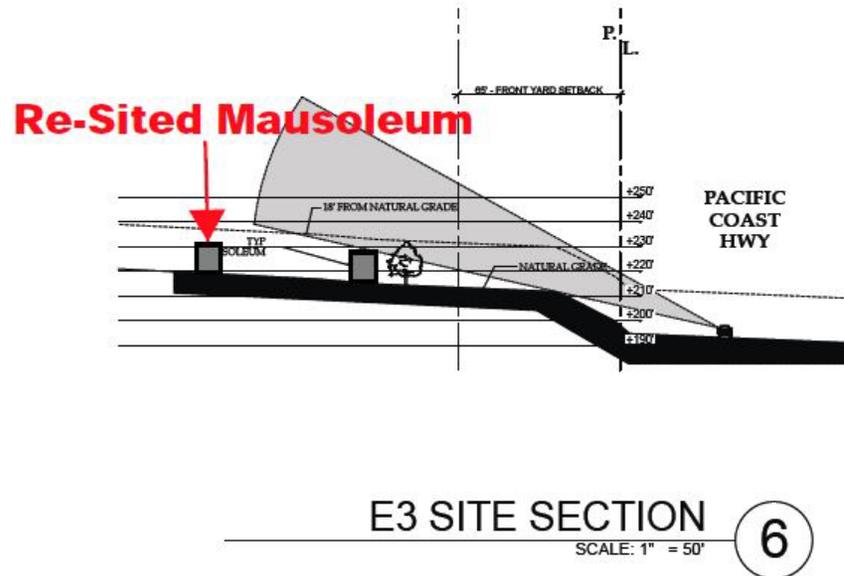
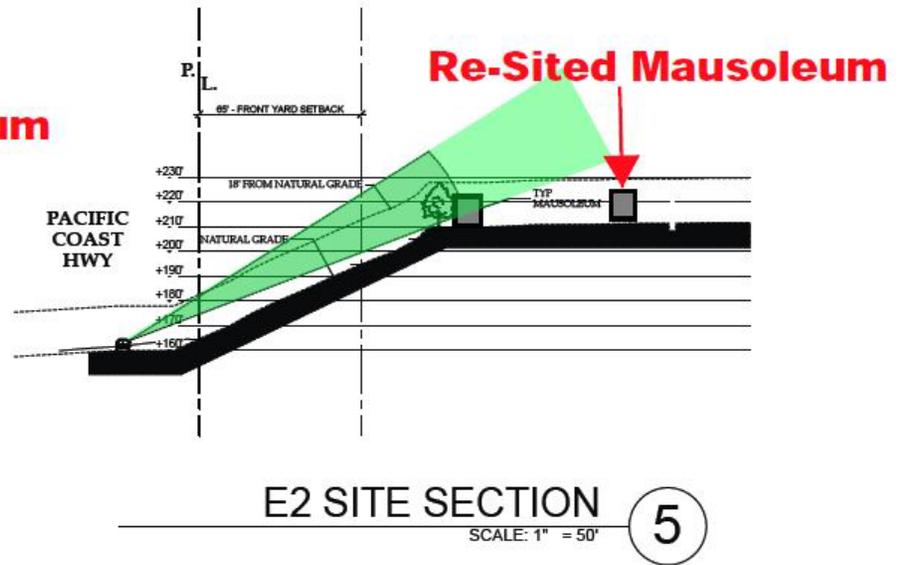
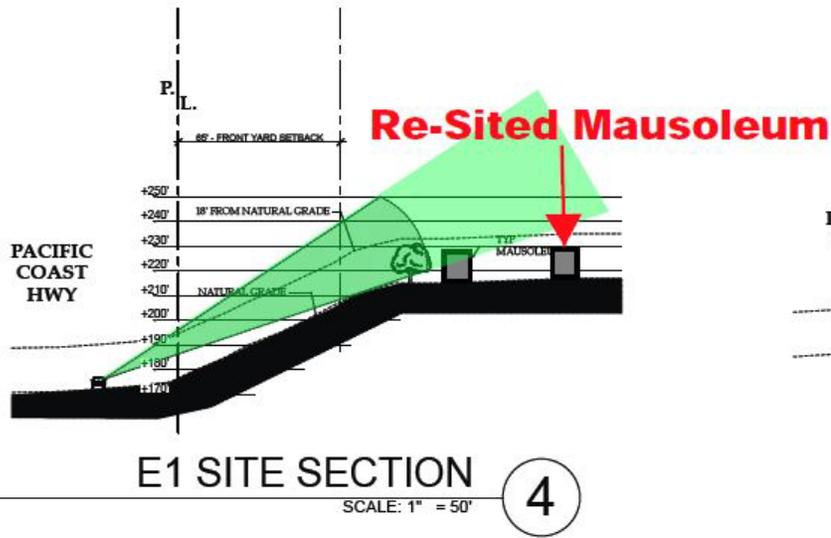
⑤



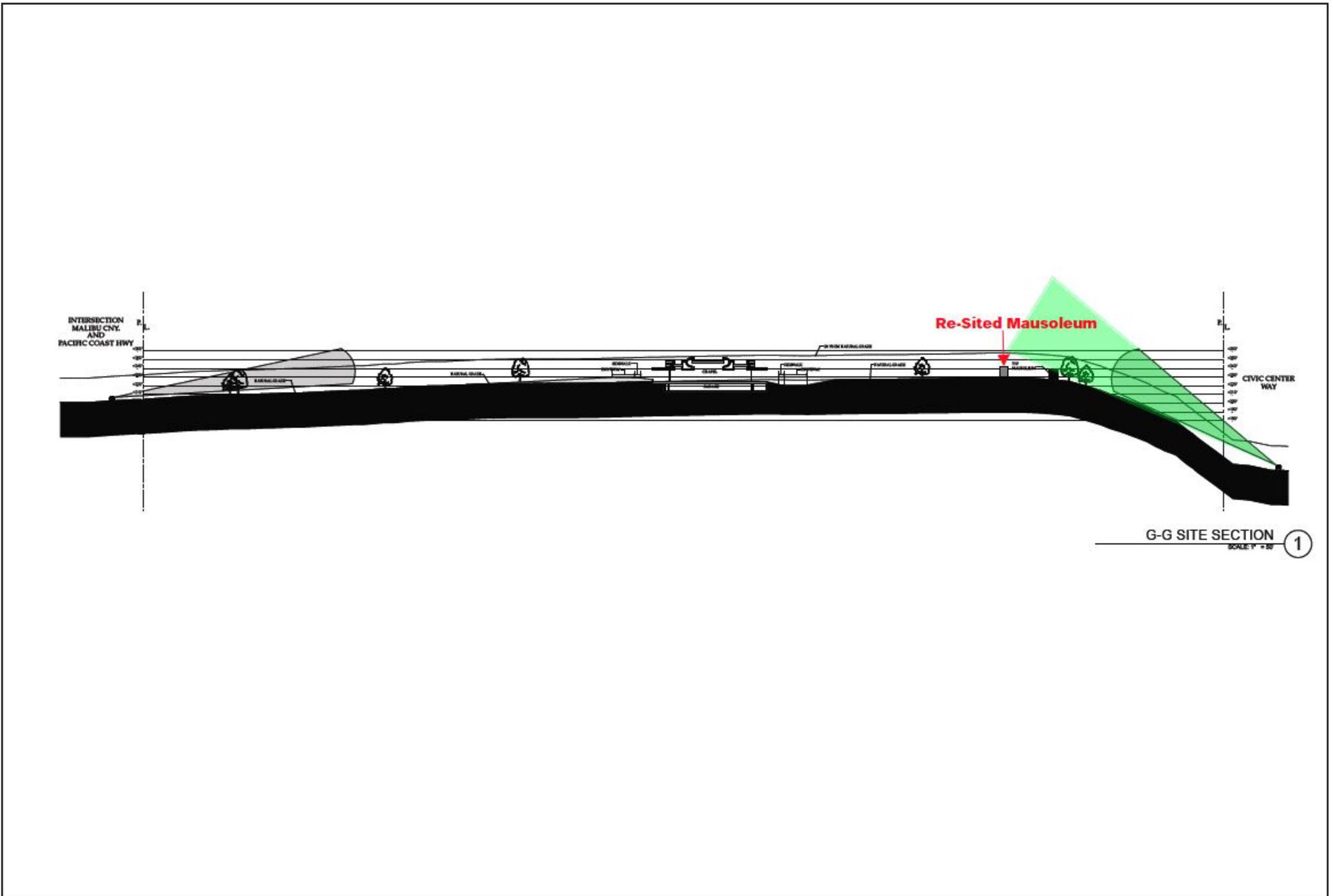
⑥

SOURCE: City of Malibu, 2016

FIGURE 10



SOURCE: Burdge & Associates, 2016



SOURCE: Burdge & Associates, 2016

FIGURE 12

View of Re-Sited Mausoleums from Civic Center Way

- b) **Less than significant impact.** The project site is not within a state scenic highway, and no unique rock outcroppings or historic buildings exist on the project site.¹³ However, pursuant to LIP Section 6.5(H)(2), the PCH corridor shall be protected as a scenic highway. The viewshed from PCH would be mostly preserved by requiring that the existing landscape on the property's south slopes be preserved and new landscaping at the perimeter of the project site to consist of native, drought tolerant plant species. The parking lot would be screened with landscaping. All new on-site landscaping has been designed to help screen the proposed project. Additionally, the proposed mausoleums have been re-sited to avoid visibility from PCH adjacent to the subject property and bluewater view obstructions from Malibu Canyon Road. Therefore, the project would result in less than significant impact on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- c) **Less than significant impact.** Visual Quality is a measure of the overall impression or appeal of an area as determined by the particular landscape's characteristics and scenic resources (e.g., Santa Monica Mountains, Pacific Ocean, bluffs, ridges, etc.). It is possible for new structures to be compatible with the existing setting if they replicate existing forms, lines, colors, and textures of the surrounding environment and if the new structures do not appreciably change the balance of natural elements. In summary, visual quality is concerned with the overall attractiveness of an area and the ability to preserve this attractiveness when new features are introduced.¹⁴ Nearby land uses include Pepperdine to the north and west, Malibu Bluffs Park to the south, the Los Angeles County Road Maintenance Yard, Webster Elementary School, Our Lady of Malibu Catholic Church and School, and three condominium complexes off of Vista Pacifica and De Ville Way to the east.

Buildout of the proposed project would change the existing visual character of the project site. The vacant project site would be developed with a chapel, landscaping, trails, freestanding mausoleums parking and ancillary features. The change in visual character 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 memorial park and cemetery.

13 California Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm, accessed February 2, 2015.

14 General interpretation of the Bureau of Land Management (BLM) guidelines: BLM Handbook H-8431-1, Visual Resource Contrast Rating. Available on the BLM website at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjOi8KZup_QAhVklFOkHYWbBbsQFggBMAA&url=http%3A%2F%2Fwww.blm.gov%2Fstyle%2Fmedia%2Fblm%2Fwo%2FInformation_Resources_Management%2Fpolicy%2Fblm_handbook.Par.79462.File.dat%2F8431.pdf&usq=AfQjCNEC8YFnNSoQ6vLIUWo-MEiCpjhKfA&bvm=bv.138169073,d.cGw

Construction

Construction of the proposed project is anticipated to occur over a period of 18 to 21 months. During that time, it is expected that grading, minimal contouring, and excavation activities would occur prior to the construction of the chapel, a public mausoleum, and subterranean and surface parking stalls. Due to the amount of grading that would be necessary (a total of 207,569 cubic yards of cut and fill, excluding 76,625 cubic yards of cut from ongoing burials) grading would be expected to occur over an approximately two to three month period, with the remainder of the construction timeframe being associated with building construction and site improvements such as landscaping, roadway, 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 along PCH and Malibu Canyon Road 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 and no mitigation is needed. No further analysis necessary.

Operation

Although the general size of the mausoleums is known, the exact design of each structure is not known at this time. The applicant has indicated that the mausoleums would be constructed over time, with each individual mausoleum designed by the purchaser of the mausoleum. Each individual mausoleum would be subject to permitting under an administrative plan review, subject to the conditions of approval of the overall project coastal development permit, including but not limited to conditions for colors, materials and siting. The City could also condition the Project such that all future administrative plan reviews for each mausoleum are reviewed by the Planning Commission. The administrative plan review process, regardless of whether Planning Commission review is required, would ensure the structures are consistent with the form, lines, colors, and textures of the surrounding environment and the buildings are sited to avoid visual impacts from PCH and bluewater view impacts from Malibu Canyon Road.

Although visible, the individual mausoleums would be set back by 168 feet along Malibu Canyon Road and would maintain greater setbacks along the northern, eastern, and southern perimeter. The chapel would be centrally located on the project site, and set back approximately 295 feet from PCH, with greater setbacks established for the western, northern, and eastern boundaries. Landscaping would be provided at the entry and along the perimeter of the site, as well as along sidewalks and throughout the memorial park. **Figures 5 and 6, Proposed Project Landscape Plan**, illustrates the variety of trees and smaller vegetation that would be planted throughout the project site. Site development would generally conform to, or appear subordinate to the existing landscape and would not obscure ocean views, remaining below the sight line of large trees on the site. Therefore, the public's enjoyment of the view would not be significantly diminished as ocean views would be maintained, and through the design review process, the structures would conform to the natural landscape.

As the project site is visible from scenic areas, the proposed project is subject to the lighting standards of LIP Section 6.5(G). These standards require that exterior lights be minimized, restricted to low intensity features, shielded, and concealed to the maximum extent feasible. These standards would also be added to the project as standard conditions of approval and are listed later in this study under Standard Conditions of Approval.

The proposed project would alter the visual appearance of the project site, but as described above it would not substantially degrade the visual character or quality of the site or introduce any aesthetic elements incompatible with the surrounding land uses. Thus, impacts would be less than significant and no further analysis is necessary.

- d) Less than significant impact.** The project site is vacant and surrounded by education, religious, residential and open space uses. The proposed project would introduce new light sources on the project site. Such light sources would include interior lighting, exterior way finding and security lighting and headlights associated with motor vehicles using the split driveway on Malibu Canyon Road. The project's exterior lighting is proposed to be dark-sky compliant, meaning fully shielded and low intensity. The City's standard conditions (described above) limit the use of glare producing or reflective materials in scenic areas. Further, the chapel would be located in the central portion of the project site and set back from the surrounding land uses.

A photometric plan was prepared for the proposed project and is included in **Appendix I**. As shown on the photometric plan, all lighting would be in compliance with Malibu LIP Section 6.5's lighting design standards for scenic areas.

With incorporation of these standard conditions, no light would spillover onto nearby properties.

Applicable development and design standards pursuant to LIP Section 6.5(B) for colors and materials would also be required for the project.

Currently, neither the City's General Plan nor the MMC have detailed lighting standards. MMC Title 17 has only 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.

Therefore, with compliance with standards required in the City's General Plan, MMC Title 17, LIP Sections 4.6.2 and 6.5(G), the potential impacts from the proposed project introducing sources of daytime glare and nighttime lighting spillover effects is considered less than significant. No further analysis is necessary.

Standard Conditions of Approval

- 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.
 - Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown, and gray with no white or light shades and no bright tones.
 - 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.
 - All windows shall be comprised of non-glare glass.
- All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.
- Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
 - Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
 - Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
 - Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;

- Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
 - Site perimeter lighting shall be prohibited; and
 - Outdoor decorative lighting for aesthetic purposes is prohibited.
 - Exterior lighting from parking lots shall be shielded and arranged so as to not cause a nuisance to highway traffic and adjacent properties.
- Night lighting for sports courts or other private recreational facilities shall be prohibited.
 - No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.
 - Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no off-site glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
 - Prior to issuance of Coastal Development Permit, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction but may be required to submit a written statement agreeing to any applicable restrictions above.

II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

a, b, e) No impact. The California Department of Conservation lists Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under the general category of “Important Farmland.” According to the Farmland Mapping and Monitoring Program the project site is classified as Urban and Built Up land.¹⁵ The project site is not zoned for agricultural use and/or under a Williamson contract. The City has zoned the map for commercial use (CV-2). The proposed project would not convert farmland to non-agricultural uses. No impacts would occur and no further analysis is necessary.

c-d) No impact. The site is not located near or within an area that is zoned for timberland production (as defined by Public Resources Code section 4526), or for timberland production. No impacts resulting from the loss or conversion of forestland would occur and no further analysis is necessary.

¹⁵ California Department of Conservation, Farmland Mapping and Monitoring 2012 Los Angeles County Map, <http://www.conservation.ca.gov/dlrp/fmmp/Pages/LosAngeles.aspx>, accessed February 2, 2016.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Pollutants

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards for outdoor concentrations. The federal and state standards have been set at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. Pollutants of concern include carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter 2.5 microns or less in diameter (PM_{2.5}), particulate matter 10 microns or less in diameter (PM₁₀), and lead (Pb). These pollutants are discussed below.

Carbon Monoxide (CO) is a colorless and odorless gas formed by the incomplete combustion of fossil fuels. CO is a health concern as it competes with oxygen, often replacing it in the blood and reducing the blood's ability to transport oxygen to vital organs. Excess CO exposure can lead to dizziness, fatigue, and impair central nervous system functions. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. It is a non-reactive air pollutant that dissipates quickly, thus ambient concentrations generally follow the spatial and temporal distributions of vehicular traffic. Concentrations are also influenced by local meteorological conditions; primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, a typical situation at dusk in urban areas between November and February.¹⁶ The highest concentrations occur during the colder months of the year when inversion conditions are more frequent.

Ozone (O₃) is a colorless gas and a secondary pollutant that is formed in the atmosphere when reactive organic gases (ROG) and nitrogen oxides (NO_x) react in the presence of ultraviolet sunlight. The primary sources of O₃ (ROG and NO_x), are automobile exhaust and industrial sources. Meteorology and terrain play major roles in the formation of O₃. During the summer and early autumn months low wind speeds, stagnant air, warm temperatures, and cloudless skies can create ideal conditions for the formation of O₃. Short-term exposure (lasting for a few hours) to O₃ at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes.

Similar to O₃, Nitrogen Dioxide (NO₂) is not a primary pollutant but is formed by an atmospheric chemical reaction between nitric oxide (NO) and atmospheric oxygen. NO and NO₂ are collectively referred to as NO_x and are major contributors to the formation of O₃. NO₂ also contributes to the formation of PM₁₀. High concentrations of NO₂ can result in a brownish-red cast in the atmosphere, reducing visibility, as well as causing breathing difficulties. There is some indication of a relationship between NO₂ and chronic pulmonary fibrosis, as well as some cases of bronchitis in children (two to three years old), which has been observed at concentrations below 0.3 part per million (ppm).

Sulfur Dioxide (SO₂) is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Primary sources of SO₂ include coal and oil, often used in power and industrial plants. Generally, the highest levels of SO₂ are located near large industrial complexes. In recent years, SO₂ concentrations have been reduced by the

¹⁶ Inversion is an atmospheric condition in which a layer of warm air traps cooler air near the surface of the earth, preventing the normal rising of surface air.

increasingly stringent controls placed on stationary source emissions of SO₂ and limits on the sulfur content of fuels. SO₂ is an irritant gas that attacks the throat and lungs and can cause acute respiratory symptoms and diminished ventilator function in children. In addition, the gas can cause plant leaves to turn yellow and erode iron and steel.

Particulate Matter (PM) consists of small liquid and solid particles floating in the air, including smoke, soot, dust, salts, acids, and metals. The small particles form when gases emitted from industrial plants and motor vehicles undergo chemical reactions in the atmosphere. Fine particulate matter, or PM_{2.5}, is roughly 3.5 percent of the diameter of a human hair and results from fuel combustion (from motor vehicles, power generation, and industrial plants), residential fireplaces, and wood stoves. In addition, PM_{2.5} particles can be formed in the atmosphere from gases such as SO₂, NO_x, and VOC. Inhalable particulate matter, or PM₁₀, is about 14 percent of the thickness of a human hair. Major sources of PM₁₀ particles include crushing or grinding operations; dust stirred up by vehicles traveling on roads; wood burning stoves and fireplaces; dust from construction, landfills, and agriculture; wildfires and brush/waste burning; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions.

PM_{2.5} and PM₁₀ particles pose a greater health risk to individuals compared to larger-size particles. When inhaled, they can penetrate the human respiratory system's natural defenses and damage the respiratory tract, as well as increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Very small particles of substances, such as lead, sulfates, and nitrates can cause lung damage directly by being absorbed into the blood stream and cause damage elsewhere in the body. These substances can transport absorbed gases, such as chlorides or ammonium, into the lungs and cause injury. Whereas PM₁₀ particles tend to collect in the upper portion of the respiratory system, PM_{2.5} particles are much smaller and can penetrate deeper into the lungs and damage lung tissues. Suspended particulates also damage and discolor surfaces on which they settle, as well as produce haze and reduce regional visibility.

Lead (Pb) in the atmosphere occurs as particulate matter. Sources of lead include lead gasoline; the manufacturers of batteries, paint, ink, ceramics, and ammunition; and secondary lead smelters. Prior to 1978, mobile emissions were the primary source of atmospheric lead. Between 1978 and 1987, lead gasoline was phased out, reducing the overall inventory of airborne lead by nearly 95 percent. However, secondary lead sources including, smelters, battery recycling, and manufacturing facilities, remain sources of concern. Prolonged exposure to atmospheric lead poses a serious threat to human health. Health effects associated with exposure to lead include gastrointestinal disturbances, anemia, kidney disease, and in severe cases, neuromuscular and neurological dysfunction. Of particular concern are low-level lead exposures during infancy and childhood. Such exposures are associated with a diminishment in

neurobehavioral performance, including intelligence quotient performance, psychomotor performance, reaction time, and growth.

Toxic Air Contaminants (TAC) are airborne pollutants that may increase a person's risk of developing cancer or other serious health effects. TACs include over 700 chemical compounds that are identified by state and federal agencies based on a review of available scientific evidence. In California, TACs are identified through a two-step process established in 1983 that includes risk identification and risk management.

Regulatory Framework

Federal

United States Federal Protection Agency (USEPA)

The United States Environmental Protection Agency (USEPA) is responsible for enforcing the Federal Clean Air Act (CAA), the legislation that governs air quality in the United States, and establishing the National Ambient Air Quality Standards (NAAQS). NAAQS are required under the 1977 CAA and subsequent amendments. USEPA regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain types of locomotives. USEPA has jurisdiction over emission sources outside state waters (e.g., beyond the outer continental shelf) and establishes emission standards, including those for vehicles sold in states other than California, where automobiles must meet stricter emission standards set by CARB.

As required by the CAA, NAAQS have been established for seven major air pollutants: CO, NO₂, O₃, PM_{2.5}, PM₁₀, SO₂, and Pb. The CAA requires USEPA to designate areas as attainment, nonattainment, or maintenance for each criteria pollutant based on whether the NAAQS have been achieved. The federal standards are summarized in **Table 2, State and National Ambient Air Quality Standards and Attainment Status for the South Coast Air Basin**. The USEPA has classified the Los Angeles County portion of the South Coast Air Basin as nonattainment for O₃, PM_{2.5}, and PM₁₀, as well as Pb (for the federal standard only).

State

California Air Resources Board (CARB)

In addition to being subject to the requirements of CAA, air quality in California is also governed by more stringent regulations under the California Clean Air Act (CCAA). The California Air Resources Board (CARB), which became part of the California Environmental Protection Agency in 1991, is responsible for administering the CCAA and establishing the California Ambient Air Quality Standards (CAAQS). The CCAA, as

amended in 1992, requires all air districts in the state to achieve and maintain the CAAQS, which are generally more stringent than the federal standards and incorporate additional standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.

Table 2
State and National Ambient Air Quality Standards and Attainment Status for the South Coast Air Basin

Pollutant	Averaging Period	California		Federal	
		Standards	Attainment Status	Standards	Attainment Status
Ozone (O ₃)	1-hour	0.09 ppm (180 µg/m ³)	Nonattainment	–	–
	8-hour	0.070 ppm (137 µg/m ³)	/a/	0.075 ppm (147 µg/m ³)	Nonattainment
Respirable Particulate Matter (PM ₁₀)	24-hour	50 µg/m ³	Nonattainment	150 µg/m ³	Nonattainment
	Annual Arithmetic Mean	20 µg/m ³	Nonattainment	–	–
Fine Particulate Matter (PM _{2.5})	24-hour	–	–	35 µg/m ³	Nonattainment
	Annual Arithmetic Mean	12 µg/m ³	Nonattainment	12 µg/m ³	Nonattainment
Carbon Monoxide (CO)	8-hour	9.0 ppm (10 mg/m ³)	Attainment	9 ppm (10 mg/m ³)	Unclassified/ Attainment
	1-hour	20 ppm (23 mg/m ³)	Attainment	35 ppm (40 mg/m ³)	Unclassified/ Attainment
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	Nonattainment	53 ppm (100 µg/m ³)	Unclassified/ Attainment
	1-hour	0.18 ppm (338 µg/m ³)	Nonattainment	100 ppb (188 µg/m ³)	Unclassified/ Attainment
Sulfur Dioxide (SO ₂)	24-hour	0.04 ppm (105 µg/m ³)	Attainment	–	Attainment
	3-hour	–	–	0.5 ppm	Attainment
Lead (Pb)	1-hour	0.25 ppm (655 µg/m ³)	Attainment	75 ppb (196 µg/m ³)	Attainment
	30-day average	1.5 µg/m ³	Attainment	–	–
	Calendar Quarter	–	–	0.15 µg/m ³	Nonattainment

/a/ CARB has not determined 8-hour O₃ attainment status.

Source: CARB, Ambient Air Quality Standards, and attainment status, accessed October 20, 2014 (www.arb.ca.gov/degis/adm/adm.htm)

CARB has broad authority to regulate mobile air pollution sources, such as motor vehicles. It is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB established passenger vehicle fuel specifications, which became effective in March 1996 and oversees the functions of local air pollution control districts and air quality management districts, which, in turn, administer air quality activities at the regional and county levels. The state standards are summarized in **Table 2**.

The CCAA requires CARB to designate areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a state standard and are not used as a basis for designating areas as nonattainment.

Local

South Coast Air Quality Management District (SCAQMD)

The South Coast Air Quality Management District (SCAQMD) is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards. Programs include air quality rules and regulations that regulate stationary sources, area sources, point sources, and certain mobile source emissions. The SCAQMD is also responsible for establishing stationary source permitting requirements and for ensuring that new, modified, or relocated stationary sources do not create net emission increases.

The SCAQMD's jurisdiction is 10,743 square miles, including the South Coast Air Basin (SoCAB), which covers an area of 6,745 square miles and is bounded by the Pacific Ocean to the west; the San Gabriel, San Bernardino and San Jacinto mountains to the north and east; and the San Diego County line to the south. SoCAB includes Orange, Riverside, and San Bernardino Counties, in addition to the non-desert portions of Los Angeles County. The SCAQMD also regulates the Riverside County portion of the Salton Sea Air Basin and Mojave Desert Air Basin.

All areas designated as nonattainment under the CCAA are required to prepare plans showing how they will meet the air quality standards. The SCAQMD prepares the Air Quality Management Plan (AQMP) to address CAA and CCAA requirements by identifying policies and control measures. In 2012 the SCAQMD adopted its 2012 AQMP for meeting the 24-hour PM_{2.5} strategy standard by 2014. Further in February 2015 the CARB and SCAQMD adopted the 2015 Minor Revision to the South Coast 2012 PM_{2.5} State Implementation Plan.

The Southern California Association of Governments (SCAG) assists the SCAQMD by preparing the transportation portion of the AQMP. This includes the preparation of a Sustainable Communities Strategy (SCS) that addresses the planning requirements of SB 375 and demonstrates the region's ability to attain greenhouse gas reduction targets set forth in state law.

In its role as the local air quality regulatory agency, the SCAQMD also provides guidance on how environmental analyses should be prepared. This includes recommended thresholds of significance for evaluating air quality impacts.

The SoCAB is susceptible to temperature inversions which can create smog and cause air pollutants to be trapped at low altitudes, preventing air pollutants from dispersing upward. During the summer, interactions between the ocean surface and the lower layer of the atmosphere can create air quality problems. An upper layer of warm air mass forms over the cool marine layer, preventing air pollutants from dispersing upward. Additionally, hydrocarbons and NO₂ react under strong sunlight, creating smog. Light daytime winds, predominantly from the west, further aggravate the condition by driving air pollutants inland toward the mountains. Air quality problems also occur during the fall and winter, when CO and NO₂ emissions tend to be higher. CO concentrations are generally worse in the morning and late evening (around 10:00 PM.) when temperatures are cooler. High CO levels during the late evenings result from stagnant atmospheric conditions trapping CO. Since CO emissions are produced almost entirely from automobiles; the highest CO concentrations in the SoCAB are associated with heavy traffic. NO₂ concentrations are also generally higher during fall and winter days.

Impact Discussion:

- a) **Less than significant impact.** The proposed project is located within the SoCAB and, therefore, falls under the jurisdiction of the SCAQMD. In conjunction with SCAG, the SCAQMD is responsible for formulating and implementing air pollution control strategies. As discussed above, the SCAQMD's most recent AQMP was adopted in 2012 and establishes a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SoCAB, which is in nonattainment for Ozone (O₃), coarse, or respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}).¹⁷ The AQMP also addresses the requirements set forth in the state and federal Clean Air Acts. Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SCAQMD thresholds as a result of the nature and small scale of the proposed project. Implementation of the proposed project would fall

¹⁷ California Environmental Protection Agency, California Air Resources Board, Area Designations Maps, State Area Designations, <http://www.arb.ca.gov/design/adm/adm.htm>, accessed February 25, 2016

below the SCAQMD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SCAQMD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality violations, and neither cause or contribute to new air quality violations, nor delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP. Similarly, the ongoing minor activities of constructing burials and private mausoleums would not contribute to nor create substantial new sources of existing air quality violations, nor would they delay the timely attainment of air quality standards.

Projects that are consistent with growth forecasts identified by SCAG are considered consistent with the AQMP growth projections. This is because the growth projections by SCAG form the basis of the land use and transportation control portions of the AQMP. Development of the proposed project would not result in the development of residential uses and/or result in population growth. Thus, the development and operation of the proposed project would not impact the SCAG population growth projections.

The proposed project would be consistent with the AQMP forecasts for the City, would be considered consistent with the air quality related regional plans, and would not jeopardize attainment of state and federal ambient air quality standards in the SoCAB. For these reasons, the proposed project would be consistent with the AQMP. Based on the above discussion, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be less than significant. No further analysis is necessary.

- b) **Less than significant impact.** The SCAQMD has divided the SoCAB into 38 air-monitoring areas with a designated ambient air monitoring station representative of each area. The project site is located in the area represented by air quality data measured at the Northwest Coastal Los Angeles County Source Receptor Area (SRA) No. 2. The nearest air quality monitoring station within the Northwest Coastal region of Los Angeles County is located in Malibu. The data collected at this station is considered representative of the air quality experienced in the vicinity of this project.

A project may have a significant impact if project-related emissions would exceed federal, state, or regional standards or thresholds, or if project-related emissions would substantially contribute to an existing or projected air quality violation. To address potential impacts from construction and operational activities, exceedance of the SCAQMD thresholds, outlined in **Table 3, SCAQMD's Significant Emissions Thresholds** are considered to be significant.

Table 3
SCAQMD'S Significant Emissions Thresholds

Pollutant	Construction Threshold (lbs/day)	Operational Threshold (lbs/day)
Volatle Organic Compounds (VOC)	75	55
Nitrogen Oxides (NO _x)	100	55
Carbon Monoxide (CO)	550	550
Sulfur Oxides (SO _x)	150	150
Respirable Particulate Matter (PM10)	150	150
Fine Particulate Matter (PM2.5)	55	55

Note: lbs = pounds

Source: South Coast Air Quality Management District, Air Quality Significance Thresholds, website: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>, accessed February 25, 2016.

Construction

Construction activities associated with the project would temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), NO_x, SO_x, and CO concentrations in the project vicinity and regional emissions within the SoCAB. Construction of the proposed project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust emissions would result from demolition and construction activities. The primary source of construction-related CO, SO_x, VOC, and NO_x emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions would be clearing activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities have the potential to cause short-term significant impacts with respect to air quality standards. According to the SCAQMD, a project's construction emissions are considered to cause a significant impact to air quality if they would exceed the SCAQMD thresholds of significance for VOC, NO_x, CO, SO_x, PM10, and PM2.5. The construction emissions associated with the proposed project were estimated using the California Emissions Estimator Model (CalEEMod). CalEEMod is a program that calculates air pollutant emissions from land use sources and incorporates the CARB EMFAC2007 model for on-road vehicle emissions and the OFFROAD2007 model for off-road vehicle emissions. The model also incorporates factors specific to the project region, such as vehicle fleet mixes. During project construction, the model can analyze emissions that occur during different phases, such as grading and building construction, concurrently or separately. The proposed project would require a total of 302,879 cubic yards of cut and fill material, which would include 76,625 cubic yards of export from burials for the life of the project. Other site-specific or project-specific data were used in the CalEEMod model where available. For the purpose of analysis construction was

assumed to begin in January 2016 and end in September 2017¹⁸. The number and types of construction equipment, vendor trips (e.g., transport of building materials), and worker trips were based on values provided in the CalEEMod model. Construction activities would generate dust and equipment exhaust, grading, and building construction. Dust is typically the primary concern during grading associated with the construction of new buildings. Because such emissions are not amenable to collection and discharge through a controlled source, they are called “fugitive dust emissions.” Fugitive dust includes larger dust particles that settle out near the source, as well as smaller particles that remain suspended indefinitely.

In order to account for dust suppression in the CalEEMod model, it was assumed that the project contractor would comply with SCAQMD Rule 403 as required. The rule identifies measures to reduce fugitive dust and is required to be implemented at all construction sites located in the SoCAB.

The emission reduction percentage associated with compliance with Rule 403 measures was based on data from the SCAQMD. **Table 4, Estimated Daily Construction Emissions**, shows the construction emissions that would occur from construction of the proposed project. As shown in **Table 4** construction emissions would not exceed SCAQMD’s regional or local thresholds of significance. Therefore construction-related impacts would be less than significant and no further analysis is necessary.

Table 4
Estimated Daily Construction Emissions

Construction Phases	Maximum Emissions in Pounds per Day				
	ROG	NO _x	CO	PM10	PM2.5
Maximum lbs/day	73	97	65	21	13
SCAQMD Threshold:	75	100	550	150	55
Exceeds Threshold?	NO	NO	NO	NO	NO

Source: Malibu Memorial Cemetery Project Air Quality Study, prepared by Rincon Consultants, Inc., Appendix III
Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Operation

Operational emissions would be generated by both area sources and mobile sources as a result of normal day-to-day activities on the project site after occupation. Project emissions would be generated as a result of ongoing minor activities of constructing

¹⁸ Although construction did not begin in January 2016, the construction of the Proposed Project is projected to last 18 to 21 months. The analysis and CalEEMod models provided would still remain accurate at the time of build out. Further, an earlier construction date actually presents a more conservative analysis as new regulations requiring cleaner fleets and construction equipment get phased in gradually over time.

burial sites and private mausoleums. Area source emissions would be generated by fuel combustion from landscaping equipment, backhoes, and the application of architectural coatings. Mobile emissions would be generated by motor vehicles traveling to, from, and within the project site.

As the project site is currently vacant, the proposed project would result in additional vehicle trips to and from the site compared to existing conditions. According to SCAQMD, a project's operational emissions are considered to cause a significant impact to air quality in the region if they would exceed the SCAQMD thresholds of significance for VOC, NO_x, CO, SO_x, PM10, and PM2.5. The operational emissions associated with the proposed project were estimated using CalEEMod. CalEEMod can estimate mobile and area source emissions associated with land uses specific to a given operational year and location. **Table 5, Estimated Operational Emissions (Unmitigated)**, shows the pollutant emissions associated with operation of the proposed project.

The majority of project-related operational emissions would be due to vehicle trips to and from the project site. As discussed in **Section XVI, Transportation and Traffic**, (refer to **Table 17**) the traffic impact analysis prepared for the proposed project calculated that operation of the project would generate a total of 213 daily weekday vehicle trips and 258 weekend (Saturday) vehicle trips. The air quality analysis relied on the CalEEMod default trip rates, which are based on the Institute of Transportation Engineers *Trip Generation Manual, 9th Edition*. Although the number of trips calculated in the traffic impact analysis are less when compared to the CalEEMod default trip rates, the larger number of trips rates used for this air quality analysis results in a conservative estimate.

As shown in **Table 5**, operational emissions associated with implementation of the proposed project would not exceed the SCAQMD thresholds for significance for any pollutant. Projects that generate emissions below the thresholds of significance would not be considered to contribute a substantial amount of air pollutant to regional or local air quality. Therefore, operational-related impacts would be less than significant and no further analysis is necessary.

**Table 5
Estimated Daily Operations Emissions (Unmitigated)**

Emission Source	ROG	NO _x	Pounds per Day		PM10	PM2.5
			CO	SO _x		
Mobile Sources	0.6	1.2	5.0	<0.1	0.7	0.2
Energy Sources	<0.1	0.1	0.1	<0.1	<0.1	<0.1
Area Sources	24.2	<0.1	<0.1	0.0	<0.1	<0.1
Total Emissions	24.7	1.3	5.1	<0.1	0.7	0.2
SCAQMD Threshold	55	55	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No

Source: Malibu Memorial Cemetery Project Air Quality Study, prepared by Rincon Consultants, Inc., *Appendix III*

- c) **Less than significant impact.** The SCAQMD’s *CEQA Air Quality Handbook* identifies methodologies to determine the cumulative significance of land use projects. These methods differ from the methodology used in other sections in which all foreseeable future development within a given service boundary or geographical area is predicted and its impacts measured. The SCAQMD has not identified thresholds to which the total emissions of all cumulative development can be compared. Instead, the SCAQMD’s methods are based on performance standards and emission reduction targets necessary to attain the federal and state air quality standards identified in the AQMP. According to the SCAQMD’s *CEQA Air Quality Handbook*, projects that are within the emission thresholds identified above for construction and operation should be considered less than significant on a cumulative basis.¹⁹ As shown in **Table 4**, as discussed above, emissions associated with construction activities of the proposed project would not exceed any of the SCAQMD-recommended construction thresholds of significance and therefore would not cause an individually significant impact. Likewise, as shown in **Table 5**, emissions associated with the operation of the proposed project would not exceed any of the SCAQMD-recommended operational thresholds of significance and therefore would not cause an individually significant impact. As construction emissions and operational emissions are below the thresholds of significance, the proposed project would not result in a cumulatively considerable impact. No further analysis is necessary.
- d) **Less than significant impact.** The SCAQMD recommends the evaluation of localized air quality impacts to sensitive receptors in the immediate vicinity of the project site. Our Lady of Malibu Church is located approximately 350 feet northeast of the project site, Webster Elementary School is located 550 feet northeast of the project site, Pepperdine University is located 950 feet west of the project site, and residences are located 350 feet east of the project site, along Civic Center Way. The evaluation is based on SCAQMD’s

¹⁹ South Coast Air Quality Management District, *CEQA Air Quality Handbook*, (1993) 9–12.

*Final Localized Significance Threshold Methodology*²⁰ (LST Methodology), which recommends that anticipated ambient air concentrations of CO, NO_x, PM₁₀, and PM_{2.5}, determined using a computer-based air quality dispersion model, be compared to the localized significance thresholds. The thresholds are based on the difference between the maximum monitored ambient pollutant concentrations and the CAAQS or NAAQS. Therefore, the thresholds depend upon the concentrations of pollutants monitored locally with respect to a project site. For pollutants that already exceed the CAAQS or NAAQS (e.g., PM₁₀ and PM_{2.5}), the thresholds are based on standards established by the SCAQMD. The significance threshold for PM₁₀, which is 10.4 micrograms per cubic meter (µg/m³), assumes compliance with SCAQMD Rule 403. The thresholds for NO₂ and CO represent the allowable increase in concentrations above background levels in the vicinity of the project that would not cause or contribute to an exceedance of the relevant ambient air quality standards. The significance threshold for PM_{2.5}, which is also 10.4 µg/m³, is intended to constrain emissions to aid in progress toward attainment of the ambient air quality standards.

The SCAQMD's LST Methodology includes screening tables that can be used for projects less than 5 acres in size to determine the maximum allowable daily emissions that would satisfy the LSTs (i.e., not cause an exceedance of the applicable concentration limits). The SCAQMD provides lookup tables for project sites that are one, two, or five acres. 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 site is located in the City of Malibu, which is in the area designated by the SCAQMD as SRA 2 (Northwest Coastal Los Angeles County). This analysis assumes that there would be no more than 5-acres of the site under active construction at one time. As required by SCAQMD Rule 403 additional requirements to reduce emissions must be incorporated into a project if more than five acres are to be disturbed. (The nearest sensitive receptors are residences and a church, located approximately 350 feet north and west of the project site. According to the LST Methodology, "projects with boundaries located closer than 25 meters (equivalent to 164 feet) to the nearest receptor should use the LSTs for receptors located at 25 meters."²¹ The LSTs for the proposed project are shown in **Table 6, Localized Significance Thresholds Analysis**, and are compared with the maximum daily on-site construction and operational emissions.

²⁰ South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, (2008).

²¹ South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, (2008). 3-3.

The LSTs are not applicable to off-site mobile sources (e.g., on-road motor vehicles); therefore, off-site mobile source emissions are not included in the analysis.²²

Table 6
Localized Significance Thresholds (LST) Analysis

Pollutant	Maximum On-Site Emissions (Pounds per day)	LST Thresholds (Pounds per day) ¹	Exceeds LST?	SCAQMD Thresholds	Exceeds SCAQMD?
Construction Emissions					
Respirable Particulate Matter (PM10)	21.2	55	No	150	No
Fine Particulate Matter (PM2.5)	12.7	14	No	55	No
Nitrogen Oxides (NO _x)	96.7	226	No	100	No
Carbon Monoxide (CO)	69.4	2,762	No	550	No
Operation Emissions					
Respirable Particulate Matter (PM10)	0.7	NA	NA	150	No
Fine Particulate Matter (PM2.5)	0.2	NA	NA	55	No
Nitrogen Oxides (NO _x)	1.3	NA	NA	55	No
Carbon Monoxide (CO)	5.1	NA	NA	550	No

Source: Malibu Memorial Cemetery Project Air Quality Study, prepared by Rincon Consultants, Inc., **Appendix III**.

Notes: LSTs are for a five-acre project in SRA-2 within a distance of 328 feet from the site boundary.

As indicated in **Table 6**, on-site construction and operational emissions would not exceed the LST screening thresholds at nearby sensitive receptors for NO_x, PM10, PM2.5 or CO.

In addition to criteria pollutants, the SCAQMD assesses levels of toxic air contaminants (TACs) in the SoCAB. This section evaluates potential impacts to off-site sensitive populations that may result from TAC emission associated with long-term operation of the project. The proposed project is a memorial park and cemetery and it is unlikely to emit TACs (unlike industrial facilities) since the project would include burials only and no embalming or cremation would occur on the project site. Based on the lack of toxic air contaminant sources to be constructed as part of the proposed project, detailed health risk assessment is not warranted. Therefore, the project's impact on human health would be less than significant. No further analysis is necessary.

²² South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, (2008). 1-4.

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." Such hotspots are defined as locations where the ambient CO concentrations exceed the state or federal ambient air quality standards. 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. The proposed project would not result in exceedances of CO air quality standards at roadways in the area as CO hotspots are extremely rare and require unusual atmospheric and extreme low temperatures (neither of which apply to the proposed project) to occur. In addition, auto-related emissions of CO continue to decline as a result of advances in fuel combustion technology and the proposed project would not contribute to the levels of congestion required to produce the amount of emissions needed to trigger a potential CO hotspot. It is possible that occasionally funerals may generate congestion from idling vehicles exiting or entering the site. Only one driveway would exist for the purpose of vehicle ingress and egress. However, these incidents would be short-term and infrequent. Further, based on improved vehicle efficiency standards (which will continue to improve in the future), car idling would not be expected to result in a CO hotspot and, therefore, would not create a substantial adverse effect. No significant CO hotspot impacts would occur to sensitive receptors in the vicinity of the intersection. As a result, no significant project-related impacts would occur relative to future carbon monoxide concentrations.

Local Levels of Toxic Air Contaminants

The SCAQMD evaluated local levels of toxic air pollution in its Final 2015 Multiple Air Toxics Exposure Study IV (MATES IV). The monitoring program measured more than 30 air pollutants, including both gases and particulates, and estimated the risk of cancer from breathing toxic air pollution throughout the region. The MATES IV study found that cancer risk in the region from carcinogenic air pollutants averages 367 in 1

million.²³ Cancer risk refers to the probability of contracting cancer associated with exposure to toxic air contaminants.

The traffic impact analysis completed for the proposed project concluded that traffic volumes are lower on Malibu Canyon Road than the traffic volumes recorded on PCH.

According to Caltrans traffic data for 2014, average daily traffic on PCH at Malibu Canyon Road is between 32,500 and 36,500. Because traffic levels on Malibu Canyon Road are lower than PCH, the addition of truck trips on Malibu Canyon Road associated with construction and operation of the project would not cause traffic levels exceeding 50,000 vehicles per day. As such, traffic on Malibu Canyon Road would not create significant health risks to sensitive receptors even with temporary haul truck traffic, particularly due to the very limited number of haul trucks that could be necessary as the proposed 76,625 cubic yards of export from burials amortized over a 25 year period would amount to 3.3 truckloads per week. As such, the location of the proposed project would not expose sensitive receptors on or off-site to substantial toxic air quality and impacts would be less than significant. No further analysis is necessary.

- e) **Less than significant impact.** A project-related significant adverse effect could occur if construction or operation of the proposed project would result in generation of odors that would be perceptible in nearby sensitive areas.

Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. The proposed project consists of a chapel, a public mausoleum, burial plots, and surface and subterranean parking, as well as landscaped areas and would connect to the CCWTF. The project would include burials only and no embalming or cremation would occur on the project site. Such uses are not typically associated with odor complaints. As the proposed project involves no elements related to industrial projects, no objectionable odors are anticipated. Impacts associated with objectionable odors would be less than significant and no further analysis is necessary.

²³ South Coast Air Quality Management District. *Draft Multiple Air Toxics Exposure Study IV*, May 2015

IV.	BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	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 the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

a, b) Less than significant with mitigation incorporated. Two California Native Plant Society List 4 species were observed on-site: Plummer’s baccharis (*Baccharis plummerae* var. *plummerae*) and southern California black walnut (*Juglans californica* var. *californica*).²⁴ Both species are on the Watch List as “limited in distribution” in California. No special status wildlife species, nesting birds or raptors, were observed on-site. However, a moderate potential exists that three special status wildlife species may occur within the property, including the coastal whiptail (*Aspidoscelis tigris stejnegeri*), Bryant’s [San Diego desert] woodrat (*Neotoma bryanti* [*N. lepida intermedia*]), and coast horned lizard (*Phrynosoma blainvillii*). The loggerhead strike (*Laninus ludovicianus*), which is a California species of special concern, is a potentially sensitive wildlife that is likely to use the isolated coastal sage scrub habitat on-site while nesting.

The Updated Biological Inventory Report stated that the property is comprised of five habitats identified as 1) dense, intact coastal sage scrub; 2) foothill needlegrass patches; 3) successional coastal sage scrub with ornamentals; 4) saltgrass-fasciculed tarplant fields; and 5) disturbed / ruderal. A map of these five habitats is available in the Updated Biological Inventory Report. Furthermore, a small area at the southeastern-most corner of the property consists of a drainage course previously identified as

²⁴ Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, City of Malibu, prepared by Rincon Consultants, November 2015. (Appendix IV)

stream/riparian ESHA.²⁵ The property is surrounded by Civic Center Way to the north, Malibu Canyon Road to the west, PCH to the south and the recently approved CCWTF to the east. As a result, the property is considered functionally isolated from the Santa Monica Mountains and Malibu Bluffs Park. For that reason, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed. Therefore, the proposed project is consistent with applicable LIP ESHA and Native Tree Protection development standards.

The proposed development, including the required fuel modification of the proposed chapel, is mostly located within the saltgrass-fasciculed tarplant fields and disturbed / ruderal habitats which are not considered sensitive habitats. Although most of the on-site habitat is not considered ESHA, the dense, intact coastal sage scrub, foothill needlegrass patches and successional coastal sage scrub with ornamental habitats are considered sensitive and mitigation through restoration or in lieu fee is recommended for the sensitive habitat areas that are proposed to be affected by the proposed development.

As most of the existing sensitive habitat would be preserved and the majority of the developed portion of the property would serve as private open space, the impacts to the three special status wildlife species that may be present at the property is considered minimal with mitigation. As provided in Mitigation Measures BIO-1 through BIO-6, a survey conducted during the blooming periods of rare and special status plant species, nesting bird survey, and fencing off habitat and sensitive plant species during construction are required. Following implementation of the recommended mitigation, no significant impacts to special status resources and riparian and other sensitive habitats are anticipated.

- c) **No impact.** The proposed project is not expected to result in any impacts to federally protected wetlands, as no wetlands have been identified on or adjacent to the subject property and the proposed development would maintain a setback of at least 300 feet from the stream/riparian ESHA on-site.
- d) **Less than significant impact.** The project is not expected to substantially interfere with the movement of any native resident or migratory fish or wildlife species, as the site has not been identified as a migratory corridor and the majority of the sensitive habitat on the property would be preserved. Further, the project site is isolated, and therefore not

²⁵ Final EIR for Malibu Civic Center Wastewater Treatment Facility Project, Figure 7, prepared by RMC Water and Environment and ICF International, November 2014

expected to impact any native wildlife nursery sites as the existing conditions on the project site would not be expected to serve as a wildlife nursery.

- e) **Less than significant impact.** LIP Chapter 5 (Native Tree Protection) sets forth requirements for the preservation and protection of native trees including alder, California walnut, oak, toyon, and western sycamore with a single trunk diameter of at least six inches or the combined diameter of any two trunks of least eight inches measured at four and half feet above natural grade. A single oak tree (*Quercus suber*) found on-site that would qualify for protection due to its size, is not considered to be a native tree because this species is native to southwestern Europe and northern Africa. The on-site California black walnut trees do not meet the size criteria and are also located within the sensitive habitat outside of the proposed development area. Further, the project does not conflict with any other local policies or ordinances protecting biological resources. Therefore, the proposed project is expected to have a less than significant impact on protected native trees.
- f) **No impact.** There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan in place for the proposed property or adjacent areas that could be impacted. As such, no impacts to such plans would occur.

Standard Conditions of Approval

- Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
 - Is located within or adjacent to ESHA, or
 - Includes grading on slopes greater than 4 to 1.
- Construction fencing shall be installed within five feet of the limits of grading or at the top of slope prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

Mitigation Measures

The following mitigation measures are required to reduce potential impacts related to biological resources to a less than significant level.

- BIO-1** All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub, foothill needlegrass patches, and successional coastal sage scrub with ornamentals as identified on the Updated Biological Inventory Report, dated November 18, 2015, including the removal, conversion, or modification of these natural habitats for new development and required fuel

modification. One of the following three Habitat Impact Mitigation methods shall be required: 1) habitat restoration; 2) habitat conservation; or 3) in lieu fee for habitat conservation. The ratio for [off-site habitat restoration] shall be 2 to 1 (number of acres of created or restored habitat required for each acres of habitat impacted). Prior to the issuance of a grading permit, the applicant shall submit and obtain approval from the City Biologist for either a detailed habitat restoration plan, or evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts. The property owner / applicant may also provide sufficient evidence to the satisfaction of the Planning Director that habitat impact mitigation has already been satisfied due to the dedication of property for habitat protection that was required and dedicated for similar habitat impacts related to the previously proposed hotel.

BIO-2 Prior to vegetation clearance / ground disturbance, a qualified botanist must conduct seasonal plant surveys. Surveys should be conducted during the blooming periods of special-status species with the potential to occur on-site (typically up to three surveys between March and July). Rare plant surveys should be conducted in accordance with CNPS and CDFG protocol.

BIO-3 Should rare or special status plant species be discovered during the surveys, a recovery/transplant and revegetation plan shall be prepared and implemented in the event site design could not avoided as determined by the Planning Director. Otherwise, such area should be fenced off and protected. Alternatively, in lieu fees for conserved habitat in the Santa Monica Mountains suitable for the species found may be provided at a mitigation ratio of 5 to 1 for the on-site occupied habitat.

BIO-4 Grading and fuel modification scheduled between February 1 and August 30 would require nesting bird surveys by a qualified biologist five (5) days prior to initiation of these activities. Should active nests be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal or demolition on the site.

BIO-5 A qualified biologist (with a valid Scientific Collecting Permit) shall conduct focused surveys for any special-status wildlife species present on-site prior to any site disturbance. The focused surveys shall be conducted five (5) days prior to any activity on-site requiring grading, vegetation removal, etc. Should any resident special-status wildlife species be detected on-site, the surveying biologist, with concurrence from California Department of Fish and Wildlife (CDFW), shall make every effort to capture the animal and relocate it away from the project area and to any predetermined suitable habitat directed by CDFW.

BIO-6

Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be used around limits of special habitat and special status plant species within or adjacent to the construction area that may be disturbed during construction or grading activities. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas.

v.	CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

- a) **Less than significant with mitigation incorporated.** A project 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.²⁶ Section 15064.5 of the *State CEQA Guidelines* defines an historical resource as (1) a resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; (2) a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain state guidelines; or (3) an object, building, structure, site, area, place, record or manuscript that a lead agency determines to be significant in the architectural,

²⁶ *California Public Resources Code Section 21084.1*

engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record. Based on the results of a Phase II investigation conducted on February 8-12, 2016, February 16, 2016, and February 29-March 5, 2016, site CA-LAN-266 appears to be eligible for listing in the California Register under Criterion 4 (potential to yield information important in prehistory) and is therefore considered a historical resource under CEQA. However, with implementation of **Mitigation Measure CR-3**, which would require a layer of soil above this area to preserve in place any cultural resources, the proposed project would result in a less than substantial adverse change in the significance of a historical resource as defined in § 15064.5.

- b) **Less than significant with mitigation incorporated.** Section 15064.5 of the *State CEQA Guidelines* defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. The project site is located within an area that has a history of habitation by the Chumash and Tongva people, and therefore should be considered to have the potential for undiscovered archaeological resources.

Records Search and Backgrounds Research

Field surveys, literature reviews, and cultural resource reports have been completed on the project site and the surrounding area as early as 1962.²⁷ The most recent records search completed for the project site and surrounding area (e.g., within 0.5-miles of the project site) was completed on September 20, 2012, at the South Central Coast Information Center (SCCIC), California State University, Fullerton. The records search indicated that 42 cultural resource reports have been completed within 0.5-miles of the project site; nine of which included at least a portion of the project site. A list and description of the cultural resources located within a 0.5-mile radius and/or located on the project site are below.²⁸

- CA-LAN-31: A prehistoric surface site on a small knoll with shell midden. Metate fragments, manos, core, scrapers, and point fragment were also discovered on the project site.
- CA-LAN-319: A prehistoric open site on a slope below a small rock shelter, with shell midden. In addition, core tools, mano fragments, ollercla, shell bead, shell midden were uncovered on the site.

²⁷ Cultural Resource Summary for the Rancho Malibu EIR, May 1996, prepared by Historical Environmental Archaeological Research Team.

²⁸ City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Section 3.3 Cultural Resources, October 2013.

- CA-LAN-406: A prehistoric 200 square foot site with scattered flakes and cores.
- CA-LAN-2790: A prehistoric site consisting of stone grinding tools (manos and metates), cores, core fragments, hammerstones, flakes, and shell midden.
- CA-LAN-2937: A prehistoric site with sparse lithic scatter, flakes, and limestone shatter.
- CA-LAN-1417: A prehistoric site with a possible hearth or oven due to fire-affected rock and charcoal. The site is buried 4-5 feet. Shell and flake debitage with small amounts of bone and fire affected rock and charcoal were found on the project site, as well as core flakes.
- CA-LAN-266: A prehistoric shallow surface site located on the project site. Lithic scatter of ground and chipped lithics. An abundant debitage, flakes, tools, ground stone, cores, and hammerstones were also uncovered on the project site.
- CA-LAN-1715: A prehistoric shallow surface site located on the project site. Light lithic scatter of ground and chipped lithics. Small unifacial mano, 3 cores, numerous flakes.

Construction

Based on the findings of the Phase I investigation, the project would affect two archeological sites, CA-LAN-266 and -1715.²⁹ Previous work conducted in 1990 at site CA-LAN-266 and -1715 included close-interval survey and surface collection of artifacts, and subsurface investigation. Based on the results of this work, researchers indicated that site CA-LAN-266 was significant and site CA-LAN-1715 had been subject to disturbances from the plant nursery and lacked integrity, and therefore was not significant. However, a report documenting the result of the 1990 investigation was never produced. In addition, neither site was formally evaluated for listing in the California Register. In order to adequately address impacts to sites CA-LAN-266 and -1715 under CEQA, both sites required additional investigation and evaluation for listing in the California Register to determine if they meet the definition of a historical resource (CEQA Guidelines Section 15064.5).

A Phase II investigation of sites CA-LAN-266 and -1715 was conducted on February 8-12, 2016, February 16, 2016, and February 29-March 5, 2016. The investigation consisted of a combination of close-interval pedestrian survey and surface collection, mechanical trenching, and hand excavation.

²⁹ Malibu Phase II Investigation and Evaluation of Sites CA-LAN-266 and -1715 – Preliminary Results, ESA March 22, 2016.

The investigation found Site CA-LAN-266 constituents consist mainly of lithic debitage with some groundstone and flaked stone tools. All of the ground stone was recovered from the surface. The flaked stone tools were all recovered subsurface. One feature (Feature 1 – possible hearth) was also identified subsurface. Cultural deposits varied in depth across the site with a maximum depth of approximately 60 centimeters (~2 feet) below ground surface. During the first field rotation, an artifact commonly known as a “winged” crescent was identified necessitating a second field rotation in order to further investigate the site’s constituents and ensure that the site was properly characterized and the data potential fully identified. The artifact is a type of flaked stone tool typically found in earlier components of archaeological sites, and dates to the early to middle Holocene, indicating that site CA-LAN-266 may be of some antiquity. The materials recovered from the site have the potential to answer regional research questions about site type, technology, and chronology. Based on the results of the Phase II investigation, site CA-LAN-266 appears to be eligible for listing in the California Register under Criterion 4 (potential to yield information important in prehistory) and is therefore considered a historical resource under CEQA. The Phase II investigation concluded that the field investigation consisted of a robust sampling and based on the preliminary findings, the data potential of the site appears to have been exhausted during the Phase II investigation and additional investigation or data recovery does not appear warranted. However, a Phase II investigation prepared in May 1995 by Robert J. Wlodarski recommended in-situ preservation or capping the site with a layer of imported soil (fill). As a result, implementation of **Mitigation Measure CR-3** requires capping of site CA-LAN-266.

Site CA-LAN-1715 constituents consist of a small scattering of surface artifacts with a couple of pieces of lithic debitage and shell fragments recovered subsurface. No other formed tools or features were recovered. Based on the results of the Phase II investigation, site CA-LAN-1715 does not appear to be eligible for listing in the California Register and is therefore not considered a historical resource under CEQA. No additional work or special treatment is warranted for this site.

Given the significance of site CA-LAN-266 and the overall sensitivity of the Project area, in order to ensure that the project results in a less than significant impact to historical resources, unique archaeological resources, and human remains, seven mitigation measures have been incorporated and are provided below.

The current design for the approximately 99,406 sf (2.28 acre) Archaeological Study Area will be comprised of all above-grade structures (terraced lawn crypts, private mausoleums, and wall crypts) bounded on all sides visible to the Civic Center by a native plant screening hedge of 10 feet in height.

It is anticipated that the capping of this area will involve a minimum of 12 inches of cover over existing natural grade. The proposed structures would require footings, with

the deepest footings being generated by the private mausoleums. These mausoleum footings would be approximately 24 inches of over-all depth. Therefore, there would be 24 inches of added soil depth in addition to the 12 inches of capping for a total of 36 inches of capping.

While the capping of the site would reduce the potential for impacts to CA-LAN-266, due to the fact that the project site has yielded archeological finds in the past, there is the potential that additional archeological resources could be located below the surface. As such, impacts are considered to be potentially significant and mitigation is required. Implementation of **Mitigation Measures CR-1** and **CR-2** would require a cultural resources management plan be submitted to the City's Planning Department to ensure existing archaeological artifacts remain undisturbed; and if uncovered, that the Native American Heritage Commission (NAHC) is contacted and that the artifacts remain protected. Thus, **Mitigation Measures CR-1** and **CR-2** would reduce construction related impacts to less than significant.

Operation

As the proposed project would include burial plot spaces across 21 acres of the project site (as described in the project description, the remaining 7 acres of the property are considered unstable and would not be developed), a small backhoe would be used during the preparation of each burial plot. In general burial plots are approximately four feet deep, but vary depending on the configuration (i.e., single or double plot), and based on the fact that archeological resources have been found on the site in the past, unknown archaeological resources could be disturbed during preparation of burial plots.

CA-LAN-266 would be capped and designed with above ground crypts and burials only. As such, once the CA-LAN-266 is capped, additional impacts to the area would not occur. However, additional impacts from construction and operation of the proposed project to unknown historic and archaeological resources, as well as the remote possibility of unknown human remains could occur. Mitigation measures are required. **Mitigation Measures CR-1** through **CR-4**, **CR-6** and **CR-7** would reduce construction related impacts to a less than significant level by requiring a qualified archaeologist and Native American Monitor to evaluate any uncovered resources, controlled grading and monitoring near and around the CA-LAN-266 site while the capping occurs, cultural resources sensitivity training for all construction workers, and the halt of all work activities in the area upon the discovery of human remains and/or cultural resources. Implementation of **Mitigation Measures CR-1**, **CR-5**, and **CR-7** would ensure impacts from operation of the proposed project would remain less than significant by requiring

archaeological and Native American monitoring during preparation of the burial plots and 47 private mausoleums.³⁰

c) Less than significant with mitigation incorporated.

Construction

As described above, construction of the proposed project would require grading and excavation on a majority of the project site. The ground-disturbing activities could potentially disturb subsurface paleontological resources. The portion of the site that would be developed (the mesa) is generally level. Previous records searches and site surveys performed on the project site did not identify any existing paleontological resources within the site. However, the project site is underlain by the Sespe Formation which is known to include significant marine and non-marine terrace deposits.³¹ Therefore, ground-disturbing activities during construction could potentially uncover previously unknown paleontological resources. Should such resources be disturbed during project construction, impacts would be potentially significant. Implementation of **Mitigation Measures CR-1 through CR-4, CR-6 and CR-7** would reduce construction impacts to a less than significant level.

Operation

As discussed above, burial plots and private mausoleums would be prepped on an ongoing basis. Excavation for plots would vary based on the configuration of the plot, thus it is possible unknown paleontological resources could be disturbed during preparation burial plots. Should such resources be disturbed, impacts would be potentially significant. With implementation of **Mitigation Measures CR-1, CR-5, and CR-7**, the potential impacts of the project on paleontological resources would be reduced to a less than significant level, and no further analysis is necessary.

d) Less than significant with mitigation incorporated. No formal cemetery exists on-site or in the vicinity of the project site and there are no known cemeteries or burial grounds on the project site. As indicated above, 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 associated with construction or operation of the project, impacts would be potentially significant. Implementation of required **Mitigation Measures CR-2, CR-5, CR-7 and CR-8** would require the presence of a Native American monitor during

³⁰ Phase II Investigation and Evaluation of Sites CA-LAN-266 and CA-LAN-1715, March 2016.

³¹ Geologic and Geotechnical Report, Proposed Malibu Memorial Cemetery, January 23, 2015, prepared by GeoSoils Consultants, Inc.

construction activities and during burial plot preparations according to the specifications outlined below. Further, all construction activity is to be halted on the project site if human remains are discovered and thus, would reduce potentially significant impacts to less than significant levels. No further analysis is necessary.

- e) **Less than significant with mitigation incorporated.** Pursuant to AB 52, a tribal consultation notice was sent to all California Native American tribes who requested consultation. A Native American tribe representative contacted the City and indicated that the project site was outside his tribe's territory. While no tribe has indicated tribal cultural resources are present, **Mitigation Measures CR-1** through **CR-7** would prevent any substantial adverse change to such resources if they are discovered.

Mitigation Measures

The following mitigation measures are required to reduce potential impacts related to cultural resources to a less than significant level.

- CR-1** Prior to the issuance of a grading permit and the start of ground-disturbing activities, the project applicant shall retain a qualified archaeologist (Qualified Archaeologist) meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) who is also qualified to evaluate the types of resources that may be encountered, and a Native American Monitor, approved by the City and the project applicant, to carry out all mitigation described in **CR-3** through **CR-8**.
- CR-2** Prior to the start of ground-disturbing activities, the Qualified Archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The training shall also include safety procedures for working with archaeological and Native American monitors. The project applicant shall ensure that all construction personnel are made available for and attend the training, and shall retain documentation demonstrating attendance.
- CR-3** The entire CA-LAN-266 area identified as sensitive (see Ehringer and Vader, 2016) must be capped with a layer of fill soil of sufficient depth to accommodate the footings of the proposed private mausoleums and above grade crypt structures plus an additional foot of clearance. No other development that would impact the subsurface portions of this area below the capped soil is permitted. Soil capping performed within this area must be monitored by a

qualified archaeologist and Native American monitor to ensure that the subsurface soils are not disturbed.

CR-4

Archaeological and Native American monitoring shall be conducted for all ground-disturbing activities for all ground disturbances at all depths across the project area. The monitors shall observe the ground-disturbing activities and shall have the authority to redirect such activity to investigate potential archaeological resources discoveries. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent ground disturbances would impact the resource, the provisions of **CR-6** (Inadvertent Discoveries) shall apply. The archaeological monitor, in coordination with the Qualified Archaeologist, may recommend that monitoring be reduced or discontinued in certain portions of the project site other than in site CA-LAN-266, if observations of soil conditions indicate a low likelihood of encountering archaeological resources. The archaeological monitor shall keep daily logs detailing the types of activities and soils observed, and any discoveries made. After monitoring has been completed, a monitoring report shall be prepared by a qualified expert that details the results of monitoring (including monitoring conducted as part of **CR-3**) and an accompanying sensitivity map that documents: (1) areas where soil excavations have exceeded the maximum depth of future burial plots; (2) areas where the Qualified Archaeologist has determined that, based on observations during monitoring, there is a low likelihood of encountering archaeological resources; and (3) areas where there is the potential for subsurface archaeological resources. The map shall be used as a tool by which to guide the need for monitoring during ground disturbance associated with plot preparation as described in **CR-5** (Archaeological Monitoring During Plot Preparation). The report and accompanying sensitivity map shall be submitted to the City, the project applicant, the South Central Coastal Information Center (SCCIC), and any Native American groups who request a copy, as directed by the City.

CR-5

During the operations phase of the project, archaeological and Native American monitoring shall occur during excavation of all burial plots and any other ground disturbing activities occurring in those areas identified on the sensitivity map (being prepared as described in **CR-4**) as remaining sensitive for the potential for subsurface archaeological resources to be encountered. No monitoring would occur in areas where ground disturbance during the construction phase of the project has exceeded the maximum depth of the planned burial plot or other planned ground disturbance; or where during the construction phase of the project the Qualified Archaeologist determined soils of low likelihood for encountering archaeological resources with the exception of site CA-LAN-266. The archaeological monitor shall inspect the soil and shall have the authority to halt ground disturbing activities to investigate potential

archaeological resource discoveries during plot preparation. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent excavation would impact the resource, excavation shall be redirected and the provisions of **CR-6** (Inadvertent Discoveries) shall apply. Following the monitoring of each burial plot excavation or other planned ground disturbance, the Qualified Archaeologist shall prepare a brief memorandum that identifies the location where the monitoring took place and a description of observations. The memoranda shall be kept on file with the City and the project applicant.

Participation of a Native American monitor during ground disturbing activities associated with plot preparation shall be determined through consultation amongst the City, qualified tribal representatives as documented on listings provided by the Native American Heritage Commission, and the project applicant.

CR-6

In the event of the discovery of potentially significant archaeological resources, in any circumstance including those outlined in **CR-3**, **CR-4**, and **CR-6**, the project applicant shall immediately cease all work activities in the area (within approximately 50 feet) of the discovery until an Archaeological Resources Testing Plan (Testing Plan) is developed by the qualified Archaeologist in consultation with the project applicant, the qualified tribal representatives, and the City. The Testing Plan shall be completed within 48 hours of the discovery, shall be approved by the City, and shall address the methods of determining the extent and contents of the resource, and a research context in which the resource's significance would be evaluated. Potentially significant archaeological resources shall be avoided until the Testing Plan is implemented and completed and until such a time when a course of action on whether the resource does or does not require further treatment is developed and agreed to by the project applicant, the City, and the qualified tribal representatives, in coordination with the Qualified Archaeologist. A reduction in the buffer zone may also be considered, if agreed to by these same parties.

If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. If preservation in place is determined to be a feasible method by which to mitigate impacts to the resource, an Archaeological Resources Preservation Plan shall be developed in coordination with the qualified archaeologist, the project applicant, the qualified tribal representatives, and approved by the City. To ensure future work does not impact the resource, appropriate measures shall be taken that may include permit conditions.

In the event that preservation in place is demonstrated to be infeasible, the capping as outlined in CR-3 may be used to protect the resource, provided such project change is consistent with applicable design and development standards. The Applicant shall bear the cost of this mitigation.

CR-7

If human remains are encountered, the project applicant shall halt work in the vicinity (within 100 feet) of the find and contact the Los Angeles County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) shall be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code Section 5097.98 (as amended by AB 2641). The NAHC shall designate a Most Likely Descendant (MLD) for the remains per Public Resources Code Section 5097.98. Until the landowner has conferred with the MLD, the project applicant shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials. Relocation of the burials following consultations with the designated MLD may be an alternative action. In all instances Native American concerns and subsequent treatment of any human remains shall be handled with the utmost respect, with the understanding that these remains are sacred.

VI.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
	i) 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 a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

a) i, ii) **Less than significant impact.** 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. The Malibu Coast fault traverses the southern portion of the project site parallel to PCH. In addition, the Malibu Bowl fault traverses the eastern portion of the project site. While the Malibu Coast fault 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 Van Beveren and Butelo, Inc. 2007 and GeoSoils Consultants Inc. 2011 have determined that surface rupture or displacement has not occurred in over 100,000 years and that the fault is not active.³² Therefore, expert review has concluded that there is no significant risk associated with fault rupture.

As the project site is located within the seismically active Southern California region, there is a possibility that there could be (a) trace(s) of (a) previously unidentified fault(s) somewhere on-site. 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 MMC Section 15.04.010) to employ design standards that consider seismically active areas in order to safeguard against major structural failures or loss of life. In addition, the proposed project would be required to comply with the California Health and Safety Code Division 8 Cemeteries, Part 5 Mausoleums and Columbariums, Chapter 5 Construction that includes required

³² City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Section 3.5 Geology and Soils, October 2013.

construction provisions such as, ventilation, types of incombustible materials that can be used in construction, and sealing methods (to prevent future leaks) Therefore, while the project site would be subject to ground shaking during future seismic events, (as most structures within Southern California are) 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 report, risks to life and property would be minimized.

Impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault would be less than significant levels and no further analysis is necessary.

- a) iii) **Less than significant impact.** Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similarly to a fluid when subjected to high-intensity ground shaking. Liquefaction occurs when three general conditions exist: (1) shallow groundwater; (2) low-density, fine, clean sandy soils; and (3) high intensity ground motion. Studies indicate that saturated, loose and medium dense, near-surface cohesionless soils exhibit the highest liquefaction potential, while dry, dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential.

The site is not located in an area susceptible to liquefaction.³³ A 2011 geological and geotechnical engineering report completed for the Rancho Malibu Hotel project (discussed under the Project Background, above) prior project proposed on the project site (2011 geological and geotechnical report Rancho Malibu Hotel) determined that the underlying earth material consists of terrace deposits and bedrock. In addition, no state designated liquefaction zones are mapped on the project site.³⁴

Impacts related to ground failure during an earthquake, including liquefaction and lateral spreading would be less than significant and no further analysis is necessary.

- a) iv) **Less than significant impact.** Landslides and other types of slope failures, such as rock falls and mud and debris flows, can result in areas with varying topography in the event of an earthquake or wet winters. The perimeter of the project site is generally surrounded by natural descending slopes, with the steepest slopes located along the

³³ Updated Geologic and Geotechnical Engineering Report, Rancho Malibu Resort, Tentative Tract Map 69653, 4000 Malibu Canyon Road, Malibu California, prepared by GeoSoils Consultants, Inc., September 2011 (**Appendix VI**)

³⁴ Updated Geologic and Geotechnical Engineering Report, Rancho Malibu Resort, Tentative Tract Map 69653, 4000 Malibu Canyon Road, Malibu California, prepared by GeoSoils Consultants, Inc., September 2011 (**Appendix VI**)

site's northern and eastern boundaries.³⁵ A landslide is located along the eastern portion of the project site, however soil testing and slope stability analyses completed in 2007 indicated that alluvium has buttressed the toe of the landslide and has stabilized the area. Slope stability analyses were completed for the three slopes with potential seismic slope instability, located in the eastern portion of the project site.

The proposed project would be required to implement the engineering design specifications included in the UBC, CBC, and approved geotechnical report. Therefore potential impacts to people and/or structures related to the exposure of landslides would be less than significant. No further analysis is required.

- b) Less than significant impact.** Construction activity associated with large-scale grading can result in wind, gravity, and water driven erosion of soils. The proposed project would require a total of 302,879 cubic yards of cut and fill material which could result in a substantial loss of topsoil on the project site.

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.

Pursuant to LIP Section 17.4.1, prior to the issuance of a grading or building permit, the project 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 northern and eastern perimeters of the project site consist of natural slopes. These slopes would remain and the proposed improvements include a row of soldier piles and a three foot tall retaining wall at the top of the slope to protect the unstable portions of the slope that are outside the landslide area that was analyzed to be stable. As discussed above, BMPs would be implemented during construction of the proposed project to minimize impacts from soil erosion. Once constructed, the project site would be

³⁵ Geologic and Geotechnical Engineering Report, Proposed Malibu Memorial Cemetery, Tentative Tract Map 69653, 4000 Malibu Canyon Road, Malibu California, prepared by GeoSoils Consultants, Inc., January 23, 2015 (**Appendix VI**)

landscaped with vegetation, hardscape areas, and exclude any constructed slopes. Thus impacts from soil erosion or the loss of topsoil during the operation of the proposed project would be less than significant. No further analysis is necessary.

- c) **Less than significant impact.** Potential impacts with regard to liquefaction and landslide potential are evaluated above.

Soils sample taken from the project site exhibited the potential for unstable soils (e.g., moderately expansive soils that could swell upon the addition of water); however, soil shrink was limited and appears not to pose a substantial hazard to the project site.³⁶

The proposed project would be designed and constructed in conformance with the CBC, and the requirements of the Malibu Public Works Department and the MMC. Compliance with these codes and requirements would assure impacts related to unstable soils would be less than significant. No further analysis is necessary.

- d) **Less than significant impact.** The project site is vacant. Prior use includes a plant nursery. Soils analysis conducted in 2011 determined that soils within the project site have moderate expansion potential.

The 2011 geological and geotechnical report evaluated the characteristics of the soils present within the project site and concluded that moderately expansive soils are located on the site. While the expansion potential is projected to be minimal (between ¼ to ½ inch), without mitigation impacts associated with lateral spreading, subsidence, or collapse could be significant.³⁷

The proposed project would be designed and constructed in conformance with the California Code of Regulations, Title 24, Part 2, Volume 2, and would be subject to the requirements of the Malibu Public Works Department and the MMC. In the event that expansive soils are encountered during project construction, compliance with these codes and regulations would avoid potentially significant impacts associated with expansive soils. Nonetheless, the standard condition of approval listed below would require the submittal of detail plans showing that all geotechnical work is consistent with the recommendations included in the 2011 geological and geotechnical report. With implementation of this standard condition of approval, potentially significant impacts would be reduced to a less than significant level. No further analysis is necessary.

- e) **No impact.** Project implementation would not use septic tanks or alternative wastewater disposal systems. The proposed project would be required to connect to the CCWTF by

³⁶ City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Section 3.5 Geology and Soils, October 2013.

³⁷ City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Section 3.5 Geology and Soils, October 2013.

November 2019. The CCWTF is expected to be operational for commercial properties in June 2017 (prior to operation of the proposed project). Therefore, no impact would occur, and no further analysis is required.

Standard Condition of Approval

- All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

VII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background

Greenhouse gas (GHG) emissions refer to a group of emissions that are believed to affect global climate conditions. These gases trap heat in in the atmosphere and the major concern is that increases in GHG emissions are causing global climate change. Global climate change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, most agree that there is a direct link between increased emission of GHGs and long-term global temperature. What GHGs have in common is that they allow sunlight to enter the atmosphere, but trap a portion of the outward-bound infrared radiation and warm up the air. The process is similar to the effect greenhouses have in raising the internal temperature, hence the name greenhouse gases. Both natural processes and human activities emit GHGs. The accumulation of greenhouse gases in the atmosphere regulates the earth’s temperature; however, emissions from human activities such as electricity generation and motor vehicle operations have elevated the concentration of GHGs in the atmosphere. This accumulation of GHGs has contributed to an increase in the temperature of the earth’s atmosphere and contributed to global climate change.

The principal GHGs are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). Because GHGs absorb different amounts of heat, a common reference gas (CO₂) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as “carbon dioxide equivalent” (CO₂e), and is the amount of a GHG emitted multiplied by its global warming potential. Carbon dioxide has a global warming potential of one. By contrast, methane (CH₄) has a global warming potential of 21, meaning its global warming effect is 21 times greater than carbon dioxide on a molecule per molecule basis (IPCC, 1997).

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of GHG would be progressively reduced, as follows:

- By 2010, reduce greenhouse gas emission to 2000 levels;
- By 2020, reduce greenhouse gas emission to 1990 levels; and
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

In response to Executive Order S-3-05, the Secretary of Cal/EPA created the Climate Action Team (CAT), which, in March 2006, published the Climate Action Team Report to Governor Schwarzenegger and the Legislature (2006 CAT Report). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce climate change greenhouse gas emissions. These are strategies that could be implemented by various state agencies to ensure that the Governor's targets are met and can be met with existing authority of the state agencies.

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Section 38500, et seq., or AB 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

In August 2007, the Legislature adopted Senate Bill 97 (SB 97), which required the Governor's Office of Planning and Research (OPR) to prepare and transmit new CEQA guidelines for the mitigation of GHG emissions or the effects of GHG emissions to the Natural Resources Agency by July 1, 2009. On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97. These proposed CEQA Guideline amendments provided guidance to public agencies regarding the analysis and mitigation of the effects of greenhouse gas emissions in draft CEQA documents. On December 31, 2009, the Natural Resources Agency transmitted the Adopted Amendments and the entire rule-making file to the Office of Administrative Law (OAL). On February 16, 2010, OAL approved the Adopted Amendments and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Adopted Amendments became effective on March 18, 2010.

In the CEQA Guideline Amendments, a threshold of significance for greenhouse gas emissions was not specified, nor does it prescribe assessment methodologies or specific mitigation measures. Instead, the amendments encourage lead agencies to consider

many factors in performing a CEQA analysis and rely on the lead agencies to make their own significance threshold determinations based upon substantial evidence. The CEQA Amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses.

There are several unique challenges to analyzing greenhouse gas emissions and climate change under CEQA, largely because of climate change's "global" nature. Typical CEQA analyses address local actions that have local – or, at most, regional – impacts, whereas climate change presents the considerable challenge of analyzing the relationship between local activities and the resulting potential, if any, for global environmental impacts. Most environmental analyses examine the "project-specific" impacts that a particular project is likely to generate. With regard to global warming, however, it is generally accepted that while the magnitude of global warming effects may be substantial, the GHG emissions from a single general development project would have no noticeable effect on global climate.

For greenhouse gas emissions and global warming, there is not, at this time, one established, universally agreed-upon "threshold of significance" by which to measure an impact. While the ARB published some draft thresholds several years ago, they were never adopted and the ARB recommended that local air districts and lead agencies adopt their own thresholds for GHG impacts.

The SCAQMD has published draft thresholds using a tiered approach. The draft approach as most recently updated in September 2010 is as follows:³⁸

- 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 emission 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 (10,000 metric tons of carbon dioxide equivalent [MTCO_{2e}] per year for industrial projects; 3,500 MTCO_{2e} for residential projects; 1,400 MTCO_{2e} for commercial projects; 3,000 MTCO_{2e} for mixed-use or all

³⁸ South Coast Air Quality Management District, "Greenhouse Gases (GHG) CEQA Significance Thresholds Working Group Meeting #6," <http://www.aqmd.gov/ceqa/handbook/GHG/2008/oct22mtg/oct22.html>. 2008.

land use projects)? 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.
- 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 MTCO_{2e} per service population by 2020 or a target of 4.1 MTCO_{2e} per service population by 2035.
- Tier 5: Does the project obtain offsets alone or in combination with the above to achieve the target significance screening level (offsets provided for 30-year project life, unless project life limited by permit, lease, or other legally binding conditions)? If yes, there is a presumption of less than significant impacts with respect to climate change. Otherwise, the project is significant.

As of July 2011, the SCAQMD has not announced when staff is expecting to present a finalized version of these thresholds to the Governing Board for consideration. The SCAQMD has adopted Rules 2700, 2701, and 2702 that address GHG reductions; however, these rules are currently applicable to boilers and process heaters, forestry, and manure management projects.

Because the SCAQMD has not yet adopted GHG emissions thresholds that apply to land use projects where the SCAQMD is not the lead agency and no GHG emissions reduction plan or GHG emissions thresholds have been adopted in the City of Malibu, the proposed project is evaluated based on the SCAQMD's recommended/preferred option threshold for all land use types – including retail – of 3,000 metric tons CO_{2e} per year (SCAQMD, "Proposed Tier 3 Quantitative Thresholds – Option 1", September 2010). Tier 3 requires that a project's incremental increase in GHG emissions should be below or mitigated to less than the significance screening level. Proposed projects that do not exceed the thresholds would not be considered to have a significant impact on the attainment of air quality goals and would, therefore, be considered to be consistent with the current air quality plan.

Impact Discussion:

a) **Less than significant impact.**

Methodology

CO₂, CH₄, and N₂O emissions associated with the proposed project are provided to identify the magnitude of the proposed project's potential impacts. The analysis focuses on CO₂, CH₄, and N₂O as these make up 98.9 percent of all GHG emissions by volume (IPCC, 2007) and are the GHG emissions that the proposed project would emit in the largest quantities. Fluorinated gases, such as HFCs, PFCs, and SF₆, were also considered for the analysis. However, as emissions of fluorinated gases are primarily associated with industrial processes, the quantity of fluorinated gases would be minimal. As discussed above, GHG emissions are converted into their equivalent weight in CO₂ (CO₂e). Minimal amounts of other GHGs (such as chlorofluorocarbons [CFCs]) would be emitted during operation and construction of the proposed project however, they would not substantially add to the calculated CO₂e amounts. Calculations are based on the methodologies discussed in the California Air Pollution Control Officers Association (CAPCOA) *CEQA and Climate Change* white paper (January 2008) and included the use of the California Climate Action Registry (CCAR) General Reporting Protocol (January 2009).

This analysis calculates GHG emissions by quantifying the proposed project's amenities and design features and also takes into account current state and federal measures that are intended to reduce GHG emissions. State and federal measures that are built into the emissions model calculation include Title 24 Energy Standards, Pavley (Clean Car Standards), and Low Carbon Fuel Standards.

Construction

The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily carbon dioxide (CO₂), and methane (CH₄) are the result of fuel combustion by construction equipment and motor vehicles. As stated above, the other primary GHGs (hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. The emissions of GHG were estimated using CalEEMod, using the same factors and assumptions as described above in **Section III, Air Quality**. As shown in **Table 7, Projected Construction GHG Emissions**, construction emissions of CO₂ would peak in 2016 at 1,266 metric tons of CO₂e annually.

The SCAQMD defines a project lifetime as 30 years. For construction related GHGs, SCAQMD recommends that construction emissions be amortized over 30 years and added to operational emissions and then compared to the significance threshold, as part

of the operational strategy to reduce GHG emissions. Therefore, the total construction-related GHG emissions have been amortized over a 30-year period. Thus the proposed project would generate approximately 74 metric tons of CO₂e per year.³⁹

Table 7
Projected Construction GHG Emissions

Construction Year	CO ₂	CH ₄	N ₂ O	CO ₂ e
2016	1,263	0.14	0	1,266
2017	938	0.09	0	940

Source: Malibu Memorial Cemetery Project GHG Study, prepared by Rincon Consultants, Inc., Appendix VII
Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Operation

At buildout, the proposed project would result in direct annual emissions of GHGs during operation. Direct emissions of GHG from operation of the proposed project are primarily due to mobile source emissions. Area and mobile source emissions were calculated using CalEEMod default assumptions for place of worship, enclosed parking structure, and a city park.

The proposed project would also result in indirect GHG emissions due to the electricity demands of the proposed project. The emission factors for GHG due to electrical demand from Southern California Edison, the electrical utility serving the proposed project, were selected in the CalEEMod model. The emission factors take 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 for the appropriate land use type. In addition to electrical demand, the project would also result in indirect GHG emissions due to water consumption, and solid waste generation. GHG emissions from water consumption are due to the electricity needed to convey, treat, and distribute water. GHG emissions from solid waste generation are due to the decomposition of organic material, which releases CH₄ into the atmosphere. CalEEMod default values were used for consumption of water and generation of waste as well as the emissions resulting from these activities.

Table 8, Estimated Annual GHG Emissions, lists the estimated GHG emissions from the proposed project’s operational, mobile, and construction activities. The estimated emissions are reported in units of metric tons of carbon dioxide equivalent (MTCO₂e)

³⁹ Calculations including the CalEEMod output are included in **Appendix VII**.

per year. As discussed above, carbon dioxide equivalent (CO_{2e}) incorporates impacts from GHGs other than CO₂, which are primarily N₂O and CH₄ for this project.

Table 8
Estimated Annual GHG Emissions

GHG Emissions Source	Emissions (MTCO _{2e} /year)
Proposed Project	
Transportation (Mobile Sources)	112
Energy	231
Water	77
Solid Waste	23
Amortized Construction	74
Total GHG Emissions	517
SCAQMD Threshold	3,000
Exceeds Threshold?	NO

Source: Malibu Memorial Cemetery Project GHG Study, prepared by Rincon Consultants, Inc., Appendix VII
MTCO_{2e} = metric tons carbon dioxide equivalent.
Totals in table may not appear to add exactly due to rounding in the computer model calculations.

As shown in **Table 8**, the proposed project’s operational, mobile, and construction emissions would not exceed the threshold of 3,000 MTCO_{2e} for land use development projects. Consequently there are no significant impacts from GHG emissions attributable to the project. No further analysis is necessary.

b) Less than significant impact.

The California Attorney General has prepared a Fact Sheet listing various mitigation measures that local agencies may consider to offset or reduce global warming impacts and ensure compliance with AB 32. Compliance with GHG reduction policies is shown by assessing the Cal/EPA’s Climate Action Team’s (CAT) Greenhouse Gas Reduction Strategies and the Attorney General Greenhouse Gas Reduction Measures. As shown in **Tables 9 and 10**, the proposed project would be consistent with GHG reduction policies.

Table 9
Project Consistency with Climate Action Team Greenhouse Gas Emission Reduction Strategies

Strategy	Project Consistency
California Air Resources Board	
<p>Vehicle Climate Change Standards: AB 1493 required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.</p> <p>Diesel Anti-Idling: The CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling in July 2004.</p> <p>Hydrofluorocarbon (HFC) Reduction</p> <ol style="list-style-type: none"> 1. Ban retail sale of HFC in small cans. 2. Require that only low global warming potential (GWP) refrigerants be used in new vehicular systems. 3. Adopt specifications for new commercial refrigeration. 4. Add refrigerant leak-tightness to the pass criteria for vehicular inspection and maintenance programs. 5. Enforce federal ban on releasing HFCs. <p>Alternative Fuels: Biodiesel Blends: CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.</p> <p>Alternative Fuels: Ethanol: Increased use of E-85 fuel.</p> <p>Heavy-Duty Vehicle Emission Reduction Measures: Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.</p> <p>Achieve 50 Percent Statewide Recycling Goal: Achieving the state's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills.</p> <p>Zero Waste – High Recycling: Efforts to exceed the 50 percent goal would allow for additional reductions in climate change emissions.</p>	<p>Consistent: The vehicles that travel to and from the project site on public roadways would be in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase. The proposed project would not interfere with the statewide implementation of this strategy.</p> <p>Consistent: Current state law restricts diesel truck idling to 5 minutes or less. Diesel trucks making deliveries to the project site are subject to this statewide law. Construction vehicles are also subject to this regulation.</p> <p>Consistent: This strategy applies to consumer products. All applicable products would comply with the regulations that are in effect at the time of manufacture.</p> <p>Consistent: The diesel vehicles that travel to and from the project site on public roadways could utilize this fuel once it is commercially available.</p> <p>Consistent: Employees and patrons could choose to purchase flex-fuel vehicles and utilize this fuel once it is commercially available in the region and local vicinity. The proposed project would not interfere with the statewide implementation of this strategy.</p> <p>Consistent: The heavy-duty vehicles that travel to and from the project site on public roadways would be subject to all applicable CARB efficiency standards that are in effect at the time of vehicle manufacture. The proposed project would not interfere with the statewide implementation of this strategy.</p> <p>Consistent: The City of Malibu is currently meeting the state's 50 percent diversion rate.</p> <p>Consistent: The City of Malibu is currently meeting the state's 50 percent diversion rate and will be required to divert 75 percent of its waste by 2020. The proposed project would also be subject to all applicable state and City requirements for solid waste reduction as they change in the future.</p>

Strategy	Project Consistency
Department of Forestry	
<p>Urban Forestry: A new statewide goal of planting 5 million trees in urban areas by 2020 would be achieved through the expansion of local urban forestry programs.</p>	<p>Consistent: The proposed project would include drought-resistant landscaping. In addition, green open space areas will surround the chapel.</p>
Department of Water Resources	
<p>Water Use Efficiency: Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.</p>	<p>Consistent: All landscaping will be in compliance with the MMC Model Water Efficient Landscape Ordinance per Section 9.22.080. Thus, non-potable recycled water would be used to irrigate the landscaped areas and operate the water features. Signs will be posted throughout the project site to disclose the use of non-potable water. Further, all fixtures will comply with Title 24 requirements.</p>
Energy Commission (CEC)	
<p>Building Energy Efficiency Standards in Place and in Progress: Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).</p>	<p>Consistent: The proposed project will comply with the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).</p>
<p>Appliance Energy Efficiency Standards in Place and in Progress: Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards (that apply to devices and equipment using energy that are sold or offered for sale in California).</p>	<p>Consistent: Under state law, appliances that are purchased for the proposed project - both pre- and post-development - would be consistent with energy efficiency standards that are in effect at the time of manufacture.</p>
<p>Fuel-Efficient Replacement Tires & Inflation Programs: State legislation established a statewide program to encourage the production and use of more efficient tires.</p>	<p>Consistent: Employees and patrons could purchase tires for their vehicles that comply with state programs for increased fuel efficiency. The proposed project would not interfere with the statewide implementation of this strategy.</p>
<p>Municipal Utility Energy Efficiency Programs/Demand Response: Includes energy efficiency programs, renewable portfolio standard, combined heat and power, and transitioning away from carbon-intensive generation.</p>	<p>Consistent: Southern California Edison leads the nation in renewable energy, delivering approximately 17.7 billion kilowatt-hours of renewable energy to customers in 2014. This constitutes about 23.5 percent of the energy delivered to customers.⁴⁰ Southern California Edison (SCE) currently has sufficient contracts in place that, when delivered, will meet 20 percent or more of its customers' energy needs with renewable energy.</p>
<p>Municipal Utility Renewable Portfolio Standard: California's Renewable Portfolio Standard (RPS), established in 2002, requires that all load-serving entities achieve a goal of 20 percent of retail electricity sales from renewable energy sources by 2017, within certain cost constraints.</p>	<p>Consistent: Renewable energy accounts for 23.5 percent of energy.</p>
<p>Municipal Utility Combined Heat and Power: Cost effective reduction from fossil fuel consumption in the commercial and industrial sector through the application of on-site power production to meet both heat and electricity loads.</p>	<p>Not Applicable: The proposed project will adhere to the City's requirements for energy efficient development.</p>
Energy Commission (CEC) (continued)	
<p>Alternative Fuels: Non-Petroleum Fuels: Increasing the use of non-petroleum fuels in California's transportation sector, as recommended as recommended in the CEC's 2003 and 2005 Integrated Energy Policy Reports.</p>	<p>Consistent: employees and patrons of the project site could purchase alternative fuel vehicles and utilize these fuels once they are commercially available in the region and local vicinity.</p>

⁴⁰ Southern California Edison, Renewable Power Summary for 2014.

Strategy	Project Consistency
Business, Transportation, and Housing	
<p>Measures to Improve Transportation Energy Efficiency: Builds on current efforts to provide a framework for expanded and new initiatives including incentives, tools, and information that advance cleaner transportation and reduce climate change emissions.</p> <p>Smart Land Use and Intelligent Transportation Systems (ITS): Smart land use strategies encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors.</p>	<p>Consistent: As discussed in Section XVI, Transportation and Traffic, the proposed land uses would have readily available access to public transportation.</p> <p>Consistent: The project traffic impact analysis provides a list of the bus lines near the project site. The public transportation system provides access to the project site from across the region.</p>
State and Consumer Service Agency (Department of General Services)	
<p>Green Buildings Initiative: Green Building Executive Order, S-20-04 (CA 2004), sets a goal of reducing energy use in public and private buildings by 20 percent by the year 2015, as compared with 2003 levels. The Executive Order and related action plan spell out specific actions state agencies are to take with state-owned and -leased buildings. The order and plan also discuss various strategies and incentives to encourage private building owners and operators to achieve the 20 percent target.</p>	<p>Consistent: Southern California Edison leads the nation in renewable energy, delivering approximately 17.7 billion kilowatt-hours of renewable energy to customers in 2014. This constitutes about 23.5 percent of the energy we deliver to customers. SCE currently has sufficient contracts in place that, when delivered, will meet 20 percent or more of its customers' energy needs with renewable energy.</p>
Public Utilities Commission (PUC)	
<p>Accelerated Renewable Portfolio Standard: The Governor has set a goal of achieving 33 percent renewable in the state's resource mix by 2020. The joint PUC/Energy Commission September 2005 Energy Action Plan II (EAP II) adopts the 33 percent goal.</p> <p>California Solar Initiative: The solar initiative includes installation of 1 million solar roofs or an equivalent 3,000 megawatt by 2017 on homes and businesses, increased use of solar thermal systems to offset the increasing demand for natural gas, use of advanced metering in solar applications, and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.</p>	<p>Consistent: Southern California Edison leads the nation in renewable energy, delivering approximately 17.7 billion kilowatt-hours of renewable energy to customers in 2014. This constitutes about 23.5 percent of the energy we deliver to customers. SCE currently has sufficient contracts in place that, when delivered, will meet 20 percent or more of its customers' energy needs with renewable energy.</p> <p>Consistent: Solar panels are not proposed for the proposed project at this time. However, the chapel could support the installation and use of solar equipment when and if they become cost effective from a purchase and maintenance standpoint of the project applicant.</p>

Table 10

Project Consistency with Applicable Attorney General Greenhouse Gas Reduction Measures

Strategy	Project Consistency
Transportation-Related Emissions	
<p>Diesel Anti-Idling: Set specific limits on idling time for commercial vehicles, including delivery vehicles.</p> <p>Transportation Emissions Reduction: The project applicant shall promote ride sharing program by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading waiting areas.</p>	<p>Consistent: CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling restricts diesel truck idling to 5 minutes or less. Diesel trucks making deliveries to the project site are subject to this statewide law.</p> <p>Consistent: The project traffic impact analysis provides a list of bus lines near the project site. The public transportation system provides access to the project site from across the region.</p>

Strategy	Project Consistency
<p>Transportation Emissions Reduction: Contribute transportation impact fees per residential and commercial unit to the City to increase transit service.</p>	<p>Consistent: The project applicant would be required to pay applicable fees.</p>
<p>Transportation Emissions Reduction: Provide shuttle service to public transportation.</p>	<p>Consistent: Shuttle service to public transportation would be unnecessary as the proposed project is near bus stops.</p>
<p>Transportation Emissions Reduction: Incorporate bike lanes into the project circulation system.</p>	<p>Not applicable: The proposed project would use the existing Malibu circulation system. However, the proposed project would not preclude the addition of bike lanes to City streets.</p>
<p>Transportation Emissions Reduction: Provide on-site bicycle and pedestrian facilities (showers, bicycle parking, etc.) for commercial uses, to encourage employees to bicycle or walk to work.</p>	<p>Consistent: The proposed project is in close proximity to the local bus lines.</p>
Solid Waste and Energy Emissions	
<p>Solid Waste Reduction Strategy: Project construction shall require reuse and recycling of construction and demolition waste.</p>	<p>Consistent: The City of Malibu is meeting the state’s required 50 percent diversion rate.</p>
<p>Water Use Efficiency: Require measures that reduce the amount of water sent to the sewer system. (Reduction in water volume sent to the sewer system means less water has to be treated and pumped to the end user, thereby saving energy.)</p>	<p>Consistent: Approximately 40 percent of the project site will be comprised of landscaped areas and permit water percolation on the project site. In addition, high efficiency appliances will be installed prior to operation of the proposed project.</p>
Land Use Measures, Smart Growth Strategies and Carbon Offsets	
<p>Smart Land Use and Intelligent Transportation Systems: Encourage mixed-use and high-density development to reduce vehicle trips, promote alternatives to vehicle travel, and promote efficient delivery of services and goods.</p>	<p>Consistent: The project site is adjacent to a variety of land uses. The proposed project is located near public transit.</p>
<p>Smart Land Use and Intelligent Transportation Systems: Require pedestrian-only streets and plazas within the project site that may be reached conveniently by public transportation, walking or bicycling.</p>	<p>Consistent: The proposed project is a memorial park. The proposed project is located near public transit and will provide sidewalks to ensure pedestrian safety.</p>

The proposed project is consistent with the CAT Greenhouse Gas Reduction Strategies and the Attorney General Greenhouse Gas Reduction Measures. Impacts would be less than significant and no further analysis is necessary.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion

- a) **Less than significant impact.** A significant impact would occur if the proposed project would create a significant hazard through the routine transfer, 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 institutional 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. 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 and all hazardous materials would be contained, stored, and used in accordance with manufacturers’ instructions and handled in compliance with applicable standards and regulations. 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. No further analysis is necessary.

Operation

The proposed project includes burial plots and ancillary uses. Embalming and/or cremation procedures would be completed off-site; chemicals used during the embalming or cremation process would not be stored on the project site. Additional analysis of the potential for embalming chemicals to contaminate groundwater is included in **Section IX Hydrology and Water Quality**.

Solvents, cleaning products, fertilizers, and pesticides would be used during operation of the proposed project. These materials would be used for facility upkeep and would only be considered hazardous if used inappropriately or if exposed to unfavorable conditions. Such materials include cleaning solvents used for janitorial purposes, materials used for landscaping, and materials used for maintenance. 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. Compliance with existing local, state, and federal regulations would ensure the transport, disposal, and storage 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 and no further analysis is necessary.

- b) **Less than significant impact.** A significant impact would occur if the proposed project created a significant hazard to the public or environment due to a reasonably foreseeable release of hazardous materials. As discussed above, compliance with federal, state, and local laws and regulations relating to transport, storage, and disposal of hazardous materials would minimize any potential for accidental release or upset of hazardous materials, and impacts would be less than significant. No further analysis is necessary.

- c) **Less than significant impact.** Three schools are located less than a mile from the project site. Webster Elementary School and Our Lady of Malibu (a parochial elementary and middle school) are 0.5 miles north of the project site. Pepperdine University, a private university, is located adjacent to the project site (approximately 0.1 miles west) along Malibu Canyon Road. The proposed project would 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. As described above, no embalming or cremation activities would occur on the project site. Potential impacts from hazardous materials to surrounding schools would be less than significant and no further analysis is necessary.

- d) **No Impact.** The project site is not located on a property associated with a hazardous site listed under Government Code Section 65962.5, also known as the Cortese List.⁴¹ Impacts would be less than significant and no further analysis is necessary.
- e, f) **No Impact.** The nearest airport to the project site is Santa Monica Municipal Airport located approximately 16.9 miles to the southeast. Other airports in the general area include Los Angeles International Airport, located approximately 25.3 miles to the southeast and Bob Hope (Burbank) Airport, located approximately 35.8 miles to the northeast. The project site is not located within two 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. No further analysis is necessary.
- g) **Less than significant impact.** The proposed project is not anticipated to interfere with an emergency response plan or evacuation plan. According to the City of Malibu Emergency Operations Plan (EOP), in the project vicinity, Malibu Canyon Road and PCH are the designated disaster routes.⁴² 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 long-term 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 as construction activities could require partial lane closures. Local streets adjacent to the project site would be 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 and cumulative development are anticipated to affect future (2030) 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 XVI, 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. Impacts would be less than significant and no further analysis is required.

⁴¹ Cortese List, <http://www.calepa.ca.gov/SiteCleanup/CorteseList/SectionA.htm>, accessed February 17, 2016.

⁴² City of Malibu SEMS/NIMS Emergency Operations Plan 2012, <https://www.malibucity.org/DocumentCenter/View/68>, accessed February 17, 2016.

- h) Less than significant impact.** The City, and therefore the project site, is located within a Very High Fire Hazard Severity Zone (VHFHSZ). All project construction would be in compliance with the goals, policies, and implementation measures and codes of the Los Angeles County Fire Department (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 the chapel, and the provision of fire-safe landscaping. Therefore, impacts would be less than significant and no further analysis is required.

IX.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	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 level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	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 which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or-off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Create or contribute runoff water which would exceed the capacity of existing planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Place within a 100-year flood hazard areas structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j)	Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

a, f) **Less than significant impact.** A significant impact would occur if the proposed project substantially degraded water quality. This includes discharging water that does not meet the quality standards of agencies which regulate surface water quality and water discharge into stormwater drainage systems. To ensure impacts remain less than

significant the proposed project must comply with all applicable regulations with regard to surface water quality as governed by the State Water Resources Control Board (SWRCB), the County of Los Angeles, and the City of Malibu, including the submittal and approval of a Storm Water Management Plan (SWMP) and Water Quality Mitigation Plan (WQMP).

Construction

Three general sources of potential short-term, construction-related stormwater pollution associated with the proposed project include: (1) the handling, storage, and disposal of construction material containing pollutants, (2) the maintenance and operation of construction equipment; and (3) earth moving activities which, when not controlled, may generate soil erosion via storm runoff or mechanical equipment.

As no drainage infrastructure exists on the project site, surface water runoff drains via sheet flow to the northeastern portion of the site towards Winer Canyon.⁴³ Development of the proposed project would require a total 302,879 cubic yards of grading (cut and fill, which would include 76,625 cubic yards of export from the burials for the life of the project.). Excluding the natural slope areas on the project site, existing vegetation would be removed, leaving the soil exposed and susceptible to erosion. Construction activities could result in the contamination of the soil which could potentially degrade the surrounding water quality. During the 18 month construction period, surface water runoff would flow into Winter Canyon (directly east of the project site) and would be directed to the Canyon's stormwater drainage system which discharges into the Pacific Ocean.

Pursuant to LIP Section 17.4.1, prior to the issuance of a grading or building permit, the project 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.

As required under the NPDES, the project applicant is responsible for preparing a Stormwater Pollution Prevention Plan (SWPPP) to mitigate the effects of erosion and the inherent potential for sedimentation and other pollutants entering the stormwater system during construction. The SWPPP includes an erosion and sediment control plan

⁴³ City of Malibu Department of Public Works

and is required for all development projects that disturb more than one acre. The SWPPP is submitted to the Regional Water Quality Control Board. The primary objective of the NPDES stormwater program is to: (1) effectively prohibit non-storm water discharges, and (2) reduce the discharge of pollutants from stormwater conveyance systems to the Maximum Extent Practicable ("MEP" statutory standards). The SWPPP would incorporate the required implementation of BMPs for erosion control and other measures to meet the NPDES requirements for stormwater. Implementation of the BMPs identified in the SWPPP and compliance with the NPDES and City discharge requirements would ensure that the construction of the proposed project would not violate any water quality standards or discharge requirements, or otherwise substantially degrade water quality. Thus, compliance with regulatory measures would ensure that the proposed project's construction-related water quality impacts would be less than significant. No further analysis is required.

Operation

Post-development stormwater runoff has the potential to contribute pollutants to the stormwater conveyance system and ultimately to the ocean. The quality of stormwater 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. Pursuant to LIP Section 17.3.2.B.2, prior to operation a SWMP must be submitted to and approved by the City's Public Works Department. The SWMP requirements for new development that would be applicable to the project are included in MMC Section 13.04.110. The SWMP and the proposed project's site design shall incorporate Source Control BMPs to mitigate increased runoff generated by the increase of impervious surfaces on the project site. As stated in LIP Section 17.4.2, post-construction phase water quality requirements requires post construction plans detailing how stormwater and polluted runoff would be managed or mitigated during the life of the project. A Water Quality Management Plan (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 reduced to less than significant levels.

As previously discussed, compliance with NPDES MS4 Permit (Section VI.D.7.c), and the Malibu LCP and MMC Section 13.04 would be provided through the implementation of the WQMP which shall include Site Design 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. Therefore there would be no project impacts related to a violation of wastewater discharge requirements. Refer to **Section XVII, Utilities and Service Systems**, for further discussion and analysis.

The project includes burial plots. Although embalming would not be completed on the project site, the potential for release of chemicals associated with internments into the groundwater would be potentially significant. The following information was obtained from a memo *Potential Groundwater Impacts from Embalming Agents, Proposed Malibu Memorial Park Tract Map 69653, 4000 Malibu Canyon Road, Malibu California*, prepared by earthforensics, inc in August 2016.

Embalming

Embalming is usually required only for bodies that will be viewed or kept for visitation. Embalming fluid is designed to inhibit autolysis, kill bacteria, harden tissues, and neutralize the malodorous products of putrefaction. Formaldehyde, the principal ingredient in embalming fluid, converts the enzymes of autolysis into hard solid products which are unable to remain in solution, destroying the enzyme's activity.

Putrefaction

Putrefaction is the decomposition of organic matter, especially protein, by microorganisms, resulting in production of foul-smelling matter. Putrefaction is a complex phenomenon involving a range of chemical reactions. Putrefaction is not possible under conditions that prohibit the development of living organisms. Many of the products of putrefaction are powerful poisons, and are called cadaveric poisons. The end products of putrefaction are ammonia and ammonia compounds; hydrogen sulfide and hydrogen phosphide; mercaptans; methane; hydrogen; nitrogen; carbon dioxide; and water. Although the rate of decomposition is influenced by many variables, unembalmed bodies exposed to air begin to decompose within one to three days and become well advanced in three to six months.

Also part of the putrefaction process, autolysis is a self-digestion of the body tissues by substances produced within those tissues. The agents that cause this form of post mortem tissue disintegration are called enzymes, which persist after death and eventually destroy all cells and tissues.

The composition of a typical human body is, by weight, 64 percent water, 20 percent protein, 1 percent carbohydrate, 5 percent mineral salts, and 10 percent fats. The elemental components of the human body are *carbon, nitrogen, calcium, magnesium, sodium, potassium, phosphorus, sulphur, chloride, iron, and trace heavy metals*. The primary process governing the production, release and potential migration of pollutants from a

buried corpse is microbial decay. The rate of decay depends on several factors. These include:

- availability of nutrients and moisture which encourages degradation
- pH levels
- climate - warm temperatures accelerate decomposition
- soil lithology where well drained soil will accelerate decay
- burial practice - the depth and coffin construction which determine the ease of access by vertebrates and invertebrates

Pathogens may also be present, but typically die off rapidly and reduce in concentration with increasing distance from the grave.

In regards to embalmed cadavers, it appears that there is little potential for the formaldehyde in the embalming solution to be a source of pollution. This is based upon the following facts, (1) formaldehyde binds to proteins in tissue, (2) upon degradation, the bound protein breaks down to carbon dioxide, water, and amines, and (3) there should be no free formaldehyde in the embalmed bodies, therefore no formaldehyde should leach from cadavers, and there would be no contamination.

Further, prior correspondence from Dodge Chemical Company (the world's largest supplier of embalming chemicals) states that embalmed tissue immersed in water would not release formaldehyde as formaldehyde combines with protein into a very stable new hydrocarbon chain. Therefore, simple contact with water is not sufficient to cause an additional reaction liberating the formaldehyde.

Concrete vaults will be used exclusively for the proposed project; this will limit the potential transfer of leachates from the remains to the surrounding soil. In order for leachates to escape the vaults, water would have to move through the concrete vault, into the casket and back out. This scenario would require the water table to reach the top of the vault, find its way through the lid's seal and then also get into the casket (which would require the entire vault to fill up with water). As the depth of groundwater on-site is in excess of 60 feet below the surface this is highly unlikely. In order for this leachate to escape, the vault would again have to fill completely with water and then the water would have to find its way out. Therefore, the use of the concrete vault will greatly limit the potential of leachate contaminating the surrounding soils.

Therefore, based on the depth of groundwater below the surface and the legally required design conditions associated with burials, it is unlikely that decomposition byproducts would contaminate the local groundwater.

Thus, impacts to groundwater would be less than significant and no further analysis is required.

- b) **Less than significant impact.** A significant impact would occur if the proposed project substantially depleted groundwater or interfered with groundwater recharge. There are eight existing on-site groundwater monitoring wells on the project site. The proposed project does not include the construction of a groundwater wells, and would not otherwise directly withdraw any groundwater.

Currently, 100 percent of the project site is permeable. Approximately 92 percent⁴⁴ of the site would remain permeable post development, resulting in an increase in the percentage of surface water runoff generated on the project site, as well as a potential decrease in stormwater infiltration into the soil. While the proposed project would not include the withdrawal or use of groundwater supplies, the project would introduce irrigation water that could percolate into the groundwater supply.

As discussed above, 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 infiltrated 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. Therefore, impacts to groundwater would be less than significant and no further analysis is required.

- c) **Less than significant impact.** A significant impact would occur if the proposed project substantially altered the drainage pattern of the site or an existing stream or river, so that substantial erosion or siltation would result on- or off-site. As discussed above, the project site generally drains to the northeastern portion of the site, into Winter Canyon. No drainage infrastructure currently exists on the site.

Construction

During construction, erosion and siltation from the project site and surrounding areas could increase significantly as a result of soil disturbance and construction operations. Construction-related activities that expose soils to potential mobilization by rainfall/runoff and wind are primarily responsible for sediment releases. Such activities include removal of vegetation from the site, grading of the site, and trenching for infrastructure improvements. Environmental factors that affect erosion include topographic, soil, and rainfall characteristics. Unless adequate erosion controls are

⁴⁴ 92 percent represents the percentage of proposed open space and landscaped area.

installed and maintained at the site during construction, significant quantities of sediment may be delivered to the downstream receiving waters.

As the SWPPP would incorporate the required implementation of BMPs for erosion control and other measures, and would comply with the NPDES and City discharge requirements, construction of the proposed project would not substantially alter the existing drainage pattern of the site in a manner that would result in substantial erosion or siltation on or off-site. Compliance with regulatory measures would result in less than significant impacts to hydrologic resources and water quality during construction of the proposed project. No further analysis is required.

Operation

Although operation of the proposed project would result in an increase in land use intensity, 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 would not increase erosion or sedimentation on- or off-site. Impacts associated with operation of the proposed project would be less than significant and no further analysis is required.

- d) **Less than significant impact.** A significant impact would occur if the proposed project substantially altered the drainage pattern of the site or an existing stream or river so that flooding would result. As discussed above, the project site generally drains towards the southeast portion of the site into Winter Canyon. MMC Section 13.04.110 includes requirements related to post-development conditions. In the event that peak runoff post-development exceeds peak runoff pre-development, on-site detention would be necessary. As such, the proposed project would include BMPs such as on-site infiltration and treatment of flows prior to being released into the storm drain outlet that would discharge into the existing storm drain system along Civic Center Way.

Under the proposed project a private storm drain system that would include a stormwater detention area, a stormwater drain with a sump pump, and an overflow drain will connect to the existing storm drain located on Civic Center Way. Upon buildout of the proposed project the percentage of impervious area would increase by approximately seven percent. However, improvements on the site, including the construction of a new storm drain system would result in the site peak flow rates decreasing. Therefore, impacts related to drainage and flooding would be less than significant and no further analysis is required.

- e) **Less than significant impact.** A significant impact would occur if runoff water exceeded the capacity of an existing or planned storm drain system serving the project site. A project-related significant adverse effect would also occur if a project would substantially increase the probability that polluted runoff would reach the storm drain

system. Upon implementation of the proposed project, a private storm drain system would collect and transport stormwater runoff to the existing stormwater infrastructure along Civic Center Way. While the percentage of impervious surfaces on the project site would increase, compliance with the SWPPP and inclusion of BMPs would ensure off-site flows to Civic Center Way would not substantially increase. In addition, all flows would be treated prior to being discharged into the storm drain. As stormwater flows would be controlled on-site, the proposed project would not result in runoff exceeding the capacity of the existing or planned storm drain system. Therefore, impacts related to runoff would be less than significant and no further analysis is required.

- g) Less than significant impact.** The project site is located in Zone D.⁴⁵ Properties located in Zone D are susceptible to possible but undetermined flood hazards, as no level of flood hazard analysis has been completed for the site. The project site is elevated and no housing is proposed. Thus impacts would be less than significant. No further analysis is required.
- h) Less than significant impact.** A significant impact would occur if the proposed project would place structures within a 100-year floodplain such that flood flows would be impeded or redirected. The project site is not located within the 100-year flood zone. As a result, impacts would be less than significant and no further analysis is required.
- i) Less than significant impact.** A significant impact would occur if the proposed project was located within an area susceptible to flooding. No dams or levees are located near the project site. Furthermore, the project site is not located in a floodplain. Impacts related to flooding would be less than significant and no further analysis is required.
- j) Less than significant impact.** A significant impact would occur if the proposed project exposed persons or structures to an area susceptible to inundation by seiche, tsunami, or mudflow. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, or lake. A tsunami is a large sea wave produced by an earthquake or submarine landslide. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity. Due to its proximity to the Pacific Ocean, the City of Malibu is susceptible to tsunamis. However, the project site is elevated and is not located within a tsunami inundation area.⁴⁶ Although the project site is located within a hilly area and is surrounded by other hillside parcels, the project site is elevated and thus would not be susceptible to potential mudflows. Impacts related to inundation

⁴⁵ Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, 06037C1537CF

⁴⁶ Department of Conservation, Los Angeles County Tsunami Inundation Malibu Quad, http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/LosAngeles/Documents/Tsunami_Inundation_Malibu_Quad_LosAngeles.pdf, accessed February 17, 2016.

by seiche, tsunami, or mudflow would be less than significant and no further analysis is required.

Standard Conditions of Approval

- A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls Scheduling

- Erosion Controls Scheduling
- Preservation of Existing Vegetation

Sediment Controls Silt Fence

- Sediment Controls Silt Fence
- Sand Bag Barrier
- Stabilized Construction Entrance

Non-Storm Water Management

- Water Conservation Practices
- Dewatering Operations

Waste Management

- Material Delivery and Storage
- Stockpile Management
- Spill Prevention and Control
- Solid Waste Management
- Concrete Waste Management
- Sanitary/Septic Waste Management

- All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.
- Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.
- A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations.

- A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:
 - Site Design Best Management Practices (BMPs);
 - Source Control BMPs;
 - Treatment Control BMPs;
 - Drainage improvements;
 - Methods for on-site percolation, site re-vegetation and an analysis for off-site project impacts;
 - Measures to treat and infiltrate runoff from impervious areas;
 - 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; and
 - The WQMP shall be submitted to the Building Safety Division and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.

X. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- a) **No impact.** The project site is adjacent to a Los Angeles County Public Works maintenance yard, parochial elementary and middle school, church, Webster Elementary School, Winter Canyon Road, and light industrial parcels (across Civic Center Way) to the north, Malibu Bluffs Park and the Crummer site (across PCH) to the south, Pepperdine University (across Malibu Canyon Road) to the west, and the CCWTF to the east. The proposed project is surrounded by development and would not obstruct the present functionality of the surrounding development. Further, no residential uses are located immediately surrounding the project site that could be disrupted by the proposed project. The streets bordering the project site provides a buffer between the site and the nearest residential uses. Thus the proposed project would not physically divide an established community and no impact would occur. No further analysis is required.
- b) **Less than significant with mitigation incorporated.** The project site is designated CV-2 under the General Plan land use element. The CV-2 land use designation is intended to provide for visitor serving uses that would be consistent with the surrounding rural and natural environment. In August 2015, Planning Staff presented the use proposed by the

project (i.e., memorial park with cemetery and chapel) to the Planning Commission for review to determine whether the proposed uses are compatible with the CV-2 land use designation. After thorough discussion of the proposed project and the existing land use designation, the Planning Commission concluded that the proposed project would be a conforming use, similar to and no more objectionable than other uses allowed in the zone.⁴⁷

Pursuant to LIP Sections 6.5(A)(1) and (3), new development must be sited and designed to minimize adverse impacts on scenic areas and site selection to avoid visual impacts is preferred over landscaping. To meet the design standards set forth in the LIP, the mausoleums have been relocated further away from the top of slopes along PCH and east of the project site to minimize adverse impacts from PCH, Malibu Bluffs Park, Civic Center Way and Legacy Park, which are considered scenic areas. **Figure 11 View of Re-sited Mausoleums from PCH** shows re-sited mausoleums further away from the top of these slopes. As redesigned, the proposed project is more consistent with LIP Sections 6.5(A)(1) and (3). However, story poles representing the location and height of the relocated mausoleums would be necessary to verify whether the mausoleums are sited far enough from the top of slope to avoid visibility from motorists traveling on PCH from any vantage point immediately adjacent to the subject property. With implementation of **Mitigation Measures LP-1** and **LP-2** and Planning Commission approval of applicable discretionary requests, the proposed project would have a less than significant impact on applicable design and development standards adopted for the purpose of avoiding or mitigating an environmental effect.

Due to sensitive cultural resources within a 2.28 acre area of the project site, the project applicant revised the project to cap this area to maintain a total of approximately 3,644 above grade internments in wall crypt structures and eight private mausoleums. It is anticipated that the capping of this area will involve a minimum of 12 inches of cover over existing natural grade. The proposed structures would require footings, with the deepest footings being generated by the private mausoleums. These mausoleum footings would be approximately 24 inches of over-all depth. Therefore, there would be 24 inches of fill depth added to the 12 inches of capping for a total of 36 inches of capping. This total amount of fill for capping is estimated to be 16,985 cubic yards. This amount of grading is considered non-exempt grading and exceeds the total amount of grading allowable for the site; therefore, Variance No. 16-016 is proposed for this project. The project site is zoned CV-2. Similar to other properties zoned CV-2, the proposed project would provide a visitor serving use (e.g., a memorial park and trails) and include landscaping and open space consistent with the surrounding uses and natural setting. Landscaped areas would include trees, shrubs, and drought-tolerant native plants (refer

⁴⁷ City of Malibu Commission Agency Report, Planning Commission Meeting September 8, 2015, <https://www.malibucity.org/AgendaCenter/ViewFile/Item/1852?fileID=2170>, accessed May 2, 2016

to Figures 3 and 4, Proposed Project Landscape Plan). Existing vegetation in the open space areas would not be disturbed. Two water features would be included on the site, with the largest feature located at the vehicle entrance/exit along Malibu Canyon Road and continuing the length of the main driveway. A smaller water feature would be located at the rear of the chapel.

To facilitate development of the proposed project, the City's approval of the following discretionary land use entitlements would be necessary:

- SPR No. 16-009 for height over 18 feet but less than 28 feet for the sloped roof.
- MM No. 16-010 for the mausoleums to have a less than 50 percent reduction of the required front yard setback.
- VAR No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum required. This is needed in order to cap the archaeological site.
- CUP No. 15-011 for the proposed memorial park and chapel in the CV-2 zoning district.
- LM No. 16-001 for consolidation of the three existing legal lots into one legal lot.
- CDP No. 15-028: LCP development entitlement.
- Encroachment permit from the City's Public Works Department for all improvements located within the City's right-of-way.
- City approval for recycled water use.
- Individual administrative plan review approvals for each private mausoleum.

Non-City entitlements include:

- WWD No. 29 approval for water supply and sources for the site
- Caltrans Standard Encroachment Permit (TR-0100) for all improvements adjacent to State highways, namely PCH
- County of Los Angeles Building Code Manual (LACBC) 2011: Cemetery Grading Plan Review and Permit Protocol from County's Public Works Department for all planned cemetery grading at the site
- Applicable State of California Licensing through the Department of Consumer Affairs Cemetery and Funeral Bureau

Procurement of these discretionary entitlements would mitigate any potential land use impacts to a less than significant level. The proposed project would meet all other specific development standards that apply to the project site. Impacts would be less than significant and no further analysis is required.

- c) **No impact.** No adopted habitat conservation plan or natural community conservation plan exists for the project site or immediate area. Consequently, implementation of the proposed project would not conflict with the provisions of any adopted conservation plan. No impact would occur and no further analysis is required.

Mitigation Measures

The following mitigation measure is required to reduce potential impacts related to land use and planning to a less than significant level.

LP-1 Prior to the issuance of a building permit for any of the mausoleums located within 100 feet from the top of the slope adjacent to Pacific Coast Highway, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid visibility from motorists traveling on Pacific Coast Highway from any vantage point immediately adjacent to the subject property to the satisfaction of the Planning Director.

LP-2 Prior to the issuance of a building permit for any of the mausoleums, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid any obstruction to bluewater views from motorists traveling on Malibu Canyon Road from any vantage point along Malibu Canyon Road to the satisfaction of the Planning Director.

XI.	MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

a-b) No impact. No known mineral resources are located on the site. The State Divisions of Mines and Geology has not mapped any mineral resources in the City.^{48 49} No impacts would occur and no further analysis is required.

⁴⁸ City of Malibu General Plan, Conservation Element

⁴⁹ City of Malibu Rancho Malibu Draft EIR, 2013.

XII.	NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	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, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

- a) **Less than significant with mitigation incorporated.**

Background

Sound is measured on a logarithmic scale of sound pressure level known as a decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. The human ear does not respond uniformly to sounds at all frequencies, being less sensitive to low and high frequencies than to medium frequencies that correspond with human speech. In response to this, the A-weighted noise level (or scale) has been developed. It corresponds better with people's subjective judgment of sound levels. This A-weighted sound level is called the "noise level" referenced in units of dB(A). Because noise is measured on a logarithmic scale, a doubling of sound energy results in a 3 dB(A) increase in noise levels. However, changes in a community noise level of less than 3 dB(A) are not typically noticed by the human ear. Changes from 3 to 5 dB(A) may be noticed by some individuals who are extremely sensitive to changes in noise. A 5.0 dB(A) increase is readily noticeable, while the human ear perceives a 10 dB(A) increase in sound level to be a doubling of sound.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway.

Noise sources occur in two forms: (1) point sources, such as stationary equipment or individual motor vehicles; and (2) line sources, such as a roadway with a large number of point sources (motor vehicles). Sound generated by a point source typically diminishes (attenuates) at a rate of 6.0 dB(A) for each doubling of distance from the source to the receptor at acoustically "hard" sites and 7.5 dB at acoustically "soft" sites. For example, a 60.0 dB(A) noise level measured at 50 feet from a point source at an acoustically hard site would be 54.0 dB(A) at 100 feet from the source and 48 dB(A) at 200 feet from the source. Sound generated by a line source typically attenuates (i.e., becomes less) at a rate of 3.0 dB(A) and 4.5 dB(A) per doubling of distance from the source to the receptor for hard and soft sites, respectively. Examples of hard sites include asphalt, concrete, and hard and sparsely vegetated soils. Examples of acoustically soft sites include sand, plowed farmland, grass, crops, and heavy ground cover.

Sound levels can also be attenuated by man-made or natural barriers (e.g., sound walls, berms, ridges), as well as elevational differences. Solid walls and berms may reduce noise levels by 5.0 to 10.0 dB(A) depending on their height and their horizontal distance relative to the noise source and the noise receptor. A higher noise barrier lengthens the path of a sound wave from the source to the receptor. The longer the distance a sound wave needs to travel to reach the receptor, the greater the sound attenuation. Sound levels may also be attenuated 3.0 to 5.0 dB(A) by a first row of houses and 1.5 dB(A) for each additional row of houses in residential environments.

The most frequently used noise descriptors are summarized below:

Leq: The equivalent sound level is used to describe noise over a specified period of time, typically 1 hour, in terms of a single numerical value. The Leq is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same period (i.e., the average noise exposure level for the given period).

Lmax: The instantaneous maximum noise level for a specified period of time.

L50: The noise level that is equaled or exceeded 50 percent of the specified time. This is the median noise level during the specified time.

L90: The noise level that is equaled or exceeded 90 percent of the specified time. The L90 is often considered the background noise level averaged over the specified time.

DNL: The Day/Night Average Sound Level is the 24-hour day and night A-weighted noise exposure level, which accounts for the greater sensitivity of most people to nighttime noise by weighting noise levels at night. Noise between 10:00 PM and 7:00 AM is weighted (penalized) by adding 10 dB(A) to take into account the greater annoyance from nighttime noise (also referred to as Ldn).

CNEL: Similar to the DNL, the Community Noise Equivalent Level (CNEL) adds a 5-dB(A) "penalty" for the evening hours between 7:00 PM and 10:00 PM in addition to a 10-dB(A) penalty between the hours of 10:00 PM and 7:00 AM.

The DNL and CNEL values differ by much less than 1 dB(A). In general, changes in a community noise level of less than 3.0 dB(A) are not typically noticed by the human ear. Changes from 3.0 to 5.0 dB(A) may be noticed by some individuals who are extremely sensitive to changes in noise. A greater than 5.0 dB(A) increase is readily noticeable, while the human ear perceives a 10.0 dB(A) change in sound level to be a doubling or halving sound. A 1 dB difference in noise level is not noticed by the human ear. Therefore, as a matter of practice, Ldn and CNEL values are considered to be equivalent and are treated as such in this assessment.

Construction

Construction noise sources cannot be strictly related to a 24-hour City of Malibu community noise standard because this type of noise typically occurs only during certain hours of the day, and construction source noise levels vary greatly over time. Construction activities are also treated separately in many community noise ordinances because they do not represent a chronic, permanent noise source. To abate the potential nuisance from construction noise, the Noise Control Ordinance of the City of Malibu (Chapter 8.24 Noise) regulates construction and building noise in several ways. The applicable noise regulation is described below:

Section 8.24.050-G— Construction: operating or causing the operation of any tools, equipment, impact devices, derricks or hoists used in construction, chilling, repair, alteration, demolition or earthwork, on weekdays between the hours of seven p.m. and seven a.m., before eight a.m. or after five p.m. on Saturday, or at any time on Sundays or holidays, except as provided in Section 8.24.060(D);

During construction, ground clearing, grading, structural, and other noise-generating activities would occur on the project site between the hours of 7:00 AM and 7:00 PM in accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G). For the purposes of this analysis, the project's construction activities are assumed to result in significant impacts if they increase ambient noise levels above 85 dB(A) for commercial and institutional uses, and 75 dB(A) for residential uses, (considered by the City of Malibu to be the "maximum exterior noise limits for non-transportation sources.")

The nearest sensitive receptors include condominiums (located approximately 400 feet east of the project site), single-family residences located in the Malibu Knolls neighborhood across Civic Center Way (located approximately 700 feet east of the project site), Our Lady of Malibu Church (located approximately 350 feet north of the project site), Webster Elementary School (located approximately 550 feet northeast of the project site), and housing at Pepperdine University (located approximately 1,600 feet northwest of the project site).

Table 11, Construction Noise Levels, summarizes projected construction noise levels and increases resulting from construction based on a Noise Study prepared by Rincon Consultant, Inc., dated March 2016. It is assumed that construction activities would occur at the perimeter of the site, approximately 350 feet west of Our Lady of Malibu Church, the closest sensitive receptor. Construction of the proposed project would not increase ambient noise levels above 85 dB(A) for commercial and institutional uses and 75 dB(A) for residential uses, thus the on-site construction noise levels would not exceed the City's maximum daytime exterior noise limits. Impacts from on-site construction activities would be less than significant and no further analysis is required.

**Table 11
Construction Noise Levels**

Sensitive Receptor	Distance from Construction (feet)	Maximum Construction Noise Level (dB(A))	City's Maximum Exterior Noise Limit
Our Lady of Malibu Church	350	72 dB(A)	85 dB(A)
Residences Across Civic Center Way	350	72 dB(A)	75 dB(A)
Webster Elementary School	550	68 dB(A)	85 dB(A)
Pepperdine University	950	63 dB(A)	85 dB(A)
Single-Family Residences Across Civic Center Way	700	95 dB(A)	75 dB(A)

Source: Rincon Consultants, Inc., 2015, Appendix XII.

Daily construction worker trips would result in approximately 151 daily vehicle trips (76 AM peak trips and 76 PM peak trips) to and from the project site. In addition, delivery truck trips with construction materials would access the project site periodically. Six truck trips would occur at the commencement and completion of the 18 month construction period to transport necessary equipment and periodic delivery trucks with construction materials. Vehicle access to the project site would be provided via Malibu Canyon Road. Although a truck haul route has not been determined, construction vehicles would most likely utilize PCH and Malibu Canyon Road. Both roadways carry a high volume of vehicles each day (e.g., 1,111 PM peak hour trips on Malibu Canyon Road and 3,310 PM peak hour trips on PCH). As the increase in the number of AM and PM peak trips, due to construction of the proposed project, along Malibu Canyon Road and PCH would be minimal, noise impacts to nearby sensitive receptors would be less than 3 dB(A), the level at which an increase in sound is detectable.⁵⁰ Impacts from construction vehicles would be less than significant and further analysis is required.

Operation

Operation of the proposed project would primarily result in noise impacts from the incremental increase in project-related motor vehicles traveling on local roadways, delivery and refuse trucks accessing the site, ground maintenance and excavation activities, and mechanical equipment on the roofs of the project buildings.

Rooftop Mechanical Equipment

Rooftop mechanical equipment, including HVAC equipment, would be installed on the chapel. Noise levels from commercial HVAC equipment can reach 100 dB(A) at a

⁵⁰ Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc.

distance of three feet.⁵¹ These units usually have noise shielding cabinets, placed on the roof or mechanical equipment rooms and are not usually significant sources of noise impacts. Typically, the shielding and location of these units reduces noise levels to no greater than 55 dB(A) at 50 feet.⁵² The proposed chapel would be located in the center of the project site, approximately 800 feet west of Our Lady of Malibu Church, approximately 1,000 feet west of the condominiums and single-family residences, and approximately 2,200 feet east of the closest residential building located on the Pepperdine Campus. Based on an attenuation rate of 6 dB(A) per doubling of distance, this would result in an external noise level at the nearest existing sensitive receptor (800 feet east) of 31 dB(A) and would not exceed the City's maximum exterior noise limits during evening hours (from 7:00 PM to 7:00 AM) for commercial and institutional uses (60 dB(A)) and/or residential uses, (45 dB(A)).⁵³ As a result, noise impacts associated with rooftop mechanical equipment would be less than significant and no further analysis is required.

Delivery Trucks and Refuse Trucks

The California Motor Vehicle Code establishes maximum sound levels for trucks operating at speeds less than 35 miles per hour (Section 23130). The maximum sound level established by the code is 86 dB(A) at 50 feet. However, The California Motor Vehicle Code Section 23130 established that average noise levels for single idling trucks generally range from 60 to 65 dB(A) Leq at a distance of 100 feet, and maximum noise levels associated with heavy truck passages range from 70 to 75 dB Lmax at a distance of 100 feet. Maximum noise levels generated by passages of medium duty delivery trucks generally range from 55 to 65 dB at a distance of 100 feet, depending on whether or not the driver is accelerating.

On-site activities would require occasional delivery truck trips (containing supplies for the chapel and site management) and refuse hauling. Trucks would access the site from Malibu Canyon Road and be directed to the surface parking stalls. Assuming the delivery trucks park in the surface parking stalls closest to the surrounding sensitive uses, the trucks would be located approximately 800 feet west of Our Lady of Malibu Church, approximately 1,000 feet east of the single-family residences and condominiums, and approximately 2,000 feet east of the nearest residential use located on the Pepperdine University campus. Based on an attenuation rate of 6 dB(A) per doubling of distance, the sound level at the nearest sensitive receptor (800 feet away)

⁵¹ Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, USEPA 1974.

⁵² Malibu Memorial Cemetery Project Noise Study, 2015, prepared by Rincon Consultants, Inc.

⁵³ As stated above the City's daytime maximum exterior noise levels for commercial and institutional uses is 85 dB(A) and for residential uses is 75 dB(A).

from idling delivery trucks would be approximately 47 dB Leq, and the maximum sound level at the nearest residential unit (1,000 feet away) would be 45 dB Leq. The maximum sound level at the nearest sensitive receptor (800 feet away) from delivery trucks (assuming heavy-duty trucks) would be approximately 57 dB Lmax, while the maximum sound level at the nearest residential unit (1,000 feet) would be 55 dB Lmax. As the maximum dB(A) would be below the City's threshold for permitted daytime maximum exterior noise, and as delivery truck trips would be a sporadic and temporary source of noise, impacts would be less than significant. Although truck trips were determined to be less than significant, **Mitigation Measure NOI-1** is included in the project to ensure no deliveries would occur outside of permitted hours. With compliance with the MMC and **Mitigation Measure NOI-1**, impacts would be less than significant and no further analysis is required.

Ground Maintenance and Excavation Activities

Operation of the proposed project would require ground maintenance and regular excavation activities for burial plots. Ground maintenance activities would include landscape maintenance. A majority of the burial plots would be located on the western portion of the project site, away from the surrounding residential and institutional uses⁵⁴ Backhoes would be used during preparation of burial plots. While the noise level associated with backhoes required during construction activities is 86 dB(A) (at a distance of 25 feet), this could be reduced if smaller backhoes are used. For the purposes of this analysis, it is assumed that the larger backhoes (similar to those described in the construction analysis above) would be used. Preparation of burial plots would occur along the eastern edge of the property approximately 400 feet from the condominiums to the east. Based on a sound attenuation rate of 6 dB(A) per doubling of distance, noise from a backhoe would be 62 dB(A) at these residences. Noise levels in excess of 75 dB(A) from 7:00 a.m. to 7:00 p.m., 65 dB(A) from 7:00 p.m. to 10:00 p.m., and 60 dB(A) from 10:00 p.m. to 7:00 a.m. would be considered a significant impact. Although it is unlikely that backhoes would be in use from 10:00 PM to 7:00 AM, if backhoes were used during these hours, noise levels would exceed 60 dB(A) and impacts would be potentially significant. Implementation of **Mitigation Measure NOI-2**, which would limit hours of operation for backhoes, would reduce impacts to a less than significant level.

Roadway Noise Levels

Operation of the proposed project would result in increased noise levels on area roadways due to trips to and from the project site. Existing traffic volumes during PM peak hours are shown in **Table 12, Existing Traffic Volumes for Surrounding Roadway**

⁵⁴ As discussed above, the applicant is not developing approximately seven acres along the northern and eastern portions of the project site due to the existing slopes and a landslide.

Segments. Based on the ITE Trip Generation Manual, the project would generate 258 weekend trips and 213 weekday trips.

In general, traffic volumes on a roadway must double for the associated noise level to increase by 3 dB(A). If 100 percent of the maximum vehicle trips were allocated to one of the street segments in **Table 12**, traffic would increase by less than 15 percent compared to existing conditions. This increase would be far less than the 50 percent increase required to be noticeable. As a result, roadway noise level from the project would have a less than significant impact. No further analysis is required.

Table 12
Existing Traffic Volumes for Surrounding Roadway Segments

Roadway Segment	Existing Traffic Volumes PM Peak Hour
Malibu Canyon Road between PCH and Civic Center Way	1,111
PCH between Malibu Canyon Road and Webb Way	3,310
Civic Center Way between Malibu Canyon Road and PCH	1,246

Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc. Appendix XVI

- b) Less than significant with mitigation incorporated.** Vibration is sound radiated through the ground. The rumbling sound caused by the vibration of room surfaces is called groundborne noise. The ground motion caused by vibration is measured as particle velocity in inches per second, and in the US is referenced as vibration decibels (VdB).

The background vibration velocity level in residential and educational areas is usually around 50 VdB. The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors causes most perceptible indoor vibration. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity level, and 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

The general human response to different levels of groundborne vibration velocity levels is described in **Table 13, Vibration and Human Response**.

Table 13
Vibration and Human Response

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.

Note:

VdB = Vibration Decibel

Source: Federal transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.

Construction

A variety of the equipment used for the proposed project could generate groundborne vibration and noise. Bulldozers and other earth moving equipment would generate the highest vibration VdB levels, but would not involve pile driving or other activities associated with heavy grading. Further, the addition of heavy vehicle traffic at and around the project site would create on-road truck vibration; however, this type of vibration is not typically perceptible by humans.

The *State CEQA Guidelines* do not define the levels at which groundborne vibration or groundborne noise is considered “excessive.” In addition, the City of Malibu has not adopted any thresholds for groundborne vibration impacts. Therefore, the norm is to use the Federal Transit Administration’s (FTA) vibration impact thresholds for sensitive buildings, residences, and institutional land uses under conditions where there are an infrequent number of events per day. Thus, in accordance with the vibration impact thresholds of the FTA, a significant impact may occur if the proposed project generates groundborne vibration levels at or exceeding 80 VdB at residences where people normally sleep.

Construction activities that would occur on the project site may have the potential to generate low levels of groundborne vibration. **Table 14, Vibration Source Levels for Construction Equipment**, identifies various vibration velocity levels for construction equipment that may operate during construction of the proposed project.

Table 14
Vibration Source Levels for Construction Equipment

Construction Equipment	Approximate VdB at 25 feet
Large Bulldozer	87
Loaded Trucks	86
Pneumatic Tools	80
Jackhammer	79

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.

The nearest off-site residential structure is approximately 350 feet east of the project site. **Mitigation Measure NOI-3** would require construction activities that produce vibration to be sequenced; as such, vibration levels would not exceed 87 VdB at 25 feet. Further, given that construction activities would occur in excess of 50 feet from the nearest sensitive land uses and the infrequent number of vibration events per day; with implementation of **Mitigation Measure NOI-3**, construction activities would not exceed the ground-borne vibration threshold for sensitive land uses. Additionally, **Mitigation Measure NOI-1** would restrict heavy duty trucks from accessing the project site during the hours of 10:00 PM to 7:00 AM, minimizing vibration impacts during the evening hours. **Mitigation Measure NOI-2** would restrict construction activities during the hours of 7:00 AM to 7:00PM (in accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G)).

As vibration generated from construction activities would not occur during recognized sleep hours, construction vibration impacts on residential uses would be less than significant. Further, **Mitigation Measures NOI-4** would restrict the proximity between the vibration construction activities and the nearest residential uses, approximately 350 feet east of the site.

Thus with implementation of **Mitigation Measure NOI-1** through **NOI-4**, impacts would be less than significant and no further analysis is required.

Operation

During operation of the proposed project, there would not be a significant source of ground-borne vibration, such as heavy equipment. Most operational ground-borne vibration would be generated by ground maintenance and excavation activities (required for internments) and vehicular travel on the local roadways. Project-related traffic vibration levels and the use of backhoes during internments would not be perceptible by sensitive receptors. As stated above, a majority of the burial plots would be located on the western portion of the project site, away from the surrounding residential and institutional uses. Thus, operational vibration impacts would be considered less than significant and no further analysis is required.

- c) **Less than significant impact.** As discussed above, long term noise impacts would not result from the minimal increase in the number of vehicles traveling to and from the project site. Any roadway noise increase would be negligible and would not be perceptible to the human ear. Thus, impacts would be less than significant. No further analysis is required.
- d) **Less than significant with mitigation incorporated.** Construction of the proposed project would contribute to cumulative construction noise levels. In addition to ambient growth in traffic, proposed and/or planned projects that could cause an increase in ambient noise at nearby sensitive receptors if construction of the projects were to occur simultaneously.

However, all related projects would be subject to the City’s Noise Ordinance (Chapter 8.24, Section 8.24.050-G) which limits the hours of allowable construction activities. With incorporation of **NOI-1**, through **NOI-4** the proposed project’s cumulative construction noise impact would be considered less than significant. No further analysis is required.

- e, f) **No Impact.** The nearest airport to the project site is Santa Monica Municipal Airport located approximately 16.9 miles to the southeast. Other airports in the general area include Los Angeles International Airport, located approximately 25.3 miles to the southeast and Bob Hope (Burbank) Airport, located approximately 35.8 miles to the northeast. The project site is not located within two 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

The following mitigation measures are required to reduce potential impacts related to construction noise to a less than significant level.

- NOI-1** Heavy duty trucks accessing the project site, including refrigerator, refuse, recycling, and street cleaning vehicles shall be restricted to daytime and evening operating hours (7:00 AM to 10:00 PM).
- NOI-2** In accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G, the use of backhoes and other heavy construction equipment on-site during the operation of the proposed project shall be restricted to daytime and evening hours (7:00 AM to 7:00 PM). Such activity shall be prohibited during nighttime hours (7:00 PM to 7:00 AM).
- NOI-3** The project contractor shall use demolition and construction methods not involving impact, where possible. The following shall be included as notes on the project plans:

- Pile drivers, packers, clam shovel drops, hydromills, vibratory rollers, and other major sources of vibration should not be used during construction of the proposed project.
- When feasible, non-impact demolition and construction methods, such as saw or torch cutting and removal for off-site demolition, chemical splitting, and hydraulic jack splitting, shall be used instead of high impact methods.
- Construction activities that produce vibration (e.g., demolition, excavation, earthmoving and ground impacting), shall be sequenced so that the vibration sources do not operate simultaneously.
- Rubber-tired construction equipment shall be in used in place of steel-track equipment whenever possible.

NOI-4

The construction contractor shall avoid using high vibration construction equipment (e.g., large bulldozers) within eight feet of the eastern property line, whenever possible.

XIII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses:

- a) **No impact.** The proposed project does not include a residential component and therefore would not directly induce population. Further, the proposed project does not include the extension of infrastructure such as roads that could indirectly induce population. As such, no impact would occur and no further analysis is necessary.
- b) **No impact.** The project site is currently vacant, thus no structures (including residential uses) would be demolished to accommodate development of the proposed project. No impact would occur. No further analysis is required.
- c) **No impact.** No structures are located on the project site. Therefore, no residents would be displaced as a result of the proposed project. There would be no impacts associated with the displacement of substantial numbers of people. No further analysis is required.

XIV. PUBLIC SERVICES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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 any of the public services:				
<ul style="list-style-type: none"> • Fire protection? • Police protection? • Schools? • Parks? • Other public facilities? 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

Impact Discussion:

a)

Fire Protection?

Less than significant impact.

Construction

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 during construction. Compliance with City Code requirements would reduce potential fire-

related impacts from construction activities to less than significant. No further analysis is required.

Operation

The County of Los Angeles Fire Department (LACFD) provides fire protection and emergency medical services for the City of Malibu. Operation of 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 design features and other measures to address wildfire hazards, including use of fire resistant building materials, vegetation clearing, and management, security gates with a minimum access width of 26-feet, and approved signs that include the words "NO PARKING FIRE LANE." 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 public and private fire hydrants to meet the LACFD water requirements. 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 for public fire hydrants would be provided by connecting the proposed on-site water infrastructure to the existing water main at the intersection of Seaver Drive and Malibu Canyon Road. The project applicant would be required to obtain a will serve letter from WWD No. 29, to ensure adequate water flow capacity exists to serve the project site, prior to the commencement of any construction activities.

As stated above, this property is located within the area described by the California Department of Forestry and Fire Protection (CAL FIRE), and the LACFD County Forester 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 and reviewed for compliance by the LACFD Land Development Unit, Fire Prevention Division, and the County Forester.

Emergency vehicles would enter and exit the site via Malibu Canyon Road. The site is designed with a counterclockwise access loop, thus emergency vehicles entering the site would proceed down the one-way roadway until reaching the exit driveway, negating the need to turnaround. All roadways would be constructed in conformance with City standards and would be consistent with Fire Department access requirements. Consequently, roadways would be adequate to provide Fire Department access to the project site.

The proposed project would increase the intensity of development on the site by adding a memorial park and chapel. With the construction of the proposed project, emergency calls would be expected to incrementally increase. However, the type of use associated with the proposed project would not be expected to generate a large number of service calls. In addition, the project would be required to comply with all City Building Codes, regulations, and the Los Angeles County Fire Code (Title 32) regarding access requirements for the proposed project and design standards for fire prevention (e.g., emergency plans and evacuation routes). With inclusion of all required City and LACFD 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 fire and/or emergency facilities and/or the need for new or physically altered fire and/or emergency facilities in order to maintain acceptable service ratios, response times or other performance objectives. Impacts would be less than significant and no further analysis is required.

Sheriff Protection?

Less than significant impact.

Construction

Development of the proposed project 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.

Operation

Increased vehicle traffic generated at buildout of the proposed project could adversely affect the operating condition of the local roadway network, specifically along Malibu Canyon Road and PCH. 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 included in **Section XVI, Transportation and Traffic**, of this MND would maintain future 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. The proposed project could incrementally increase demands for sheriff services due to theft, vandalism, and/or trespassing. However, as the proposed project does not involve any development that would result in population growth, impacts to sheriff services would be less than significant. Further, the sheriff analysis included in the Draft EIR previously completed for the Rancho Malibu Hotel Project, a 274,755 square foot hotel complex with 146 rooms, a spa, swimming pool, bar, ballroom, meeting room facilities, and retail and restaurant uses, concluded that the Rancho Malibu Hotel Project would not exceed the capacity of the existing sheriff services and no new or physically-altered facilities would be required. Thus, as the proposed land use would include fewer facilities, occupants and visitors on the site compared to the Rancho Malibu Project, impacts to sheriff services would be less than significant.

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 sheriff facilities and/or the need for new or physically altered sheriff

facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times or other performance objectives. No further analysis is required.

Schools/Recreation/Other Public Facilities?

No impact. The proposed project would not directly result in population growth. As such there would be no increase in demand for schools, library services, or parks. No impact would occur. No further analysis is required.

Mitigation Measures

The following mitigation measures are required to reduce potential impacts related to Sheriff protection services to a less than significant level.

- PS-1** Prior to issuance of a grading permit, the applicant shall submit to the County Sheriff for review and approval project plans including site design, landscaping, building access and visibility, street circulation, building design and defensible space.

XV. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- a) **No impact.** Refer to **Section XIII. Public Services** above. As discussed above, the proposed project would not result in the addition of any residential uses and would not increase demand on local parks. In addition, the project site would provide trails and a publicly accessible outdoor space. Therefore, there would be no impact to existing neighborhood and regional parks. No further analysis is required.

- b) **No impact.** Although the project includes trails and would provide publicly accessible outdoor space, no specific recreational facilities (i.e., sport courts, playgrounds, etc.) would be constructed as part of the project. No impact would occur. No further analysis is required.

XVI. TRANSPORTATION and TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVI. TRANSPORTATION and TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

a) **Less than significant impact with mitigation incorporated.** Overland Traffic Consultants Inc., prepared a traffic impact analysis for the proposed project in February 2013 with an updated report in January of 2015 and a revised memo (to address project changes) in October 2015 (refer to **Appendix XVI**). The findings from both documents are summarized below. The traffic impact analysis analyzed the following 10 study intersections to determine if the proposed project would result in a potentially significant traffic impact:

1. Kanan Dume Road and PCH
2. Malibu Canyon Road and PCH
3. Malibu Canyon Road and Proposed Project Driveway
4. Malibu Canyon Road and Civic Center Way
5. Civic Center Way and Webb Way/Stuart Ranch Road
6. Webb Way and PCH
7. Cross Creek Road and PCH
8. Malibu Pier Signal and PCH
9. Carbon Canyon Road and PCH
10. Las Flores Canyon Road and PCH

In addition, the following three street segments were analyzed:

1. PCH east of Cross Creek Road
2. PCH west of Malibu Canyon Road
3. Malibu Canyon Road north of Civic Center Way

Project Trip Generation

The number of trips generated by the proposed project was based upon the Institute of Transportation Engineers *Trip Generation Manual, 9th Edition*. Trip rates for church and cemetery uses (ITE Land Use Codes 560 and 566) were utilized to calculate the trip generation for the proposed project uses. **Table 15, Project Trip Generation Summary**, provides a summary of trip generation factors and distribution. The project would generate a total of 258 daily weekday vehicle trips, with 10 trips (6 inbound and 4 outbound) during the AM peak hour, and 29 (10 inbound and 19 outbound) during the PM peak hour. In addition, 258 weekend (Saturday) vehicle trips, with 119 total midday trips (67 inbound and 52 outbound trips).

**Table 15
Project Trip Generation Summary**

Land Use	Weekday Daily	AM Peak			PM Peak			Saturday Daily	Saturday Midday Peak		
		In	Out	Total	In	Out	Total		In	Out	Total
Church per 1,000 sq ft	9.11	0.35	0.21	0.56	0.26	0.29	0.55	10.37	2.51	1.03	3.54
Cemetery per acre	4.73	0.12	0.05	0.17	0.28	0.56	0.84	5.94	1.58	1.51	3.09

Sq ft- square feet

Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc. (Appendix XVI)

Methodology

In accordance with the City of Malibu practices, the Intersection Capacity Utilization (ICU) methodology was applied to determine the level of service (LOS) for signalized intersections, while the LOS for the unsignalized intersection (Webb Way/Stuart Ranch Road and Civic Center Way) was calculated using the Highway Capacity Manual (HCM) methodology.

The ICU method compares existing or future projected traffic volumes at an intersection to the capacity of the intersection to produce a volume-to-capacity (v/c) ratio, which in turn determines LOS. The ICU method uses traffic volume-to-roadway capacity (v/c) ratios to determine LOS. The HCM method LOS is dependent on the occurrence of gaps occurring in the traffic flow of the main street. The HCM method uses traffic volume

and intersection configuration data, which in turn determines LOS. The LOS is determined based on the worst individual movement or movements sharing a single lane. Traffic flow ranges from excellent conditions at LOS A to overloaded conditions at LOS F for both methods.

The City of Malibu traffic impact standards define “significant” project traffic impact for signalized intersections as an increase of four percent or more in v/c if the intersection is operating at LOS C, two percent or more in v/c if the intersection is operating at LOS D, and one percent or more if the intersection is operating at LOS F. A “significant” project traffic impact for unsignalized intersections would occur if: the LOS at an un-signalized intersection is degraded to an LOS of D or worse, for an unsignalized intersection currently operating at an unacceptable level delay is increased by five seconds or more, and/or impacts result in satisfying the most recent California Manual on Uniform Traffic Control Devices peak hour volume warrant or other warrants for traffic signal installation and intersection.

Existing Conditions

Manual intersection counts at the 10 study intersections were performed in July 2012, during the 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM peak periods. Weekend traffic counts were conducted on a Saturday from 11:00 AM to 1:00 PM. The results of the counts were used to determine existing AM and PM peak-hour traffic conditions, as well as weekend midday peak hour traffic conditions. The existing LOS was calculated based on the traffic count levels and intersection geometrics.

Table 16, Existing and Future (2016) With and Without Project Intersection Level of Service (LOS) Summary, indicates the existing LOS at the ten study intersections. For Future Project Buildout (Year 2016) Without Project, traffic conditions for all ten intersections are projected to operate at acceptable LOS during the AM, PM and weekend peak hours.

Table 16
Existing and Future (2016) With and Without Project
Intersection Level of Service Summary

Study Intersection	Peak Hour	Existing Conditions (2012)		Future 2016 Without Project		Future 2016 With Project		Change in ICU/HCM	Sig Impact?
		ICU/HCM	LOS	ICU/HCM	LOS	ICU/HCM	LOS		
1 Kanan Dume Rd./PCH	AM	0.394	A	0.481	A	0.481	A	0.00	No
	PM	0.633	B	0.772	C	0.774	C	0.002	No
	Sat/Midday	0.715	C	0.846	D	0.847	D	0.001	No
2 Malibu Canyon Rd./PCH	AM	0.674	B	0.773	C	0.773	C	0.00	No
	PM	0.669	B	0.659	B	0.659	B	0.00	No
	Sat/Midday	0.716	C	0.853	D	0.863	D	0.010	No
3 Malibu Canyon Rd./Proposed Project Driveway ¹	AM	-	-	-	-	8.9 sec	A	N/A	No
	PM	-	-	-	-	10.1 sec	B	N/A	No
	Sat/Midday	-	-	-	-	9.6 sec	B	N/A	No
4 Malibu Canyon Rd./Civic Center Way	AM	0.503	A	0.524	A	0.525	A	0.001	No
	PM	0.472	A	0.357	A	0.358	A	0.001	No
	Sat/Midday	0.347	A	0.359	A	0.364	A	0.005	No
5 Webb Way/Civic Center Way ²	AM	10.14 sec	B	11.62 sec	B	11.64 sec	B	0.02 sec	No
	PM	22.15 sec	C	49.76 sec	E	50.52 sec	F	0.76 sec	No
	Sat/Midday	9.73 sec	A	13.82 sec	B	14.33 sec	B	0.51 sec	No
6 Webb Way/PCH	AM	0.526	A	0.576	A	0.577	A	0.001	No
	PM	0.661	B	0.688	B	0.691	B	0.003	No
	Sat/Midday	0.703	C	0.872	D	0.888	D	0.016	No
7 Cross Creek Rd./PCH	AM	0.594	A	0.668	B	0.668	B	0.00	No
	PM	0.781	C	0.979	E	0.981	E	0.002	No
	Sat/Midday	0.800	C	1.021	F	1.029	F	0.008	No
8 Malibu Pier Signal/PCH	AM	0.576	A	0.639	B	0.640	B	0.001	No
	PM	0.655	B	0.764	C	0.766	C	0.002	No
	Sat/Midday	0.638	B	0.764	C	0.784	C	0.010	No
9 Carbon Canyon Rd./PCH	AM	0.538	A	0.606	B	0.607	B	0.001	No
	PM	0.644	B	0.757	C	0.758	C	0.001	No
	Sat/Midday	0.648	B	0.779	C	0.788	C	0.009	No
10 Las Flores Canyon Rd./PCH	AM	0.580	A	0.646	B	0.646	B	0.00	No
	PM	0.691	B	0.802	D	0.803	D	0.001	No
	Sat/Midday	0.678	B	0.802	D	0.812	D	0.010	No

¹= The proposed project driveway is not constructed

²= Unsignalized intersection (stop control delay in seconds per vehicle)

Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc.

Future (2016) with Project

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 %) has been applied to the existing 2012 traffic counts to establish the 2016 study year. This growth factor is based on the growth rates agreed to by the City of Malibu staff for the 2016 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 2016.

Table 15 above includes the Future 2016 with Project and Cumulative conditions LOS for the ten study intersections. All of the ten intersections would continue to operate at an acceptable LOS under the Future 2016 With Project conditions. Impacts would be less than significant.

Future (2030) Cumulative with Project

Table 17, Future (2030) With and Without Project Intersection Level of Service Summary shows the Future 2030 With Project and Cumulative conditions LOS at the 10 study intersections. As shown, nine of the ten intersections would continue to operate at acceptable levels of service during Future 2030 With Project and Cumulative conditions. However the change in traffic flow (generated by the proposed project) would result in a significant impact at the intersection of Webb Way and PCH (no. 6) during the Saturday midday peak hour; the LOS at this intersection would degrade from LOS D to E.

It should be noted that increases to the regional growth by 2030 without any improvements at this intersection degrades the intersection congestion levels during the Saturday mid-day period from Level of Service D to E. At LOS E the additional project traffic becomes significant at the more congested LOS with the cumulative projects traffic and the extra regional growth.

**Table 17
Future (2030) With and Without Project Intersection Level of Service Summary**

Study Intersection	Peak Hour	Future 2030 Without Project		Future 2030 With Project		Change in ICU/HCM	Sig Impact?
		ICU/HCM	LOS	ICU/HCM	LOS		
1 Kanan Dume Rd./PCH	AM	0.491	A	0.491	A	0.00	No
	PM	0.789	C	0.789	C	0.00	No
	Sat/Midday	0.865	D	0.866	D	0.001	No
2 Malibu Canyon Rd./PCH	AM	0.790	C	0.790	C	0.00	No
	PM	0.674	B	0.674	B	0.00	No
	Sat/Midday	0.873	D	0.883	D	0.10	No
3 Malibu Canyon Rd./Proposed Project Driveway ¹	AM	-	-	9.0 sec	A	N/A	No
	PM	-	-	10.1 sec	B	N/A	No
	Sat/Midday	-	-	9.6 sec	A	N/A	No
4 Malibu Canyon Rd./Civic Center Way	AM	0.537	A	0.537	A	0.00	No
	PM	0.365	A	0.66	A	0.001	No
	Sat/Midday	0.367	A	0.372	A	0.004	No
5 Webb Way/Civic Center Way ²	AM	11.85 sec	B	11.88 sec	B	0.03 sec	No
	PM	54.57 sec	F	55.48 sec	F	0.91 sec	No
	Sat/Midday	14.10 sec	B	14.18 sec	B	0.08 sec	No
6 Webb Way/PCH	AM	0.588	A	0.590	A	0.002	No
	PM	0.704	C	0.707	C	0.003	No
	Sat/Midday	0.890	D	0.908	E	0.018*	Yes
7 Cross Creek Rd./PCH	AM	0.682	B	0.683	B	0.001	No
	PM	1.00	E	1.001	F	0.001	No
	Sat/Midday	1.043	F	1.052	F	0.009	No
8 Malibu Pier Signal/PCH	AM	0.653	B	0.655	C	0.001	No
	PM	0.786	C	0.787	B	0.008	No
	Sat/Midday	0.782	C	0.790	C	0.001	No
9 Carbon Canyon Rd./PCH	AM	0.619	B	0.620	B	0.001	No
	PM	0.773	C	0.775	C	0.002	No
	Sat/Midday	0.796	C	0.806	D	0.008	No
10 Las Flores Canyon Rd./PCH	AM	0.660	B	0.661	B	0.001	No
	PM	0.820	D	0.822	D	0.002	No
	Sat/Midday	0.819	D	0.829	D	0.010	No

¹= The proposed project driveway is not constructed

²= Unsignalized intersection (stop control delay in seconds per vehicle)

*= Significant impact

Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc.

As shown in **Table 17**, under the Future 2030 With Project and Cumulative conditions scenario, cumulative development, including the proposed project, is projected to result in significant impacts to the LOS at the intersection of Webb Way and PCH. The Saturday midday peak hour v/c ratio would increase by 0.018 percent, causing the LOS

to drop to E. With the installation of eastbound dual left-turn lanes along PCH, cumulative impacts would be mitigated. However, while PCH is a modified urban arterial, any modifications to the roadway that deviate from the Caltrans highway/freeway design standards would require Caltrans review and approval. Further, prior to installation of the eastbound dual left-turn lanes, the project applicant would be required to apply for and obtain an encroachment permit from Caltrans. If Caltrans denies the encroachment application, the project applicant would be required to cover the costs associated with expanding the south side of PCH at the impacted intersection. Implementation of **Mitigation Measure TR-1** would require the project applicant to submit a restriping plan for the Webb Way and PCH intersection to Caltrans for review and approval, as well as provide the necessary funds needed to implement the proposed restriping. Several land developments have been recently filed with the City of Malibu and are expected to occur within a similar time frame with similar traffic impacts. Therefore, the applicants may implement a mitigation funding mechanism through a fair share process to mitigate the cumulative traffic impacts created by a group of development projects enabling the installation of larger traffic improvements. The proposed project could participate in the funding program to implement the recommended traffic mitigation measures. With mitigation, impacts would be less than significant and no further analysis is required.

Arterial Roadways

The traffic impact analysis analyzed potential impacts on the following three street segments: PCH east of Cross Creek Road, PCH west of Malibu Canyon Road and Malibu Canyon Road north of Civic Center Way. Potential impacts to the three street segments were determined based on a comparison of the future without and without project conditions. Pursuant to City thresholds, a significant impact would occur if the v/c ratio on a roadway segment currently operating at a LOS D, E, or F increases by 0.05 or more. In July 2012, 24-hour traffic counts were conducted to determine the existing number of vehicles as well as the projected number of vehicles as a result of the proposed project and ambient growth. As shown in **Table 18, Arterial Street Segment Traffic Impact Analysis**, potential impacts on the three street segments from the proposed project and cumulative projects would be less than significant and no further analysis is required.

Operational Truck Trips

Soil export for the proposed 28,265 in-ground burial sites is estimated to be a total of 76,625 cubic yards of soil. Assuming a 25 year horizon for complete occupancy of the in-

ground interments for the site⁵⁵, and a typical truckload of 18 cubic yards, 4,257 truckloads would be required to remove the grave spoils.

Amortized over a 25 year period this would amount to 3.3 truckloads per week, calculated as follows: $4,257 / 25 = 170$ $170 / 52 = 3.3$. This would potentially add two truck trips (one in-bound and one out-bound) to local streets four days per week during off-peak periods. As such, roadway impacts from truck trips hauling soil would be less than significant.

Even though the impacts related to operational truck trips would be less than significant, implementation of **Mitigation Measure TR-2**, which is a condition of approval, will be incorporated to the project to further minimize any impacts. The condition of approval will limit truck trips to off-peak traffic hours.

⁵⁵ As a worst case scenario, this analysis assumes four interments per day, 300 days per year using the following calculations: $28,265 / 4 = 7,067$ $7,067 / 300 = 23.65$, rounded up to 25 years.

Table 18
Arterial Street Segment Traffic Impact Analysis

Street Segment	Capacity	Peak Hour	Existing Condition					Future 2016 With Project					Future 2030 Condition		
			Volume	V/C	LOS	Project Volume	Percent Increase	Volume	V/C	LOS	Percent Increase	Volume	V/C	LOS	Percent Increase
1 PCH east of Cross Creek Road	3,100	AM	2,839	0.92	E	5	0.2%	3,298	1.06	F	0.2%	3,380	1.09	F	0.1%
		PM	2,640	1.17	F	14	0.4%	4,360	1.41	F	0.3%	4,465	1.44	F	0.3%
		Sat/Midday	3,541	1.14	F	56	1.5%	4,332	1.40	F	1.2%	4,434	1.43	F	1.2%
2 PCH West of Malibu Canyon Road	3,100	AM	1,909	0.62	B	2	0.1%	2,192	0.71	C	0.1%	2,247	0.72	C	0.1%
		PM	2,834	0.91	E	6	0.2%	3,243	1.05	F	0.2%	3,324	1.07	F	0.2%
		Sat/Midday	3,212	1.04	F	30	0.9%	3,707	1.20	F	0.8%	3,799	1.23	F	0.8%
3 Malibu Canyon Road north of Civic Center Way	2,800	AM	1,861	0.66	B	3	0.2%	2,056	0.73	C	0.1%	2,110	0.75	C	0.1%
	2,500	PM	2,073	0.83	D	8	0.4%	2,346	0.94	E	0.3%	2,406	0.96	E	0.3%
	2,650	Sat/Midday	1,557	0.59	A	30	1.9%	1,829	0.69	B	1.6%	1,873	0.71	C	1.6%

Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc.

b) Less than significant impact. The Congestion Management Program (CMP) was created statewide as a result of Proposition 111 and has been implemented locally by the Los Angeles County Metropolitan Transportation Authority (LACMTA). As detailed in the “Congestion Management Program for Los Angeles County,” CMP analysis is a required provision for a traffic impact study if the geographic area examined in the study includes the following:

- All CMP arterial monitoring intersections, including monitored freeway on or off ramp intersections, where the proposed project would add 50 or more trips during either the AM or PM weekday peak hours (of adjacent street traffic).
- If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed project would add 50 or more peak hour trips (total of both directions). Within the study area, the traffic impact analysis must analyze at least one segment between monitored CMP intersections.
- Mainline freeway monitoring locations where the project would add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.

In addition, the City has established a CMP threshold; impacts to CMP intersections would be significant if the proposed project increases the v/c ratio by 2 percent or more at CMP intersections with an LOS F and/or results in LOS F.

The CMP arterial monitoring intersections closest to the project site are:

- Las Flores Canyon Road and PCH
- Malibu Canyon Road and PCH
- Kanan Dume Road and PCH

The City’s CMP criterion is the preferred threshold as it is more stringent. The traffic impact analysis prepared for the proposed project determined that project related impacts to the three CMP intersections listed above would be less than significant. No further analysis is required.

In addition, pursuant to the CMP, the traffic impact analysis projected the number of public transit trips generated during operation of the proposed project. Operation of the proposed project would not result in any public transit trips during the weekday however, six project generated trips would occur during the weekend. Based on the low number of public transit trips, and the existing public transit service provided by Metro (including three eastbound and three westbound busses during the weekend mid-day peak hours), impacts would be less than significant. No further analysis is required.

- c) **No Impact.** The uses proposed by the project are not associated with a substantial increase in air traffic. The project is not located within an airport safety zone nor does the project propose any structure that would conflict with air traffic patterns. No impact would occur.
- d) **Less than significant impact.** Access to the project site would be provided via a divided driveway on Malibu Canyon Road, approximately 700 feet north of PCH. As the project site entrance and exit would be along the curvature of Malibu Canyon Road, views of oncoming traffic would be restricted for vehicles exiting the project site. For this reason, vehicles exiting the project site would not be allowed to make a left hand turn (towards PCH); only right hand turns would be allowed when exiting the project site.

Emergency vehicle access is proposed via the divided driveway on Malibu Canyon Road.⁵⁶ Both the entrance and exit driveway would be constructed to the standard width (26 feet) required to accommodate emergency vehicles (For a more detailed discussion see **Section XIV, Public Services Fire**). The impact would be less than significant and no further analysis is required.

- e) **Less than significant impact.** The project is not anticipated to interfere with an emergency response plan or evacuation plan. The project would be subject to the conditions included in the CDP approval, submitted on behalf of the project, including development of the project site in consultation with the Los Angeles County Fire Department and Los Angeles County Sheriff Department, as well as in compliance with applicable access standards during construction and operation of the project. All funeral processions during operation would be required to coordinate with the sheriff as to minimize potential nuisances and obstructions on public roadways. In addition, California Vehicle Code § 2817 prohibits anyone from disregarding any traffic signal or direction given by a peace officer in uniform authorized to escort a funeral procession. Therefore, the impact would be less than significant and no further analysis is required.
- f) **No impact.** The Metropolitan Transportation Authority (Metro) provides public transportation services in the area. Bus service, Route 534 operates along Civic Center Way, with stops on Malibu Canyon Road (south of Civic Center way and Seaver Drive). Development of the proposed project would not interfere with public transit, bicycle, and/or pedestrian facilities. Further the proposed project would not conflict with any local and/or regional adopted alternative transportation policies, plans, or programs. There would be no impact to alternative transportation plans and/or infrastructure. No further analysis is required.

⁵⁶ The 32 foot radius cul-de-sac proposed at the end of the private driveway would provide for the required Fire Department turnaround.

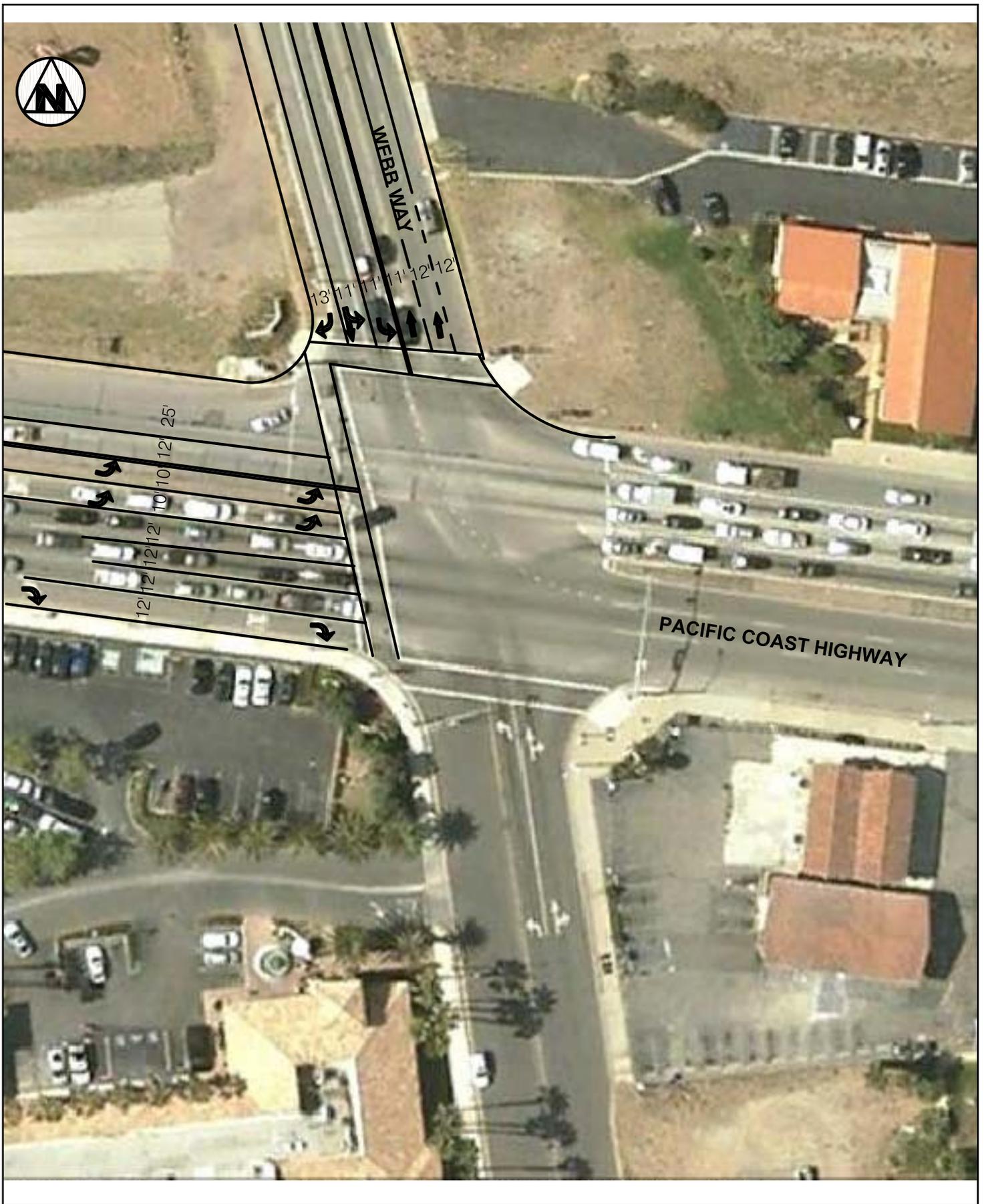
Mitigation Measures

The following mitigation measure is required to reduce potential impacts related to traffic and circulation to a less than significant level.

TR-1 The project applicant shall fund the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way. Prior to construction, all applicable permits shall be obtained from Caltrans. **Figure 13, Conceptual Traffic Mitigation, Webb Way & Pacific Coast Highway**, illustrates the design of the PCH 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 of the project site. Alternatively, should the design exception not be approved, the project applicant shall provide sufficient, proportional funds to Caltrans to widen the southern side of PCH at this intersection. In the event of this occurrence, the applicant would be required to obtain separate permits and undergo a separate environmental review for the highway widening.

TR-2 The property owner and/or operator shall implement the following measures during the ongoing operation of the memorial park:

1. Schedule truck trips for the export of soil related to the burials during off-peak traffic hours;
2. Stockpiles shall be limited to locations that will be pre-determined by the Planning Director where it would avoid visual impacts; and
3. Dust control measures must be in place for the stockpiles.



SOURCE: Webb Way & Pacific Coast Highway Source Overland Traffic Consultants, Inc.

FIGURE 13

Conceptual Traffic Mitigation

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Responses:

- a) **Less than significant impact.** The 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 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.

In response to the findings of these studies, an amendment to the Regional Water Quality Control Board's (RWQCB) "Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties," also known as the Basin Plan,⁵⁷

⁵⁷ Los Angeles Regional Water Quality Control Board, *Water Quality Control Plan*, 1994.

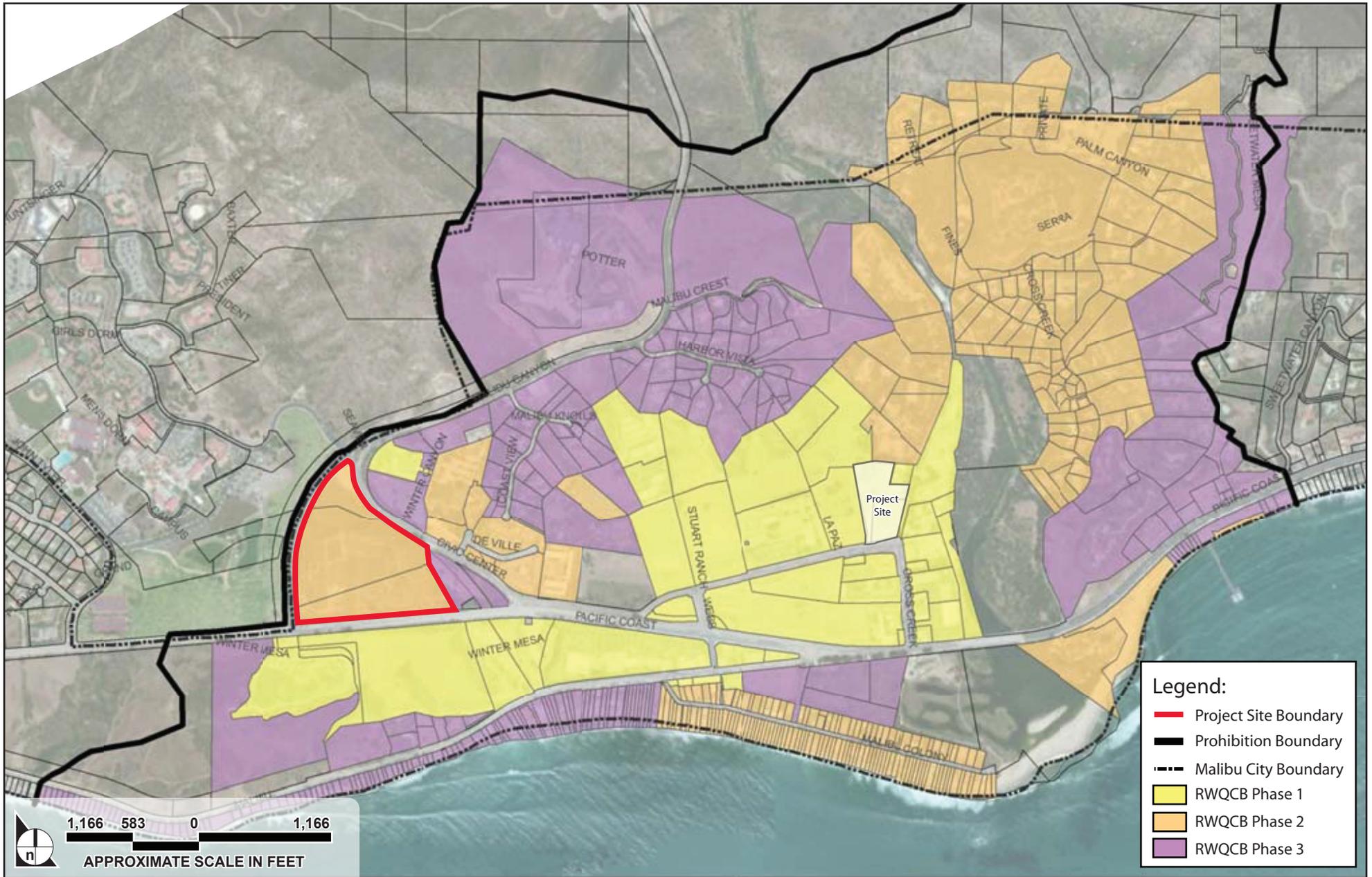
went into effect on December 23, 2010, for the Malibu Civic Center Area. The amendment (Resolution No. R4-2009-007) was adopted by the RWQCB and ratified by the State Water Resources Control Board (SWRCB) (Resolution No. 2010-0045) to institute a prohibition on new and existing discharges from OWTS in 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 14, Prohibition Zone**).

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 CCWTF as follows: Phase 1, for the Civic Center Area commercial-core, by November 2015; and Phase 2, the remaining commercial, institutional (including the proposed project), residential and multi-family properties in the Area, by November 2019.⁵⁸ 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 proposed project was included in the overall Prohibition Zone capacity and design calculations for the CCWTF, but is not included in the Phase 1 assessment district. The project would need to be included in a subsequent assessment district/phase for connection to the CCWTF.⁵⁹ With payment of fees to connect to the CCWTF, impacts would be less than significant and no mitigation is required.

⁵⁸ Phase 1 of the wastewater treatment facility began in July 2016 and is expected to be completed and operational by Fall 2018. 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. An additional MOU amendment is expected in early 2017 to adjust the construction and connection schedules to match current expectations.

⁵⁹ Certified EIR for the CCWTF: <http://www.malibucity.org/index.aspx?NID=786>



SOURCE: City of Malibu, 2013

FIGURE 14

Prohibition Zone

b) Less than significant impact.

Wastewater

Based on the Wastewater Conformance Review produced by Ensitu Engineering, Inc., dated November 5, 2015, prepared for the proposed project, the average wastewater discharge from the proposed project during a normal event week would be approximately 860 gallons per day, compared to an average of 1,800 gallons per day during a maximum event week.

Wastewater flow generation estimates for the CCWTF were developed for each type of land use within the Prohibition Zone, including the proposed project. These generation estimates were applied, by parcel, to develop the flow rates used in the 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. Wastewater collection and recycled water distribution lines for Phase 1 are being constructed in the public rights of way adjacent to the project site. As described in (a) above, the proposed project would be included in a subsequent assessment district/phase of the CCWTF, and would pay the assessment and connection charges. Future phases of the CCWTF are anticipated by the MOU and account for all properties in the civic center area. The project would not require or result in the construction of a new CCWTF or expansion of existing facilities. Impacts would be less than significant and no mitigation is required.

Water

Malibu is supplied water from Los Angeles County 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.⁶⁰ The service area of WWD No. 29 includes Marina del Rey, the City of Malibu, and unincorporated territory within Topanga Canyon.

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

⁶⁰ Waterworks District No. 29, Malibu and the Marina del Rey Water System, *2010 Urban Water Management Plan*

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.

The City of Malibu receives water through a 30-inch water main running along PCH, with several distribution pipelines running north towards the canyons. 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.⁶¹

An existing 15 3/8-inch water main is located at the intersection of Seaver Drive and Malibu Canyon Road. While the project site is located immediately south of the existing water main owned and operated by WWD No. 29, the project site lacks sufficient infrastructure and necessary facilities including, water pumps and pipes. It is anticipated that the project applicant could be required to install a 16-inch water main (approximately 1,800 feet long) along Malibu Canyon Road, as well as a 16-inch water main (approximately 1,200 feet long) along PCH.⁶²

Temporary disruptions to water service in the project vicinity during the construction of the new pipeline could occur. Such temporary disruptions in water service are generally planned in advance to avoid peak demand times and advance notification would be given.

In addition, construction of the pipeline would occur within the public right of way and could cause vehicle delays. In order to further minimize potential conflicts between construction activity and through traffic in the vicinity of the project site, as a condition of approval, the project applicant would prepare a traffic construction management plan, prior to the initiation of construction. The traffic construction management plan will identify all traffic control measures, haul routes, delineators, and signs required to be implemented by the construction contractor throughout the duration of construction activity. The specific details and extent of associated staging of construction equipment and materials will be included in that plan.

Therefore, as construction activities associated with the installation of the water pipeline would be temporary, impacts would be less than significant.

⁶¹ Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

⁶² Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

Construction

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 water use for the proposed institutional 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.

Operation

As mentioned above, the water supply and infrastructure system serving the project site includes a 15 3/8-inch water main at the intersection of Seaver Drive and Malibu Canyon Road. The project applicant has agreed to design and construct all water related property specific improvements which could include a 16-inch water main approximately 1,800 feet long along Malibu Canyon Road, a 16-inch water main approximately 1,200 feet long along PCH, a pressure reducing station, fire hydrant assemblies, and a reduced pressure principle detector assembly(ies). 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.⁶³ Upon completion of construction of these improvements, the project applicant would dedicate the water infrastructure upgrades to WWD No. 29. Impacts from the construction of new water treatment facilities and the expansion of existing facilities would be less than significant. No mitigation is required.

Development of the project site as a memorial park would increase water demand, as operation of the site would require potable water for restrooms (i.e., sinks, toilets). Projected potable water consumption rates associated with the proposed project is assumed to be 120 percent of the wastewater generated of a given land use. **Table 19, Proposed Project Approximate Water Consumption**, includes the daily projected potable water consumption for the proposed project, during both a regular and maximum event. The proposed project is expected to require approximately 860 gallons of water per day (gpd) during a regular event and 2,160 gpd of water during a maximum event.

⁶³ Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

Table 19
Proposed Project Approximate Water Consumption

Event	Wastewater Flow (gpd)	Generation Rate	Potable Water Consumption (gpd)
Regular	860	1.20	1,032
Maximum	1,800		2,160

Source: Wastewater Conformance Review produced by Ensitu Engineering, Inc

In addition to the increase in potable water consumption, non-potable water would be used for the proposed projects' landscaping and could be used for water features. To comply with the City's landscape and open space regulations the proposed project is required to provide 40 percent of the site area for landscaping (approximately 11 acres) and 25 percent as open space (approximately 7 acres). Under the proposed project, 35 percent of the project site would be landscaped (approximately 16 acres) and 35 percent would be open space (approximately 10 acres). The project site would be landscaped with trees, native shrubs, and native grasses as shown in **Figures 5 and 6**. Based on the landscaping plans provided by the applicant and the proposed plant palette, the project is estimated to use approximately 17.26 acre feet per year of water for irrigation. As described above, non-potable water is required for use to the extent it becomes available for the project.

The existing vegetation located on the southern, eastern, and northern portions of the project site would remain. The landscaping would consist of a mix of developed wall planters, lawns using drought-tolerant plants and other landscaping. Two water features would be included on the site, with the largest feature located at the vehicle entrance/exit along Malibu Canyon Road and continuing the length of the main driveway. A smaller water feature would be located at the rear of the chapel.

Recycled water would be used to irrigate the landscaped areas and operate the water features to the extent that it becomes available to the project. Currently, production and use of recycled water is limited for properties located within WWD No. 29's jurisdiction, as a majority of the properties are not yet serviced by a wastewater treatment plant. Demand for recycled water from the CCWTF is higher than was initially anticipated. Therefore, the applicant would increase the use of recycled water as it becomes available from the CCWTF.

As discussed under **Section VI Geology and Soils (e)** above, the City's CCWTF is expected to be operational for commercial properties in Fall 2018 (prior to operation of the proposed project). Further, operation of the CCWTF would increase the amount of recycled water available (for irrigation use) and may be available to serve the project site over time. Thus, impacts associated with potable and recycled water consumption would be less than significant. No further analysis is required.

c) **Less than significant impact.** Following project buildout, approximately 57 percent of the project would be landscaped with permeable surfaces. The project would be designed with drainage systems, such as gutters, that would direct storm water flows to the proposed private storm water collection system then to the municipal storm drains. Stormwater drainage plans would be submitted to the Malibu Department of Public Works for review and approval prior to the development of any drainage improvements. These plans must meet all requirements for the City's municipal separate stormwater sewer system permit, so that no impact to water quality at downstream facilities would occur. In addition, the proposed project would comply with all applicable water quality standards and waste discharge requirements. Consequently, the construction or expansion of new or existing stormwater drainage facilities is not anticipated, and the impact of the proposed project on storm water drainage facilities would be less than significant. No mitigation is required.

d) **Less than significant impact.** Senate Bill 221 and Senate Bill 610 amended existing California law regarding land use planning and water supply availability by requiring more information and assurance of supply than is currently required in an UWMP. As of January 1, 2002, California law requires water retail providers, like the WWD No. 29, to demonstrate that sufficient and reliable supplies are available to serve large-scale developments (i.e., 500 dwelling units or 250,000 square feet of commercial space) prior to completion of the environmental review process and approval of such large-scale projects.

Under SB 610, it is the responsibility of the water service provider to prepare a Water Supply Assessment (WSA) requested by a City or County for any "project" defined by Section 10912 of the Water Code that is subject to CEQA. Section 10912 of the Water Code defines a "project" as

- a proposed residential development of more than 500 dwelling units;
- a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- a proposed hotel or motel, or both, having more than 500 rooms;
- a proposed industrial, manufacturing or processing plant, or industrial park, planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor space;
- a proposed mixed-use project that includes one or more of the previously listed projects; or

- a proposed project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.

The proposed project would not meet any of the criteria resulting in the need for a WSA; therefore, no WSA is needed.

Projected water consumption rates associated with the proposed project are assumed to be 120 percent of the wastewater generated of a given land use. As discussed above, the projected wastewater generation for the proposed project during a maximum event week is 1,800 gallons per day. Based on this information, the proposed project would be expected to require 2,160 gallons of water per day. However, as discussed under the project description, above, the proposed project would comply with the MMC Water Efficient Landscape Ordinance and may use, if made available, recycled water to irrigate the landscaped areas. Therefore, the project's projected water consumption rate (2,160 gallons of water per day) is a conservative estimate.

These water estimates are considered conservative and do not reflect the energy saving features 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 2,160 gallons per day.

Water supply entitlements have been secured by 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 project applicant would be required to install additional water system facilities required to serve the proposed project and meet the Los Angeles County Fire Department requirements. As discussed above, it is anticipated that the project applicant will be responsible for water supply upgrades to the site, which could include; a 16-inch water main approximately 1,800 feet long along Malibu Canyon Road, a 16-inch water main approximately 1,200 feet long along PCH, a pressure reducing station, fire hydrant assemblies, and a reduced pressure principle detector assembly(ies). 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.⁶⁴

The water pressure needed to supply the required fire flow of 2,000 gpm at 20 psi residual pressure for two 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 at Seaver Drive and Malibu Canyon Road. According to Los Angeles County Department of Public Works, WWD No. 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.⁶⁵ In addition, the project applicant is required to provide the City of Malibu with a letter from WWD No. 29 confirming their ability to serve the project. Thus, impacts would remain less than significant and no mitigation is required.

- e) **Less than significant impact.** As discussed above, wastewater flows from the proposed project have been factored into the design capacity of Phase 2 of the 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 would be less than significant and no mitigation is required.
- f) **Less than significant impact.**

Construction

The project site is vacant. Construction of the proposed project would not require the demolition of any existing structures. 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. 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 construction debris would not result in impacts that are considered significant. No mitigation is proposed or is required.

⁶⁴ Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

⁶⁵ Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

Operation

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. No mitigation is required.

As shown in **Table 20, Proposed Project Solid Waste Generation (No Recycling)** the proposed project would generate a net increase in solid waste generation over existing uses of approximately 42.5 pounds per day, or about 7.8 tons per year. 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. As recycling would occur in accordance with current state law, the project would generate a total of approximately 3.9 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 20
Proposed Project Solid Waste Generation (No Recycling)

Building	Building Size (square feet)	Generation Factor¹	Daily Generation (lbs/day)	Annual Generation (tons/year)
Chapel	8,500	5 lbs/1000 sf/day	42.5	7.8

Source: Impact Sciences, Inc. 2014.

¹ Solid waste daily generation rates provide by CalRecycle.ca.gov; Commercial generation rates was used as a proxy for the chapel.
lbs = pounds, sf = square feet.

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 53 million tons with a design capacity of at least 60 years. The Calabasas landfill has an estimated remaining capacity of 6.5

million tons and is projected to reach its capacity around 2030.⁶⁶ Further, several other landfill facilities in the County, including the Lancaster Landfill and Recycling Center and the Sunshine Canyon City/County Landfill would accept solid waste generated by the proposed project.

The estimated remaining capacity of permitted Class III landfills at the end of 2014 in Los Angeles County was approximately 112 million tons. Further, the Mesquite Regional Landfill, located outside the County has an estimated remaining capacity of 660 million tons and a design capacity of 106 years available to Southern California counties.⁶⁷ 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 the Standard Conditions of Approval listed below, which would require that at least 50 percent of the solid waste generated during operation of the proposed project be recycled, and all remaining solid waste would be properly disposed of.

- g) **Less than significant impact.** During construction and operation of the proposed project, the project 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 MMC. 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, and no further analysis is necessary

Standard Conditions of Approval

- Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.

⁶⁶ County of Los Angeles Department of Public Works, *Los Angeles County Integrated Waste Management Plan 2014 Annual Report*

⁶⁷ County of Los Angeles Department of Public Works, *Los Angeles County Integrated Waste Management Plan 2014 Annual Report*

- Prior to a final Building inspection, the applicant shall provide a final Waste Reduction and Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. The final Summary Report shall designate all material that were land filled or recycled, broken down by material types.
- The applicant shall prepare a construction management plan. The construction management plan shall provide information on planned lane closures, timing of construction, haul routes, equipment delivery, and location of staging (if off-site staging is proposed). The construction management plan shall be submitted to the City for review and approval.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a 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.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Responses:

- a) **Less than significant with mitigation incorporated.** Based on the preceding discussion, with the incorporation of recommended mitigation measures, the proposed project would neither degrade the quality of the environment nor significantly affect any endangered fauna or flora. Due to the proposed project’s features, including the site design and recommended mitigation measures, as well as the project’s environmental setting (e.g., the highly disturbed nature of the project site and the surrounding built environment), the proposed project would not impact the habitat or population level of fish or wildlife species, nor would it threaten a plant or animal community, nor impact the range of a rare or endangered plant or animal. Potential impacts related to archaeological and paleontological resources would be reduced to less than significant levels with implementation of the required mitigation measures, and there would be no impacts related to potential historic resources. No further analysis is needed.

- b) **Less than significant with mitigation incorporated.** As indicated in the above analysis, project implementation would not result in significant environmental impacts with the incorporation of mitigation measures. No potential for the project to achieve short-term, to the disadvantage of long-term, environmental goals has been identified. No further analysis is needed.

- c) **Less than significant with mitigation incorporated.** It is not anticipated that the proposed project when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects would have a significant effect on the environment. Other projects have been approved nearby such as the Crummer site (five single-family residences and parkland) to the south, Towing Yard (four single-family residences), the La Paz Project (a commercial development) to the east and the Santa Monica College to the east. There are also other projects currently under Planning Department review such as the Whole Foods Shopping Center and the Sycamore Village Shopping Center. While the proposed project and cumulative development are anticipated to affect future (2030) 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. Also, as previously discussed in the Air Quality, Hazards and Hazardous Materials, and Noise sections of this study, cumulative impacts were analyzed and with implementation of mitigation measures the proposed project is not expected to result in any unmitigated significant adverse impacts either individually or cumulatively. No further analysis is needed.

- d) Less than significant with mitigation incorporated.** As discussed in the above analyses for the project, with implementation of the required mitigation measures, the proposed project would not result in any unmitigated significant adverse impacts. Thus, the project would not have the potential to result in substantial adverse effect on human beings. No further analysis is needed.

MALIBU MEMORIAL PARK
INITIAL STUDY
LIST OF APPENDICES

Appendix I:	Photometric Plan Set - Sasco
Appendix III:	Air Quality Study Update – Rincon
Appendix VI.a:	Geotechnical Report - GeoSoils
Appendix VI.b:	Geotechnical Report Update – GeoSoils
Appendix VI.c:	Geotechnical Report Addendum – GeoSoils
Appendix VII:	Greenhouse Gas Study Update – Rincon
Appendix IX.a:	Contamination Memo from Richard Sells
Appendix IX.b:	Groundwater Report – earthfornesics, inc.
Appendix IX.c:	HydroGeologic Report Update - earthfornesics, inc.
Appendix XII:	Noise Study Update – Rincon
Appendix XVI:	Traffic Impact Analysis – Overland Traffic Consultants

The appendices to the Initial Study is available for review at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA 90265, or on the City's website at <http://www.malibucity.org/cemetery>.

Malibu Memorial Park

Final Initial Study /
Mitigated Negative Declaration

Prepared for:

Lead Agency

City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Prepared by:

Impact Sciences, Inc.
28 N. Marengo Avenue
Pasadena, California 91101

April 2017

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1.0 INTRODUCTION

This document is the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Malibu Memorial Park project in the City of Malibu. An Initial Study (IS) supporting a proposed MND was prepared for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). The City of Malibu is acting as the lead agency as defined by CEQA for environmental review of this project.

The Final IS/MND has been prepared pursuant to requirements of CEQA, Public Resources Code, Section 21000 et al, and the *State CEQA Guidelines*. The Final IS/MND incorporates by reference the Draft IS/MND and its supporting appendices in their entirety.

PROCESS

Section 15073 of the *State CEQA Guidelines* indicates that a lead agency shall provide public review period of not less than 20 days. The Draft IS/MND for the Malibu Memorial Park project was circulated for a 30-day public review period beginning on November 14, 2016 and ending on December 14, 2016. A Notice of Intent (NOI) to adopt an MND and Initial Study were sent to all interested parties, persons, and individuals and posted at the Los Angeles County Clerk.

State CEQA Guidelines Section 15074(b) requires that the decision-making body of the Lead Agency consider the proposed mitigated negative declaration together with any comments received during the public review process prior to approving a project.

Nineteen comment letters were received before the close of the comment period. **Section 2.0, Responses to Comments**, of this document contains the written comments received and provides responses to these written comments. Individual comments within a letter are numbered and responses are numbered correspondingly. **Section 3.0, Corrections and Additions**, identifies the changes to the text of the Draft IS/MND that occur in response to the comments received in response to the Draft IS/MND, as well as any City of Malibu staff directed changes.

State CEQA Guidelines Section 15074(d) requires that the Lead Agency adopt a program for reporting on or monitoring the changes which it has made a condition of approval to mitigate significant environmental effects. A Mitigation Monitoring and Reporting Program is provided in **Section 4.0, Mitigation Monitoring and Reporting Program**, of this Final IS/MND.

2.0 RESPONSES TO COMMENTS

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Malibu Memorial Park project was circulated for public review November 14, 2016. The public review period, which ended on December 14, 2016, afforded public agencies, organizations, and the public in general the opportunity to review the Draft IS/MND and submit written comments regarding the Draft IS/MND and the proposed project in accordance with Section 15073 of the *California Environmental Quality Act (CEQA) Guidelines*.

A total of three agencies, seven organizations, and eight individuals provided comments and/or letters during the circulation period for the Draft IS/MND. This section includes copies of the letters and/or comments received, with the responses to the comments raised immediately following each letter.

**Table 2.0-1
Comment Letter Matrix**

Comment Number	Commenter	Name	Date
A Public Agencies			
A-1	California Department of Transportation, District 7 – Office of Regional Planning	Severin Martinez	12/14/16
A-2	California Department of Transportation, District 7 – Office of Regional Planning	Dianna Watson	12/21/16
A-3	California Department of Fish and Wildlife	Andrew Valand	12/19/16
A-4	County of Los Angeles Fire Department	Frank Vidales	12/06/16
B Organizations			
B-1	California Native Plant Society	Betsey Landis	12/14/16
B-2	Pepperdine University	Rhiannon L. Bailard	12/14/16
B-3	Wishtoyo Chumash Foundation	Luhui Isha	12/14/16
B-4	Gaines & Stacey	Fred Gaines	12/14/16
B-5	Montgomery Clark Advisors	Loren Montgomery	12/14/16
B-6	Malibu Community Alliance	Steve Uhring	12/12/16
B-7	Malibu Coalition for Slow Growth	Patt Healy	12/14/16
Comment Number	Commenter	Date	
C Private Citizens/Individuals			
C-1	Daniel Ducovny	12/16/16	
C-2	Carol Hahn	12/06/16	
C-3	Ali Johnson	12/01/16	
C-4	Sam Hall Kaplan	12/08/16	
C-5	Jeff Kramer	12/19/16	
C-6	Caitlin Madden	12/16/16	
C-7	Brian Merrick	12/14/16	
C-8	Robert Schienberg	12/02/16	

PUBLIC COMMENT AND RESPONSES

The following pages provide the written comment letters and the City's responses to these comments.

From: [Martinez, Severin@DOT](mailto:Severin@DOT)
To: [Adrian Fernandez](#)
Subject: Question: Malibu Memorial Park: SCH# 2016111054
Date: Wednesday, December 14, 2016 8:55:28 AM

Dear Mr. Fernandez,

My name is Severin and I am reviewing the Malibu Memorial Park for Caltrans District 7's intergovernmental review branch. Part of our review includes an analysis of potential transportation-related impacts with special attention to State facilities (in this case SR-1 / PCH). Our engineer reviewing this component of this project would like additional time to review- would you be willing to accept comments by December 23?

1

Thank you for your consideration and I look forward to hearing from you.

Severin

Severin Martinez

Transportation Planner
Local Development/Intergovernmental Review Branch
Caltrans District 7
(213)-897-0067

Letter No. A-1: California Department of Transportation

California Department of Transportation
District 7 – Office of Regional Planning
100 S. Main Street, MS 16
Los Angeles, CA 90012
Severin Martinez, Transportation Planner

Response A-1-1

The commenter requests an extension to the comment deadline for the Draft IS/MND.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-0067
FAX (213) 897-1337
www.dot.ca.gov



Serious drought.
Help save water!

December 21, 2016

Mr. Adrian Fernandez
City of Malibu
23825 Stuart Ranch Road
Malibu, CA, 90265

RE: Malibu Memorial Park
Mitigated Negative Declaration
Vic: 1 / PM: 48.042
GTS# 07-LA-2016-00306
SCH# 2016111054

Dear Mr. Fernandez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project consists of a chapel, 176 parking spaces, 47 freestanding mausoleum structures with a total square footage of 9,4000, as well as in-ground burial plot spaces intermittently located throughout the property on an existing site. The project site directly abuts State Route 1.

1

Based on the information received, Caltrans has the following comments:

Traffic Operations would like to see queuing analysis for left turning vehicles on southbound SR-1 onto Malibu Canyon Road as well as for left turning vehicles from SR-1 onto Webb Way. Further, it is recommend to install flashing beacons between the transition of speed limit from 50mph to 45mph for the southbound approach on SR-1 between John Tyler Drive and Malibu Canyon Road.

2

If any partial or whole lane closure is required as part of the project then the lead agency will need an encroachment permit from Caltrans. Any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. Caltrans recommends that large size truck trips be limited to off-peak commute periods.

Also, storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that project needs to be designed to discharge clean run-off water.

3

If you have any questions regarding these comments, please contact project coordinator Severin Martinez, at (213)-897-0067 or severin.martinez@dot.ca.gov and refer to GTS# LA-2016-00306.

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

Letter No. A-2: California Department of Transportation

California Department of Transportation
District 7 – Office of Regional Planning
100 S. Main Street, MS 16
Los Angeles, CA 90012
Dianna Watson, IGR/CEQA Branch Chief

Response A-2-1

The commenter restates the general project description for the proposed project and mitigation measure. The commenter further states that the California Department of Transportation (Caltrans) is aware of the proposed improvements and will continue to work with the City to implement them in a timely manner.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response A-2-2

A queuing analysis has been conducted for existing 2016 conditions with and without the project (refer to **Appendix 3.0-2, Traffic Queuing Analysis**, of the Final IS/MND for reference). The analysis shows that the project will not create a significant traffic impact to the eastbound vehicle queue with ample capacity to accommodate the left turn demand with the project. It should be noted that the dual left turn mitigation at Pacific Coast Highway and Webb Way has been assumed for this analysis.

The transition from 50 mph to 45 mph on Pacific Coast Highway occurs over 1,700 feet west of John Tyler Drive, and not between John Tyler Drive and Malibu Canyon Road. Currently, a flashing beacon is provided to identify a traffic signal on the approach to John Tyler Drive but not a speed limit change. The commenter has not provided a nexus between the project impacts and the requested flashing beacon.

Any proposed lane closures for the proposed project would be required to obtain the appropriate permits and approvals from all agencies having jurisdiction over such closures. The project would also provide all logistics, vehicle transport plans, routes, and schedules for each separate lane closure.

Response A-2-3

The proposed project will implement the requisite engineering design and related equipment to insure clean run-off water discharge from site.

Upon implementation of the proposed project, a private storm drain system would collect and transport stormwater runoff to the existing stormwater infrastructure along Civic Center Way. While the percentage of impervious surfaces on the project site would increase, compliance with the SWPPP and inclusion of BMPs would ensure off-site flows to Civic Center Way would not substantially increase. In addition, all flows would be treated prior to being discharged into the storm drain. As storm flows would be controlled on-site, the proposed project would not result in runoff exceeding the capacity of the existing or planned storm drain system.

From: [Valand, Andrew@Wildlife](mailto:Valand,Andrew@Wildlife)
To: [Adrian Fernandez](mailto:Adrian.Fernandez)
Cc: [Rodriguez, Randy@Wildlife](mailto:Rodriguez,Randy@Wildlife)
Subject: CDFW Comments on Malibu Memorial Park
Date: Monday, December 19, 2016 10:29:21 AM

Good morning Mr. Fernandez,

I am currently reviewing the Malibu Memorial Park Mitigated Negative Declaration and have a draft comment letter on behalf of the California Department of Fish and Wildlife. We are awaiting signatures on the letter and have many people out of the office at this time. I ask that you allow for an extension of the review period (our clearinghouse lists the comments due 12/19/16) to the end of this week so that we can have the appropriate signatories review and contribute to the letter. Please feel free to contact me for any further information that you may need from CDFW. Thank you and have a good day.

1

Andrew Valand

CEQA Biologist
California Dept. of Fish & Wildlife
4665 Lampson Ave
Los Alamitos, CA 90720
562-342-2142
Andrew.Valand@wildlife.ca.gov

Letter No. A-3: California Department of Fish and Wildlife

California Department of Fish & Wildlife
4665 Lampson Ave
Los Alamitos, CA 90720
Andrew Valand, CEQA Biologist

Response A-3-1

The commenter requests an extension to the comment deadline for the Draft IS/MND.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Note to readers and decision makers: a subsequent letter was never received from the California Department of Fish & Wildlife



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

RECEIVED
DEC 13 2016
PLANNING DEPT.

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

December 6, 2016

Adrian Fernandez, Senior Planner
City of Malibu
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Mr. Fernandez:

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION,
'MALIBU MEMORIAL PARK PROJECT,' CONSISTS OF A CHAPEL, 176 PARKING
SPACES, 47 FREESTANDING MAUSOLEUM STRUCTURES WITH A TOTAL
SQUARE FOOTAGE OF 9,400, APPROXIMATELY 28,265 IN-GROUND BURIAL
PLOT SPACES INTERMITTENTLY LOCATED THROUGHOUT THE PROPERTY,
4000 MALIBU CANYON ROAD, MALIBU, FFER 201600185

The Notice of Intent to Adopt a Mitigated Negative Declaration has been reviewed by
the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous
Materials Division of the County of Los Angeles Fire Department.

1

The following are their comments:

PLANNING DIVISION:

We have no comments.

LAND DEVELOPMENT UNIT:

- 1. The proposed development may necessitate multiple ingress/egress access for
the circulation of traffic and emergency response issues.

2

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

- AGOURA HILLS BRADBURY CUDAHY HAWTHORNE LA HABRA LYNWOOD PICO RIVERA SIGNAL HILL
ARTESIA CALABASAS DIAMOND BAR HIDDEN HILLS LA MIRADA MALIBU POMONA SOUTH EL MONTE
AZUSA CARSON DUARTE HUNTINGTON PARK LA PUENTE MAYWOOD RANCHO PALOS VERDES SOUTH GATE
BALDWIN PARK CERRITOS EL MONTE INDUSTRY LAKEWOOD NORWALK ROLLING HILLS TEMPLE CITY
BELL CLAREMONT GARDENA INGLEWOOD LANCASTER PALMDALE ROLLING HILLS ESTATES WALNUT
BELL GARDENS COMMERCE GLENDORA IRWINDALE LAWNSDALE PALOS VERDES ESTATES ROSEMEAD WEST HOLLYWOOD
BELLFLOWER COVINA HAWAIIAN GARDENS LA CANADA-FLINTRIDGE LOMITA PARAMOUNT SANTA CLARITA WHITTIER

2. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants.
3. Specific fire and life safety requirements for the construction phase will be addressed at the building fire plan check. There may be additional fire and life safety requirements during this time.
4. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
5. The maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep within such grade. In such cases, an absolute maximum of 20% will be allowed for up to 150 feet in distance. The average maximum allowed grade, including topographical difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in ten feet.
6. When involved with subdivision in a city contracting fire protection with the County of Los Angeles Fire Department, Fire Department requirements for access, fire flows, and hydrants are addressed during the subdivision tentative map stage.
7. Fire Department requirements for access, fire flows, and hydrants are addressed during the building permit stage.
8. Fire sprinkler systems are required in some residential and most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use.
9. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
 - a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
 - b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

- c) Additional hydrants will be required if hydrant spacing exceeds specified distances.
 - d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.
 - e) A cul-de-sac shall not be more than 500 feet in length when serving land zoned for commercial use.
10. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
- a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
 - b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.
 - c) Additional hydrants will be required if hydrant spacing exceeds specified distances.
 - d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.
 - e) A cul-de-sac shall not be more than 500 feet in length when serving land zoned for commercial use.
11. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.
12. All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure.
13. Driveway width for non-residential developments shall be increased when any of the following conditions will exist:

- a) Provide 34 feet in-width when parallel parking is allowed on one side of the access roadway/driveway. Preference is that such parking is not adjacent to the structure.
 - b) Provide 42 feet in-width when parallel parking is allowed on each side of the access roadway/driveway.
 - c) Any access way less than 34 feet in-width shall be labeled "Fire Lane" on the final recording map and final building plans.
 - d) For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.
14. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
- a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
 - b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced fire hydrant.
 - c) When cul-de-sac depth exceeds 200 feet, hydrants will be required at the corner and mid-block.
 - d) Additional hydrants will be required if the hydrant spacing exceeds specified distances.
15. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.
16. All on-site driveways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The 28-foot width does not allow for parking and shall be designated as a "Fire Lane," and have appropriate signage. The centerline of the on-site driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building.

17. The 28 feet in width shall be increased to:
 - a) Thirty-four feet in width when parallel parking is allowed on one side of the access way.
 - b) Thirty-six feet in width when parallel parking is allowed on both sides of the access way.
 - c) Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map and final building plans.
 - d) For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.
18. When serving land zoned for residential uses having a density of more than four units per net acre:
 - a) A cul-de-sac shall be a minimum of 34 feet in width and shall not be more than 700 feet in length.
 - b) The length of the cul-de-sac may be increased to 1000 feet if a minimum of 36 feet in width is provided.
 - c) A Fire Department approved turning area shall be provided at the end of a cul-de-sac.
19. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.
20. Fire Department access shall provide a minimum unobstructed width of 28 feet, clear-to-sky and be within 150 feet of all portions of the exterior walls of the first story of any single unit. If exceeding 150 feet, provide 20-foot-minimum paved width "Private Driveway/Fire Lane" clear-to-sky to within 150 feet of all portions of the exterior walls of the unit. Fire Lanes serving three or more units shall be increased to 26 feet.
21. Streets or driveways within the development shall be provided with the following:
 - a) Provide 36 feet in width on all streets where parking is allowed on both sides.

- b) Provide 34 feet in width on cul-de-sacs up to 700 feet in length. This allows parking on both sides of the street.
 - d) Provide 36 feet in width on cul-de-sacs from 701 to 1,000 feet in length. This allows parking on both sides of the street.
 - e) For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road.
22. All access devices and gates shall comply with California Code of Regulations, Title 19, Articles 3.05 and 3.16.
23. All access devices and gates shall meet the following requirements:
- a) Any single-gated opening used for ingress and egress shall be a minimum of 26 feet in-width, clear-to-sky.
 - b) Any divided gate opening (when each gate is used for a single direction of travel i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.
 - c) Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.
 - d) All limited access devices shall be of a type approved by the Fire Department.
 - e) Gate plans shall be submitted to the Fire Department prior to installation. These plans shall show all locations, widths, and details of the proposed gates.
24. All proposals for traffic calming measures (speed humps/bumps/cushions, traffic circles, roundabouts, etc.) shall be submitted to the Fire Department for review prior to implementation.

Adrian Fernandez, Senior Planner
December 6, 2016
Page 7

- 25. Provide three sets of alternate route (detour) plans with a tentative schedule of planned closures prior to the beginning of construction. Complete architectural/ structural plans are not necessary.
- 26. Disruptions to water service shall be coordinated with the County of Los Angeles Fire Department and alternate water sources shall be provided for fire protection during such disruptions.

2

The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department’s Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

3

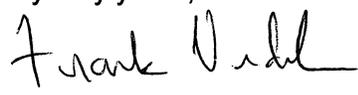
HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division of the Los Angeles County Fire Department has determined from our review of information on the California State Water Resource Control Board GeoTracker website that a listed site is located on the project site.

The listed site is referenced as the Rancho Malibu Hotel and has an open Los Angeles Regional Water Quality Control Board (LARWQCB) draft Waste Discharge Requirement (WDR) permit. Information regarding the WDR should be further reviewed and the LARWQCB should be contacted to determine whether WDR permit was ever implemented and whether there are any known environmental issues/concerns at the project site.

4

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,


FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:ac

Letter No. A-4: County of Los Angeles Fire Department

County of Los Angeles Fire Department
1320 North Eastern Avenue
Los Angeles, CA 90063-3294
Frank Vidales, Chief, Forestry Division

Response A-4-1

The commenter notes receipt of the Draft IS/MND and states that the documents has been reviewed by Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department and that comments are provided below.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response A-4-2

The project has been designed to include and meet all County Fire Department requirements, codes, and ordinances; please refer to Section 2.0, Project Description, Figure 2.0-16, Fire Department Access Plan which includes information regarding required clearances and hydrant locations.

The project has been designed to take into account all County of Los Angeles Fire Department requirements and conditions for fire and life safety. Prior to obtaining grading or building permits for the project, the City will obtain all required building and fire plan check approvals from the County of Los Angeles Fire Department.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response A-4-3

The comment restates the statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division, but does not raise an environmental issue within the meaning of CEQA, no further response is required. The project will obtain final approval of its fuel modification plan from the Forestry Division prior to grading permit issuance. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response A-4-4

The comment from the Health Hazardous Materials Division of the Los Angeles County Fire Department refers to the Rancho Malibu Hotel, a previous project that has been superseded by the proposed project on the same project site. The applicants of the Rancho Malibu Hotel requested a Waste Discharge Requirement (WDR) Permit from the Los Angeles Regional Water Quality Control Board during their environmental review process. As the Rancho Malibu Hotel project was never implemented, the WDR Permit will be closed out and does not apply to the proposed project. The comment will be included as part of the record and made available to the decision makers prior to a final decision.

California Native Plant Society

Los Angeles / Santa Monica Mountains Chapter

3908 Mandeville Canyon Road, Los Angeles, CA 90049

December 14, 2016

City of Malibu
Planning Department Fax: (310) 456-7650
23825 Stuart Ranch Road
Malibu, CA 90265
Adrian Fernandez, Senior Planner
(310) 456-2489, extension 482
afernandez@malibucity.org

Dear Adrian Fernandez:

RE: Comments on Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001 for Malibu Memorial Park Project, 4000 Malibu Canyon Road

The Los Angeles / Santa Monica Mountains Chapter of California Native Plant Society has about 500 members. As members of the California Native Plant Society (CNPS), we are dedicated to conserving California’s native plants through science, conservation, education, and horticulture.

1

Having read the Initial Study No. 16-002 (IS) and the Mitigated Negative Declaration No. 16-001 (MND) for the Malibu Memorial Park project (MMP), we have the following comments:

General Comments:

1) On page 19 of the IS document is a list of Environmental Factors Potentially Affected. None of the factors were checked. Yet the rest of the document lacks sufficient up-to-date studies of the biology, the ESHA, the justification for water (potable or recirculated or treated wastewater?) displays in major drought and climate change conditions, an exceedingly poor list of landscaping plants that will significantly harm wildlife in the project and surrounding ESHA areas, insufficient analysis of how the structures (crypts, mausoleums, chapel, other concrete structures) are to remain level on highly unstable soils and uneven topography or why deep-rooted trees and shrubs are being removed, when they are excellent stabilizers of these types of soil conditions.

2

2) Please check as Environmental Factors Significantly Affected by this project:

Biological Resources: plants, animals and ESHA

Cultural Resources: native American site(s)

Hazards and Hazardous Materials: Wildfire frequency and history, illegal dumping of debris in ESHA areas

Geology and Soils: effects onsite and offsite, e.g. on PCH, Winter’s Canyon, ESHA areas

Hydrology and Water Quality: construction and impact on local water supplies and on landscaping

Recreation: where is a map of the areas of Visitor’s use that satisfies the CV-2 zoning?

3

Specific Comments:

1) Biological Resources:

- a. The location of this site at the junction of Malibu Canyon Road and PCH, and bordering Winter’s Canyon, makes it part of a very important ESHA. Malibu Canyon is a major migratory pathway for both plant seeds and for many species of animals—birds, mammals, reptiles, amphibians and insects—as they seek the coast and Malibu Bluffs or seek to go inland after traveling along the coast and through Malibu Lagoon and the Civic Center into Winter’s Canyon. The fact that the site has *Baccharis pilularis*

4

alliance intergrading with *Quercus agrifolia* and *Juglans californica* alliances, establishes an excellent
range of food, nesting and resting areas for a wide range of animals. From raptors in the treetops to
woodrats creating homes under shrubs, to lizards and to butterflies. Removing large numbers of these
plants providing food, nesting and resting for such a wide range of species is a significant and
unmitigated impact.

4

b. Has an expert arborist examined the *Quercus agrifolia* and *Juglans californica* trees that have been tagged for removal? Are these actually resprouts from existing root systems after the last wildfire in 2007? If they are resprouts then they are old enough and well-established enough to leave alone as they will grow quickly and provide much needed shade and food for the wildlife.

5

c. No statement has been made about the frequency of wildfires on this site, even though wildfire has an important effect on location of flammable structures, fire-fighting services, and emergency access and egress. The wildfire records at the Santa Monica Mountains National Recreation Area for the last half-century show that wildfires have burned this site in 1970, 1996 and 2007. The assessment of the health of the ESHA and of the other native plants on this site should have taken this fire history into account. Why not?

6

d. The native habitats on site are designed to recover from this frequency of wildfires. Those plant species should be used in the landscaping for this Memorial Park.

7

e. The landscaping plant list in Figure 3 contains some toxic plant species and some invasive plant species, as well as other problems. These plant species pose a significant threat to the ESHA and to all wildlife depending on this site for survival.

The plant list in Figure 3:

Toxic plants:

Aesculus californica-all parts of the plant are toxic to all animals, even honey bees.

Myoperum-poisonous to grazers, such as deer.

Invasive (will displace native plants and degrade surrounding ESHA):

Cinnamomum camphora

Rosemary species in general spread easily, become flammable as they age

Wheeler's Dwarf Japanese Mock Orange

Santolina chamaecyparissus

Carex tumilicola

8

Other problems:

Should not plant 32-inch box *Quercus agrifolia* or any *Quercus* or *Juglans californica* because the root systems are usually unable to survive transplantation and the plants die.

Non-natives:

Magnolia grandiflora

Buxus microphylla

Mytus communis 'Compacta'

Lavandula x intermedia 'Grosso'

Dietes bicolor

f. Replace non-native plants with native plants that will be beautiful, drought-tolerant, and provide food, resting and nesting places for the wildlife that also live in Malibu and the Santa Monica Mountains.

2) Suggestions for native plants to replace those non-native plant species listed on Figure 3.

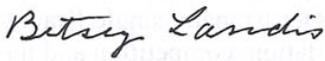
- Juglans californica*
- Baccharis pilularis*
- Artemisia californica*
- Ceanothus thyrsiflorus*
- Eriogonum cinereum* or *parvifolium* or *cultivars of those species*
- Salvia leucophylla* or *apiana*
- local native *Carex* species
- native coastal grasses

9

At this time there are too many significant impacts that will affect the health of the ESHA, and the future success of this project. For the future success of this project a full CEQA process is necessary.

10

Sincerely,



Betsey Landis
Vice President
Los Angeles / Santa Monica Chapter
California Native Plant Society

Letter No. B-1: California Native Plant Society

Response B-1-1

This comment is a set of general introductory remarks and explanation of the California Native Plant Society. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-1-2

This comment raises concerns regarding certain aspects of the Initial Study and its analyses. Extensive biological studies have been conducted on the site over the years, the most recent of which is included in the document as **Appendix IV**.

Plant palettes have been adjusted to conform to drought tolerant species (refer to Figure 4a, (Revised) Proposed Project Landscape Plan), and Maximum Applied Water Allowance (MAWA) limitations.

All of the proposed structures, including, but not limited to, the chapel, mausoleums and crypts, would be constructed in accordance with existing regulations, building codes, and the application of the engineering recommendations provided in the approved geotechnical report. Further, all structures would incorporate all current water conservation and energy efficient engineering practices.

The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-1-3

This comment raises concerns regarding certain environmental impacts that may be affected by the proposed project. However, as discussed further in the analysis of the proposed project, all potentially significant impacts of the proposed project would be mitigated to a level of less than significant; therefore, no Environmental Factors need to be checked.

Impacts regarding cultural resources are addressed below in responses to comments made in **Letter No. B-3: Wishtoyo Chumash Foundation**.

Hazards: The City of Malibu, and therefore the project site, is located in a Very High Fire Hazard Severity Zone. All project construction would be in compliance with the goals, policies, and implementation measures and codes of the Los Angeles County Fire Department (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. The last major wildfires occurred in 1970, 1996, and 2007. Vehicle paths for potential dumping into Environmental Sensitive Hillside Areas will be inaccessible.

Geology: Extensive soil analysis of onsite and offsite conditions have been conducted and address identified issues with the implementation of required retaining walls and soil compaction requirements, and all the geotechnical consultant's recommendations.

Hydrology: Drought-tolerant landscaping will meet the requirements of the City's Landscape Water Conservation Ordinance (Malibu Municipal Code (MMC) Chapter 9.22). Los Angeles County Waterworks District No. 29 (WD29) has issued a will-serve letter for the property indicating water supplies are available. An updated letter will be required prior to building permit issuance.

Recreation: The entire project site will be open to the public and includes open space areas, scenic vistas, walking paths and resting areas, plus a chapel structure, all of which are consistent with the property's CV-2 zoning.

Response B-1-4

This commenter states that the presence of *Baccharis pilularis* alliance with *Quercus agrifolia* and *Juglans californica* alliances would warrant a significant impact if they were to be removed upon project implementation.

Rincon Consultants, Inc. (Rincon), conducted a Native Tree Assessment on the project site and concluded that very few native trees are designated for removal (refer to Figure 4b, Native Tree Map). The southeast corner of the Environmentally Sensitive Hillside Area would be unaffected, and native slopes to the north, east, and south of the project site are to remain intact. No native trees meeting the definition for protection under LIP Chapter 5 (Native Tree Protection) will be removed. A condition of approval has been included to require an updated survey of native trees prior to ground disturbance to ensure that any trees disturbed that have grown to a size that is protected under LIP Chapter 5 will be mitigated in accordance with LIP Section 5.5.

Response B-1-5

Rincon conducted a Native Tree Assessment on the project site (refer to **Figure 4b, Native Tree Map**). No *Juglans californica* trees are tagged for removal. Five *Quercus agrifolia* trees have been tagged to be removed; all were on the flat, former nursery section of the site and did not meet the City's size requirements for protection. An updated native tree survey and mitigation will be required if applicable, as described in Response B-1-4.

Response B-1-6

This comment states the importance of addressing the frequency of wildfires on the project site. As mentioned in **Response B-1-3**, the City of Malibu is located in a Very High Fire Hazard Severity Zone. All project construction would be in compliance with the goals, policies, and implementation measures and codes of the Los Angeles County Fire Department (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. Health of existing trees on the project site was reported in a Native Tree Assessment that was conducted in 2012, subsequent to the last major fire in the area in 2007.

Response B-1-7

This comment recommends that native species suited for frequent wildfires should be used in the landscaping of the Memorial Park. The plant palette has been revised to incorporate almost entirely native species.

Response B-1-8

This comment states that the landscaping plant list in Figure 3 of the IS/MND contains some toxic and invasive plant species that may pose a significant threat to the environmentally sensitive habitat area (ESHA).

Tree and plant selections have been revised to be mostly native plants with the exception of the boxwood hedges for some of the topiaries, refer to Figure 4a, (Revised) Proposed Project Landscape Plan. Standard conditions of approval prohibit the use of invasive species.

Response B-1-9

This comment recommends native plants to replace non-native plant species listed in Figure 3. Tree and plant selections have been revised to be mostly native plants with the exception of the boxwood hedges for some of the topiaries, refer to Figure 4a, (Revised) Proposed Project Landscape Plan. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-1-10

This comment states that there are too many significant impacts that will affect the health of the ESHA.

As discussed on page 59 of the Draft IS/MND, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed. A condition of approval has been incorporated to require an updated native tree survey prior to ground-disturbance, and require mitigation pursuant to LIP Section 5.5 for any trees meeting the thresholds for protection. Therefore, the proposed project is consistent with applicable LIP ESHA and Native Tree Protection development standards. Furthermore, the 30-acre offsite conservation easement on the Francisco property was dedicated to the City in 2001 as mitigation for development of the subject property as a 146-room hotel that was going to remove sensitive habitat (Deed of Conservation Easement for Wildlife Habitat and Open Space Resources, recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737). The hotel project (CUP No. 96-005) was approved by the City in 1998. The easement remains in place and serves as mitigation for the habitats disturbed by the subject project. No additional mitigation or conditions of approval are required.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

PEPPERDINE UNIVERSITY

GOVERNMENTAL AND REGULATORY AFFAIRS

Mr. Adrian Fernandez
Senior Planner
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

December 14, 2016

Re: Pepperdine University’s Comments on Malibu Memorial Park (Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001)

Dear Mr. Fernandez:

I write on behalf of Pepperdine University regarding the Mitigated Negative Declaration (the “MND”) released on November 10, 2016 for the Malibu Memorial Park project (the “Project”). Pepperdine University appreciates the opportunity to comment on the MND for the Project as we take our role of being a good neighbor and steward of the land very seriously. With that in mind, we respectfully submit the following comments on the Malibu Memorial Park MND and encourage the City to carefully study all of the potential Project impacts.

1

I. Traffic

The MND does not appear to provide a complete picture of the traffic that will likely be generated by this Project. Cemeteries are a unique land use and their trip generation characteristics are best determined on a case-by-case basis. Given its Malibu location and likelihood of high profile interments, Pepperdine feels strongly that the MND should provide additional analysis of the reasonable foreseeable potential traffic and circulation impacts that this particular cemetery could impose on the community. Specifically, the traffic analysis provided in the MND is based on the estimated number of daily trips associated with the Project, calculated according to trip generation rates developed by the Institute of Transportation Engineers for church and cemetery uses. While this trip generation methodology and analysis may account for potential traffic generated by a typical service, it does not provide a sufficient analysis of the potential for many large funeral services in one day or for celebrity funerals that may generate significant public attention. For example, the applicant stated that up to 345 vehicles could be accommodated on-site with the use of valet parking and an additional 120 vehicles traveling to the Malibu Memorial Park could be parked along Malibu Canyon Road for an estimated total of 1,395 patrons during “high profile or celebrity interments.” The MND does not account for these traffic impacts or include event traffic control measures.

2

Given the desirable location of the Memorial Park in Malibu, and the number of celebrities and public figures who may be buried there, it is reasonable to assume that such large-scale services could occur with the potential for hundreds or even thousands of mourners attempting to attend. The impacts of such large funeral services would be compounded if they were to occur on the same day as other high-traffic events in Malibu, such as festivals or public gatherings (e.g., Malibu Arts Festival and Chili Cook-off), holiday weekends (e.g., Fourth of July), or special events at Pepperdine (e.g., graduations). Furthermore, the traffic analysis in the MND does not address the fact that many burial services would include a motorcade procession to the Memorial Park. Funeral motorcades often travel at slow speeds accompanied by escorts that block cross traffic during the procession. Even a small funeral motorcade could potentially have a substantial effect on traffic along Pacific Coast Highway or Malibu Canyon Road, and a large motorcade could create a significant traffic issue, particularly during peak traffic times. Additionally, it is possible that ongoing visitation of high-profile graves may occur (e.g., on anniversaries of birthdays or deaths).

Although the occurrence of high profile funeral services at Malibu Memorial Park with hundreds or even thousands of attendees would be unpredictable, the MND should analyze such special events, and associated funeral procession motorcades, ongoing visitation of high-profile graves, and the impact of scheduling such services during already anticipated high-traffic days in the City.

2

II. Circulation and Parking

The Project will be served by one new driveway opening onto Malibu Canyon Road for ingress and egress. The MND states that all vehicles exiting the Memorial Park must make a right turn onto Malibu Canyon Road, travelling north, and then “perform a U-turn at the intersection of Seaver Drive and Malibu Canyon Road” to travel south on Pacific Coast Highway. This turning movement was not analyzed in the traffic impact analysis prepared for the Project. While this traffic pattern may not produce noticeable effect during normal operations, it may create a bottleneck during larger services and is likely to impact access to Seaver Drive, which is the main entrance to the Pepperdine University campus. As stated above, the applicant stated that 1,395 people might attend a high-profile internment. If we were to, for example, reasonably assume that there are two people per vehicle, and 2/3 of them are heading to West Los Angeles, that would result in 459 vehicles trying to make a U-turn at the main entrance to the Pepperdine University campus. We request that the MND analyze potential egress scenarios and impacts associated with the contemplated “U-turn at the intersection of Seaver Drive and Malibu Canyon Road.”

3

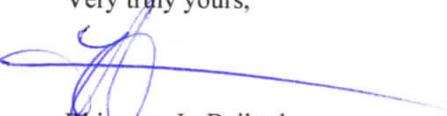
Additionally, as noted above, the applicant has stated that it anticipates that up to 120 vehicles could be parked along Malibu Canyon Road during large funeral services. The MND does not provide specific information about the location of these 120 street parking spaces or the potential effects on congestion and pedestrian safety in the area, nor does the applicant provide any information about the potential to secure additional parking in the area for services that may draw hundreds or thousands of vehicles. It would similarly prove helpful if the MND would analyze the off-street parking and identify where this parking on Malibu Canyon Road is located, as well as where vehicles will park if the parking identified both on- and off-site is not sufficient for a given funeral service.

III. Conclusion

Pepperdine University values its role as a good neighbor to the Malibu community, and we appreciate the opportunity to comment on the MND for the Malibu Memorial Park. We look forward to reviewing further analysis of the Project to address the issues we have identified. Should you have any questions, please do not hesitate to contact me at (310) 506-4702, or rhiannon.bailard@pepperdine.edu.

4

Very truly yours,


Rhannon L. Bailard
Associate Vice President

Cc Andrew K. Benton, President, Pepperdine University
Gary A. Hanson, Executive Vice President, Pepperdine University
Phil E. Phillips, Vice President for Administration, Pepperdine University

Letter No. B-2: Pepperdine University

Response B-2-1

This comment is a set of general introductory remarks of the IS/MND. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-2-2

Conditions of approval have been incorporated into the project to address occasions for which a high number of visitors would be expected to minimize adverse impacts on traffic and parking. Please refer to Planning Commission Resolution No. 17-17, Section 5, Conditions of Approval, under *Operations*. These conditions require valet parking at no charge on Memorial Day and other high visitation days to maximize the efficiency of use of the onsite parking; require a temporary use permit (TUP) and/or transportation management plan (TMP) for events or services and burials that would exceed the 176-space capacity of the onsite parking or involve a procession with a large number of cars; and would prohibit funeral processions involving a large number of vehicles during peak traffic hours, certain holidays (4th of July, Memorial Day weekend, and Labor Day weekend). The conditions also require the property owner/operator to monitor visitors and services daily and report the data to the City for annual review against the anticipated parking and traffic generation estimates so that this information may be reported to the Planning Commission. The TMP would be reviewed and approved by the Public Works Department and Los Angeles County Sheriff. Depending on the size, type, and duration of the event, the Transportation Management Plan (TMP) would address all aspects of event transportation and may include an evaluation of site access, parking, valet staging, temporary on-site parking, usage of shuttles, routing information and traffic control/security personnel. A traffic control plan – a specific set of plans showing the location of traffic control devices (e.g., cones, barricades, signs) may also be necessary. Furthermore, individual funeral processions are limited duration events and categorically exempt from CEQA review. The City of Malibu can authorize funeral escorts to control traffic for a funeral procession. Licensed funeral escorts are authorized to regulate traffic in accordance with the movement of the funeral procession as outlined in the California vehicle code. Vehicles taking part in a funeral procession have the right-of-way, and interference, obstruction, or interruption of the funeral procession is subject to a citation. When required, escorts will facilitate movement of large numbers of vehicles to the project site efficiently, keeping traffic impacts to a minimum. Each planned event would be analyzed on a case-by-case basis.

A review of the available street parking on Malibu Canyon Road between Pacific Coast Highway and the intersection of Civic Center Way/Seaver Drive has been completed. Chapter 3.0, Corrections and Additions, corrects the estimate to reflect the potential parking spaces on Malibu Canyon Road as approximately 72 parking spaces not 120 as mentioned in the comment. Bus stops, acceleration lanes, and red curb determine the number of spaces that could be provided.

Currently, there are 34 spaces on the east side of Malibu Canyon road adjacent to the site and 38 parking spaces on the west side. It should be noted that this potential parking assumes the proposed street improvements along Malibu Canyon Road associated with the proposed project including sidewalks and a 10' curb parking lane adjacent to the proposed bike lane.

Response B-2-3

The statement in the IS/MND that vehicles would be able to head south on Malibu Canyon Road by performing a U-turn at the intersection of Seaver Drive and Malibu Canyon Road upon exiting the site has been corrected in Chapter 3.0, Corrections and Additions. The geometry of the intersection does not provide sufficient space for a U-turn maneuver. A "No U-Turns" sign will be posted at this intersection. Also, signs will be posted on the project site to direct drivers to the appropriate route to Pacific Coast Highway – right on Malibu Canyon Road, right on Civic Center Way, and either right on the connector to Pacific Coast Highway, or right on Webb Way to Pacific Coast Highway. I This worst case scenario was identified as a significant project traffic impact for year 2030 peak hour project condition and has been analyzed and mitigated for in the Draft IS/MND.

Response B-2-4

This comment is a set of closing remarks for the letter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.



WISHTOYO
CHUMASH FOUNDATION
FIRST NATIONS ECOLOGICAL CONSERVATION ALLIANCE

December 14, 2016

SUBMITTED ELECTRONICALLY AT 4:16 P.M.

Adrian Fernandez
Senior Planner City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
afernandez@malibucity.org

VIA E-MAIL

Dear Adrian:

I'm writing to you to express concern with regards to the City of Malibu's Proposed Malibu Memorial Park Project ("Project"), which has the potential to desecrate an area that is already a well-known cemetery site to the ancestral remains of the pre-historical ancestors of Modern Chumash People, their Ancestors.

The area of the "Project" site is not merely known as an "archeologically" significant site and burial site. It is an established cemetery where there are Grandmothers, Aunties, and Uncles, and children who have a human right to be undisturbed and taken care of by their descendants. They are family and are referenced as less than human by using scientific terms that make it okay to desecrate the ancestor's graves. How is that a negative impact?

"Capping" the "Project" site at CA-LAN-266 is not a solution to the potential problem. The fact that the proposed "Project" both acknowledges the cultural sensitivity of the site and at the same time intends to bury the modern day dead of non-Chumash people over the ancestors who are already buried there, is highly problematic on a Human Rights level and on a scientific procedural level. First, as was previously stated, there are already Human Beings buried in an established historic graveyard. This area is also a known pre-historic settlement, burial grounds and a significant ceremonial site.

While I appreciate the idea of "capping" the site at CA-LAN-266 as a measure to "reduce the potential for impacts" to this known cemetery and sacred ceremonial site. I propose that you take into deep consideration preserving this cemetery in



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CHUMASH FOUNDATION

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place; instead of taking the highly probable chance of breaching this already established historical cemetery and sacred site.

The capping, as you know, of 24 inches cannot be adhered to until the job is taking place where the potential is high that there will be grading or preparation of the area to be capped and disturbance of the site undeniable. Even with Mitigation Measures CR-1 and CR-2 “would reduce” but not prohibit “impacts to this known historic cemetery and sacred ceremonial site.

This area at CA-LAN-266 should be preserved in place and permanently protected by listing it on the California Register of Historical Places especially being both the phase I report from 1990s and the phase II report from 2016 both confirm this is already a sacred site, burial site, and ceremonial site.

It is no surprise then that the report from the South Central Coast Information Center, California State University, Fullerton from 2012 show a consistency in the fact that this “Project” area AND adjacent areas of study are historically and archeologically significant natural cultural resources, known burial sites, and sacred sites at CA-LAN-31, 319, 406, 2790, 2937, 1417, AND 1715.

“In the case of CA-LAN-266, as in other habitation sites of the similar age and location, there is a high probability that the site contains multiple human burials. From the information available, I judge that, rather than being utilized primarily as a hunting encampment, the site was used as a settlement...Typically, people from this time have different sized of grinding tools: larger tools remained at the village, and smaller, more portable grinding tools that would be used at excursion sites. Because this site contains larger tools and a variety of artifacts used for manufacturing, this site was most definitely used as a habitation site rather than a temporary hunting encampment.”

“In almost every settlement site from this time period, including the smaller settlements of similar size, there is a cemetery form human burials and sweat lodges and moon lodges for spiritual practices. In site contemporary with CA-LAN-266, mutates usually indicate human burials, as they were used as offerings and grave markers,” --synonymous to modern day head stones.

Excerpt from an assessment report by Chester King, Archeologist, on CA-LAN-266

In the mission statement of the City of Malibu it states: *“Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces,*



WISHTOYO

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FIRST NATIONS ECOLOGICAL CONSERVATION ALLIANCE

archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting."

If we protect cultural resources we protect the environment. Therefore I urge the City of Malibu to show leadership in denying this project to create a gigantic graveyard of close to 30,000 in ground burial plots, almost 4,000 standing wall crypts, a Chapel, mausoleum, and parking structure that will positively inhumanly impact and be built directly on top of an 8,000 year old historical Chumash burial, sacred and ceremonial site.

It would be wonderful to see a protection of the already historical and established burial and ceremonial site not only to be listed on the California Register of Historical Places but also in addition set aside as a "Sacred Heart" Spiritual Reserve and Place of Reflection. A place where the Chumash People could erect a memorial to take care of the Ancestors and where all people could go to pray and reflect.

Thank you for the opportunity to provide comment. Please feel free to contact me at any time.

Luhui Isha
Cultural Resource & Education Director
Wishtoyo Chumash Foundation
33904 Pacific Coast Highway
Malibu, CA 90265
Cell:805.729.7692
luhuiisha@wishtoyo.org
www.wishtoyo.org

Letter No. B-3: Wishtoyo Chumash Foundation

Response B-3-1

This comment addresses the potentially significant cultural impact of project implementation at CA-LAN-266, a site where the commenter claims that an established, historical cemetery exists and that capping the area of this historical site would not adequately mitigate the potential ground-disturbing activities of construction.

It is not anticipated that the project would have an adverse effect on what may be left of the sites. This conclusion was reached by ESA after conducting an extensive site testing program, including scientific backhoe trenching, multiple hand-dug test pits, and completion of additional meter square units to determine if significant archaeological deposits were present in the project area. No human remains were encountered, and although some artifacts were uncovered, ESA determined that even though the site did at one time contain enough information in the form of archaeological data to be considered as significant, previous testing and removal of material by archaeologists, prior use of the site as a tree farm, various fires and other natural processes, as well as ESA's current detailed Phase II work have exhausted the research potential of the site from an archaeological perspective. The City acknowledges that cultural significance cannot be determined from archaeological research alone. ESA worked with the federally recognized tribe and the most Likely Descendant of Chumash ancestry, Ms. Beverly Salazar-Folkes, as identified by the California Native American Heritage Commission. Native American representatives monitored all onsite work and were involved in the planning and determination that substantial work had been done to determine if the testing program was sufficient for probative value.

In addition, Beverly Salazar-Folkes of the Native American Monitoring Group, and designated Most Likely Descendant (MLD), addressed the historical, cultural, and tribal findings of this site location with her letter dated January 20, 2017 (included as Appendix 2.0 to this Final IS/MND). Thorough site surveys, record searches, and archaeological testing resulted in the identification of two prehistoric sites in the project area. The site in question, CA-LAN-266, does retain integrity, including the presence of a hearth feature and several flaked stone and ground stone tools within a relatively shallow deposit (60cm). This site does meet the significance criteria as a historical resource under CEQA. However, numerous archaeological studies have shown no indication that this site contains any human remains. Therefore, the suggestion to cap by fill soils to limit any further subsurface impacts is a viable mitigation measure.

That being stated, there are known and recognized cemetery complexes within a mile of the proposed project site related to much large settlements at CA-LAN-264 and CA-LAN-267. The proposed project would not involve any disturbance to these sites. If there is any specific factual information regarding the

presence of burials at CA-LAN-266, the City requests its immediate submittal to the City and the Native American Monitoring Group.

The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON*
NANCI SESSIONS-STACEY
KIMBERLY A. RIBLE
ALICIA B. BARTLEY

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* a professional corporation

December 14, 2016

ORIGINAL BY MAIL

VIA EMAIL afernandez@malibucity.org

Adrian Fernandez
Senior Planner
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Comment Letter - Malibu Memorial Park
Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001

Dear Mr. Fernandez:

This law office represents Green Acres, LLC, the property owner of the above-referenced project (the "Malibu Memorial Park"). The City of Malibu (the "City") published the Initial Study and proposed Mitigated Negative Declaration ("MND") on November 14, 2016 for a thirty (30) day review period, the purpose of which is to allow public agencies and interested members of the public the opportunity to share expertise, disclose agency analysis, check for accuracy, detect omission, discover public concerns and solicit counter proposals pursuant to CEQA Section 15200 ("Purposes of Review").

1

This correspondence contains Green Acres' formal comments on the Initial Study and proposed MND, which are listed below in page order. Some corrections are shown in redline: ~~strikeouts~~ are for text to be removed and underlined text is for text to be added.

- **Page 4, Paragraph 1, Second Sentence:** "The 47 mausoleums ~~range from~~ will average approximately ~~140 to~~ 200 square feet each."
- **Page 8, Paragraph 1, 1st full sentence:** "The archeological area would be capped with grading of a sufficient depth so as to allow necessary coverage as mandated in the Cultural Resources Management Report (maximum cap of approximately three feet)."
- **Page 8, Table 1:** The source date of the table is November 2016, rather than August 2016.

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- **Page 8, Second Paragraph under “Construction”:** “The initial construction does not include the ongoing construction of burials which has an estimated ~~45-year buildout~~ 40 to 80 year sell out period.”
- **Page 8, Third Paragraph under “Construction”:** “Sequence One: the perimeter of the site will be improved. ~~All~~ Approximately 240 pre-installed crypts will be placed in the median of the driveways.”
- **Page 10, Paragraph 1:** It should be clarified and noted that this is a condition of the City of Malibu, not a condition of Southern California Edison.
- **Page 10:** “WWD No. 29 approval for water supply and sources for the site.” A will serve letter and proof of accompanying water supply agreements have been supplied to the City on a least two previous occasions.
- **Page 11, Figure 1a:** In some of the digital versions of the Initial Study and MND, the “Impact Sciences” name/logo is pasted over Figure 1a, almost completely obscuring it. Please correct.
- **Page 15, Figure 3:** The Proposed Project Landscape Plan has been revised and updated.
- **Page 18, Figure 6:** There is a typo in the key – “Educational Facilities” is misspelled. Please correct.
- **Page 115, Table 11:** For “Single Family Residences Across Civic Center Way,” it states maximum construction noise level is 95dBA. This is incorrect. Per the Rincon Report, Table 9, the maximum construction noise level is 65dBA. Please correct.
- **Page 125:** “The project applicant would be required to obtain a will serve letter from WWD No. 29, to ensure adequate water flow capacity exists to serve the project site, prior to the commencement of any construction activities.” The will serve letter has already been supplied to the City on at least two separate occasions, as well as proof of a water availability agreement with Pepperdine.
- **Page 142:** Please change the following sentence to: “The project applicant shall participate in funding the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way.”
- **Page 147:** “Project Site” location is mislabeled on map. Please correct.

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Adrian Fernandez, Senior Planner
December 14, 2016
Page 3

- **Page 154:** “In addition, the project applicant is required to provide the City of Malibu with a letter from WWD No. 29 confirming their ability to serve the project.” Again, the will serve letter has already been provided to the City on at least two separate occasions.
- **Appendices:** The Initial Study “List of Appendices” appears to be missing Appendix IV, which is the Updated Biology Inventory Report (this is referenced in the IS/MND). The list also skips over Appendices II, V, VII, VIII, X, XI, XIII, XIV, and XV. These may not exist as they do not appear to be referenced in the IS/MND. Please clarify and/or correct.

	16
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Thank you for your attention addressing these comments and corrections. Please do not hesitate to contact me at any time with any questions or comments you may have

Sincerely,

GAINES & STACEY LLP

By 
FRED GAINES

cc: Bonnie Blue, Planning Director (Via Email)

Letter No. B-4: Gaines & Stacey**Response B-4-1**

This comment is a set of general introductory remarks and opinions. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-4-2

The text on page 4 is revised as follows:

The 47 mausoleums ~~range from~~ will average approximately ~~140 to~~ 200 square feet each.

Response B-4-3

The text on page 8 is revised as follows:

The archaeological area would be capped with grading of a sufficient depth so as to allow necessary coverage as mandated in the Cultural Resources Management Report (maximum cap of approximately three feet).

Response B-4-4

Table 1, Estimated Earthworks Quantity on page 8 is revised as follows:

	Exempt			Non-Exempt	Remedial	Total
	Removal and Recompaction	Under Structure	Safety			
Cut	70,045	106,367	1,172	12,168	0	189,752
Fill	70,045	0	231	32,567	0	113,127
Total	140,090	106,367	1,403	44,735	0	302,879

Source: Green Acres LLC, ~~August~~ November 2016.

Response B-4-5

The text on page 8 is revised as follows:

The initial construction does not include the ongoing construction of burials which has an estimated ~~45-year buildout~~ 40 to 80 year sell out period.

Response B-4-6

The text on page 10 is revised as follows:

Sequence One: the perimeter of the site will be improved. ~~All~~ Approximately 240 pre-installed crypts will be placed in the median of the driveways.

Response B-4-7

The responses to comments contain additional information, clarifications and minor revisions that will be added to the text of the Final IS/MND. City of Malibu staff has reviewed this material and determined that the incorporation of this additional information as part of the Final IS/MND will not require recirculation of the Draft IS/MND. This new material will not result in a significant new environmental impact not previously disclosed in the Draft IS/MND. Additionally, this material will not result in a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15073.5

Response B-4-8

The text on page 10 is revised as follows:

Updated WWD No.29 approval for water supply and sources for the site.

Response B-4-9

Figure 1a, Proposed Project Site Plan on page 11 has been revised.

Response B-4-10

Figure 3, Proposed Project Landscape Plan on page 15 has been revised and updated, refer to **Figure 4a, (Revised) Proposed Project Landscape Plan.** .

Response B-4-11

Figure 6, Project Site and Surrounding Land Uses on page 15 has been revised.

Response B-4-12

Table 11, Construction Noise Levels on page 115 has been revised as follows:

Sensitive Receptor	Distance from Construction (feet)	Maximum Construction Noise Level (dB(A))	City's Maximum Exterior Noise Limit
Our Lady of Malibu Church	350	72 dB(A)	85 dB(A)
Residences Across Civic Center Way	350	72 dB(A)	75 dB(A)
Webster Elementary School	550	68 dB(A)	85 dB(A)
Pepperdine University	950	63 dB(A)	85 dB(A)
Single-Family Residences Across Civic Center Way	700	95 65 dB(A)	75 dB(A)

Source: Rincon Consultants, Inc., 2015, Appendix XII.

Response B-4-13

The text on page 125 is revised as follows:

Updated WWD No.29 approval for water supply and sources for the site.

Response B-4-14

The text on page 142 is revised as follows:

The project applicant shall participate in funding the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way.

Response B-4-15

Figure 14, Prohibition Zone on page 147 has been revised.

Response B-4-16

The text on page 154 is revised as follows:

Updated WWD No.29 approval for water supply and sources for the site.

Response B-4-17

The responses to comments contain additional information, clarifications and minor revisions that will be added to the text of the Final IS/MND. City of Malibu staff has reviewed this material and determined that the incorporation of this additional information as part of the Final IS/MND will not require recirculation of the Draft IS/MND. This new material will not result in a significant new environmental impact not previously disclosed in the Draft IS/MND, or any other circumstances requiring recirculation described in Section 15073.5.

10877 Wilshire Boulevard
Suite 1103
Los Angeles, California 90024
Telephone 310.443.7711

December 14, 2016

VIA E-MAIL

Mr. Adrian Fernandez
Senior Planner
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265
afernandez@malibucity.org

Re: **Malibu Memorial Park Initial Study and Mitigated Negative Declaration**

Dear Adrian:

I write on behalf of our client Malibu Bay Company regarding Initial Study No. 16-002 and Mitigated Negative Declaration No. 16-001 for the Malibu Memorial Park project (“Project”) released on November 10, 2016. We have some concerns that the Mitigated Negative Declaration (“MND”) does not fully and adequately identify and analyze the potential environmental impacts of the Project as required by the California Environmental Quality Act. Specifically, the MND does not provide sufficient information about the water use and wastewater discharge of the Project, the MND does not analyze potential traffic impacts caused by special events at the Project, and the MND does not identify all of the entitlements that may be required for the Project.

1

I. Wastewater and Recycled Water Use

The Malibu Memorial Park project includes a substantial amount of landscaped area, with more than 16.35 acres to be irrigated, as well as two water features. The MND states that the Project will require at least 17.62 acre feet of water per year, or more than 5,741,000 gallons per year, for irrigation. The latest version of the landscaping plans for the Project made available to the public provides an Estimated Total Water Use (ETWU) of 5,624,819 gallons per year. The Maximum Applied Water Allowance (MAWA) for the Project is significantly higher, stated as 19,511,867 gallons per year in the Project landscape plans.

The MND states that the Memorial Park will use recycled water for water features and landscape irrigation from the Civic Center Wastewater Treatment Facility (“CCWTF”) “to the extent that it becomes available to the project.” The MND does not include any information about how such recycled water will be made available to the Project, or whether sufficient quantities of recycled water will be available. The scant analysis provided in the MND merely concludes that recycled water from the CCWTF “may be available to serve the project site over time.” The City’s Biological Review for the Project issued on May 3, 2016 does include a condition providing that the approval of the Project is based on an assumption that up to 53,000 gallons per day will be available to the Project from the CCWTF and that no lawn shall be planted anywhere on the site “until such time as that water is made available to the subject property at 4000 Malibu Canyon Road.” (*Biology Review Referral Sheet*, City of Malibu, May 3, 2016.) This condition is not included in the analysis provided in the MND, nor is it included as a mitigation measure.

2

The Project property at 4000 Malibu Canyon Road was not included in Assessment District No. 2015-1 to fund Phase I of the CCWTF project, and is not currently scheduled to be connected to the CCWTF for wastewater discharge or obtaining recycled water until Phase 2 of the CCWTF project, which may not occur until 2022. The MND does not provide a clear explanation of how the Project will obtain recycled water from the CCWTF, or why the Project would be eligible to connect to the CCWTF for wastewater discharge. It is also unclear how the Project may be considered for approval before connecting to the CCWTF, considering that it is located within the Prohibition Zone established by Los Angeles Regional Water Quality Control Board's Basin Plan.

2

The MND states that the Project "would need to be included in a subsequent assessment district/phase for connection to the CCWTF" but provides no further information about the timing or mechanism to connect the Project to the CCWTF. The list of entitlements provided in the MND does not include the addition of the 4000 Malibu Canyon Road property to Assessment District No. 2015-1, or identify any other process to permit the Project to connect to the CCWTF. The list of entitlements provided in the MND does include a "City approval for recycled water use," but the MND does not clarify if such approval will entitle the Project to use water from the CCWTF, the cost to obtain this recycled water, and the source of the City's authority to issue such an approval.

II. Traffic Impacts of Special Events

We are also concerned that the MND fails to acknowledge that the Malibu Memorial Park may present some unique traffic issues. The MND does not include an analysis of Project traffic under special circumstances such as large funeral services and motorcades for celebrities or public figures, and other special events to be held in the Memorial Park such as weddings or other large gatherings. The chapel at the Memorial Park can seat up to 392 patrons. According to information provided by the applicant to the City, Malibu Memorial Park could host six to seven funeral services or events per day, and the site could accommodate more than 450 vehicles through a combination of valet parking on-site and street parking on Malibu Canyon Road. The MND also states that the Memorial Park will host "various religious functions, special events, and public uses, including the chapel and trails, lawns and contemplation areas."

3

Given the location of the Memorial Park and its capacity, it is reasonable to assume that very large events (either funeral services or other special events) that will generate significant levels of traffic will occur frequently. The traffic analysis included in the MND fails to address the traffic that would be generated by these special events. In order to provide a full and complete analysis of the potential impacts that the Project may have on Malibu traffic, the MND must address the traffic generated by special events.

III. Entitlements for Height

As shown on the elevations provided in the MND, some portions of the flat roof of the chapel will extend up to 28 feet above natural grade. Pursuant to Malibu Municipal Code Section 17.40.080(A)(1)(c) and Malibu LIP Section 3.8(A)(1)(b), the City may only approve a maximum height of 24 feet above natural grade for a flat-roof structure through Site Plan Review. However, the MND states that the Project will require a Site Plan Review approval for height up

4

Mr. Adrian Fernandez
December 14, 2016
Page 3 of 3

to 28 feet. Based on a review of the Project elevations, it appears that the Project should require the approval of a variance for a flat roof structure up to 28 feet in height above natural grade.

We encourage the City to address the inadequacies of the Malibu Memorial Park MND raised in this letter so that we can better understand the potential impacts of this Project, and look forward to reviewing any supplemental information the City may provide.

Very Truly Yours,



Loren Montgomery
Montgomery Clark Advisors

4

5

Letter No. B-5: Montgomery Clark Advisors

Response B-5-1

This comment is a set of general introductory remarks and explanation of the letter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-5-2

The Estimated Total Water Use (ETWU) based on the revised landscape plan is less than the Maximum Applied Water Allowance (MAWA); therefore, the project complies with the MMC Chapter 9.22, the Landscape Water Conservation Ordinance. The “lawn” areas in the landscape plan consist of compliant drought-tolerant grasses. The CCWTF is under construction currently and Phase 1 is scheduled to be operational by September 2018. At this time, the City has not determined how it will allocate recycled water generated by the CCWTF. The amount of recycled water available will be determined by the wastewater produced by properties connected in Phase 1 and overall demand, among other things. The City Biologist’s condition pertaining to 53,000 gallons per day of recycled water has been deleted. It is no longer necessary as the project does not propose traditional high-water use lawns and the amount of recycled water available to the project has not yet been determined. The proposed project does not include construction of an onsite wastewater treatment system and the applicant seeks to connect to Phase 1 of the CCWTF. The build-out design of the CCWTF project evaluated in the Final EIR for the CCWTF project accounted for all land uses within the entire Prohibition Area, including commercial use of the subject property, and Phase 1 includes construction of wastewater collection and recycled water distribution lines along Malibu Canyon Road, adjacent to the subject property. On March 13, 2017, the City Council authorized the CCWTF design engineer and assessment engineer to evaluate the feasibility and cost of connecting the project to Phase 1, at the applicant’s expense, and if sufficient capacity exists, authorized the City Manager to negotiate an agreement with the applicant to connect to Phase 1. Conditions of approval have been incorporated into the project clarifying that the project is prohibited from connecting to Phase 1 if the connection would exceed the wastewater treatment requirements/capacity of the CCWTF, and stating that prior to issuance of a grading permit, the applicant shall submit an executed agreement with the City allowing connection to Phase 1, or it shall have obtained approval for connection to Phase 2. Approval by the RWQCB is not required for connection to Phase 1.

Response B-5-3

Conditions of approval have been incorporated into the project to address occasions for which a high number of visitors would be expected to minimize adverse impacts on traffic and parking. Please refer to Planning Commission Resolution No. 17-17, Section 5, Conditions of Approval, under *Operations*. These conditions require valet parking at no charge on Memorial Day and other high visitation days to maximize the efficiency of use of the onsite parking; require a temporary use permit (TUP) and/or transportation management plan (TMP) for events or services and burials that would exceed the 176-space capacity of the onsite parking or involve a procession with a large number of cars; and would prohibit funeral processions involving a large number of vehicles during peak traffic hours, certain holidays (4th of July, Memorial Day weekend, and Labor Day weekend). The conditions also require the property owner/operator to monitor visitors and services daily and report the data to the City for annual review against the anticipated parking and traffic generation estimates so that this information may be reported to the Planning Commission. The TMP would be reviewed and approved by the Public Works Department and Los Angeles County Sheriff. Depending on the size, type, and duration of the event, the Transportation Management Plan (TMP) would address all aspects of event transportation and may include an evaluation of site access, parking, valet staging, temporary on-site parking, usage of shuttles, routing information and traffic control/security personnel. A traffic control plan – a specific set of plans showing the location of traffic control devices (e.g., cones, barricades, signs) may also be necessary. Furthermore, individual funeral processions are limited duration events and categorically exempt from CEQA review. The City of Malibu can authorize funeral escorts to control traffic for a funeral procession. Licensed funeral escorts are authorized to regulate traffic in accordance with the movement of the funeral procession as outlined in the California vehicle code. Vehicles taking part in a funeral procession have the right-of-way, and interference, obstruction, or interruption of the funeral procession is subject to a citation. When required, escorts will facilitate movement of large numbers of vehicles to the project site efficiently, keeping traffic impacts to a minimum. Each planned event would be analyzed on a case-by-case basis.

A review of the available street parking on Malibu Canyon Road between Pacific Coast Highway and the intersection of Civic Center Way/Seaver Drive has been completed. Chapter 3.0, Corrections and Additions, corrects the estimate to reflect the potential parking spaces on Malibu Canyon Road as approximately 72 parking spaces not 120 as mentioned in the comment. Bus stops, acceleration lanes, and red curb determine the number of spaces that could be provided.

Currently, there are 34 spaces on the east side of Malibu Canyon road adjacent to the site and 38 parking spaces on the west side. It should be noted that this potential parking assumes the proposed street

improvements along Malibu Canyon Road associated with the proposed project including sidewalks and a 10' curb parking lane adjacent to the proposed bike lane.

Response B-5-4

The roof design is a combination of slopes and flat surfaces. Pursuant to a site plan review, the sloped portions are considered pitched and are allowed to be 28 feet high, and the flat portions are limited to 24 feet. The evidence in the record supports the site plan review findings.

Response B-5-5

This comment is a set of closing remarks for the letter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

From: [Steve Uhring](#)
To: [Adrian Fernandez](#)
Subject: Comments on the proposed Malibu Cemetery
Date: Monday, December 12, 2016 4:52:40 PM
Attachments: [sigimg0](#)

Adrian

The Malibu Community Alliance has been working with the City and the International Dark Sky Association to develop a nighttime lighting plan for Malibu. We submitted the proposed lighting plan for the cemetery to our experts at the International Dark Sky Association. Following is their comment on the proposed lighting plan.

-

From: Peter Strasser <pete@darksky.org>

Date: Wednesday, November 30, 2016 at 3:05 PM

Subject: RE: proposed Malibu Cemetery

Hi

IDA's position on cemetery lighting is that it is absolutely unnecessary for such use.

Best, Pete

Pete Strasser Technical Director
International Dark-Sky Association

pete@darksky.org
[+ 1 \(520\) 293-3198 x402](tel:+15202933198)
darksky.org



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Letter No. B-6: Malibu Community Alliance

Response B-6-1

This comment is a set of remarks about the lighting plan for the memorial park, and a general statement opposing the current proposed cemetery lighting. The onsite chapel, walking paths and hours of operation until 9:00 in the evenings warrant some amount of lighting. Conditions of approval require lighting to comply with the standards of LIP Chapter 6 (Scenic and Visual Resources), and that these conditions be recorded as a deed restriction. A condition of approval also requires exterior lighting to be extinguished at close of business, except for security lighting.

To: Adrian Fernandez
From: Malibu Coalition for Slow Growth(MCSG) by Patt Healy
Re: Malibu Memorial Park
Date: 12 14-16

Hi Adrian, thank you for giving us the opportunity to comment on the Mitigated Negative Declaration (MND) for Malibu Memorial Park. These comments are those of many MCSG supporters and are by any means complete.

1

Blue italics indicate quotes from the MND, if not identified. If from another source, the source is identified.

AESTHETICS

The suggested MND mitigations in the Land Use section do not protect views from PCH as you travel west from the Civic Center and travel east at the PCH and Malibu Canyon Rd. intersection. To be more protective of view structures should be set further back from edge of slopes or landscaped to block their view.

2

In fact, all structures, including the chapel, should not be visible from any public streets or public parks should be screened from view with landscaping.

What is the justification and reason for this site being open after sunset?

3

Since there will be a dark sky ordinance in effect when the cemetery opens why is it not bound by the dark sky ordinance once it is enacted?

The proposed lighting is very bright. While there might not be light spill. Will the night lighting be seen from any public roads or park? Please analyze.

4

Will the lighting create night glow?

What impact will lighting have on the wildlife? Please analyze.

Will the night lighting be visible from any public roads or parks?

Will there be grave stones on top of burials?

Will they lay on the ground or vertical? If vertical is there a height limit?

Will other decorative objects be allowed on top of the graves and what is their allowable height?

5

Why is the chapel allowed to be higher than 24 ft. since the roof is flat and 28 ft. is not allowed. If there is a sloping roof where is the slope? Eighteen feet is high enough.

6

What is the color pallet for the chapel, crypts mausoleums? Will everything be one color or a variety of colors?
Since mausoleums and crypt will be surfaced with granite or marble, does marble come in earth tone colors as required? If so, what colors?
Will everything be in the same earth tone color or can purchasers of mausoleums/ crypts select the earth tone color they desire?

7

Are there or will there be design standards which will control the design of the mausoleums? If so, please provide for review.

8

How high are each of the above ground structures? Where will they be visible from?

Analyze the view impacts of cemetery structures from the 1.7 Crummer /city donation, developed bluffs park and 84 acres undeveloped bluffs.

9

Where is the height of the 47 mausoleums and the crypts being measured from?

10

Is all development limited to the flat mesa or is there some development on the slopes?

11

What is the height and width of fountain/waterfall?

12

Have the view impact been considered after the trees are removed and new trees planted on blue water views from Malibu Canyon Rd.? If not please analyze.

13

How long and wide is the driveway and what color and material will it be?

14

Will the Planning Commission have the ability to review each mausoleum or just the Director?

15

Will the Planning Director review any other aspects of the project? If so, what?

Where will the retaining walls be located? Will they be visible from public parks and public roads. Will they disturb any of the native habitat?

16

Where will the pilings located? Will they disturb any of the native habitat? Will they be visible from public parks and public roads?

17

Will any of the mausoleums be visible from PCH? Story poles on site indicate that the proposed mausoleums on the east side are visible when one is traveling west on PCH from the Civic Center. Also, the mausoleums on the south slope are visible as one travels west on PCH. Since this is the case the view impacts should be mitigated by relocating them further back from the slopes or landscaped to block their view. Will this be a mitigation measure?

18

Will any of the crypts and chapel be visible from Malibu Canyon Rd. or PCH? What mitigation measures will be put in place to negate this view impact?

Will the slopes on the northwest and west side of the site remain in place or be removed? If removed what will screen the cemetery from Malibu Canyon Rd.?

19

Will there be grave stones on top of burials? Will they be placed flat on the ground or vertical? If vertical is there a height limit?

20

Will other decorative objects be allowed on top of the graves? If so what is allowable?

AGRICULTURE RESOURCES.

Since this was once a tree farm, please analyze condition of topsoil to see if it is prime ag soil.

21

BIOLOGICAL RESOURCES.

What is the landscape designer's level of familiarity with plants that thrive in Malibu's coastal environment?

Why did the designer choose the plants it did in the landscape plan?

22

Why weren't more native plants and native trees included to reflect Malibu ruralness rather than looking an urban looking site ?

Please indicate on a map where various plants and garden beds will be located?

23

The elimination of sensitive habitat on the mesa's 21 acres conflicts with the Malibu LCP ESHA policies protecting biological resources. Under the Malibu LCP this habitat is ESHA despite the fact that it is surrounded by roads. In addition, isolation by roads will not affect the plants, smaller wildlife species such as lizard, mice, gophers , snakes, bats, raptors, other birds etc.

24

Saying, as the MND does, a particular species might exist on the site but it doesn't matter because they are A. isolated, and B. we aren't going to look for them and assess their presence, does not adequately address the CEQA requirements.

25

The conservation easement (that exists on the former Adamson property along Malibu Canyon Rd. was mitigation for a different project by a different property owner on its own land. It should not be considered mitigation for this project. The project should have its own mitigation measures for any habitat removed or destroyed.

26

How many acres of coastal sage habitat will be destroyed? Where is it located on site? Name all the native individual plant species on the proposed developable 21 acres?

27

Are any walnut, coastal live oak, toyon or other native tree species being destroyed? If so how many of each species and where is there current location? Please indicate their location on a map.

28

Where are the eucalyptus trees and were they studied to determine whether they could be roosting site for the monarch butterfly whose population has dramatically declined by 90% since the 1980's?

29

Where is the on site milkweed located (the only plant the monarch butterfly will lay their eggs)? Will it be preserved or destroyed?

Where is the Baccharis plummerae located on site and how much of it is on site? How much will be destroyed?

30

Where are all the walnut trees located? Will any be destroyed? If so, how many.

Where will the retaining walls be located? Will they disturb any of the native habitat? If so, describe the lost habitat?

31

Where will the pilings be located? Will they disturb any of the native habitat? If so, describe the lost habitat? If destroyed, how will its loss be mitigated?

32

Where will excavation of cut/fill of slopes take place? Will it impact any sensitive habitat? If so, describe the lost habitat? If destroyed, how will its loss be mitigated?

33

What and when were biological studies done to see if substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species? Who did the studies? What was the time of year? For how many days and hours?

34

Was there any daytime and night time on site observation for wildlife? Who did the studies? What was the time of year? For how many days and nights and hours?

35

On the 21 acres proposed for development, how many acres will be preserved as landscaped open space? What is this percentage of on ground landscaped open space?

Are underground burial plot sites considered in the calculation open space?

36

Are the 7 acres of slopes calculated in landscaped open space? If so what percentage is this is considered landscaped open space?

What non-native trees species are on site that are slated for destruction. What is the size of each non-native tree?

37

How many square feet of the rare needle grass is being eliminated? What other species of native grasses are being eliminated?

38

The MND states the project is not in conflict with "any Habitat Conservation Plan, local, regional, state or federal."

39

The project may in conflict with the Conservation Element of the Malibu General Plan, as it relates to the protection of Coastal Sage Scrub and other sensitive habitat. Please analyze the site in relation to the Conservation Element of the General Plan as well as the Malibu Local Coastal Program.

39

Even though not indicated this project is part of the art of Pacific flyway and most likely will be used for foraging by both native and migrating birds. Has there been a bird survey on the site and if not why not? If there was such a survey what did it discover?

40

These CNPS species were observed on-site: *Plummer's baccharis (Baccharis plummerae var. plummerae)* and southern California black walnut (*Juglans californica var. californica*). Both species are on the Watch List as "limited in distribution" in California.

On page 3-28 Of the Conservation element of the General Plan it states that the walnut is identified as a highest priority special plant community in need of protection by California Fish and Game (Wildlife). The site should be designed to protect these trees.

41

Please confirm that no walnut trees will be removed.

No special status wildlife species, nesting birds or raptors, were observed on-site. However, a moderate potential exists that three special status wildlife species may occur within the property, including the coastal whiptail (Aspidoscelis tigris stejnegeri), Bryant's [San Diego desert] woodrat (Neotoma bryanti [N. lepida intermedia]), and coast horned lizard (Phrynosoma blainvillii). The loggerhead strike (Laninus ludovicianus), which is a California species of special concern, is a potentially sensitive wildlife that is likely to use the isolated coastal sage scrub habitat on-site while nesting.

42

Where is the mitigation for this potential loss?

The Updated Biological Inventory Report stated that the property is comprised of five habitats The MND states A map of these five habitats prepared by Rincon Consultants, November 2015 is available in Appendix IV. But Appendix IV is not posted on line for public review. Please provide this map.

43

The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed. Therefore, the proposed project is consistent with applicable LIP ESHA and Native Tree Protection development standards.

Isn't the fuel modification buffer zone 200 feet? Can the chapel meet this set requirement from sensitive plants as well as trees? Can the mausoleums and crypts meet this requirement? Has the fire dept. signed off on a 100 ft. buffer?

44

Can the project meet a 300ft setback (200ft for fuel modification and 100 ft. from sensitive habitat?)

The proposed development, including the required fuel modification of the proposed chapel, is mostly located within the saltgrass-fascicled tarplant fields and disturbed /

45

ruderal habitats which are not considered sensitive habitats. Although most of the onsite habitat is not considered ESHA, the dense, intact coastal sage scrub, foothill needlegrass patches and successional coastal sage scrub with ornamental habitats are considered sensitive and mitigation through restoration or in lieu fee is recommended for the sensitive habitat areas that are proposed to be affected by the proposed development.

45

This is not accurate. Under the Malibu LCP, it is considered ESHA. Will this habitat be removed or be restored?

As most of the existing sensitive habitat would be preserved and the majority of the developed portion of the property would serve as private open space, the impacts to the three special status wildlife species that may be present at the property is considered minimal with mitigation.

46

What is the basis for this statement? Please elaborate and explain what this statement means. How is most of the existing sensitive habitat being preserved when 21 acres of sensitive habitat is proposed for removal?

As provided in Mitigation Measures BIO-1 through BIO-6, a survey conducted during the blooming periods of rare and special status plant species, nesting bird survey, and fencing off habitat and sensitive plant species during construction are required.

47

The mitigation monitoring plan doesn't require this monitoring, It only says it should be required. Please correct the Monitoring Plan error and make it mandatory.

Following implementation of the recommended mitigation, no significant impacts to special status resources and riparian and other sensitive habitats are anticipated.

48

Please elaborate on how payment of an in lieu fee and attempts to remove wildlife, if not successful will it actually mitigates the loss.

This project is not expected to substantially interfere with the movement of any native resident or migratory fish or wildlife, as the site has not been identified as a migratory corridor and the majority of the sensitive habitat on the property will be preserved.

49

This is just conjecture. The site is part of the Pacific Flyway. Not all animal wildlife corridors have been identified and many wildlife cross roads usually late at night.

Further, the project site is isolated, and therefore not expected to impact any native wildlife nursery sites as the existing conditions on the project site would not be expected to serve as a wildlife nursery. Please explain basis for this statement.

50

Nesting native birds and smaller wildlife, including snakes and lizards could be born on this site.

The project does not conflict with any other local policies or ordinances protecting biological resources. We think the proposed project is not in not in conformance with the General Plan Conservation Element and sections of the Local Coastal Plan.

51

CULTURAL RESOURCES.

The 12-17-13 letter to city from the Wishtoyo Foundation regarding this site states :The Chumash Peoples continue share a sacred and cultural relationship with the many places and the landscape within and around the Project site, as the Project site contains the ancestral remains of the Chumash Native Americans with innumerable cultural resources, including burial, sacred sites, and remains of Chumash material culture and life ways. This Project has the potential to change the entire Chumash historical and cultural landscape in and around the Project area.

The link to this letter is <http://www.malibucity.org/DocumentCenter/View/5792>

52

The MND states it is possible that additional archeological resources could be located below the surface. Therefore for the above reasons, please add ,as requested by Wishtoyo, this mitigation measure: Prior to the issuance of a CDP, the entire site will be scanned with GPR (ground penetrating radar), or other deep scan method, and the forensic dog teams mentioned in the letter attached from Wishtoyo engaged to explore the site for human remains. That way, if there is anything of archaeological or cultural significance, it will be discovered and the applicant can plan and redesign accordingly.

Based on the results of the latest Phase II investigation, site CA-LAN-266 appears to be eligible for listing in the California Register under Criterion 4 (potential to yield information important in prehistory) and is therefore considered a historical resource under CEQA.

Will LAN 266 and LAN 1714 be graded? If so initially or at a later date? If so could there be artifact disturbance with the use of heavy grading equipment?

53

What effect will initial grading of site this have on these two cultural resource sites ?

What species of native plant 10 feet high hedge will surround LAN 266 and LAN 1715.

54

The MND states a prior Phase II investigation prepared in May 1995 by Robert J. Wlodarski recommended in-situ preservation or capping the site with a layer of imported soil (fill).

What this MND doesn't state is that both of these sites 266 and 1715 would be capped, remain as open space and incorporated into a deed restriction to ensure protection of these two sites in perpetuity for future generations.

From what was said at the ERB meeting the most recent discovered artifacts will be housed at UCLA's Fowler Museum instead of remaining in site which is the preferred mitigation measure under *LIP G.3.a. In-situ preservation of the important cultural resource site (This is the preferred mitigation measure where feasible).*

55

These artifacts need to be required to be placed back on the sites.

What gives one the right to place crypts on these recorded Cultural Resource sites?

This is not allowed under the *LIP section G.3.b i. which says site planning construction avoid cultural resource sites.*

The MND also fails to mention that capping with a layer of soil is allowed only under certain circumstances. *LIP G.3.b. states: Cultural Resource Impact Mitigation. Measures to mitigate potential impacts may include, but shall not be limited to, the following:*

LIPG.b.3.iii. "Capping" or covering important cultural resource sites with a layer of soil before building tennis courts, parking lots, or similar

facilities. Capping is only allowed for tennis courts, parking lots and similar uses. Crypts are not a similar use and hence not allowed.

56

LIPG.B.3.iv. Deeding important cultural resource sites into permanent conservation easements.

These 2 sites need to be put into a recorded conservation easement. This is required by the LCP and was a required mitigation measure in the Adamson Hotel project.

57

Variance (VAR) No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum allowed. This is needed in order to cap the archaeologically sensitive area.

The sole reason given for the needed variance to exceed the allowable amount of grading is in order to cap the site so crypts can be placed on top of the sites. If instead of crypts, the area of LAN 266 and 1715 were left alone, a native garden could be planted on them in honor of the Chumash.

58

GEOLOGY

We understand the Malibu fault is a thrust fault not a rupture fault. Please analyze the fault on sites potential if there is a quake on this thrust fault?

Are all structures set back 50 ft. from the fault that goes through the site? If not which ones meet this setback.

Please explain if and why any grading will take place on slopes 2 ½ to 1 or greater? What harm will be done to sensitive habitat?

59

Will any underground utilities, including but not limited to telephone, electrical, water pipes gas lines, telephone, sewer pipes and drainage improvements go thru sensitive habitat or LAN 266 and LAN 1725? If so where and can it be rerouted?

60

LAND USE AND PLANNING.

Will entire site be graded initially? If not please explain what and where the initial grading take place and what grading will take place at a later date.

61

What is the total square footage and height of the public wall crypts behind chapel?

What is the total square footage and height of the private crypts?

62

What is the difference between public and private crypts?

Why weren't the crypts square footage included in the calculation of the FAR ?

Including the crypt and crypt walls what is the FAR?

Where will the contemplative areas be located?

Where is the location and what is the size of the cremated bodies section of the cemetery?

To understand the project, one has to know now the answer to the following:
What kind of public and private events will there be? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.

What are the educational activities that will take place on site? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.

What social activities will be on site? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.

What various religious functions besides funerals will take place? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.

What kind of special events will take place? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.

How many funerals per day can be accommodated at the site?

How many funerals can be held at the same time?

Could and will GPS and various apps be used to locate burial locations. Could this attract many more visitors to the site in search of the location of a famously deceased person(S)? Please analyze this and their impact on traffic, noise, parking.

Will there ever be a need for additional parking? If, so where off site will it be?

How many sq. ft. of development area with floor-to-ceiling height is less than 6 ft.in height?

Where is stated this square footage is exempt? Why is it not included in the FAR ? Please recalculate FAR with this in mind

It appears that crypts are stacked on top of each other what is the height of the stacked crypts?

Are the proposed crypts being constructed initially or as needed?

Is all the development being measured from the lower of natural or finished grade as required by the LCP? If not, please explain why not since that is the LCP requirement?

63

64

65

66

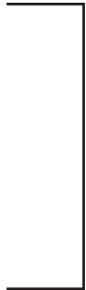
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68

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70

We were led to believe by the applicant that the cemetery would be very natural looking. Malibu is a rural community. Since our meeting the number of mausoleums has more than doubled. Crypts were never mentioned as a possibility. The design of the cemetery should have many more native trees and gardens with much more native landscaping to add warmth and soften all of the hardscape and to mitigate the urban look of the cemetery. This may mean reduction in the number of burial plots mausoleums and crypts to allow for more native landscaping and protection of cultural resources.



71

Letter No. B-7: Malibu Coalition for Slow Growth

Response B-7-1

This comment is a set of general introductory remarks and explanation of the letter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-7-2

This comment addresses the potential aesthetic and view impacts that may result upon project implementation and includes recommendations of placement of buildings.

The site plan studied in the IS/MND reflects a layout with the mausoleums along Pacific Coast Highway pulled back towards the center of the site that is different than the location of the original story poles. The proposed project would have a less than significant impact on surrounding views with the relocated mausoleums. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road.

Interior landscaping and hedges proposed in the landscape plan will also help screen the project site from these and other viewpoints, thus making these impacts less than significant.

Response B-7-3

The proposed Memorial Park visiting hours are currently set as 7:00AM – 9:00PM to permit those who work traditional work hours (8:00AM – 5:00PM) to access the site after work. During Pacific Daily Standard Time, sunrise to sunset hours are approximately 6:00AM to 8:00PM.

Response B-7-4

This comment addresses the lighting plan for proposed project.

A Photometric Plan was prepared for the proposed project and is included in **Appendix I** of the Draft Initial Study. The onsite chapel, walking paths and hours of operation until 9:00 in the evenings warrant some amount of lighting. Conditions of approval require lighting to comply with the standards of LIP Chapter 6 (Scenic and Visual Resources), and that these conditions be recorded as a deed restriction. A condition of approval also requires exterior lighting to be extinguished at close of business, except for

security lighting. The City has not yet adopted a Dark Sky Ordinance and the project would be subject to any applicable compliance program included in the ordinance. The lighting for the proposed project would be visible during the early evening hours during the winter months, but it would be minimal as reflected on the Photometric Plan, and would be extinguished after 9:00 p.m. as required by the project conditions of approval. The proposed project operational hours end at 9:00PM, and all fixtures will be aimed downward and fully shielded, and therefore lighting will have minimal impact on night glow for the few hours beyond sunset, and on nighttime wildlife.

Response B-7-5

No upright tombstones or markers would be permitted above the in-ground burials. However, the Memorial Park would allow certain decorative objects to be placed above a burial. These objects would be subject to a pre-approved list, as well as having to conform to any/all City regulations.

Response B-7-6

The roof design is a combination of slopes and flat surfaces. Pursuant to a site plan review, the sloped portions are considered pitched and are allowed to be 28 feet high, and the flat portions are limited to 24 feet. The evidence in the record supports the site plan review findings.

Response B-7-7

The project is subject to standard conditions of approval required by LIP Chapter 6 (Scenic and Visual Resources), which call for colors compatible with the surrounding environment (earth tones), including shades of green, brown and gray, with no white or light shades, no bright tones, and no highly reflective materials. Colors and materials are required to be reviewed and approved by the Planning Director and shown on the building plans. The design of individual mausoleums would be designed by individual buyers, but would be subject to these conditions.

Response B-7-8

All private mausoleum plans would be required to meet or exceed the development standards of the *Malibu Local Coastal Program, Local Implementation Plan, Chapter 6, Scenic, Visual, and Hillside Resource Protection Ordinance*, and the review and approval by the City of Malibu Planning Department.

Response B-7-9

The tallest onsite structure will be the 28 feet' chapel, which will be screened with interior landscaping and hedges surrounding the project site. The private mausoleums will be 12 to 14 feet high. Views have

been studied from all surrounding locations and determined to have a less than significant impact on aesthetics. Refer to Figures 7 through 12 of the Draft IS/MND. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road.

Response B-7-10

The height of the 47 mausoleums and crypts will be measured from existing or finished grade, whichever results in a lower building or structure height, as specified in LIP Section 3.8(A)(1)(a).

No project development or construction will occur on a slope steeper than 3:1 as limited by MMC Section 17.40.080(A)(6).

Response B-7-12

The waterfall, or central rill water feature, is a channel 36" wide that cascades gradually, descending 20' over a distance of 373', and terminating in a 47' diameter half circle collection pond with a 2'-8" waterfall and 3'-7" sloped bottom element.

Response B-7-13

Impacts to views after the removal and replacement of trees have been reviewed by City of Malibu Planning and have been determined to have a less than significant impact pertaining to the visual impact from surrounding locations, refer to Figures 7 through 12 of the Draft IS/MND. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road.

Response B-7-14

The entry driveway ranges in width from approximately 220' to 110', including the parking and the central water feature. The driveway stretches approximately 430' in length from the entrance along Malibu Canyon Road to the lower garage entrance. Finished surfaces will be paved per Fire Department regulations.

Response B-7-15

A condition of approval has been incorporated into the project requiring each mausoleum to be processed as an administrative plan review pursuant to MMC Section 17.62.030, which is subject to review and approval by the Planning Director. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road. **Response B-7-16**

The retaining walls shall be located to the north of the capped area to support the added fill amounts. The proposed retaining walls will not negatively impact any native habitat and will be landscaped to screen any adverse visual impacts, and will be conditioned in accordance with the requirements of LIP Chapter 6, requiring veneers, texturing and/or colors to blend with the surrounding earth materials.

Response B-7-17

Soldier piles are proposed to be located directly northeast of the capped area. The piles will be below grade, and therefore not be visible from public parks and public roads. They would not disturb any of the identified native habitats.

Response B-7-18

The site plan studied in the IS/MND reflects a layout with the mausoleums along Pacific Coast Highway pulled back towards the center of the site that is different than the location of the original story poles. The proposed project would have a less than significant impact on surrounding views with the relocated mausoleums. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road.

Portions of the Crypt walls located at the capped area will be visible from surrounding roads such as the elevated views from Malibu Canyon Road. However, due to the proposed screening from landscaping and hedges, impacts to these views would be less than significant, refer to **Figures 7 through 12** of the Draft IS/MND.

Response B-7-19

The slopes located to the northwest and west of the project site are not proposed to be removed or impacted by project development and would remain in their current condition.

Response B-7-20

No upright tombstones or markers would be permitted above the in-ground burials. However, the Memorial Park would allow certain decorative objects to be placed above a burial. These objects would be subject to a pre-approved list, as well as having to conform to any/all City regulations.

Response B-7-21

This comment is a question of a previous use of the project site that does not reflect current existing conditions. The California Department of Conservation lists Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under the general category of "Important Farmland." According to the Farmland Mapping and Monitoring Program the project site is classified as Urban and Built Up land.¹ The project site is not zoned for agricultural use and/or under a Williamson contract.

Response B-7-22

According to the applicant, the landscape architect chosen for the project site is acquainted with plants that thrive in southern coastal environments. Plant choices for the landscape plan considered numerous factors including planting over burial plots in the Memorial Park, fuel modification guidelines, and erosion control for newly disturbed soil on sloped conditions. The landscape architect attempted to find trees that would fit within the expansive open space areas of the Memorial Park but would also provide large canopies for shading. Please refer to **Figure 4a, (Revised) Proposed Project Landscape Plan** for information regarding the revised plant selections which now incorporate a larger palette of native flora.

Response B-7-23

Please refer to **Figure 4a, (Revised) Proposed Project Landscape Plan** for added notes addressing plant selections and planting locations.

¹ California Department of Conservation, Farmland Mapping and Monitoring 2012 Los Angeles County Map, <http://www.conservation.ca.gov/dlrp/fmmp/Pages/LosAngeles.aspx>, accessed February 2, 2016.

Response B-7-24

Only a small portion of the project site, located in the southeast corner, is designated as ESHA. As discussed on page 59 of the Draft Initial Study, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed. Therefore, the proposed project is consistent with applicable LIP ESHA and Native Tree Protection development standards. Furthermore, the 30-acre offsite conservation easement on the Francisco property was dedicated to the City in 2001 as mitigation for development of the subject property as a 146-room hotel that was going to remove sensitive habitat (Deed of Conservation Easement for Wildlife Habitat and Open Space Resources, recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737). The hotel project (CUP No. 96-005) was approved by the City in 1998. The easement remains in place and serves as mitigation for the habitats disturbed by the subject project. No additional mitigation or conditions of approval are required.

Response B-7-25

The biological assessment that was conducted for this environmental review has met all the criteria standards for evaluation within the requisite CEQA guidelines. In addition, **Mitigation Measures BIO-1** through **BIO-6** would ensure that the appropriate surveys are conducted, as well as protective measures, where necessary, are taken to ensure that potential impacts to sensitive biological resources remain less than significant.

Response B-7-26

The easement remains in place and serves as mitigation for the habitats disturbed by the subject project. The previous mitigation measure (**BIO-1**) has been revised to account for this easement off-set. No additional mitigation or conditions of approval are required. The biological reports prepared for the property identify all the native plants on the property.

Response B-7-27

Although the coastal sage scrub habitat onsite does not necessarily qualify as ESHA, this habitat is still considered sensitive by the City of Malibu. Past surveys performed for the previously proposed Rancho Malibu Hotel project indicated that between 8.0 and 10.75 acres of coastal sage scrub habitat occur on the project site. A listing of native plant species observed on the project site was included in the Revised Biological Inventory Report and identified on the vegetation map in Figure 1 of the report, now

incorporated into this Final IS/MND as **Figure 4c, Vegetation Map**. Coastal sage scrub is located on the northeast-facing slopes and the southeast portion of the site.

Response B-7-28

Rincon conducted a Native Tree Assessment on the project site (refer to **Figure 4b, Native Tree Map**). No *Juglans californica* trees are tagged for removal. Five *Quercus agrifolia* trees have been tagged to be removed; all were on the flat, former nursery section of the site and did not meet the City's size requirements for protection.

Response B-7-29

All trees have been identified, located, and evaluated per the Rincon Tree Assessment report. The existing trees on site have not been documented as monarch butterfly over-wintering sites. This insect typically uses eucalyptus or cypress trees arranged in clusters that protect the roosting areas from winds and long-term direct sunlight, often near open fresh water. Because of the existing arrangement of eucalyptus trees at the edge of the mesa with ample exposure to ocean breezes, there would be no impact to overwintering monarch butterflies.

Narrowleaf milkweed (*Asclepias fascicularis*) has been observed on the project site. As a native species it is expected to persist in the undisturbed areas of the project site.

Response B-7-30

The Plummer's baccharis is found within intact coastal sage scrub habitat, particularly in the site's southeastern corner (Rincon). As most of the existing sensitive habitat would be preserved and the majority of the developed portion of the property would serve as private open space, the impacts to any Plummer's baccharis that may be present at the property is considered minimal with mitigation. As provided in **Mitigation Measures BIO-2, BIO-3, and BIO-6**, a survey conducted during the blooming periods of rare and special status plant species, and fencing off habitat and sensitive plant species during construction are required. Following implementation of the recommended mitigation, no significant impacts to special status resources and riparian and other sensitive habitats are anticipated.

Rincon conducted a Native Tree Assessment on the project site (refer to **Figure 4b, Native Tree Map**). No *Juglans californica* trees are tagged for removal. An updated native tree assessment will be required as a condition of approval.

Response B-7-31

Please refer to Response B-7-16.

Response B-7-32

Please refer to Response B-7-17.

Response B-7-33

Grading plans were provided as part of this IS/MND that show where excavation will take place. Any sensitive habitats disturbed during this process are mitigated through the provision of the 30-acre offsite conservation easement on the Francisco property, which was dedicated to the City in 2001 as mitigation for development of the subject property as a 146-room hotel that was going to remove sensitive habitat (Deed of Conservation Easement for Wildlife Habitat and Open Space Resources, recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737). The hotel project (CUP No. 96-005) was approved by the City in 1998. The easement remains in place and serves as mitigation for the habitats disturbed by the subject project. No additional mitigation or conditions of approval are required.

Response B-7-34

Numerous studies have been conducted at the project site. General and resource-specific biological surveys were conducted in 1995 and 1997 during review of a previous hotel project proposed for the subject property (Tierra Madre Consultants, Inc. 1995 and 1997), and more recently in studies prepared by Rincon Consultants for the proposed Rancho Malibu Hotel Project (Rincon, 2007, 2011 and 2012), with an **Updated Biological Inventory Report** prepared by Rincon in November 2015. Descriptions of each study's methods are identified in the individual studies. Descriptions of the project site's biological characteristics are incorporated from these previous studies, as well as federal and state natural resource databases and studies. These studies have been subject to peer review and approval by the City of Malibu Planning Department and the City Biologist.

Response B-7-35

Please refer to Response to Comment B-7-34.

Rincon Consultants conducted surveys on the following days:

Survey Date	Time of Day	Weather Conditions
April 18, 2007	10:30 – 13:00	65 F, 10 mph, 0% cloud cover
August 23, 2011	14:00 – 15:30	70 F, 5-10 mph, 0% cloud cover
February 16, 2012	11:00 – 14:00	66-71 F, 5-10 mph, 0% cloud cover
October 3, 2014	13:00 – 13:30	87 F, 1-3 mph, <5% cloud cover

Response B-7-36

Approximately 57 percent of the project site will be landscape area (approximately 16 acres) and 35 percent will be left as open space (approximately 10 acres). Of the approximately 712,008 square feet of landscaping, approximately 709,595 square feet (approximately 99 percent) is available excluding the water features and built-in planters. Any space above grade encumbered with structures can be considered part of the open space calculation. All of the steep slopes are preserved as landscape area.

Response B-7-37

All native trees designated for removal and their sizes are identified on the Rincon Native Tree Assessment Report (refer to **Figure 4b, Native Tree Map**). An updated native tree report will be required prior to ground disturbing activity as a condition of project approval to ensure that any trees lost or encroached upon that qualify for protection will be mitigated. LIP Chapter 5 does not require non-native trees to be identified in the inventory.

Response B-7-38

The foothill needlegrass patches observed onsite are located along the top of the north-facing slope between the abandoned nursery and the intact coastal sage scrub. These patches are dominated by *Stipa lepida* (foothill needlegrass), and associated species include cudweed aster (*Lessingia flaginifolia*), soap plant (*Chlorogalum pomeridianum* var. *pomeridianum*), and small-flowered melicgrass (*Melica imperfecta*), with elements of coastal sage scrub mixed in at lesser levels. One patch was approximately 11,300 square feet and a larger patch was approximately 14,700 square feet. These patches are approximately 200 feet away from each other. The two patches together would be approximately 0.6 acres. Most of this habitat will be maintained as the steep slopes will not be disturbed.

Response B-7-39

As stated on page 60 of the Draft IS/MND, there is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan in

place for the proposed property or adjacent areas that could be impacted. Further, as discussed in Response to Comment B-1-10, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed.

The Malibu General Plan Conservation Element identifies the City's numerous sensitive habitats and species, and references the resource protection standards of the California Coastal Act. Goals and policies call for protection and restoration of habitats, and implementation measures set forth the mechanisms by which to accomplish the goals and policies. Pertinent CON Implementation Measures under CON Objective 1.2 call for a native tree permit program, clustering development to preserve habitat linkages, maintaining setbacks from riparian corridors and oak woodlands and controlling exterior lighting to reduce visibility and wildlife impacts. The project is consistent with these policies in that no protected native trees are proposed for removal, sensitive habitat along the steep north and east facing slopes will be maintained and native plants will be used throughout the site, the required setback will be maintained from the riparian area in the southeastern portion of the site, and lighting will be low intensity, shielded, downward facing and extinguished by 9:00 p.m. to minimize visual and wildlife impacts. Though impacts to sensitive resource areas of the site will be minimal, prior mitigation for development of the subject property was required through establishment of a conservation easement on the Francisco property as previously described in Response B-7-27.

Therefore, the proposed project is consistent with applicable LIP, ESHA and Native Tree Protection development standards, as well as the Conservation policies of the General Plan.

Response B-7-40

Rincon Consultants conducted surveys on the following days:

Survey Date	Time of Day	Weather Conditions
April 18, 2007	10:30 – 13:00	65 F, 10 mph, 0% cloud cover
August 23, 2011	14:00 – 15:30	70 F, 5-10 mph, 0% cloud cover
February 16, 2012	11:00 – 14:00	66-71 F, 5-10 mph, 0% cloud cover
October 3, 2014	13:00 – 13:30	87 F, 1-3 mph, <5% cloud cover

General avian surveys were conducted on April 18, 2007, August 23, 2011, and October 3, 2014. Coastal sage scrub and large trees could be attractive for nesting birds protected under the California Fish and Game Code. Accessible trees and shrubs throughout the property were examined during each survey

event with binoculars and no active nests were observed. Nonetheless, native birds are expected to nest within the habitats and trees onsite generally between February 15 and August 15. A full list of observed species can be found in the Updated Biological Inventory Report, dated November 18, 2015 (Appendix 3.0-1).

Implementation of **Mitigation Measures BIO-4, BIO-5, and BIO-6** would ensure that potential impacts to native and migratory bird species would be less than significant.

Response B-7-41

As per the Rincon Native Tree Assessment Report and shown on **Figure 4b, Native Tree Map**, no California Black Walnut (*Juglans californica*) will be removed.

Response B-7-42

Implementation of **Mitigation Measures BIO-4, BIO-5, and BIO-6** would ensure that potential impacts to special status wildlife species, and California wildlife species of special concern, would be less than significant. Refer also the Response to Comment B-7-42.

Response B-7-43

A copy of the **Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project** is included as **Appendix 3.0-1** to this Final IS/MND and **Figure 4c, Vegetation Map**, is provided in **Section 3.0, Correction and Additions**, as requested.

Response B-7-44

The Fire Department requires 200 feet of fuel modification for the chapel. The ESHA development standards require fuel modification to avoid ESHA and for structures to maintain a 100 foot setback from ESHA. The proposed development, including the required 200 feet of fuel modification of the proposed chapel, is mostly located within the successional coastal sage scrub with ornamentals, saltgrass-fasciculed tarplant fields and disturbed / ruderal habitats which are not considered sensitive habitats. All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub and foothill needlegrass patches as identified on the Updated Biological Inventory Report, dated November 18, 2015 (Appendix 3.0-1) including the removal, conversion, or modification of these natural habitats for new development and required fuel modification. **Mitigation Measure BIO-1** has been amended to account for the offset of the adverse impacts to these sensitive habitats provided by the recorded conservation easement on the Francisco property, referenced earlier in Response B-7-27.

Response B-7-45

As discussed in Response to Comment B-1-10, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. Therefore, the proposed project is consistent with applicable LIP, ESHA, and Native Tree Protection development standards.

Implementation of **Mitigation Measure BIO-1** provides for the mitigation of potential impacts to the dense, intact coastal sage scrub and foothill needlegrass patches as identified on the Updated Biological Inventory Report, dated November 18, 2015 (Appendix 3.0-1), including the removal, conversion, or modification of these natural habitats for new development and required fuel modification. The Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property offsets the adverse impacts to sensitive habitat areas.

Response B-7-46

As discussed on page 6 and 7 of the Draft IS/MND, under the section header Landscaping and Open Space:

To comply with the City's landscape and open space regulations, 40 percent of the site must be landscaped (approximately 11 acres) and 25 percent must be designated as open space (approximately 7 acres). The applicant is proposing that approximately 57 percent of the project site be landscaped (approximately 16 acres) and 35 percent be left as open space (approximately 10 acres).²

Landscaping and open space would consist of approximately 20.1 acres of the total 27.8 acre site, including landscaped areas and walkways immediately surrounding the chapel and 6.8 acres of "natural vegetation"/open space on undeveloped slopes at the north, east, and south sides of the site and environmentally sensitive habitat area (ESHA) area bordering the southeast side of the ground. Landscaping would consist of a mix of walled planters, lawns and other landscaping. Features would include topiaries, the entry drive meandering stream, ponds, fountains, and screening hedges.

The unstable slopes to the north, east, and south (approximately seven acres) would be maintained in their natural condition. The primary interment areas would consist of lawns that

² The percentage of open space includes hardscape and landscape areas as allowed by LIP Section 3.8(A)(5)(b).

use drought tolerant Native Bent Grass (*Agrostis pallens*), and a combination of drought tolerant groundcovers. The remaining landscaped portions would include plantings of native and drought tolerant trees and shrubs.

Response B-7-47

The language of the mitigation measures has been corrected to use the word 'shall' where appropriate, refer to section 4.0, **Mitigation Monitoring and Reporting Program**.

Response B-7-48

As shown under the '**Action Required**' header of the Mitigation Monitoring and Reporting Program, the following steps would be taken to ensure compliance with the mitigation measures:

- Confirm design and project specifications incorporate requirements of the mitigation measure.
- A qualified biologist shall prepare a detailed habitat restoration plan, subject to the approval of the City Biologist and the City Planning Director - *or* -
- The project applicant shall provide evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts subject to the approval of the City Biologist and the City of Malibu Planning Director

Further, the Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property must remain in place to offset the adverse impacts to sensitive habitat areas.

Response B-7-49

The City maintains a map of identified migratory wildlife corridors in the City's General Plan (1995). There are no regional or migratory wildlife corridors identified within the Project site (see Figure CO-3, "Environmentally Sensitive Resource Protection Areas," within the Conservation Element of the General Plan).

Response B-7-50

This comment is a set of general remarks and opinions regarding the potential for the proposed project site to support a native wildlife nursery, but provides no specific evidence or reference to support the statement, and is contrary to the findings of qualified biologists. It presents no environmental issues within the meaning of CEQA as to the adequacy of the analyses in the Draft IS/MND and no specific

response is necessary. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-7-51

This comment is a set of general remarks and opinions regarding the proposed project's conformance with the General Plan Conservation Element and sections of the Local Coastal Plan, but provides no specific evidence or reference to support the statement, and is contrary to the findings of qualified biologists. It presents no environmental issues within the meaning of CEQA as to the adequacy of the analyses in the Draft IS/MND and no specific response is necessary. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-7-52

Refer to Response to Comment **Response B-3-1**.

In addition, the implementation of **Mitigation Measures CR-1** through **CR-7** would ensure that potential impacts to sensitive cultural resources would be less than significant. No additional measures have been recommended at this time.

Response B-7-53

Beverly Salazar-Folkes of the Native American Monitoring Group, and designated Most Likely Descendant (MLD), addressed the historical, cultural, and tribal findings of this site location with her letter dated January 20, 2017 (included as Appendix 2.0 to this Final IS/MND). Thorough site surveys, record searches, and archaeological testing resulted in the identification of two prehistoric sites in the project area. The site in question, CA-LAN-266, does retain integrity, including the presence of a hearth feature and several flaked stone and ground stone tools within a relatively shallow deposit (60cm). This site does meet the significance criteria as a historical resource under CEQA. However, numerous archaeological studies have shown no indication that this site contains any human remains. Therefore, the suggestion to cap by fill soils to limit any further subsurface impacts is a viable mitigation measure. No excavation into the native soils of CA-LAN-266 is proposed, so no potential impacts to any cultural resources that may remain would occur. CA-LAN-1715 has been determined not to be eligible for listing in the California Register. Grading will be allowed to occur in this area as the cultural resource studies conducted have concluded that no impacts to resources are expected and the site has been fully mitigated by previous work. Nevertheless, the implementation of **Mitigation Measures CR-1** through **CR-7** would ensure that potential impacts to any remaining sensitive cultural resources would be less than significant.

Response B-7-54

The most current landscape designs indicate the species Japanese Boxwood to be located for the 10' hedges that would surround LAN 266 and LAN 1715. This is one of the few non-native species proposed in the revised landscape plan.

Response B-7-55

The firm that conducted the most recent Phase II cultural resources study of the site, ESA, does not agree that capping of the CA-LAN-266 site is appropriate due its conclusions that, as discussed in Response B-3-1, previous testing, removal of material by archaeologists, prior use as a tree farm, various fires and other natural processes, as well as ESA's recent detailed Phase II work, have exhausted the research potential of the site. Despite ESA's conclusions and the difference in site conditions since the 1995 report was prepared that recommended capping the site, the project has incorporated capping to ensure that should any resources remain, they would not be disturbed by the project, consistent with the 1995 report recommendation. As described in the Beverly Salazar-Folkes letter of Appendix 2.0, review of the project has included consultation with Chumash representatives to ensure the cultural resource value of the site is taken into consideration. The applicant has agreed to the Environmental Review Board's conditions pertaining to designating an area on the site for burying any remains that may be discovered and for maintaining in place if possible any remains discovered.

Response B-7-56

The types of facilities listed in the referenced policies have minimal foundations. The same is true of the crypt walls proposed in the capped area of the project site. The Phase II Analysis prepared by ESA concluded that resources are not likely to remain in either of these two recorded sites; nevertheless, the soil cap will provide additional protection for any remaining resources.

Response B-7-57

As discussed in Responses to Comments B-3-1, B-7-52 and 53, extensive study and consultation has been conducted. The project design, as mitigated by the recommended mitigation measures, is consistent with the LCP's cultural resource protection policies.

Response B-7-58

As noted by the commenter, the grading quantities generating the need for the variance are the result of Mitigation Measure CR-3 for site CA-LAN-266. The cultural resource studies did not identify any additional work or mitigation necessary for CA-LAN-1715. The portion of the comment suggesting

replacing the crypts with a native garden honoring the Chumash does not state a specific concern or question regarding the adequacy of the impact analysis in the IS/MND, but rather contains an opinion, and no specific response is necessary. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-7-59

The project site currently has a recorded fault trace line that is considered inactive and therefore does not represent a significant fault rupture hazard to the project. Although a fault trace line runs in an east/west direction across the site on which the chapel and several mausoleums are located, all the recommendations of the project geotechnical consultant pertaining to compaction requirements and engineering of the structures would be implemented in the project. City geotechnical staff have reviewed and approved the project, as conditioned, for compliance with all City codes and requirements.

Additionally, no grading is to occur on slopes that are greater than 2.5 to 1 and therefore there would be no impacts to sensitive habitat on these steep slopes.

Response B-7-60

All underground utilities other than landscape irrigation lines are proposed for areas that do not pass through sensitive habitat, CA-LAN-266, or CA-LAN-1715.

Response B-7-61

The rough grading for the entire project site will occur at the commencement of the project. Section 18 of the Project Description of the IS/MND describes the construction sequencing proposed by the applicant. The "Sequence One" area will be graded first, and is the flattest mesa portion of the site including the proposed driveway, the site of the chapel and the areas to the south along Pacific Coast Highway, and the perimeter edges of the site along Malibu Canyon Road and Civic Center Way. The "Sequence Two" area is the area north of the new driveway bounded by Malibu Canyon Road and Civic Center Way. Individual plots would be excavated as needed.

Response B-7-62

The total area of the footprint of the public mausoleum behind the chapel is approximately 10,000 square feet and 18 feet below surrounding grade.

The heights of above-grade wall crypts at the capped site area are designed to not exceed 8'-6".

According to the applicant, the public mausoleum and crypt walls on the site would features spaces available for sale to the public. The private mausoleums consist of the 47 individual structures that would be available for purchase by individuals or families for burials.

Response B-7-63

Crypt walls are solid wall-type structures with no interior rooms. They do not contain floor area, which is defined as the floors of a building between the exterior walls, so they have been excluded from floor area ratio (FAR) calculations. FAR is the permitted building area as obtained by dividing the above-ground gross floor area by the area of the parcel. Contemplative areas will be scattered throughout the property. Urns or other vessels for cremated remains can be interred within the mausoleums, crypt walls, or in-ground burial sites throughout the site. A full site plan can be found within the IS/MND, refer to Figures 1a 1b, 1c and 1d.

Response B-7-64

The proposed use is a chapel and memorial park/cemetery with open space that includes scenic vistas, walking paths, and resting areas. The traffic impact analysis for the project analyzed these uses and determined that with mitigation, impacts will be less than significant. Conditions of approval incorporated into the project specify that events or services and burials that would occur outside the normal operating hours listed above, or would include lighting in excess of the lighting conditions of this resolution, music or noise, or would draw visitors in excess of the site's 176-space parking capacity, or would otherwise meet the definition of a temporary use under MMC Section 17.68 shall require the property owner to obtain a temporary use permit (TUP). Conditions also state that alcohol consumption on the property has been prohibited except pursuant to a TUP. Amplified outdoor music is also prohibited, except pursuant to a TUP. No more than six TUPs per year are allowed for the property. TUPs would include conditions of approval to manage traffic, noise, and parking impacts to avoid impacts on the community. Traffic, parking, and noise for these uses have been reviewed by the City and found to be a less than significant impact, as conditioned.

It is anticipated that the Memorial Park facilities will host a maximum of 3-4 services per day in the Chapel and a maximum of 3-4 additional services per day at various graveside services throughout the site.

Response B-7-65

The proposed project does not permit any above grade tombstones. The applicant proposes to provide GPS information to help visitors find burial sites. Any additional visitors due to this feature would be

speculative and does not require analysis under CEQA. No substantial evidence to support a need for additional parking due to this project feature has been provided.

Response B-7-66

Refer to **Response B-2-2**.

Response B-7-67

The chapel design does not include any square footage with ceiling heights less than six feet. The definition of gross floor area specifically excludes any space with a floor-to-ceiling height of less than six feet. The chapel does include areas for water features of such height as well as garage spaces which are also excluded from gross floor area by definition. The proposed FAR for the project is 0.013, while the LCP allows up to 0.15. The proposed project would only be comprised of only 16,073 square feet of gross floor area, where 181,645 square feet is allowed under the CV-2 Zone.

Response B-7-68

The above grade wall crypts at the capped sensitive area will vary in height. They are designed to not exceed 8'-6" in height.

Response B-7-69

The above grade wall crypts at the sensitive area will be constructed during the first phase of the development. The majority of private mausoleums will be designed and constructed on an as-needed basis by individual owners as they are purchased.

Response B-7-70

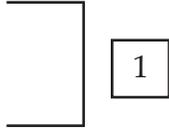
All structures heights are measured from existing or finished grade, whichever results in a lower building or structure height, as specified in LIP Section 3.8(A)(1)(a).

Response B-7-71

This comment is a set of general remarks and closing opinions, as well as recommendations for the reduction of scale of the proposed project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

From: [Daniel Ducovny](#)
To: [Adrian Fernandez](#)
Subject: Memorial Park
Date: Friday, December 16, 2016 9:58:46 AM

I like the idea of the park.
I don't feel we need more real estate development at this time.
We need open spaces preserved. I would prefer a state park where things are left wild but this is second best.
It will be great for local and visiting kids and families.
We don't need another cluster
Of McMansions.
Thank you for your time
Daniel Ducovny
Malibu resident since 1988



Sent from my iPhone

Letter No. C-1 Daniel Ducovny

Response C-1-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

From: [Carol](#)
To: [Adrian Fernandez](#)
Subject: Comment regarding proposed cemetery at Malibu Cyn & PCH
Date: Tuesday, December 06, 2016 6:00:33 PM

Hello, Adrian,

I am writing to you with my comment for the proposed cemetery/memorial park in Malibu:

Honestly, I am against anything being built on that beautiful, open, rugged geography and space. This plan is the developer making another attempt to put some type of business there, whether it was a hotel complex, or a cemetery, there is a lot of money that will be made from developing that land. If it's not a cemetery, then he'll submit plans for some other type of entity to be built there. I wish this guy would just go away!

Anything that is built on Malibu Canyon and PCH will result in more traffic. Cemeteries and memorial parks are open to the public. With a 180 degree sweeping view of the coastline and the ocean, you know that people, who will not even have loved ones interred there, will start using it as a regular park and place to picnic, walk their dogs, let their kids run around, then leave their trash and dog poop behind.

Why does every open space in Malibu need to have something built on it? Cannot it just remain natural, open, breathing space, something we all need in today's crowded, dense, and noisy world. The same with the Trancas property, why can't that beautiful vista remain as it is in its natural beauty, plants, and wildlife?

There are many mega properties popping up along PCH and in other places in Malibu, slowly, but surely, covering up open land, leaving less and less calm and relaxing views for us to enjoy.

I do not support a cemetery/memorial park to be built on that land.

Thank you.
Carol Hahn
26741 Latigo Shore Drive
Malibu, CA 90265
hellocarolann@hotmail.com

Letter No. C-2 Carol Hahn

Response C-2-1

This comment is a set of general remarks and opinions, as well as a statement in opposition of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

From: [Ali Johnson](#)
To: [Adrian Fernandez](#)
Subject: Malibu Memorial Park-Notice of Intent
Date: Thursday, December 01, 2016 7:46:29 AM

12/1/2016

To Whom It May Concern,

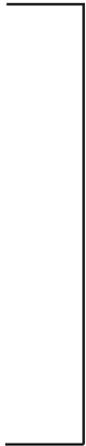
I believe the above proposed project is extremely positive environmentally and socially as it serves the Community in both capacities.

I am very encouraged by Development Companies that continue to be so considerate of Malibu when utilizing an environmentally sensitive economic approach that benefits Malibu vs. what we have seen from other companies who are simply in our Community to Profit take and then leave.

I fully support this project, and I fully believe that most of our Community in our beautiful Malibu feel the same. It is so refreshing to see a company embrace the people, animals, and environment in this sensitive way.

Thank you,

Ali Johnson



Letter No. C-3 Ali Johnson

Response C-3-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

From: [sam hall kaplan](#)
To: [Adrian Fernandez](#)
Subject: Memorial Park Comment
Date: Thursday, December 08, 2016 2:54:59 PM

A second look is needed for the pending proposal for the memorial park and cemetery on the prime site at the northeast corner of PCH and Malibu Canyon Road.

The original plans for a luxury hotel there having been shot down, the new plans propose a two story chapel, a number of free standing mausoleums, 4,000 crypt internments and 29,00 burial plots, and ,of course, the necessary visitor parking .

Maybe it is the reluctance to speak ill of the dead, or raise questions of internment, but no one seems inclined to take exception to the plans. The only comment heard so far is that funeral corteges may exacerbate traffic on the PCH.

Though sensitive to these issues, I am frankly more sensitive to the need for affordable housing for Malibu's work force and seniors.

And further, from a land use point of view, the memorial park's would make for an infinitely better residential development. Indeed, the 27 acre site could be masterly designed for perhaps 200 or so two story town houses in a well landscaped setting with striking views .

The site also is in walking distance to the Civic Center, shopping, the library, Legacy and Bluffs parks , the beach,

the proposed college extension, and accessible public transit. Score it a ten on the planning scale.

By workforce I am specifically referring to our public school teachers, first responders, city employee, shop clerks, waiters and waitresses; all those who toil and lend life to Malibu.

Most live beyond the 27 miles of scenic beauty that is Malibu, and must commute long distances to work, which of course adds to the traffic on the dreaded PCH.

And then there is also the need for senior housing for those increasing long time residents, many of our neighbors, who no longer can afford and maintain their now too large homes here, but want to stay in the Malibu they have roots in and love.

Not only is affordable housing good land use planning, it is the moral, right thing to do.

In a community that hosts and cares about all forms of life, the sea and mountain lions, dogs, cats, birds, and turtles too, in backyards and beyond, should care about the people who serve them, and their aging neighbors.

Let us plan with our heads, and also our hearts.

Respectfully Submitted

Sam Hall Kaplan
29061 Cliffside Dr.
Malibu CA 90265

Letter No. C-4 Sam Hall Kaplan

Response C-4-1

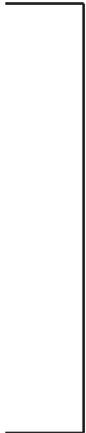
This comment is a set of general remarks and opinions, as well as a statement in opposition of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

From: [Jeffrey Kramer](#)
To: [Adrian Fernandez](#)
Subject: Malibu Memorial Park
Date: Monday, December 19, 2016 7:26:42 AM

As a long time resident of Malibu, I've taken interest in the Memorial Park project located on Malibu Canyon Road just off PCH. The prior plan, the Rancho Malibu Hotel applied for in 2011 (and withdrawn in 2013) seemed overwhelming to the community. It included almost 275,000 sq. ft., 146 rooms, a spa, pool, bar, ball room, retail and restaurants and would be impossible to support from an ecological perspective. Water use and waste, added density and congestion would be overwhelmingly impactful to the community, that in most every residents opinion, needs little to no explanation. While most residents would welcome a luxury hotel and the accompanying amenities, it's obvious to all that sustainability would be ominous and near impossible at best.

The current Memorial Park project submitted for review in 2015 would result in much less of an impact and the proposed footprint appears to be conscious of the aesthetic needs of the Malibu landscape. As well, any other project designated for the location would also likely be welcome if the developers would maintain a similar level of awareness of the needs of the community.

Jeff Kramer



Letter No. C-5 Jeff Kramer

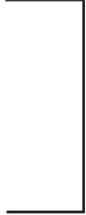
Response C-5-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

From: [Caitlin Madden](#)
To: [Adrian Fernandez](#)
Subject: Malibu Memorial Park
Date: Friday, December 16, 2016 7:13:32 AM

Hello Mr. Fernandez,

I would like to reach out to you as a Malibu resident to let you know that I've read through the MND on the Malibu [Memorial Park](#) and followed this property closely over the years. I think that Green Acres did a fantastic job in listening to the community and has now presented us with an [open space park](#) with little to no impacts for almost every CEQA category. Please use this letter as my sign of support for the proposed project.



Thank you,

Caitlin Madden

Sent from my iPhone

Letter No. C-6 Caitlin Madden

Response C-6-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

From: [Brian Merrick](#)
To: [Adrian Fernandez](#)
Cc: [Bonnie Blue](#)
Subject: Malibu Memorial Park Public Comment
Date: Wednesday, December 14, 2016 1:22:42 PM

12/14/2016

Adrian Fernandez

Case Planner

City of Malibu Planning Department

23825 Stuart Ranch Road

Malibu, CA 90265

RE: Malibu Memorial Park

Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001, Coastal Development Permit No. 15-028, Variance No. 16-016, Site Plan Review No. 16-009, Minor Modification No. 16-010, Conditional Use Permit No. 15-011, and Lot Merger No. 16-001

Malibu Planning Department, Adrian Fernandez:

I am witting this comment to make sure that the City of Malibu considers and makes allowances for all aspects of this proposed development. I am concerned about traffic and use of loopholes to turn this project site into something more than just a memorial park. The following concerns are important for the city planners to clarify and mitigate from happening:

1. Traffic issues created by large gatherings and funeral processions through Malibu on PCH and other major roads.
2. The use of the property as something other than funerals. With a large structure (chapel) it has the potential to be a site for Weddings, parties, and concerts. These actions could lead to loud noise complaints for neighbors as well as the potential to have events into late nights further disturbing the rural nature of Malibu. Finally, if allowed to be used to for these non Funeral uses it has potential if Alcohol is added to the mix to be flooding our streets with impaired drivers.

In conclusion, there should be restrictions put on this project to make sure that it is truly a memorial park and something more masquerading as a memorial park. Those restrictions should include but not be limited to:

- Sunrise to Sunset hours of operation or limits on hours of operations
- Alcohol restrictions to prevent drunk drivers
- Required notices when a large procession is held through town and city streets are

impacted or closed.

- A ban on music after a certain time of day, no late night parties.

If this project really is a memorial park then none of these restriction should be objected to.

Sincerely,

Brian Merrick
23676 Malibu Rd
Malibu Ca 90265

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Letter No. C-7 **Brian Merrick**

Response C-7-1

This comment is a set of general remarks and opinions, as well as suggestions of restrictions pertaining to the project.

Potential traffic issues were addressed in **Section XVI** of this document. **Table 17, Future (2030) With and Without Project Intersection Level of Service Summary** depicts the ten intersections in the vicinity of the project site that would potentially be affected upon project implementation. Under the Future 2030 With Project and Cumulative conditions scenario, cumulative development, including the proposed project, is projected to result in significant impacts to the Level of Service (LOS) at the intersection of Webb Way and Pacific Coast Highway. With the installation of eastbound dual left-turn lanes along Pacific Coast Highway, cumulative impacts would be mitigated. However, while Pacific Coast Highway is a modified urban arterial, any modifications to the roadway that deviate from the Caltrans highway/freeway design standards would require Caltrans review and approval. Further, prior to installation of the eastbound dual left-turn lanes, the project applicant would be required to apply for and obtain an encroachment permit from Caltrans. If Caltrans denies the encroachment application, the project applicant would be required to cover the costs associated with expanding the south side of Pacific Coast Highway at the impacted intersection. Implementation of **Mitigation Measure TR-1** would require the project applicant to submit a restriping plan for the Webb Way and Pacific Coast Highway intersection to Caltrans for review and approval, as well as provide the necessary funds needed to implement the proposed restriping.

Conditions of approval have been incorporated into the project to address occasions for which a high number of visitors would be expected to minimize adverse impacts on traffic and parking. Please refer to Planning Commission Resolution No. 17-17, Section 5, Conditions of Approval, under *Operations*. These conditions require valet parking at no charge on Memorial Day and other high visitation days to maximize the efficiency of use of the onsite parking; require a temporary use permit (TUP) and/or transportation management plan (TMP) for events or services and burials that would exceed the 176-space capacity of the onsite parking or involve a procession with a large number of cars; and would prohibit funeral processions involving a large number of vehicles during peak traffic hours, certain holidays (4th of July, Memorial Day weekend, and Labor Day weekend). The conditions also require the property owner/operator to monitor visitors and services daily and report the data to the City for annual review against the anticipated parking and traffic generation estimates so that this information may be reported to the Planning Commission. The TMP would be reviewed and approved by the Public Works Department and Los Angeles County Sheriff. Depending on the size, type, and duration of the event, the

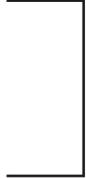
Transportation Management Plan (TMP) would address all aspects of event transportation and may include an evaluation of site access, parking, valet staging, temporary on-site parking, usage of shuttles, routing information and traffic control/security personnel. A traffic control plan – a specific set of plans showing the location of traffic control devices (e.g., cones, barricades, signs) may also be necessary. Furthermore, individual funeral processions are limited duration events and categorically exempt from CEQA review. The City of Malibu can authorize funeral escorts to control traffic for a funeral procession. Licensed funeral escorts are authorized to regulate traffic in accordance with the movement of the funeral procession as outlined in the California vehicle code. Vehicles taking part in a funeral procession have the right-of-way, and interference, obstruction, or interruption of the funeral procession is subject to a citation. When required, escorts will facilitate movement of large numbers of vehicles to the project site efficiently, keeping traffic impacts to a minimum. Each planned event would be analyzed on a case-by-case basis.

Conditions have been incorporated through the project's conditional use permit to limit the uses to a chapel and cemetery/memorial park. Special events as noted above, would occur only pursuant to a TUP. Alcohol consumption on the property has been prohibited except pursuant to a TUP. Commercially zoned properties are allowed a maximum of six TUPs per year. TUPs would include conditions of approval to manage traffic, noise, parking and other impacts to avoid impacts on the community. Finally, amplified outdoor music is also prohibited, except pursuant to a TUP. As mitigated and conditioned, the project has been determined to have a less than significant impact on noise, parking and traffic.

From: [ROBERT SCHIENBERG](#)
To: [Adrian Fernandez](#)
Date: Friday, December 02, 2016 7:09:30 PM

As a resident of Malibu I am completely apposed to the offensive concept proposed by Green-acres. I hope you will do all you can to stop this preposterous idea/development. It is completely against everything Malibu stands for. Please read the mission statement. The roads cannot bear anymore development. PCH on a weekend cannot handle a parking lot which hold over 100 spaces. It's a death trap!

Robert



Letter No. C-8 Robert Schienberg

Response C-8-1

This comment is a set of general remarks and opinions, as well as a statement in opposition of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Refer to **Response to Comment B-2-2** for a discussion of the conditions of approval that have been incorporated into the project to address occasions for which a high number of visitors would be expected to minimize adverse impacts on traffic and parking.

3.0 CORRECTIONS AND ADDITIONS

OVERVIEW

The California Environmental Quality Act (CEQA) Guidelines Section 15073.5 states:

- (a) *A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.*
- (b) *A substantial "revision of the negative declaration shall mean*
 - (1) *A new, avoidable significant effect is identified and mitigation measures of project revisions must be added in order to reduce the effect to insignificance, or*
 - (2) *The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required*
- (c) *Recirculation is not required under the following circumstances*
 - (1) *Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1*
 - (2) *New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects*
 - (3) *Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect*
 - (4) *New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.*
- (d) *If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.*

In response to public comments received, clarifications to text of the Draft ISMND, as well as staff-initiated text changes have been made. Additional information has been identified in comments on the Draft IS/MND and responded to in **Section 2.0, Responses to Comments**, of this Final IS/MND. These changes made since publication of the Draft IS/MND do not substantially affect the analysis contained in

the Draft IS/MND, do not result in a substantial increase in the severity of a significant impact identified in the Draft IS/MND and do not change the conclusions in any way.

All of the public comments on the Draft IS/MND, as well as these Corrections and Additions to the Draft IS/MND have been carefully reviewed to determine whether recirculation of the Draft IS/MND is required. All of the new information in these corrections and additions to the Draft IS/MND, in the comments, and in the responses to comments merely clarify or amplify or make insignificant modifications to an adequate Draft IS/MND. Therefore, the Draft IS/MND need not be recirculated prior to certification.

CHANGES TO THE DRAFT IS/MND

Changes to the Draft IS/MND are identified below by the corresponding Draft IS/MND section and subsection, if applicable, and the page number. Additions are in underline and deletions are shown in ~~striketrough~~ format.

Project Description:

The text on page 4 is revised as follows:

The 47 mausoleums ~~range from~~ will average approximately ~~140 to~~ 200 square feet each.

The text on page 6 is revised to insert a paragraph to the end of Section 13:

The project site is located within the Civic Center Prohibition Area established by the State Water Resources Control Board and the Regional Water Quality Control Board, where properties are required to connect to the CCWTF based on a phasing plan, as described in more detail in Section XVII of this document. The proposed project is located in Phase 2, based on the Memorandum of Understanding between the City and the Water Boards, but is seeking to connect to Phase 1.

The text on page 7 is revised as follows:

16. Circulation

Vehicular access to the project site would be provided via Malibu Canyon Road approximately 700 feet north of the PCH centerline. The entrance and exit is near the curvature of Malibu Canyon Road which restricts the sight distance for vehicles exiting the site. For this reason, right-turn egress only would be allowed i.e., no left turns exiting the site would be permitted. However, left-turn entering the site would be allowed. In order to access PCH, exiting traffic would turn right onto Malibu Canyon Road, then right

onto Civic Center Way and either use the connector to westbound PCH adjacent to the project, or proceed to the Webb Way intersection and turn southward to get to PCH. It is recommended that a U-turn prohibition sign be posted at the intersection of Malibu Canyon Road and Seaver Drive/Civic Center Way to alert motorists that U-turns are not allowed and to provide for the safe and orderly movement of traffic at this intersection. Vehicles would be able to head south on Malibu Canyon Road by performing a U-turn at the intersection of Seaver Drive and Malibu Canyon Road upon exiting the site.

The text on page 8 is revised as follows:

The archaeological area would be capped with grading of a sufficient depth so as to allow necessary coverage as mandated in the Cultural Resources Management Report (maximum cap of approximately three feet).

Table 1, Estimated Earthworks Quantity on page 8 is revised to correct the source date as follows:

	Exempt			Non-Exempt	Remedial	Total
	Removal and Recompaction	Under Structure	Safety			
Cut	70,045	106,367	1,172	12,168	0	189,752
Fill	70,045	0	231	32,567	0	113,127
Total	140,090	106,367	1,403	44,735	0	302,879

Source: Green Acres LLC, ~~August~~ November 2016.

The text on page 8 is revised as follows:

The initial construction does not include the ongoing construction of burials which has an estimated ~~45-year buildout~~ 40 to 80 year sell out period.

The text on page 10 is revised as follows:

Sequence One: the perimeter of the site will be improved. ~~All~~ Approximately 240 pre-installed crypts will be placed in the median of the driveways.

The text on page 10 is revised as follows:

City approval for connection to Phase 1 of the CCWTF and recycled water use.

The text on page 10 is revised as follows:

Updated WWD No.29 approval for water supply and sources for the site.

Figure 1a, Proposed Project Site Plan on page 11 has been revised to show how some of the mausoleums were relocated to limit their visual impact.

Figure 1c, Northerly Burial Plots has been added to provide additional information.

Figure 1d, Southerly Burial Plots has been added to provide additional information.

Figure 3, Proposed Project Landscape Plan on page 15 has been revised and updated to demonstrate that the plant palette has been revised to incorporate almost entirely native species.

Figure 6, Project Site and Surrounding Land Uses on page 18 has been revised to correct the word "Educational."

Evaluation of Environmental Impacts:

The text on page 59 is revised as follows:

The proposed development, including the required fuel modification of the proposed chapel, is mostly located within the successional coastal sage scrub with ornamentals, saltgrass-fascicled tarplant fields and disturbed / ruderal habitats which are not considered sensitive habitats. Although most of the on-site habitat is not considered ESHA, the dense, intact coastal sage scrub and foothill needlegrass patches ~~and successional coastal sage scrub with ornamental habitats~~ are considered sensitive habitats. As part of the 1998 EIR for the now withdrawn Rancho Malibu Hotel Project, the developer recorded an off-site conservation easement for wildlife habitat and open space resources. The off-site conservation easement consists of 30 acres of the Francisco property located approximately two miles north of the project site on the west side of Malibu Canyon Road and in the Santa Monica Mountains. With the off-site conservation easement in place and incorporated as Mitigation Measure BIO-1, the adverse impacts to sensitive habitat areas as a result of the proposed project will be reduced to less than significant.

As most of the existing sensitive habitat would be preserved and the majority of the developed portion of the property would serve as private open space, the impacts to the ~~three~~ two special status wildlife species that may be present at the property is considered minimal with mitigation. As provided in Mitigation Measures BIO-~~4~~2 through BIO-6, a survey conducted during the blooming periods of rare and special status plant species, nesting bird survey, and fencing off habitat and sensitive plant species during construction are required. Following implementation of the recommended mitigation, no significant impacts to special status resources and riparian and other sensitive habitats are anticipated.

The text on page 61 is revised as follows:

BIO-1 All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub and foothill needlegrass patches, ~~and successional coastal sage scrub with ornamentals~~ as identified on the Updated Biological Inventory Report, dated November 18, 2015, including the removal, conversion, or modification of these natural habitats for new development and required fuel modification. The Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder’s office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property must remain in place to offset the adverse impacts to sensitive habitat areas. ~~One of the following three Habitat Impact Mitigation methods shall be required: 1) habitat restoration; 2) habitat conservation; or 3) in lieu fee for habitat conservation. The ratio for [off-site habitat restoration] shall be 2 to 1 (number of acres of created or restored habitat required for each acres of habitat impacted). Prior to the issuance of a grading permit, the applicant shall submit and obtain approval from the City Biologist for either a detailed habitat restoration plan, or evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts. The property owner / applicant may also provide sufficient evidence to the satisfaction of the Planning Director that habitat impact mitigation has already been satisfied due to the dedication of property for habitat protection that was required and dedicated for similar habitat impacts related to the previously proposed hotel.~~

The text on page 77 has been revised as follows:

e) **No impact.** Project implementation would not use septic tanks or alternative wastewater disposal systems. The proposed project would be required to connect to the CCWTF by November ~~2024~~ 2019. The CCWTF is expected to be operational for commercial properties in ~~September 2018~~ June 2017 (prior to operation of the proposed project). Therefore, no impact would occur, and no further analysis is required.

The text on page 87 found within the **Department of Water Resources** portion of **Table 9, Project Consistency with Climate Action Team Greenhouse Gas Emission Reduction Strategies** has been revised as follows:

Department of Water Resources	
<p>Water Use Efficiency: Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.</p>	<p>Consistent: All landscaping will be in compliance with the MMC Model Water Efficient Landscape Ordinance per Section 9.22.080. Thus, non-potable recycled water would be used to irrigate the landscaped areas and operate the water features <u>to the extent available</u>. Signs will be posted throughout the project site to disclose the use of non-potable water. Further, all fixtures will comply with Title 24 requirements.</p>

Table 11, Construction Noise Levels on page 115 has been revised as follows:

Sensitive Receptor	Distance from Construction (feet)	Maximum Construction Noise Level (dB(A))	City's Maximum Exterior Noise Limit
Our Lady of Malibu Church	350	72 dB(A)	85 dB(A)
Residences Across Civic Center Way	350	72 dB(A)	75 dB(A)
Webster Elementary School	550	68 dB(A)	85 dB(A)
Pepperdine University	950	63 dB(A)	85 dB(A)
Single-Family Residences Across Civic Center Way	700	95 65 dB(A)	75 dB(A)

Source: Rincon Consultants, Inc., 2015, Appendix XII.

The text on page 125 is revised as follows:

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 design features and other measures to address wildfire hazards, including use of fire resistant building materials, vegetation clearing, and management, security gates with a minimum access width of 26-feet, and approved signs that include the words "NO PARKING FIRE LANE." 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 public and private fire hydrants to meet the LACFD water requirements. 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 for public fire hydrants would be provided by connecting the proposed on-site water infrastructure to the existing water main at the intersection of Seaver Drive and Malibu Canyon Road. The project applicant would be required to obtain an updated will serve letter from WWD No. 29, to ensure adequate water flow capacity exists to serve the project site, prior to the commencement of any construction activities.

The text on page 139 and **Table 18a, East Bound Left Turn Volume and Capacity** on page 140 regarding have been inserted for clarity at the request of the City of Malibu Department of Public Works:

In response to comments received during the public review period, the applicant's traffic consultant performed a queuing analysis has been conducted for existing 2016 conditions with and without the project. As shown in Table 18a, below are the results of the eastbound left turn queuing analysis for Pacific Coast Highway at Malibu Canyon Road and at Webb Way. The analysis shows that the project will not create a significant traffic impact to the eastbound vehicle queue with ample capacity to

accommodate the left turn demand with the project. It should be noted that the dual left turn mitigation at Pacific Coast Highway and Webb Way has been assumed for this analysis. The capacity worksheets are included as **Appendix 3.0-2, Traffic Queuing Analysis**, of the Final IS/MND for reference.

Table 18a
East Bound Left Turn Volume Analysis

<u>Intersection</u>	<u>Peak Hour</u>	<u>Queue Capacity</u>		<u>Volume</u>
		<u>Without Project</u>	<u>With Project</u>	
<u>Pacific Coast Highway and Malibu Canyon Road</u>	<u>AM</u>	<u>224</u>	<u>225</u>	<u>139</u>
	<u>PM</u>	<u>527</u>	<u>529</u>	<u>402</u>
	<u>Saturday/Midday</u>	<u>314</u>	<u>334</u>	<u>231</u>
<u>Pacific Coast Highway and Webb Way</u>	<u>AM</u>	<u>249</u>	<u>249</u>	<u>165</u>
	<u>PM</u>	<u>201</u>	<u>201</u>	<u>125</u>
	<u>Saturday/Midday</u>	<u>203</u>	<u>203</u>	<u>127</u>

Source: Overland Traffic Consultants, Inc., February 2017

The text on page 142 is revised as follows:

The project applicant shall participate in funding the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way.

The text on page 146 has been revised as follows:

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 as amended in January 2017 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 OWTSSs) and to connect to the new CCWTF as follows: Phase 1, for the Civic Center Area commercial-core, by September 2018~~November 2015~~; and Phase 2, the remaining commercial, institutional (including the proposed project), residential and multi-family properties in the Zone, by

November ~~2024.~~⁵⁸~~2019~~. 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 proposed project was included in the overall Prohibition Zone capacity and design calculations for the CCWTF, but is not included in the Phase 1 assessment district. On March 13, 2017, City Council authorized the CCWTF design engineer and assessment engineer to evaluate the feasibility and cost of connecting the project to Phase 1.⁵⁹ ~~The project would need to be included in a subsequent assessment district/phase for connection to the CCWTF. A condition of approval has been incorporated into the project to prohibit its connecting to Phase 1 if the connection would exceed the wastewater treatment requirements/capacity of the CCWTF. With final approval by the City Council and payment of fees to connect to the CCWTF, impacts would be less than significant and no mitigation is required.~~

Figure 14, Prohibition Zone on page 147 has been revised to delete the misplaced “Project Site” label.

The text on page 148 has been revised as follows:

Wastewater flow generation estimates for the CCWTF were developed for each type of land use within the Prohibition Zone, including the ~~subject property/proposed project~~. These generation estimates were applied, by parcel, to develop the flow rates used in the 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. Wastewater collection and recycled water distribution lines for Phase 1 are being constructed in the public rights of way adjacent to the project site. As described in (a) above, if authorized by the City Council, the proposed project would be allowed to connect to Phase 1, or otherwise would be included in a subsequent assessment district/phase of the CCWTF, and would pay the assessment and connection charges. Future phases of the CCWTF are anticipated by the MOU and account for all properties in the civic center area. The project would not require or result in the construction of a new CCWTF or expansion of existing facilities. Impacts would be less than significant and no mitigation is required.

⁵⁸ Phase 1 of the wastewater treatment facility began in July 2016 and is expected to be completed and operational by Fall 2018. 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. An additional MOU amendment is expected in early 2017 to adjust the construction and connection schedules to match current expectations.

⁵⁹ Certified EIR for the CCWTF: <http://www.malibucity.org/index.aspx?NID=786>

The text on page 150 is revised as follows:

Development of the project site as a memorial park would increase indoor and outdoor water demand during operation. ~~as a~~ Operation of the building onsite would require potable water for restrooms and a kitchen (i.e., sinks, toilets, dishwasher). Projected potable water consumption rates associated with these ~~uses proposed project~~ is assumed to be 120 percent of the wastewater generated of a given land use. Table 19, Proposed Project Approximate Indoor Water Consumption, includes the daily projected indoor potable water consumption for the proposed project, during both a regular and maximum event. For indoor use, ~~the~~ proposed project is expected to require approximately 860 gallons of water per day (gpd) during a regular event and 2,160 gpd of water during a maximum event.

Table 19 on page 151 is revised as follows:

Table 19
Proposed Project Approximate Indoor Water Consumption

Event	Wastewater Flow (gpd)	Generation Rate	Potable Water Consumption (gpd)
Regular	860	1.20	1,032
Maximum	1,800		2,160

Source: Wastewater Conformance Review produced by Ensitu Engineering, Inc

The text on page 151 is revised as follows:

~~In addition to the increase in potable water consumption, non-potable water would be used for the proposed projects' landscaping and could be used for water features.~~ In addition to indoor water use needs, the project would also have outdoor water use needs for landscape irrigation and operation of the water features. This need would be met with some combination of potable and non-potable water as described below. To comply with the City's landscape and open space regulations the proposed project is required to provide 40 percent of the site area for landscaping (approximately 11 acres) and 25 percent as open space (approximately 7 acres). Under the proposed project, 35 percent of the project site would be landscaped (approximately 16 acres) and 35 percent would be open space (approximately 10 acres). The project site would be landscaped with trees, native shrubs, and native grasses as shown in **Figures 5** and **6**. Based on the landscaping plans provided by the applicant and the proposed plant palette, the project is estimated to use approximately 17.26 acre feet per year (5,624,819 gallons per year) of water for irrigation. ~~As described above, non-potable water is required for use to the extent it becomes available for the project.~~

The text on page 151 is revised as follows:

Demand for Recycled non-potable water would be increased as the project proposes to use it~~be used to~~ irrigate the landscaped areas and operate the water features to the extent that it becomes available to the project. Currently, production and use of recycled water is limited for properties located within WWD No. 29's jurisdiction, as a majority of the properties are not yet serviced by a wastewater treatment plant. Recycled water will be available from the CCWTF; however, Demand for recycled water from the CCWTF is higher than was initially anticipated, and availability will ultimately depend on the build out of Phase 1. Therefore, the applicant would increase the use of recycled water as it becomes available from the CCWTF.

The text on page 154 is revised as follows:

In addition, the project applicant is required to provide the City of Malibu with an updated letter from WWD No. 29 confirming their ability to serve the project. Thus, impacts would remain less than significant and no mitigation is required.

As discussed under **Section VI Geology and Soils (e)** above, the City's CCWTF is expected to be operational for commercial properties in Fall 2018 (prior to operation of the proposed project). Further, operation of the CCWTF would increase the amount of recycled water available (for irrigation use) and may be available to serve the project site over time. Thus, impacts associated with potable and recycled water consumption would be less than significant. No further analysis is required.

The text on page 154 is revised as follows:

- e) **Less than significant impact.** As discussed above, wastewater flows from the proposed project have been factored into the design capacity of Phase 2 of the CCWTF; City Council will determine based on studies and analyses performed by the CCWTF design and assessment engineer if the project could be accommodated earlier by Phase 1. ~~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 would be less than significant and no mitigation is required.

The text on page 157 is revised to insert an additional conditional of approval as follows:

Additional Condition of Approval

- The project shall not operate without a connection to the CCWTF. Prior to building permit issuance, the applicant shall negotiate an agreement with the City to allow connection to Phase 1 of the CCWTF, if feasible based on studies performed by the CCWTF design and assessment

engineers, and pay all required fees. If capacity is not available to join Phase 1, the project shall connect in Phase 2.

The listing of Appendices is revised as follows:

Appendix I: Photometric Plan Set - Sasco

Appendix II: Not Used

Appendix III: Air Quality Study Update – Rincon

Appendix IV: Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project - Rincon

Appendix V: Not Used

Appendix VI.a: Geotechnical Report - GeoSoils

Appendix VI.b: Geotechnical Report Update – GeoSoils

Appendix VI.c: Geotechnical Report Addendum – GeoSoils

Appendix VI: Not Used

Appendix VII: Greenhouse Gas Study Update – Rincon

Appendix VIII: Not Used

Appendix IX.a: Contamination Memo from Richard Sells

Appendix IX.b: Groundwater Report – earthforneics, inc.

Appendix IX.c: HydroGeologic Report Update - earthforneics, inc.

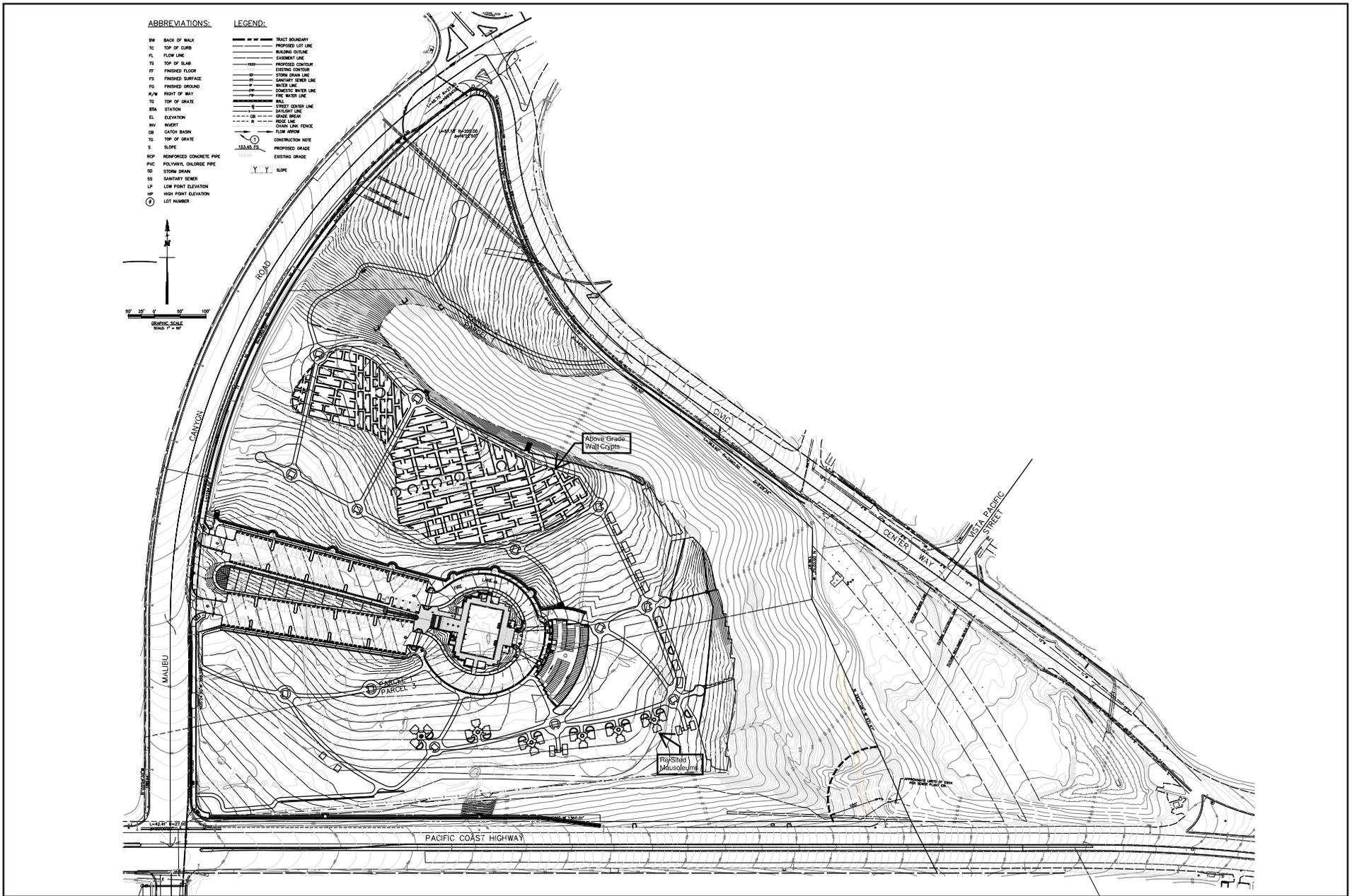
Appendix X: Not Used

Appendix XI: Not Used

Appendix XII: Noise Study Update – Rincon

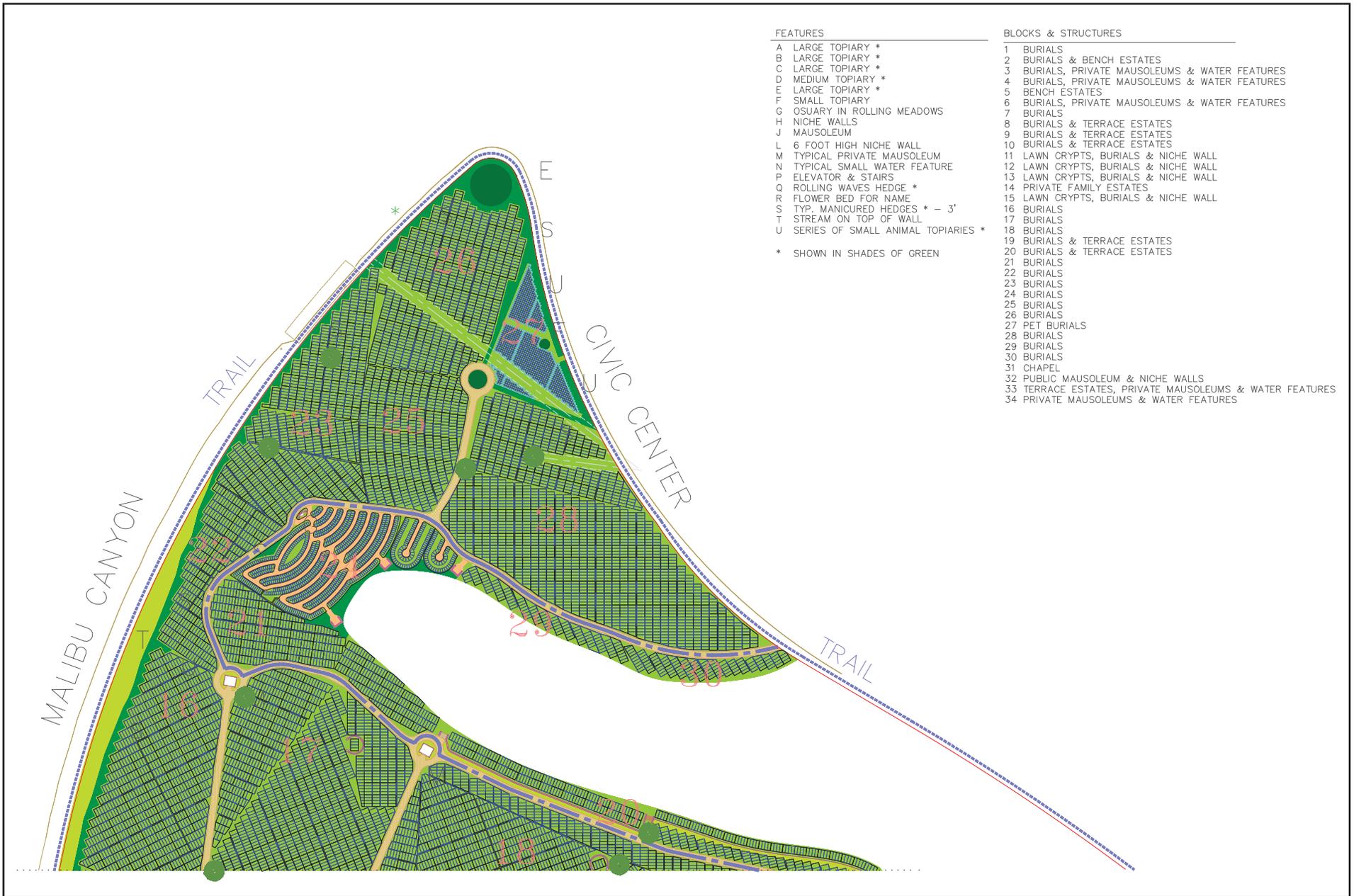
Appendix XIII: Not Used

Appendix XVI: Traffic Impact Analysis – Overland Traffic Consultants



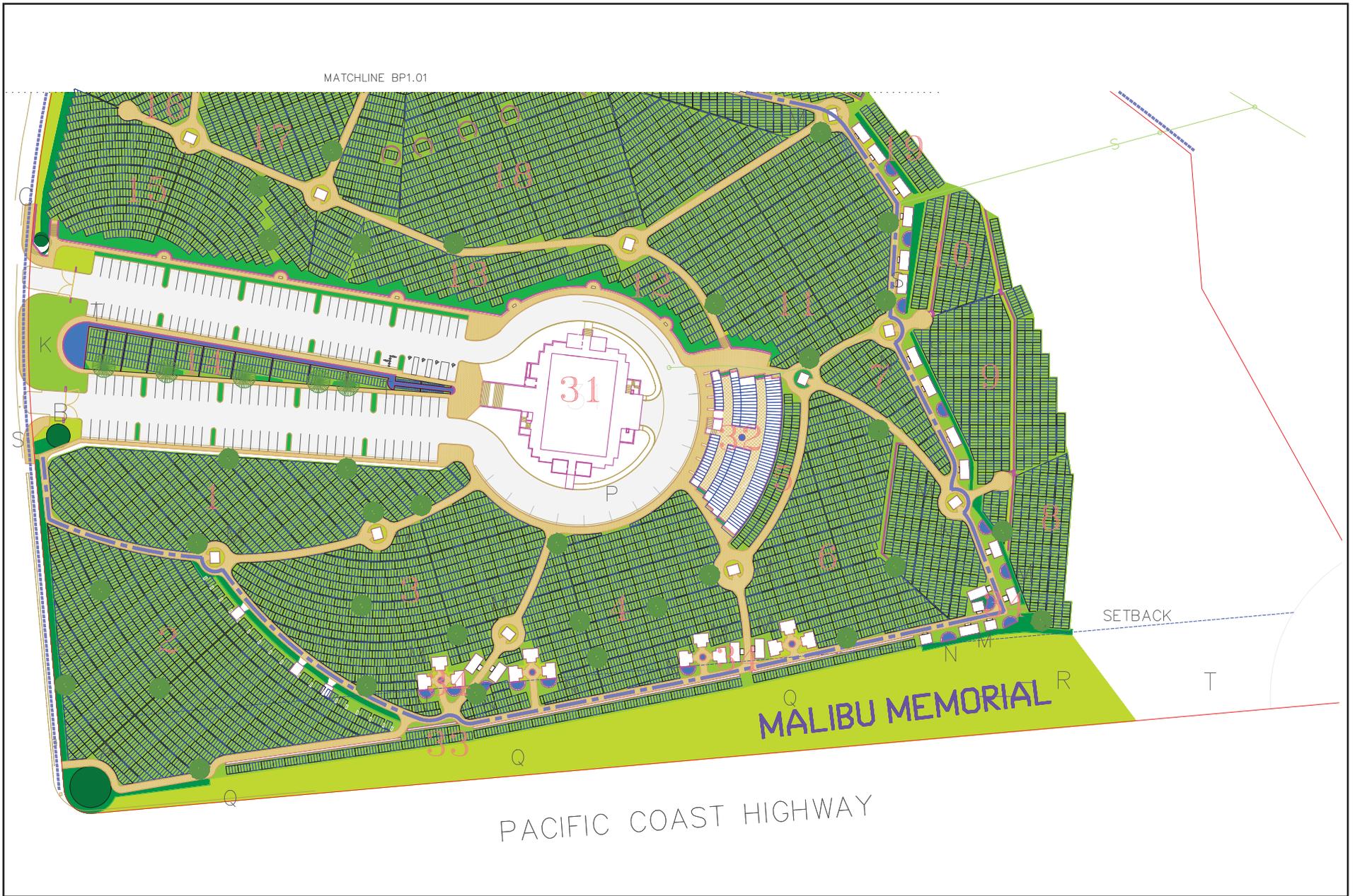
SOURCE: Burdge and Associates Architects

FIGURE 1a



SOURCE: Burdge and Associates Architects

FIGURE 1c



SOURCE: Burdge and Associates Architects

FIGURE 1d



SOURCE: Pakshong Landscape and Architecture Collaborative



SOURCE: Pakshong Landscape and Architecture Collaborative

FIGURE 4b

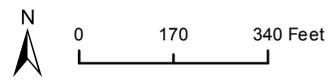
Native Tree Map



Bing Maps Aerial: (c) 2010 Microsoft Corporation and its data suppliers.

Legend

- Site Boundary
- Dense, Intact Coastal Sage Scrub
- Disturbed/Ruderal
- Foothill Needlegrass Patches
- Saltgrass-Fascicled Tarplant Fields
- Successional Coastal Sage Scrub with Ornaments
- Location of Concrete Box
- Approximate Location of Eroded Canyon



SOURCE:

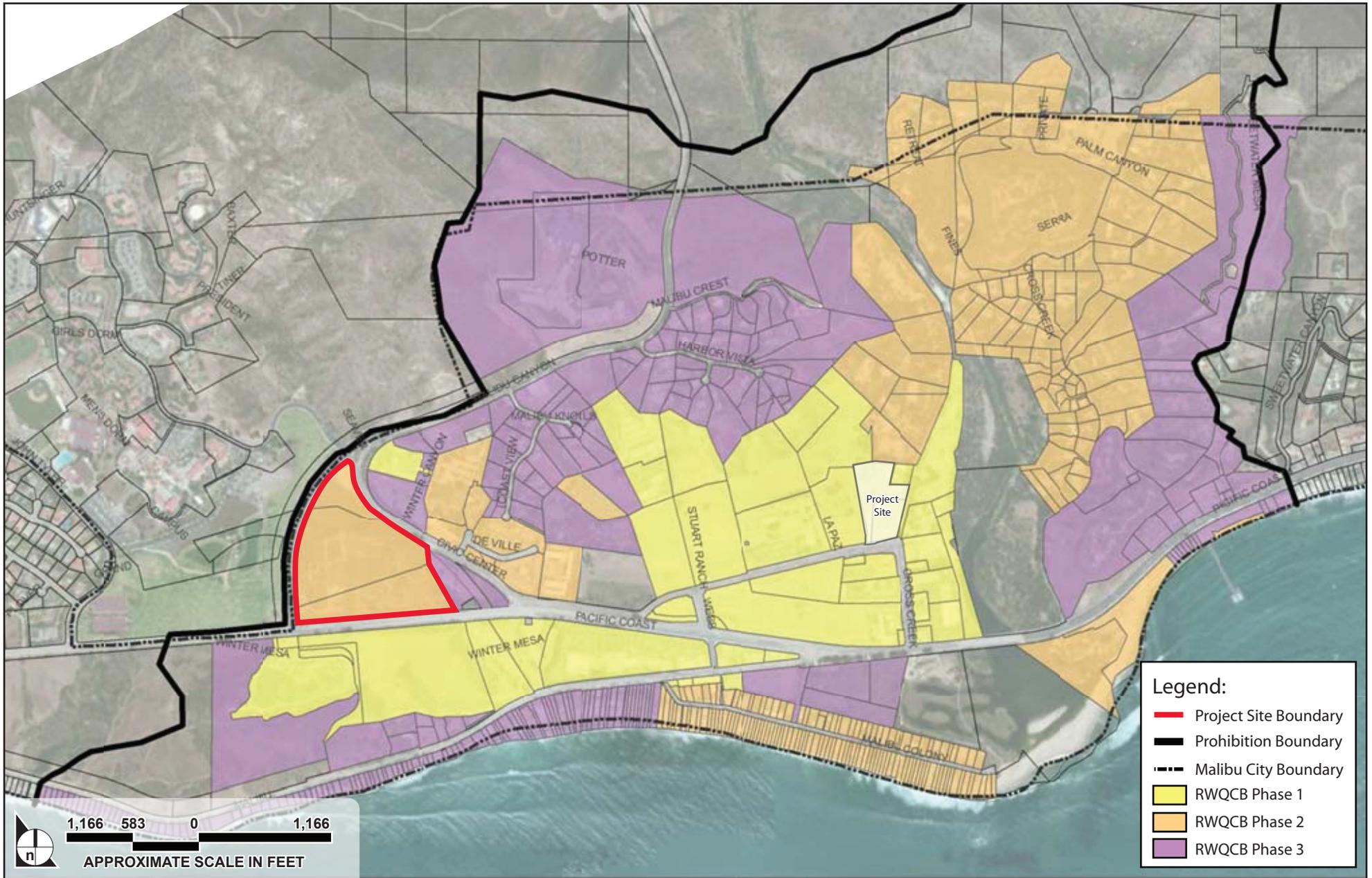


FIGURE 14

Prohibition Zone

MALIBU MEMORIAL PARK MITIGATION MONITORING AND REPORTING PROGRAM

PURPOSE

This section of the Mitigated Negative Declaration provides the Mitigation Monitoring and Reporting Program (MMRP) that would be used to monitor the implementation of the mitigation measures adopted for the Malibu Memorial Park project.

INTRODUCTION

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with development projects. However, simply adopting these measures is not adequate under state law. Lead agencies are also required to adopt a program that will be used to ensure that the mitigation measures are, in fact, implemented. The requirements for mitigation monitoring or reporting are codified in Section 15097 of the *State CEQA Guidelines*.

The Final IS/MND for the Malibu Memorial Park project identifies project-specific mitigation measures to reduce the potentially significant impacts of the project as proposed. Following adoption of the Final IS/MND and approval of this MMRP by the City of Malibu, the project-specific mitigation measures identified in the Final IS/MND would be implemented and monitored as described in this MMRP.

LIST OF MITIGATION MEASURES

The mitigation measures adopted for the Malibu Memorial Park project are listed in the following table along with the action required, the timing for implementation of each measure, the parties responsible for monitoring the mitigation measure and the parties responsible for implementing the mitigation measure.

**Malibu Memorial Park
Mitigation Monitoring and Reporting Program Matrix**

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources			
<p>BIO-1 All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub and foothill needlegrass patches as identified on the Updated Biological Inventory Report, dated November 18, 2015, including the removal, conversion, or modification of these natural habitats for new development and required fuel modification.</p> <p>The Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property must remain in place to offset the adverse impacts to sensitive habitat areas.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall prepare a detailed habitat restoration plan, subject to the approval of the City Biologist and the City Planning Director <li align="center">- or - • The project applicant shall provide evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts subject to the approval of the City Biologist and the City of Malibu Planning Director 	<ul style="list-style-type: none"> • Prior to issuance of grading permit and coastal development permit 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City Biologist

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
<p>BIO-2 Prior to vegetation clearance / ground disturbance, a qualified botanist must conduct seasonal plant surveys. Surveys should be conducted during the blooming periods of special-status species with the potential to occur on-site (typically up to three surveys between March and July). Rare plant surveys shall be conducted in accordance with CNPS and CDFW protocol.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified botanist shall conduct seasonal plant surveys in accordance with CNPS and CDFW protocol and prepare a detailed report, subject to the approval of the City Biologist and the City of Malibu Planning Director 	<ul style="list-style-type: none"> • Prior to issuance of grading permit and coastal development permit 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City Biologist

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
<p>BIO-3 Should rare or special status plant species be discovered during the surveys, a recovery/transplant and revegetation plan shall be prepared and implemented in the event site design could not avoided as determined by the Planning Director. Otherwise, such area should be fenced off and protected. Alternatively, in lieu fees for conserved habitat in the Santa Monica Mountains suitable for the species found may be provided at a mitigation ratio of 5 to 1 for the on-site occupied habitat.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified botanist shall prepare a detailed recovery /transplant and revegetation plan, subject to the approval of the City Biologist and the City Planning Director <li style="text-align: center;">- or - • The project applicant shall provide evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate impacts subject to the approval of the City Biologist and the City of Malibu Planning Director 	<ul style="list-style-type: none"> • Prior to issuance of grading permit and coastal development permit • During Project Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City Biologist

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
<p>BIO-4 Grading and fuel modification scheduled between February 1 and August 30 shall require nesting bird surveys by a qualified biologist five (5) days prior to initiation of these activities. Should active nests be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal or demolition on the site.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall prepare nesting bird survey reports • Review and approval of nesting bird survey reports. • Field verify that sufficient space is given to nesting birds (if necessary) 	<ul style="list-style-type: none"> • Pre-Construction • During Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City Biologist • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
<p>BIO-5 A qualified biologist (with a valid Scientific Collecting Permit) shall conduct focused surveys for any special-status wildlife species present on-site prior to any site disturbance. The focused surveys shall be conducted five (5) days prior to any activity on-site requiring grading, vegetation removal, etc. Should any resident special-status wildlife species be detected on-site, the surveying biologist, with concurrence from California Department of Fish and Wildlife (CDFW), shall make every effort to capture the animal and relocate it away from the project area and to any predetermined suitable habitat directed by CDFW.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall conduct focused surveys for any special-status wildlife species in accordance with CDFW protocol and prepare a detailed report, subject to the approval of the City Biologist and the City of Malibu Planning Director. • Should any resident special-status wildlife species be detected on-site, the surveying biologist, with concurrence from CDFW, shall make every effort to capture the animal and relocate it away from the project area and to any predetermined suitable habitat directed by CDFW. 	<ul style="list-style-type: none"> • Pre-Construction • During Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City Biologist • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
<p>BIO-6 Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be used around limits of special habitat and special status plant species within or adjacent to the construction area that may be disturbed during construction or grading activities. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Protective fencing shall be installed around limits of special habitat and special status plant species within or adjacent to the construction area that may be disturbed during construction or grading activities. 	<ul style="list-style-type: none"> • Pre-Construction • During Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City Biologist • Construction Manager
Cultural Resources			
<p>CR-1: Prior to the issuance of a grading permit and the start of ground-disturbing activities, the project applicant shall retain a qualified archaeologist (Qualified Archaeologist) meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) who is also qualified to evaluate the types of resources that may be encountered, and a Native American Monitor, approved by the City and the project applicant, to carry out all mitigation described in CR-3 through CR-7. The Qualified Archaeologist and the Native American Monitor shall be retained far enough in advance of the required sensitivity training for all construction personnel (per Mitigation Measure CR-2), but no less than 10 days prior to the training, so as to allow sufficient time for them to thoroughly review the cultural resource reports for the property.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • The project Applicant shall retain a qualified archaeologist, and a Native American Monitor, subject to approved by the City Planning Director 	<ul style="list-style-type: none"> • Pre-Construction • During Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)			
<p>CR-2: Prior to the start of ground-disturbing activities, the Qualified Archaeologist and the Native American Monitor shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The training shall also include safety procedures for working with archaeological and Native American monitors. The project applicant shall ensure that all construction personnel are made available for and attend the training, and shall retain documentation demonstrating attendance.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • The Qualified Archaeologist shall conduct cultural resources sensitivity training for all construction personnel. 	<ul style="list-style-type: none"> • Pre-construction • During Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager
<p>CR-3: The entire CA-LAN-266 area identified as sensitive (see Ehringer and Vader, 2016) must be capped with a layer of fill soil of sufficient depth to accommodate the footings of the proposed private mausoleums and above grade crypt structures plus an additional foot of clearance. No other development that would impact the subsurface portions of this area below the capped soil is permitted. Soil capping performed within this area must be monitored by a qualified archaeologist and the Native American monitor to ensure that the subsurface soils are not disturbed.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • The entire CA-LAN-266 area shall be capped with a layer of fill soil. • Soil capping operations shall be monitored by a qualified archaeologist and Native American monitor. 	<ul style="list-style-type: none"> • During Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
<p>CR-4: Archaeological and Native American monitoring shall be conducted for all ground-disturbing activities for all ground disturbances at all depths across the project area. The monitors shall observe the ground-disturbing activities and shall have the authority to redirect such activity to investigate potential archaeological resources discoveries. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent ground disturbances would impact the resource, the provisions of CR-6 (Inadvertent Discoveries) shall apply. The Native American monitor, in coordination with the Qualified Archaeologist, may recommend that monitoring be reduced or discontinued in certain portions of the project site other than in site CA-LAN-266, if observations of soil conditions indicate a low likelihood of encountering archaeological resources. The archaeological monitor shall keep daily logs detailing the types of activities and soils observed, and any discoveries made. After monitoring has been completed, a monitoring report shall be prepared by a qualified expert that details the results of monitoring (including monitoring conducted as part of CR-3) and an accompanying sensitivity map that documents: (1) areas where soil excavations have exceeded the maximum depth of future burial plots; (2) areas where the Qualified Archaeologist has determined that, based on observations during monitoring, there is a low likelihood of encountering archaeological resources; and (3) areas where there is the potential for subsurface archaeological resources. The map shall be used as a tool by which to guide the need for monitoring during ground disturbance associated with plot preparation as described in CR-5 (Archaeological Monitoring During Plot Preparation). The report and accompanying sensitivity map shall be submitted to the City, the project applicant, the South Central Coastal Information Center (SCCIC), and any Native American groups who request a copy, as directed by the City.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • On-going ground disturbing operations shall be monitored by a qualified archaeologist and Native American monitor. • Preparation of daily logs and an accompanying sensitivity map that identify locations where the monitoring took place and a description of observations. The logs shall be kept on file with the City and the project applicant. 	<ul style="list-style-type: none"> • During Construction • During Project Operation during all ground disturbing activities. 	<ul style="list-style-type: none"> • City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)			
<p>CR-5: During the operations phase of the project, archaeological and Native American monitoring shall occur during excavation of all burial plots and any other ground disturbing activities occurring in those areas identified on the sensitivity map (being prepared as described in CR-4) as remaining sensitive for the potential for subsurface archaeological resources to be encountered. No monitoring would occur in areas where ground disturbance during the construction phase of the project has exceeded the maximum depth of the planned burial plot or other planned ground disturbance; or where during the construction phase of the project the Qualified Archaeologist determined soils of low likelihood for encountering archaeological resources with the exception of site CA-LAN-266. The archaeological monitor shall inspect the soil and shall have the authority to halt ground disturbing activities to investigate potential archaeological resource discoveries during plot preparation. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent excavation would impact the resource, excavation shall be redirected and the provisions of CR-6 (Inadvertent Discoveries) shall apply. Following the monitoring of each burial plot excavation or other planned ground disturbance, the Qualified Archaeologist shall prepare a brief memorandum that identifies the location where the monitoring took place and a description of observations. The memoranda shall be kept on file with the City and the project applicant.</p> <p>Participation of a Native American monitor during ground disturbing activities associated with plot preparation shall be determined through consultation amongst the City, qualified tribal representatives as documented on listings provided by the Native American Heritage Commission, and the project applicant.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • On-going monitoring of each burial plot excavation or other planned ground disturbance. • Preparation of brief memoranda that identify locations where the monitoring took place and a description of observations. The memoranda shall be kept on file with the City and the project applicant. 	<ul style="list-style-type: none"> • During Project Operation during excavation of all burial plots and any other ground disturbing activities occurring in those areas identified on the sensitivity map. 	<ul style="list-style-type: none"> • City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)			
<p>CR-6 In the event of the discovery of potentially significant archaeological resources, in any circumstance including those outlined in CR-3, CR-4, and CR-6, the project applicant shall immediately cease all work activities in the area (within approximately 50 feet) of the discovery until an Archaeological Resources Testing Plan (Testing Plan) is developed by the Qualified Archaeologist in consultation with the project applicant, the qualified tribal representatives, and the City. The Testing Plan shall be completed within 48 hours of the discovery, shall be approved by the City, and shall address the methods of determining the extent and contents of the resource, and a research context in which the resource’s significance would be evaluated. Potentially significant archaeological resources shall be avoided until the Testing Plan is implemented and completed and until such a time when a course of action on whether the resource does or does not require further treatment is developed and agreed to by the project applicant, the City, and the qualified tribal representatives, in coordination with the Qualified Archaeologist. A reduction in the buffer zone may also be considered, if agreed to by these same parties.</p> <p>If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. If preservation in place is determined to be a feasible method by which to mitigate impacts to the resource, an Archaeological Resources Preservation Plan shall be developed in coordination with the qualified archaeologist, the project applicant, the qualified tribal representatives, and approved by the City. To ensure future work does not impact the resource, appropriate measures shall be taken that may include permit conditions.</p> <p>In the event that preservation in place is demonstrated to be infeasible, the capping as outlined in CR-3 may be used to protect the resource, provided such project change is consistent with applicable design and development standards. The Applicant shall bear the cost of this mitigation.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Confirm that any cultural resources uncovered during construction or operation of the project are evaluated and treated in accordance with recommendations of the Qualified Archaeologist and Native American Monitor. 	<ul style="list-style-type: none"> • During Construction and Project Operation during excavation of all burial plots and any other ground disturbing activities. 	<ul style="list-style-type: none"> • City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)			
<p>CR-7 If human remains are encountered, the project applicant shall halt work in the vicinity (within 100 feet) of the find and contact the Los Angeles County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) shall be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code Section 5097.98 (as amended by AB 2641). The NAHC shall designate a Most Likely Descendant (MLD) for the remains per Public Resources Code Section 5097.98. Until the landowner has conferred with the MLD, the project applicant shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials. Relocation of the burials following consultations with the designated MLD may be an alternative action. In all instances Native American concerns and subsequent treatment of any human remains shall be handled with the utmost respect, with the understanding that these remains are sacred.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Confirm that any human remains are uncovered during construction are handled in accordance with applicable regulations, as proscribed in this measure. 	<ul style="list-style-type: none"> • During Construction and Project Operation during excavation of all burial plots and any other ground disturbing activities. 	<ul style="list-style-type: none"> • City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager
Land Use and Planning			
<p>LP-1: Prior to the issuance of a building permit for any of the mausoleums located within 100 feet from the top of the slope adjacent to Pacific Coast Highway, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid visibility from motorists traveling on Pacific Coast Highway from any vantage point immediately adjacent to the subject property to the satisfaction of the Planning Director.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate the required restrictions • Install story poles on the subject property to the satisfaction of the Planning Director. 	<ul style="list-style-type: none"> • Design • Pre-Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City of Malibu Building Department • City of Malibu Public Works Department • Construction Manager
<p>LP-2 Prior to the issuance of a building permit for any of the mausoleums, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid any obstruction to bluewater views from motorists traveling on Malibu Canyon Road from any vantage point along Malibu Canyon Road to the satisfaction of the Planning Director.</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate the required restrictions • Install story poles on the subject property to the satisfaction of the Planning Director. 	<ul style="list-style-type: none"> • Design • Pre-Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City of Malibu Building Department • City of Malibu Public Works Department • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Noise			
<p>NOI-1 Heavy duty trucks accessing the project site, including refrigerator, refuse, recycling, and street cleaning vehicles shall be restricted to daytime and evening operating hours (7:00 AM to 10:00 PM).</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Field verify that project is in compliance with mitigation measure requirements. 	<ul style="list-style-type: none"> • Pre-Construction • During Construction • During Project Operation 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City of Malibu Public Works Department • Construction Manager • Development Manager
<p>NOI-2 In accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G, the use of backhoes and other heavy construction equipment on-site during the operation of the proposed project shall be restricted to daytime and evening hours (7:00 AM to 7:00 PM). Such activity shall be prohibited during nighttime hours (7:00 PM to 7:00 AM).</p>	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements. 	<ul style="list-style-type: none"> • Pre-Construction • During Construction 	<ul style="list-style-type: none"> • City of Malibu Public Works Department • Construction Manager
<p>NOI-3 The project contractor shall use demolition and construction methods not involving impact, where possible. The following shall be included as notes on the project plans:</p> <ul style="list-style-type: none"> • Pile drivers, packers, clam shovel drops, hydromills, vibratory rollers, and other major sources of vibration should not be used during construction of the proposed project. • When feasible, non-impact demolition and construction methods, such as saw or torch cutting and removal for off-site demolition, chemical splitting, and hydraulic jack splitting, shall be used instead of high impact methods. • Construction activities that produce vibration (e.g., demolition, excavation, earthmoving and ground impacting), shall be sequenced so that the vibration sources do not operate simultaneously. • Rubber-tired construction equipment shall be in used in place of steel-track equipment whenever possible. 	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements. 	<ul style="list-style-type: none"> • Pre-Construction • During Construction 	<ul style="list-style-type: none"> • City of Malibu Public Works Department • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Noise (continued)			
NOI-4 The construction contractor shall avoid using high vibration construction equipment (e.g., large bulldozers) within eight feet of the eastern property line, whenever possible.	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements. 	<ul style="list-style-type: none"> • Pre-Construction • During Construction 	<ul style="list-style-type: none"> • City of Malibu Public Works Department • Construction Manager
Public Services – Sheriff Protection			
PS-1 Prior to issuance of a grading permit, the applicant shall submit to the County Sheriff for review and approval project plans including site design, landscaping, building access and visibility, street circulation, building design and defensible space.	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Submit project plans to the County Sheriff for review and approval 	<ul style="list-style-type: none"> • Pre-Construction 	<ul style="list-style-type: none"> • City of Malibu Planning Department • County Sheriff's Department

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Transportation and Traffic			
<p>TR-1: The project applicant shall fund the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way. Prior to construction, all applicable permits shall be obtained from Caltrans. Figure 13, Conceptual Traffic Mitigation, Webb Way & Pacific Coast Highway, illustrates the design of the PCH 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 of the project site. Alternatively, should the design exception not be approved, the project applicant shall provide sufficient, proportional funds to Caltrans to widen the southern side of PCH at this intersection. In the event of this occurrence, the applicant would be required to obtain separate permits and undergo a separate environmental review for the highway widening.</p>	<ul style="list-style-type: none"> • Confirm design and specifications incorporate requirements of the mitigation measure. • Verify pro-rata share of the improvement costs have been received by the City of Malibu prior to the issuance of building permits. • Verify that the improvements have been constructed prior to final Planning Department inspection. 	<ul style="list-style-type: none"> • Pre-Construction • Prior to the issuance of building permits • Prior to final Planning Department inspection 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City of Malibu Public Works Department • Construction Manager
<p>TR-2: The property owner and/or operator shall implement the following measures during the ongoing operation of the memorial park:</p> <ol style="list-style-type: none"> 1. Schedule truck trips for the export of soil related to the burials during off-peak traffic hours; 2. Stockpiles shall be limited to locations that will be pre-determined by the Planning Director where it would avoid visual impacts; and 3. Dust control measures must be in place for the stockpiles. 	<ul style="list-style-type: none"> • Confirm design and project specifications incorporate requirements of the mitigation measure. • Field verify that project is in compliance with mitigation measure requirements. 	<ul style="list-style-type: none"> • During Project Operation 	<ul style="list-style-type: none"> • City of Malibu Planning Department • City of Malibu Public Works Department • Development Manager

APPENDIX 2.0

**Native American Monitoring Group, Salazar Folkes,
Most Likely Descendant Affidavit Letter**

NATIVE AMERICAN MONITORING GROUP



January 20, 2017

Adrian Fernandez
Senior Planner
CITY OF MALIBU
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Malibu Memorial Park Project

Dear Mr. Fernandez:

The purpose of this letter is to address concerns regarding the above-described project. As the Most Likely Descendent "MLD" for the project and someone who has been involved with the project since inception for excavation and development, I would like to specifically address particular findings with regard to this site location.

Thorough site surveys, record searches and archaeological testing have resulted in the identification of two prehistoric sites in the project area. One of these, CA-LAN-1715, has been determined through subsurface testing to have been highly disturbed during previous plant nursery operations and no longer meets the significant criteria under CEQA.

The second site, CA-LAN-266 does retain integrity, including the presence of a hearth feature and several flaked stone and ground stone tools within a relatively shallow deposit (60cm). This site does meet the significance criteria as a historical resource under CEQA. This site will be capped by fill soils to limit any further subsurface impacts.

Most important however, is that numerous archaeological studies conducted at the project site over the past dozen or so years, including subsurface test excavations, have shown no indication that the two archaeological sites contain human remains. That said, there are known and recognized cemetery complexes, within a mile of the proposed project site related to much large settlements at CA-LAN-264 (Humaliwo) and CA-LAN-267 (Sweetwater Mesa).

During my time on site for cultural resource monitoring over the course of the last 15 years approximately, and most recently in February and March of 2016 with ESA's archaeological field crew, archaeological deposits were limited to manos, cores and several flakes (Monterey Chert, Franciscan Chert and Quartzite). The amount of debitage collected most recently was sufficient to demonstrate that the Malibu Ranch location was once used by the Chumash for tool-making activities.

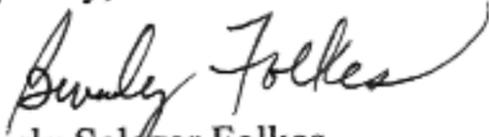
I feel confident that the City of Malibu has extensively reviewed and provided us with any and all information deemed to be sufficient and a solid approach to ensure no further disturbance. As the MLD of this site, I feel due diligence has been met by the developer and is in accordance with the current laws in place for said development within the proximity of a recorded archaeological site, and that no additional steps need to be taken. Hence, the project should be allowed to proceed without delay.

Adrian Fernandez
Senior Planner
CITY OF MALIBU
January 20, 2017
Page 2

Notwithstanding the aforesaid, if specific factual information regarding the presence of burials at CA-LAN-266 is obtained, I would be interested in immediately reviewing such documentation.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly,



Beverly Salazar Folkes
Chumash Most Likely Descendent

cc: Bruce McBride

APPENDIX 3.0-1

Updated Biological Inventory Report



Rincon Consultants, Inc.

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November 18, 2015
Project Number 15-02065

Jake Jesson
Assistant Project Manager
Green Acres, LLC
22837 Pacific Coast Highway #775
Malibu, California 90265
Via Email: jjesson@weintraubre.com

Subject: Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, City of Malibu, California

This letter report updates the previous findings of the Biological Inventory Report (BIR) for the Rancho Malibu Religious Memorial Project due to a change in the project scope and grading plan. An Environmental Impact Report (EIR) was first prepared for this site (CBA, 1997) and certified by the City of Malibu City Council (March 23, 1998) along with conditions of approval contained in Conditional Use Permit No. 96-005. A BIR was prepared for the project site by Rincon Consultants, Inc. (Rincon) in May 2007 for plans to build a 146 room luxury hotel. An updated report was prepared in September 2011 (Rincon) as part of a Coastal Development Permit (CDP) application and Site Plan Review. In February of 2012, Rincon conducted a native tree assessment. In 2011 a reconnaissance survey and BIR update was prepared by Rincon to support the applicant's plans to change the project from the development of a luxury hotel to a religious memorial and cemetery. This BIR (October 2015) documents the changes in potential impacts to special-status biological resources as they relate to the revised scope and grading plan for the proposed religious memorial and cemetery.

PROJECT LOCATION AND DESCRIPTION

The project site is located in the central portion of the City of Malibu, immediately north of Pacific Coast Highway between Malibu Canyon Road and Civic Center Way at 4000 Malibu Canyon Road. The site is depicted on the *Malibu Beach, California, United States Geological Survey (USGS) topographic map*. It is located on Assessor's Parcel Numbers 4458-028-019, 4458-028-015, and 4458-030-007 within the County of Los Angeles. The project site is bounded by two or four lane roads on all sides. Land use includes the Santa Monica Mountains National Recreational Areas (SMMNRA) to the north and south, separated by the aforementioned roadways. The SMMNRA lands to the north of the site consist of coastal sage scrub. The SMMNRA lands to the south of the site include disced fields, a recreational field area, and scattered development to the far south. Pepperdine University is to the west of the project site, and residential areas to the east.



According to the project description provided by Green Acres dated November 17th, 2015, the project site will be redeveloped into the Malibu Memorial Park and Chapel, comprised of approximately 21.0 acres of a 27.8 acre property. The unstable slope areas along the perimeter of the site comprise the remaining 7 acres of the parcel that Green Acres has elected not to develop. The proposed Memorial Park project contains approximately 17,500 gross square feet of floor area ratio development and will include the construction of a 8,500 square-foot Main Chapel facility, 8,500 square-foot subterranean parking basement (19 parking spaces), 48 free-standing Mausoleum structures totaling approximately 9,000 square-foot (approximately 186 square-foot/each), approximately 30,600 plot spaces will allow for various crypt configurations, cremation and fractional burial options, as well as surface parking for 132 guest vehicles along the entry drive and Chapel ring.

METHODOLOGY

The biological inventory for the project site included a review of relevant literature available for the site. Rincon first reviewed the previously prepared biological and environmental impact reports (Rancho Malibu Hotel Project EIR), and site specific biological reports, to assess earlier habitat conditions and determine additional survey requirements, if necessary. To ensure consistency with the requirements set forth by the City of Malibu Local Coastal Program (LCP) Land Use Plan, adopted by the California Coastal Commission (CCC) in 2002, geographic information systems (GIS) software was used to review the City's updated data layers to check locations of Environmentally Sensitive Habitat Area (ESHA) and other sensitive biological resources or planning areas. In addition, the California Department of Fish and Wildlife (CDFW) California Natural Diversity Data Base (CNDDB) RareFind5 (October 6, 2015, expires April 6, 2016) and the California Native Plant Society's (CNPS) Electronic Inventory (CNPS 2014) were reviewed for recently tracked occurrences of special-status species or other special-status biological resources within 5 miles of the project site. Site plans provided by the client, aerial photographs, and topographic maps were also examined.

A native tree assessment was conducted at the site on February 16, 2012 by Rincon biologist Stephanie Lopez (certified arborist) and senior botanist Cher Batchelor, under the direction of certified arborist Julie Broughton. During the site visit all trees were identified to the lowest taxonomic level possible. For each tree assessed, tree height, canopy width and trunk diameter at breast height (DBH, four and one-half feet above natural grade) was determined. Tree height and canopy width was visually estimated and DBH was measured using a Forestry Suppliers English unit diameter tape and/or tree calipers. GPS data points were collected for native trees using a Trimble GeoXT unit with sub-meter accuracy.

A field reconnaissance survey was conducted in October 2014 to document existing site conditions and the potential presence of sensitive biological resources, including sensitive plant and wildlife species, sensitive plant communities, jurisdictional waters and wetlands, and habitat for nesting birds. Rincon biologist, Leslie Yen conducted the site visit on October 3, 2014 between 1300 and 1330 hours. Average weather conditions during the survey included temperatures of approximately 87 degrees Fahrenheit, winds of 1 to 3 miles per



hour, and clear skies (<5% cloud cover). The project site was accessed directly from Malibu Canyon Road. The survey area consists of the area within the proposed limits of work. The field biologist surveyed the project site on foot and recorded the biological resources present on site such as plant and wildlife species. Where portions of the survey area were inaccessible on foot (e.g., fenced-off development), these areas were visually inspected with binoculars (10 x 42).

The potential presence of sensitive species is based on a literature review and field survey designed to assess habitat suitability only. Definitive surveys to confirm the presence or absence of special-status species were not performed. Definitive surveys for sensitive plant and wildlife species generally require specific survey protocols and extensive field survey time, and are conducted only at certain times of the year.

A reconnaissance survey was not performed in 2015 in support of this project revision because the site has remained in similar condition since the original project proposal in 1997, and all design modifications are within the 2014 survey area. The findings and opinions conveyed in this report are based on this methodology.

ENVIRONMENTAL CONDITIONS

Most of the project site consists of a bluff top with sloping sides towards the public road ways. The top of the site contains drivable dirt roads as the site was formerly used as a nursery. No structures remain on the property, but vagrant activity is evident.

Vegetation Communities

The property vegetation is generally comprised of coastal sage scrub and native grasslands, but also contains many non-native nursery trees and shrubs and patches of ruderal grassland. Much of the central portions of the property are open and disturbed; however, the majority of the landscape is succeeding to coastal sage scrub habitat, and the general landscape provides cover and habitat for a variety of common native birds, reptiles, and small mammals.

Per the 1997 EIR, the site contained approximately 8 acres of undisturbed coastal sage scrub along the northern bluff, 18 acres of recovering coastal scrub mixed with landscaping plants on the bluff top, and about 1.8 acres dominated by landscaping and ornamental plants.

Based on field reconnaissance surveys, the plant communities are similar to that in 1997 except for the continued succession of coastal sage scrub into the abandoned nursery area and the establishment of a native saltgrass-fasciculed tarplant grassland. Currently, the site vegetation is comprised of five general plant communities. These plant communities are mapped on Figure 1, represented in Figure 2, and discussed in the bullets below:

- ***Dense, Intact Coastal Sage Scrub.*** The lower, north-facing slope (bluff face) in the northeastern portion of the site contains dense, intact coastal sage scrub. The established coastal sage scrub is dominated by laurel sumac (*Malosma laurina*). Associate species of the intact coastal sage scrub onsite include California sagebrush (*Artemisia californica*),



- coyote brush (*Baccharis pilularis*), southern California black walnut (*Juglans californica* var. *californica*), coast ash buckwheat (*Eriogonum cinereum*), white sage (*Salvia apiana*), purple sage (*Salvia leucophylla*), and sawtooth goldenbush (*Hazardia squarrosa*). The openings of this area contain Foothill Needlegrass Patches discussed below.
- **Foothill Needlegrass Patches.** The foothill needlegrass patches observed onsite are located along the top of the north-facing slope between the abandoned nursery and the intact coastal sage scrub. These patches are dominated by *Stipa lepida* (foothill needlegrass), and associate species includes cudweed aster (*Lessingia filaginifolia*), soap plant (*Chlorogalum pomeridianum* var. *pomeridianum*), and small-flowered melicgrass (*Melica imperfecta*), with elements of coastal sage scrub mixed in at lesser levels. One patch was approximately 11,300 square feet and a larger patch was approximately 14,700 square feet. These patches are approximately 200 feet away from each other. The two patches together would be approximately 0.6 acres.
 - **Successional Coastal Sage Scrub with Ornamentals.** The majority of the project site is comprised of remnant and successional coastal sage scrub with abandoned/escaped nursery/ornamental plantings. The successional coastal sage scrub onsite is less dense and more disturbed than that on the north-facing bluff, and is also dominated by laurel sumac. The associate species in this portion of the site include those mentioned above for the intact coastal sage scrub, but this area also includes a significant number of species such as myoporum (*Myoporum laetum*), Mexican fan palm (*Washingtonia robusta*), European olive (*Olea europia*), Tasmanian blue gum (*Eucalyptus globulus*), Brazilian pepper tree (*Schinus terebenthifolius*), and fountain grass (*Pennisetum setaceum*). The understory contains species such as red brome (*Bromus madritensis* ssp. *rubens*), soft chess (*Bromus hordeaceus*), sweet fennel (*Foeniculum vulgare*), black mustard (*Brassica nigra*), and summer mustard (*Hirschfeldia incana*). Five coast live oaks (*Quercus agrifolia*) were found onsite, and all were on the flat, former nursery section of the site. The openings of this area contain saltgrass-fasciculed tarplant fields discussed below.
 - **Saltgrass-Fasciculed Tarplant Fields.** Open field areas dominated by two native species, the perennial, alkaline saltgrass (*Distichlis spicata*) and fasciculed tarplant (*Deinandra fasciculata*), were observed in several large openings of the abandoned nursery. Other associate species include western ragweed (*Ambrosia psilostachya* var. *californica*), scarlet pimpernel (*Anagallis arvensis*), southwestern carrot (*Daucus pusillus*), cudweed aster, green everlasting (*Pseudognaphalium californicum*), deerweed (*Lotus scoparius*), coast prickly-pear (*Opuntia litorallis*), and annual grasses. The patches range in size from 2,000 – 19,700 square feet and total about 1.8 acres.
 - **Disturbed/Ruderal.** The site also contains several open dirt areas with sparse ruderal vegetation, in particular an approximate 0.5 acre area at the northern tip of the project site. Species observed here include horsetail (*Conyza canadensis*), summer mustard (*Hirschfeldia incana*), tree tobacco (*Nicotiana glauca*), and annual grasses.

Special-Status Plant Species

Per the 2014 BIR, two California Native Plant Society (CNPS) List 4 species were observed onsite: Plummer's baccharis (*Baccharis plummerae* var. *plummerae*) and southern California



black walnut (*Juglans californica* var. *californica*). Both species are on the Watch List as “limited in distribution” in California. A complete list of all plant species observed onsite is attached.

General Wildlife

The project site provides habitat for wildlife species that commonly occur within urban and rural areas of Los Angeles County. Common, non-special status, species observed on site during the 2007, 2011, and 2014 surveys included western fence lizard (*Sceloporus occidentalis*), California side-blotched lizard (*Uta stansburiana*), Botta’s pocket gopher (*Thomomys bottae*), Audubon’s cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), and coyote (*Canis latrans*). Common avian species observed included, red-shouldered hawk (*Buteo lineatus*), American kestrel (*Falco sparverius*), greater roadrunner (*Geococcyx californianus*), mourning dove (*Zenaida macroura*), California towhee (*Melospiza crissalis*), American crow (*Corvus brachyrhynchos*), house finch (*Carpodacus mexicanus*), wrenit (*Chamaea fasciata*), and Anna’s hummingbird (*Calypte anna*). No special-status wildlife species, nesting birds or raptors, were observed onsite.

Other common wildlife species that might be expected to frequent the area based on available habitats would include western rattlesnake (*Crotalus viridis*), gopher snake (*Pituophis catenifer*), American goldfinch (*Carduelis tristis*), red-tailed hawk (*Buteo jamaicensis*), California quail (*Callipepla californica*), western scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), house sparrow (*Passer domesticus*), common bushtit (*Psaltriparus minimus*), American kestrel (*Falco sparverius*), turkey vulture (*Cathartes aura*), pacific-slope flycatcher (*Empidonax difficilis*), western bluebird (*Sialia mexicana*), yellow-rumped warbler (*Dendroica coronata*), black phoebe (*Sayornis nigricans*), big-eared woodrat (*Neotoma macrotis*), brush rabbit (*Sylvilagus bachmani*), and mule deer (*Odocoileus hemionus*).

Native Trees

Per the native tree protection ordinance, native oak (*Quercus* spp.), California walnut (*Juglans californica*), western Sycamore (*Platanus racemosa*), alder (*Alnus rhombifolia*), and toyon (*Heteromeles arbutifolia*) trees, with at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade are protected and require a tree protection plan (City of Malibu, 2002). During the tree assessment conducted in 2012 (Rincon 2012), the project site did not contain any native trees that meet the City’s requirements for protection.

SENSITIVE BIOLOGICAL RESOURCES

In response to legislative mandates, regulatory authorities have defined sensitive biological resources as those specific organisms that have regionally declining populations such that they may become extinct if declining population trends continue. Habitats are also considered sensitive biological resources if they have limited distributions, have high wildlife value, include sensitive species, or are particularly susceptible to disturbance. Two communities of special concern identified by the CNDDDB occur within the vicinity of the project area: Southern Coastal Salt Marsh and Valley Oak Woodland. Neither of the



communities identified as special concern by CNDDDB or CDFW is present within the project area.

Several resource studies have been prepared that address the general biological resource values within the Project site and general vicinity. These studies include the Malibu Parks Public Access Enhancement Plan (MPPAEP) Environmental Impact Report (EIR) (Dudek, 2010), Revised Biological Inventory Report for the Rancho Malibu Resort Project (Rincon Consultants Inc, 2011), Revised Biological Inventory Report for the Rancho Malibu Religious Memorial Project (Rincon 2014), and the South Coast Missing Linkages Project Santa Monica-Sierra Madre Connection (South Coast Wildlands, 2006).

The project design was revised again in October 2015 to exclude work in sensitive habitat areas, reducing the overall project footprint from 27.8 acres to 21 acres, resulting in an overall reduction in potential impacts to special-status biological resources.

Special-Status Vegetation Communities

CNDDDB tracks three sensitive habitat types in the vicinity: Southern coast live oak riparian forest, southern coastal salt marsh, and valley oak woodland. None of these habitats exist onsite. The coastal sage scrub on the northern bluff was considered sensitive by the City of Malibu per the 1997 EIR as it was relatively undisturbed habitat. This habitat is identified on Figure 1 as "Dense, Intact Coastal Sage Scrub." New project plans also show that portions of the coastal sage scrub on the unstable slopes along the northeast and eastern sides will be avoided, minimizing impacts to this habitat community.

Special-Status Plant Species

In addition to the two special-status plant species observed onsite (Plummer's baccharis and southern California black walnut); CNDDDB tracks 15 special-status plant species within five miles of the project site. Suitable habitat exists onsite for 7 of the 15 tracked plant species, including Coulter's saltbush (*Atriplex coulteri*), Davidson's saltscale (*Atriplex serenana* var. *davidsonii*), Malibu Baccharis (*Baccharis malibuensis*), Santa Susana tarplant (*Deinandra minthornii*), Blochman's dudleya (*Dudleya blochmaniae* ssp. *Blochmaniae*), and Santa Monica dudleya (*Dudleya cymosa* ssp. *ovatifolia*). None of the CNDDDB special-status plant species were observed during the 2007, 2011, or the 2014 reconnaissance surveys; however, a moderate potential exists for these species to occur onsite in the intact coastal sage scrub area. While two locally important plant species were observed onsite, the presence of these species alone does not qualify the onsite habitat to be ESHA since the species are not considered to be especially valuable as they lack special nature and specific roles in the onsite ecosystem. They also are not either List 1 or 2 plants, which are considered worthy of rarity status as noted in the Malibu LCP Land Use Plan Policy 3.4.d. The complete CNDDDB report for the area within 5 miles of the project site is attached.

Special-Status Wildlife Species

CNDDDB also tracks 13 special-status wildlife species within five miles of the project site. Suitable habitat for 3 of the 13 special-status wildlife species tracked by CNDDDB occurs



within the project site, including coastal whiptail (*Aspidoscelis tigris stejnegeri*), Bryant's [San Diego desert] woodrat (*Neotoma bryanti* [*N. lepida intermedia*]), and coast horned lizard (*Phrynosoma blainvillii*). None of these special-status species were observed during the 2007, 2011, or the 2014 reconnaissance surveys; however, a moderate potential exists for these species to occur onsite in the intact coastal sage scrub. An additional special-status species discussion with respect to ESHA designation is discussed below.

Potentially sensitive wildlife that could use the isolated coastal sage scrub habitat on site includes the loggerhead shrike (*Lanius ludovicianus*, a California species of special concern while nesting) that could potentially use the site for nesting. However, these birds were not observed on site during the May 2007 breeding season. The coastal western whiptail (*Aspidoscelis tigris stejnegeri*), a California species of special concern, require an area of at least 0.25 acre to establish home ranges; therefore, this species could also potentially use the fragmented coastal sage scrub area onsite. However, isolated habitats tend to lose rare species over time through changes in the local environment that create conditions that are no longer conducive to their existence. In addition, the fire that occurred in 2007 could have extirpated many of the rare species if they were previously present on site. If locally extirpated, the chance of re-colonization of coastal western whiptails is substantially decreased due to habitat isolation. The San Diego woodrat could also potentially utilize the habitat that exists on site; however, during the most recent survey, no woodrat middens were observed within the project area. Lastly, the coast horned lizard was historically found along the Pacific coast, but the range has now been severely fragmented. This species more often occurs in chaparral with open areas. Furthermore, the coast horned lizard requires loose friable soils to burrow beneath and native any populations as a food source. It is likely that most ant species that occur on site are non-native due to the former site use as a nursery of ornamental species. The amount of suitable habitat present is limited and consequentially, any population of sensitive wildlife would also be limited. The nearest connection from the northern edge of the property to intact sage scrub habitat is more than 350 feet to a steep hillside north of the intersection of Malibu Canyon Road and Civic Center Way. The lack of cover and suitable habitat over this distance significantly limits the movement of animals from lower trophic levels (most invertebrates, amphibians, reptiles, and small mammals). Furthermore, according to updated project plans, most of the intact sage scrub habitat where these species are most likely to occur will be avoided.

Native Trees

The tree assessment conducted in 2012 determined that the project site does not contain native trees that meet the City's requirements for protection. Native trees were observed on site; however, none met the size criteria for protection or were within the project disturbance boundaries. A single oak tree meeting the size criteria was observed on site, but was identified as a cork oak (*Quercus suber*) that is native to southwestern Europe and northern Africa (Bringham, 2005). Three native qualifying California walnuts were observed to the east and outside the project boundary.



Nesting Birds

Coastal sage scrub and large trees could be attractive for nesting birds protected under the California Fish and Game Code. Although accessible trees and shrubs throughout the property were examined with binoculars and no active nests were observed, birds are expected to nest within the habitats and trees onsite generally between February 15 and August 15.

Jurisdictional Drainages

No riparian/riverine habitat, vernal pools, or potential vernal pools occur within the project site. In addition, the soils onsite are considered well-drained and are unlikely to form vernal pools. A potential drainage does exist north of the project site (USFWS National Wetlands Inventory website <http://www.fws.gov/wetlands/>, 2006), on the opposite side of Civic Center Way. The drainage crosses Civic Center Way outside the north east corner of the project site and continues into an adjacent property, immediately below the bluffs on the eastern side of the project site, and turns into Winter Canyon southwest of the project site. Current project plans do not anticipate modification of the drainage or canyon. No riparian or wetland habitats occur on site that would qualify as ESHA.

Critical Habitat

No critical habitat is mapped onsite and the project would not affect any federal designated critical habitat. The closest mapped federal designated critical habitat from the project site is for tidewater goby (*Eucyclogobius newberryi*), which is approximately 0.85 mile east of the project site in Malibu Canyon Creek.

ESHA

According to the City of Malibu LCP ESHA Overlay Map 3: *Dan Blocker to Malibu Pier* (Malibu LCP), the property is not within any currently mapped ESHA. However, unmapped coastal sage scrub or native grassland patches could be defined as an ESHA if these areas would need to meet the following definition:

“...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 and which could be easily disturbed or degraded by human activities and developments.” Malibu LCP LIP, page 10.

Further instruction regarding the ESHA designation is provided on page 48 of the Malibu LCP Land Use Plan (Land Use Plan Policy 3.1):

“... unless there is site-specific evidence that establishes that a habitat area is not especially valuable because of its special nature or role in the ecosystem...”

The 2010 MPPAEP EIR does not list the Project site as an important habitat linkage. The 2011 BIR prepared for the Project site specifically addresses the connectivity potential of the site and concludes the site does not have high habitat function nor habitat connectivity. Lastly, results of the 2006 Wildlands Study indicate that the Project site in its current condition is a constriction point for the focal species examined in the 2006



Wildlands Study. Constriction points are areas where habitats have been narrowed by surrounding development and can prevent organisms from moving through. The 2006 Wildlands Study indicates that the Malibu Bluffs and the Project site provide patch size or less than a patch size habitat for numerous species (mountain lion, mule deer, loggerhead shrike, and California thrasher). Thus, the Project site currently functions as an isolated habitat and would not be considered especially valuable. Due to the high road density within the Project area, the Project site as it exists is already functionally isolated from the Santa Monica Mountains. Further, PCH also serves to isolate the site from the Malibu Bluffs to the south for most of the lower trophic levels. The discussions below further supports that this project does not qualify as an ESHA.

The coastal sage scrub habitat within the project site, identified in Figure 1 as “Successional Coastal Sage Scrub with Ornamentals” would not qualify as ESHA since this area lacks connectivity to other nearby large native habitat blocks. Native grassland patches have developed within the former nursery area. These patches are relatively small, with no single patch greater than 0.5 acres, and are isolated from other known ESHA grasslands in the area to the west, and do not contain rare plant species. They do not appear to be “especially valuable because of its special nature or role in the ecosystem” given that the onsite ecosystem is a former nursery within which native vegetation is mixed extensively with well-established non-native horticultural species.

MITIGATION RECOMMENDATIONS

Although no ESHA occurs on site, several measures are recommended herein to avoid and minimize potential impacts to biological resources.

Special-Status Vegetation Communities

Although the coastal sage scrub habitat onsite does not necessarily qualify as ESHA, this habitat is still considered sensitive by the City of Malibu. Rincon concurs, as the habitat is located within the coastal zone within the Santa Monica Mountains and provides suitable habitat for local wildlife species. Any potential impacts to the intact coastal sage scrub may be required to be mitigated to compensate for the loss of coastal habitat. Similarly, while the foothill needlegrass and saltgrass- fasciculed tarplant grassland patches does not appear to qualify as ESHA, they nonetheless could still be considered sensitive by the City of Malibu and mitigation required.

Special-Status Plant Species

Due to the occurrence of two locally important plant species and the potential for other special-status plant species to occur, the following measure is recommended to minimize and avoid impacts to special status plant species:

- Prior to vegetation clearing/ground disturbance, seasonal rare plant surveys are recommended to be conducted by a qualified botanist. Surveys should be conducted during the blooming periods of special-status species with the potential to occur on site (typically up to 3 surveys between March and July). Rare plant surveys should be conducted in accordance with CNPS and CDFG protocol.



- If rare plant species (CNPS List 1 or 2) are discovered, then a recovery and revegetation plan shall be implemented in the event that they cannot be avoided by site design. Alternatively, in lieu fees for conserved habitat in the Santa Monica Mountains suitable for the species found may be provided at a mitigation ratio of 5:1 for the onsite occupied habitat.

Special-Status Wildlife Species

Due to the potential for special-status wildlife species, such as coastal whiptail, coast horned lizard, and San Diego woodrat, to occur onsite, the following measure is recommended to minimize and avoid impacts to special-status wildlife species:

- Prior to ground disturbance, a qualified biologist should conduct wildlife clearance surveys for animals within the proposed areas of disturbance. The biologist should also be present during initial ground disturbance activities and until clearance has been completed. If woodrat middens are located within the construction footprint to be disturbed, the middens and any associated nests will be carefully dismantled allowing the woodrats to leave on their own. The midden materials will be relocated to suitable undisturbed habitat so that they may be reused by woodrats. If coast horned lizards, coastal whiptails, or other special status animal species are present within the disturbance area, the biologist will relocate them to suitable habitat away from the edge of the construction footprint. CDFG and City should be notified and consulted regarding the presence of a special-status wildlife species onsite. If a federally listed species is found prior to grading of the site, the USFWS shall also be notified to determine whether an Endangered Species Act Section 10 Habitat Conservation Plan is necessary to proceed.

Native Trees

If native trees that would qualify for protection under the Malibu LCP Native Tree Protection Ordinance are present on site, impacts or removal of qualifying trees would need to be carried out in accordance with the Malibu LCP Native Tree Protection Ordinance.

Nesting Birds

The following measure is recommended to maintain compliance with the California Fish and Game Code with respect to nesting birds:

- If initial clearing activities take place between February 15 and August 15, nesting bird surveys are recommended to be performed by a qualified biologist/ornithologist with results reported subsequently to the City of Malibu prior to grading and clearing. If nesting birds are found, a City-approved construction buffer of at least 200' may be required until all young are no longer dependent on the nest.

Jurisdictional Drainages

Should project plans change or anticipate any impacts to the drainage adjacent to the project site, a jurisdictional delineation survey is recommended, and consultation and potential



permits from CDFG, U.S. Army Corps of Engineers (USACE), or Los Angeles Regional Water Quality Control Board (RWQCB) could be required.

LIMITATIONS

This document was prepared for use solely and exclusively by Green Acres, LLC, care of Jake Jesson, Assistant Project Manager. Mr. Jesson has requested this assessment on behalf of Green Acres, LLC, who may use it to provide information to satisfy regulatory agency requirements. No other use or disclosure is intended or authorized by Rincon, nor shall this report be relied upon or transferred to any other party without the express written consent of Rincon Consultants. This work has been performed in accordance with good commercial, customary, and generally accepted biological investigation practices conducted at this time and in this geographic area. The findings and opinions conveyed in this report are based on a suitability analysis level only and did not include definitive surveys for the presence or absence of the special-status species that may be present. Definitive surveys for special-status wildlife and plant species generally require specific survey protocols requiring extensive field survey time to be conducted only at certain times of the year. The findings and opinions conveyed in this report are based on this methodology. It is understood that Rincon is to be held harmless for any inverse condemnation or devaluation of said property that may result if Rincon's report or information generated during our performance of services is used for other purposes.



Thank you for the opportunity to assist you with this project. If you have any questions regarding this biological inventory report, please contact us at 805/644-4455.

Sincerely,
RINCON CONSULTANTS, INC.

Leslie Yen
 Biologist

Laci Davis, MESM
 Principal Biologist

- Attachments: *Figure 1. Aerial Photograph and Vegetation Map*
Figure 2. Site Photographs
Plant Species Observed Onsite
CNDDDB RareFind5 Report (5 mile radius from project site)



Bing Maps Aerial: (c) 2010 Microsoft Corporation and its data suppliers.

Legend

- Site Boundary
- Dense, Intact Coastal Sage Scrub
- Disturbed/Ruderal
- Foothill Needlegrass Patches
- Saltgrass-Fasciculed Tarplant Fields
- Successional Coastal Sage Scrub with Ornamentals
- Location of Concrete Box
- Approximate Location of Eroded Canyon



Aerial Photograph and Vegetation Map

Figure 1



Photo 1 - View looking west from western portion of site showing disturbed portions of the site with mix of remnant/successional scrub species, ornamental trees/shrubs, and native and nonnative herbs and grasses.



Photo 2 - View looking west from middle of site showing mix of native and ornamental species.



Photo 3 - View looking south from middle of site showing field dominated by native saltgrass and fascicled tarplant.



Photo 4 - View looking southeast of ridgeline and boundary between abandoned nursery area to the south and intact coastal sage scrub to the north.

Site Photographs

Figure 2a

Project Delivery Analysts, LLC





Photo 5 - View looking northwest of north-facing slope on north/northeast portion of the site occupied by dense relatively undisturbed coastal sage scrub.



Photo 6 - View looking southeast of same north-facing slope occupied by coastal sage scrub and needlegrass grassland patches.



Photo 7 - View looking south from dirt lot/ruderal field at north tip of site showing north-facing slope with southern California black walnut specimens emergent from the coastal sage scrub (light green background).



Photo 8 - Plummer's baccharis along the north ridgeline in the middle of the site; observed in a needlegrass opening within the coastal sage scrub.

Site Photographs

Figure 2b

Project Delivery Analysts, LLC





Plant Species Observed – Rancho Malibu Resort

Scientific Name	Common Name
<i>Adenostoma fasciculatum</i>	Chamise
<i>Ambrosia psilostachya</i> var. <i>californica</i>	Western ragweed
<i>Anagallis arvensis</i>	Scarlet pimpernel
<i>Artemisia californica</i>	California sagebrush
<i>Artemisia douglasiana</i>	Mugwort
<i>Asclepias fascicularis</i>	Narrowleaf milkweed
<i>Astragalus trichopodus</i> var. <i>phoxus</i>	Antisell three-pod milkvetch
<i>Avena barbata</i>	Slender wild oat
<i>Baccharis pilularis</i>	Coyote brush
<i>Baccharis plummerae</i> var. <i>plummerae</i>	Plummer's baccharis
<i>Brassica nigra</i>	Black mustard
<i>Bromus hordeaceus</i>	Soft chess
<i>Bromus madritensis</i> ssp. <i>rubens</i>	Red brome
<i>Cardionema ramosissimum</i>	Sand mat
<i>Carpobrotus chinensis</i>	Ice plant
<i>Carpobrotus edulis</i>	Hottentot fig
<i>Centaurea melitensis</i>	Tocalote
<i>Chamaesyce albomarginata</i>	Rattlesnake spurge
<i>Chlorogalum pomeridianum</i> var. <i>pomeridianum</i>	Soap plant
<i>Conyza canadensis</i>	Horseweed
<i>Cynodon dactylon</i>	Bermuda grass
<i>Daucus pusillus</i>	Southwestern carrot
<i>Deinandra fasciculata</i>	Fascicled tarplant
<i>Distichlis spicata</i>	Saltgrass
<i>Dudleya pulverulenta</i> ssp. <i>pulverulenta</i>	Chalky live-forever
<i>Encelia californica</i>	California bush sunflower
<i>Eriogonum cinereum</i>	Ash coast buckwheat
<i>Eriogonum fasciculatum</i> var. <i>fasciculatum</i>	California buckwheat
<i>Eucalyptus globulus</i>	Tasmanian blue gum
<i>Foeniculum vulgare</i>	Sweet fennel
<i>Geranium molle</i>	Annual cranesbill
<i>Grindelia camporum</i> var. <i>bracteosum</i>	Bracted gumplant
<i>Hazardia squarrosa</i> var. <i>squarrosa</i>	Sawtooth goldenbush
<i>Helianthus annuus</i>	Common sunflower
<i>Hesperoyucca</i> [<i>Yucca</i>] <i>whipplei</i> ssp. <i>whipplei</i>	Our Lord's candle
<i>Heteromeles arbutifolia</i>	Toyon
<i>Heterotheca grandiflora</i>	Telegraph weed
<i>Hirschfeldia incana</i>	Summer mustard
<i>Juglans californica</i> var. <i>californica</i>	Southern California black walnut
<i>Lessingia filaginifolia</i> var. <i>filaginifolia</i>	California cudweed-aster
<i>Leymus condensatus</i>	Giant wildrye
<i>Lotus scoparius</i> var. <i>scoparius</i>	Deerweed
<i>Lupinus longifolius</i>	Long-leaved bush lupine
<i>Malacothrix saxatilis</i> var. <i>saxatilis</i>	Cliff-aster
<i>Malosma laurina</i>	Laurelleaf sumac



Plant Species Observed – Rancho Malibu Resort

Scientific Name	Common Name
<i>Melica imperfecta</i>	Small-flowered melicgrass
<i>Mimulus aurantiacus</i> var. <i>aurantiacus</i>	Bush monkeyflower
<i>Myoporum laetum</i>	Myoporum
<i>Nassella lepida</i>	Foothill needlegrass
<i>Nicotiana glauca</i>	Tree tobacco
<i>Olea europaea</i>	European olive
<i>Opuntia littoralis</i>	Coastal prickly pear
<i>Pennisetum setaceum</i>	Fountain grass
<i>Picris echioides</i>	Bristly ox-tongue
<i>Pinus</i> sp.	Pine
<i>Piptatherum miliaceum</i>	Smilo grass
<i>Plantago lanceolata</i>	English plantain
<i>Polypogon monspeliensis</i>	Rabbitsfoot grass
<i>Pseudognaphalium californicum</i>	California everlasting
<i>Quercus agrifolia</i>	Coast live oak
<i>Rhus integrifolia</i>	Lemonade berry
<i>Ricinus communis</i>	Castor bean
<i>Rumex crispus</i>	Curly dock
<i>Salvia leucophylla</i>	Purple sage
<i>Salvia mellifera</i>	Black sage
<i>Schinus terebenthifolius</i>	Brazilian pepper tree
<i>Sonchus asper</i> ssp. <i>asper</i>	Prickly Sow-thistle
<i>Stellaria media</i>	Common chickweed
<i>Stephanomeria virgata</i> ssp. <i>virgata</i>	Twiggy wreath plant
<i>Venegasia carpesioides</i>	Canyon sunflower
<i>Washingtonia robusta</i>	Mexican fan palm



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: BIOS selection

Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, Malibu, California

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Aquila chrysaetos</i> golden eagle	ABNKC22010	None	None	G5	S3	FP
<i>Aspidoscelis tigris stejnegeri</i> coastal whiptail	ARACJ02143	None	None	G5T3T4	S2S3	
<i>Astragalus brauntonii</i> Braunton's milk-vetch	PDFAB0F1G0	Endangered	None	G2	S2	1B.1
<i>Atriplex coulteri</i> Coulter's saltbush	PDCHE040E0	None	None	G2	S2	1B.2
<i>Atriplex serenana var. davidsonii</i> Davidson's saltscale	PDCHE041T1	None	None	G5T1	S1	1B.2
<i>Baccharis malibuensis</i> Malibu baccharis	PDAST0W0W0	None	None	G1	S1	1B.1
<i>California macrophylla</i> round-leaved filaree	PDGER01070	None	None	G3?	S3?	1B.2
<i>Calochortus clavatus var. gracilis</i> slender mariposa-lily	PMLIL0D096	None	None	G4T2T3	S2S3	1B.2
<i>Chorizanthe parryi var. parryi</i> Parry's spineflower	PDPGN040J2	None	None	G3T3	S3	1B.1
<i>Danaus plexippus pop. 1</i> monarch - California overwintering population	IILEPP2012	None	None	G4T2T3	S2S3	
<i>Deinandra minthornii</i> Santa Susana tarplant	PDAST4R0J0	None	Rare	G2	S2	1B.2
<i>Diadophis punctatus modestus</i> San Bernardino ringneck snake	ARADB10015	None	None	G5T2T3Q	S2?	
<i>Dudleya blochmaniae ssp. blochmaniae</i> Blochman's dudleya	PDCRA04051	None	None	G3T2	S2	1B.1
<i>Dudleya cymosa ssp. marcescens</i> marcescent dudleya	PDCRA040A3	Threatened	Rare	G5T2	S2	1B.2
<i>Dudleya cymosa ssp. ovatifolia</i> Santa Monica dudleya	PDCRA040A5	Threatened	None	G5T1	S1	1B.1
<i>Emys marmorata</i> western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
<i>Eucyclogobius newberryi</i> tidewater goby	AFCQN04010	Endangered	None	G3	S3	SSC
<i>Euderma maculatum</i> spotted bat	AMACC07010	None	None	G4	S3	SSC
<i>Eumops perotis californicus</i> western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
<i>Falco peregrinus anatum</i> American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Gila orcuttii</i> arroyo chub	AFCJB13120	None	None	G2	S2	SSC
<i>Isocoma menziesii var. decumbens</i> decumbent goldenbush	PDAST57091	None	None	G3G5T2T3	S2	1B.2
<i>Lampropeltis zonata (pulchra)</i> California mountain kingsnake (San Diego population)	ARADB19063	None	None	G4G5	S1S2	SSC
<i>Lasiurus blossevillii</i> western red bat	AMACC05060	None	None	G5	S3	SSC
<i>Lasthenia glabrata ssp. coulteri</i> Coulter's goldfields	PDAST5L0A1	None	None	G4T2	S2	1B.1
<i>Monardella hypoleuca ssp. hypoleuca</i> white-veined monardella	PDLAM180A3	None	None	G4T2T3	S2S3	1B.3
<i>Myotis ciliolabrum</i> western small-footed myotis	AMACC01140	None	None	G5	S3	
<i>Myotis yumanensis</i> Yuma myotis	AMACC01020	None	None	G5	S4	
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	AMAFF08041	None	None	G5T3T4	S3S4	SSC
<i>Oncorhynchus mykiss irideus</i> steelhead - southern California DPS	AFCHA0209J	Endangered	None	G5T1Q	S1	SSC
<i>Pentachaeta lyonii</i> Lyon's pentachaeta	PDAST6X060	Endangered	Endangered	G1	S1	1B.1
<i>Phrynosoma blainvillii</i> coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
<i>Southern California Coastal Lagoon</i> Southern California Coastal Lagoon	CALE1220CA	None	None	GNR	SNR	
<i>Southern California Steelhead Stream</i> Southern California Steelhead Stream	CARE2310CA	None	None	GNR	SNR	
<i>Southern Coastal Salt Marsh</i> Southern Coastal Salt Marsh	CTT52120CA	None	None	G2	S2.1	
<i>Thamnophis hammondi</i> two-striped garter snake	ARADB36160	None	None	G4	S3S4	SSC
<i>Valley Oak Woodland</i> Valley Oak Woodland	CTT71130CA	None	None	G3	S2.1	

Record Count: 37

February 3, 2017

Mr. Fred Gaines
Gaines & Stacey LLP
16633 Ventura Blvd. Suite 1220
Encino, CA 91436-1872

RE: Response to Public Works Department Memo
(February 2, 2017)

Dear Mr. Gaines,

Overland Traffic Consultants has received the Public Works Department comment dated February 2, 2017 (attached). We have reviewed the comment and adjusted the HCS capacity worksheets for the Pacific Coast Highway and Malibu Canyon Road intersection. The capacity worksheets have been amended to show the southbound left turn shared lane traffic assignment for 1 left turn lane and 1 shared left - through lane to be 55% and 45 %, respectively. The adjusted worksheets are attached and modified to show the reduced delay values for the intersection peak hours and the amended table for Response 13 is provide below.

Response 13

A queuing analysis has been conducted for existing 2016 conditions with and without the project. As shown below are the results of the eastbound left turn queuing analysis for Pacific Coast Highway at Malibu Canyon Road and at Webb Way. The analysis shows that the project will not create a significant traffic impact to the eastbound vehicle queue with ample capacity to accommodate the left turn demand with the project. It should be noted that the dual left turn mitigation at Pacific Coast Highway and Webb Way has been assumed for this analysis. The capacity worksheets are attached for reference.



Intersection	Peak Hour	EB Left Turn Volume and Capacity		
		Q Capacity		Volume
		Without	With Project	
1 Pacific Coast Highway Malibu Canyon Road	am	224	225	139
	pm	527	529	402
	Sat.	314	334	231
2 Pacific Coast Highway Webb Way	am	249	249	165
	pm	201	201	125
	Sat.	203	203	127

Please call if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Jerry T. Overland".

Jerry T. Overland

Attachments



City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW REFERRAL SHEET

TO: Public Works Department

DATE: 4/28/2015

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 15-028

JOB ADDRESS: 4000 MALIBU CANYON RD, Parcel

APPLICANT / CONTACT: Bruce McBride

APPLICANT ADDRESS: PO Box 6528
Malibu, CA 90264

APPLICANT PHONE #: (310) 456-2600 x2

APPLICANT FAX #: _____

APPLICANT EMAIL: bmcbride@pda-llc.net

PROJECT DESCRIPTION: Malibu Memorial Park

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

The following items described on the attached memorandum shall be addressed and resubmitted.

The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

SIGNATURE

DATE

2/2/17



City of Malibu

MEMORANDUM

To: Bruce McBride

From: Public Works Department
Jonathan Pichardo, Assist. Civil Engineer

Date: February 2, 2017

Re: Memo No.2 (MND Traffic Responses) 4000 Malibu Canyon Road CDP 15-028

The Public Works Department has begun its review of this application and has determined that additional information is required.

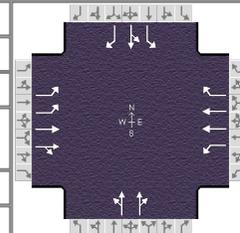
MND Response Comments:

1. The HCS worksheets describe the AM peak hour intersection delay pre project to be 197.7s/veh and the AM peak hour intersection delay to be 197.4s/veh post project. Please clarify how the proposed development is to decrease traffic instead of increase.



HCS7 Signalized Intersection Results Summary

General Information				Intersection Information			
Agency	City of Malibu			Duration, h	0.25		
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other		
Jurisdiction		Time Period	existing am peak hour	PHF	0.92		
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1 > 7:00		
Intersection	Malibu Canyon Road	File Name	pch malibu am peak without.xus				
Project Description	am peak hour without project						



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (v), veh/h	138	939	15	4	704	146	16	7	29	896	13	184

Signal Information													
Cycle, s	100.0	Reference Phase	2										
Offset, s	0	Reference Point	End										
Uncoordinated	No	Simult. Gap E/W	On										
Force Mode	Fixed	Simult. Gap N/S	On										
		Green		0.7	1.7	46.9	26.0	4.8	0.0				
		Yellow		4.0	4.0	4.0	4.0	4.0	0.0				
		Red		0.0	0.0	0.0	0.0	0.0	0.0				

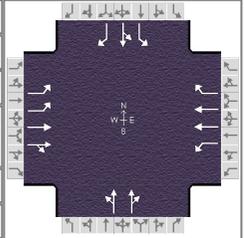
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	10.4	56.6	4.7	50.9		8.8		30.0
Change Period, (Y+R _c), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (MAH), s	3.0	0.0	3.0	0.0		3.1		3.0
Queue Clearance Time (g _s), s	6.2		2.2			3.9		28.0
Green Extension Time (g _e), s	0.3	0.0	0.0	0.0		0.1		0.0
Phase Call Probability	0.98		0.11			1.00		1.00
Max Out Probability	0.00		0.00			0.00		1.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (v), veh/h	150	520	517	4	765	159	25		32	536	452	200
Adjusted Saturation Flow Rate (s), veh/h/ln	1757	1900	1889	1810	1809	1610	1836		1610	1810	1812	1610
Queue Service Time (g _s), s	4.2	17.9	17.9	0.2	14.3	3.0	1.3		1.9	26.0	24.6	9.6
Cycle Queue Clearance Time (g _c), s	4.2	17.9	17.9	0.2	14.3	3.0	1.3		1.9	26.0	24.6	9.6
Green Ratio (g/C)	0.06	0.53	0.53	0.01	0.47	0.73	0.05		0.05	0.26	0.26	0.32
Capacity (c), veh/h	224	999	993	12	1695	1173	87		77	470	471	521
Volume-to-Capacity Ratio (X)	0.669	0.521	0.521	0.352	0.451	0.135	0.286		0.412	1.139	0.960	0.384
Back of Queue (Q), ft/ln (50 th percentile)	45	185.3	184.7	3.2	141.2	19.4	14.9		19.1	548.9	357.9	87.5
Back of Queue (Q), veh/ln (50 th percentile)	1.8	7.4	7.4	0.1	5.6	0.8	0.6		0.8	22.0	14.3	3.5
Queue Storage Ratio (RQ) (50 th percentile)	0.15	0.00	0.00	0.01	0.00	0.00	0.00		0.00	1.25	0.00	0.00
Uniform Delay (d ₁), s/veh	45.8	15.5	15.5	49.4	17.9	4.1	46.0		46.3	37.0	36.5	26.1
Incremental Delay (d ₂), s/veh	1.3	1.9	2.0	6.2	0.9	0.2	0.7		1.3	85.3	31.1	0.2
Initial Queue Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (d), s/veh	47.1	17.4	17.4	55.6	18.8	4.3	46.6		47.6	122.3	67.6	26.3
Level of Service (LOS)	D	B	B	E	B	A	D		D	F	E	C
Approach Delay, s/veh / LOS	21.2		C	16.5		B	47.2		D	85.3		F
Intersection Delay, s/veh / LOS	43.0						D					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.3	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.5	A	1.3	A	0.5	A	2.4	B

HCS7 Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	City of Malibu			Duration, h	0.25
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other
Jurisdiction		Time Period	existing am peak hour	PHF	0.92
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1 > 7:00
Intersection	Malibu Canyon Road	File Name	pch malibu am peak with.xus		
Project Description	am peak hour with project				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (v), veh/h	139	939	15	4	705	149	16	7	29	896	13	184

Signal Information				Signal Timing (s)									
Cycle, s	100.0	Reference Phase	2										
Offset, s	0	Reference Point	End										
Uncoordinated	No	Simult. Gap E/W	On	Green	0.7	1.7	46.8	26.0	4.8	0.0			
Force Mode	Fixed	Simult. Gap N/S	On	Yellow	4.0	4.0	4.0	4.0	4.0	0.0			
				Red	0.0	0.0	0.0	0.0	0.0	0.0			

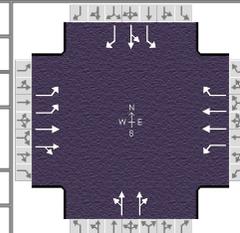
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	10.4	56.6	4.7	50.8		8.8		30.0
Change Period, (Y+R _c), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (MAH), s	3.0	0.0	3.0	0.0		3.1		3.0
Queue Clearance Time (g _s), s	6.2		2.2			3.9		28.0
Green Extension Time (g _e), s	0.3	0.0	0.0	0.0		0.1		0.0
Phase Call Probability	0.98		0.11			1.00		1.00
Max Out Probability	0.00		0.00			0.00		1.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (v), veh/h	151	520	517	4	766	162	25		32	536	452	200
Adjusted Saturation Flow Rate (s), veh/h/ln	1757	1900	1889	1810	1809	1610	1836		1610	1810	1812	1610
Queue Service Time (g _s), s	4.2	17.9	17.9	0.2	14.3	3.0	1.3		1.9	26.0	24.6	9.6
Cycle Queue Clearance Time (g _c), s	4.2	17.9	17.9	0.2	14.3	3.0	1.3		1.9	26.0	24.6	9.6
Green Ratio (g/C)	0.06	0.53	0.53	0.01	0.47	0.73	0.05		0.05	0.26	0.26	0.32
Capacity (c), veh/h	225	999	993	12	1694	1173	87		77	470	471	522
Volume-to-Capacity Ratio (X)	0.670	0.521	0.521	0.352	0.452	0.138	0.286		0.412	1.139	0.960	0.383
Back of Queue (Q), ft/ln (50 th percentile)	45.3	185.3	184.7	3.2	141.4	19.9	14.9		19.1	548.9	357.9	87.4
Back of Queue (Q), veh/ln (50 th percentile)	1.8	7.4	7.4	0.1	5.7	0.8	0.6		0.8	22.0	14.3	3.5
Queue Storage Ratio (RQ) (50 th percentile)	0.15	0.00	0.00	0.01	0.00	0.00	0.00		0.00	1.25	0.00	0.00
Uniform Delay (d ₁), s/veh	45.8	15.5	15.5	49.4	17.9	4.1	46.0		46.3	37.0	36.5	26.1
Incremental Delay (d ₂), s/veh	1.3	1.9	2.0	6.2	0.9	0.2	0.7		1.3	85.3	31.1	0.2
Initial Queue Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (d), s/veh	47.0	17.4	17.4	55.6	18.8	4.3	46.6		47.6	122.3	67.6	26.2
Level of Service (LOS)	D	B	B	E	B	A	D		D	F	E	C
Approach Delay, s/veh / LOS	21.2		C	16.5		B	47.2		D	85.3		F
Intersection Delay, s/veh / LOS	43.0						D					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.3	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.5	A	1.3	A	0.5	A	2.4	B

HCS7 Signalized Intersection Results Summary

General Information				Intersection Information			
Agency	City of Malibu			Duration, h	0.25		
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other		
Jurisdiction		Time Period	existing pm peak hour	PHF	0.92		
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1 > 7:00		
Intersection	Malibu Canyon Road	File Name	pch malibu pm peak without.xus				
Project Description	pm peak hour without project						



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (v), veh/h	400	1182	14	14	1216	235	11	8	28	280	18	165

Signal Information														
Cycle, s	100.0	Reference Phase	2											
Offset, s	0	Reference Point	End											
Uncoordinated	No	Simult. Gap E/W	On	Green	2.1	8.9	52.5	12.0	4.5	0.0				
Force Mode	Fixed	Simult. Gap N/S	On	Yellow	4.0	4.0	4.0	4.0	4.0	0.0				
				Red	0.0	0.0	0.0	0.0	0.0	0.0				

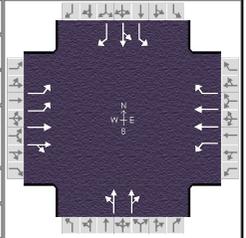
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	19.0	69.4	6.1	56.5		8.5		16.0
Change Period, (Y+R _c), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (MAH), s	3.0	0.0	3.0	0.0		3.1		3.1
Queue Clearance Time (g _s), s	14.0		2.8			3.8		11.2
Green Extension Time (g _e), s	1.0	0.0	0.0	0.0		0.1		0.8
Phase Call Probability	1.00		0.34			1.00		1.00
Max Out Probability	0.00		0.00			0.00		0.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (v), veh/h	435	651	649	15	1322	255	21		30	167	157	179
Adjusted Saturation Flow Rate (s), veh/h/ln	1757	1900	1892	1810	1809	1610	1847		1610	1810	1821	1610
Queue Service Time (g _s), s	12.0	18.0	18.1	0.8	27.4	6.7	1.1		1.8	9.0	8.3	9.2
Cycle Queue Clearance Time (g _c), s	12.0	18.0	18.1	0.8	27.4	6.7	1.1		1.8	9.0	8.3	9.2
Green Ratio (g/C)	0.15	0.65	0.65	0.02	0.52	0.64	0.05		0.05	0.12	0.12	0.27
Capacity (c), veh/h	527	1243	1237	37	1898	1038	84		73	217	218	434
Volume-to-Capacity Ratio (X)	0.825	0.524	0.524	0.406	0.696	0.246	0.246		0.415	0.772	0.717	0.413
Back of Queue (Q), ft/ln (50 th percentile)	126.9	164.3	163.7	9.8	265.6	51.8	12.3		18.5	99.7	92	85.1
Back of Queue (Q), veh/ln (50 th percentile)	5.1	6.6	6.5	0.4	10.6	2.1	0.5		0.7	4.0	3.7	3.4
Queue Storage Ratio (RQ) (50 th percentile)	0.42	0.00	0.00	0.04	0.00	0.00	0.00		0.00	0.23	0.00	0.00
Uniform Delay (d ₁), s/veh	41.2	9.1	9.1	48.4	17.8	7.5	46.1		46.4	42.7	42.4	30.0
Incremental Delay (d ₂), s/veh	1.3	1.6	1.6	2.6	2.1	0.6	0.6		1.4	2.2	1.7	0.2
Initial Queue Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (d), s/veh	42.5	10.7	10.7	51.0	19.9	8.1	46.6		47.8	44.9	44.0	30.2
Level of Service (LOS)	D	B	B	D	B	A	D		D	D	D	C
Approach Delay, s/veh / LOS	18.7	B		18.3	B		47.3	D		39.4	D	
Intersection Delay, s/veh / LOS	21.6						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.2	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.9	B	1.8	B	0.5	A	1.3	A

HCS7 Signalized Intersection Results Summary

General Information				Intersection Information			
Agency	City of Malibu			Duration, h	0.25		
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other		
Jurisdiction		Time Period	existing pm peak hour	PHF	0.92		
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1 > 7:00		
Intersection	Malibu Canyon Road	File Name	pch malibu pm peak without.xus				
Project Description	pm peak hour with project						



Demand Information	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Approach Movement												
Demand (v), veh/h	402	1182	14	14	1220	240	11	8	28	280	18	165

Signal Information				Signal Timing (s)										
Cycle, s	100.0	Reference Phase	2											
Offset, s	0	Reference Point	End											
Uncoordinated	No	Simult. Gap E/W	On	Green	2.1	9.0	52.4	12.0	4.5	0.0				
Force Mode	Fixed	Simult. Gap N/S	On	Yellow	4.0	4.0	4.0	4.0	4.0	0.0				
				Red	0.0	0.0	0.0	0.0	0.0	0.0				

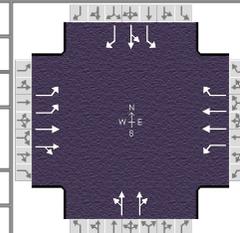
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	19.1	69.4	6.1	56.4		8.5		16.0
Change Period, (Y+R _c), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (MAH), s	3.0	0.0	3.0	0.0		3.1		3.1
Queue Clearance Time (g _s), s	14.1		2.8			3.8		11.1
Green Extension Time (g _e), s	1.0	0.0	0.0	0.0		0.1		0.8
Phase Call Probability	1.00		0.34			1.00		1.00
Max Out Probability	0.00		0.00			0.00		0.00

Movement Group Results	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Approach Movement												
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (v), veh/h	437	651	649	15	1326	261	21		30	167	157	179
Adjusted Saturation Flow Rate (s), veh/h/ln	1757	1900	1892	1810	1809	1610	1847		1610	1810	1821	1610
Queue Service Time (g _s), s	12.1	18.0	18.1	0.8	27.5	6.9	1.1		1.8	9.0	8.3	9.1
Cycle Queue Clearance Time (g _c), s	12.1	18.0	18.1	0.8	27.5	6.9	1.1		1.8	9.0	8.3	9.1
Green Ratio (g/C)	0.15	0.65	0.65	0.02	0.52	0.64	0.05		0.05	0.12	0.12	0.27
Capacity (c), veh/h	529	1243	1237	37	1896	1037	84		73	217	218	435
Volume-to-Capacity Ratio (X)	0.826	0.524	0.524	0.406	0.699	0.252	0.246		0.415	0.772	0.718	0.412
Back of Queue (Q), ft/ln (50 th percentile)	127.2	163.4	162.8	9.8	267.1	53.5	12.3		18.5	99.7	92	85
Back of Queue (Q), veh/ln (50 th percentile)	5.1	6.5	6.5	0.4	10.7	2.1	0.5		0.7	4.0	3.7	3.4
Queue Storage Ratio (RQ) (50 th percentile)	0.42	0.00	0.00	0.04	0.00	0.00	0.00		0.00	0.23	0.00	0.00
Uniform Delay (d ₁), s/veh	41.2	9.1	9.1	48.4	17.9	7.6	46.1		46.4	42.7	42.4	30.0
Incremental Delay (d ₂), s/veh	1.3	1.6	1.6	2.6	2.2	0.6	0.6		1.4	2.2	1.7	0.2
Initial Queue Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (d), s/veh	42.5	10.7	10.7	51.0	20.0	8.1	46.6		47.8	44.9	44.0	30.2
Level of Service (LOS)	D	B	B	D	C	A	D		D	D	D	C
Approach Delay, s/veh / LOS	18.7		B	18.4		B	47.3		D	39.4		D
Intersection Delay, s/veh / LOS	21.6						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.2	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.9	B	1.8	B	0.5	A	1.3	A

HCS7 Signalized Intersection Results Summary

General Information				Intersection Information			
Agency	City of Malibu			Duration, h	0.25		
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other		
Jurisdiction		Time Period	existing sat peak hour	PHF	0.92		
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1 > 7:00		
Intersection	Malibu Canyon Road	File Name	pch malibu sat peak without.xus				
Project Description	sat peak hour without project						



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (v), veh/h	214	1216	24	13	1387	146	22	6	26	375	28	446

Signal Information														
Cycle, s	100.0	Reference Phase	2											
Offset, s	0	Reference Point	End											
Uncoordinated	No	Simult. Gap E/W	On	Green	1.9	3.0	44.2	26.0	4.8	0.0				
Force Mode	Fixed	Simult. Gap N/S	On	Yellow	4.0	4.0	4.0	4.0	4.0	0.0				
				Red	0.0	0.0	0.0	0.0	0.0	0.0				

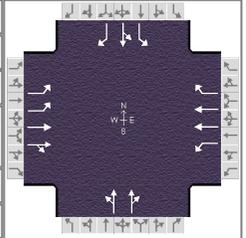
Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	12.9	55.2	5.9	48.2		8.8		30.0
Change Period, (Y+R _c), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (MAH), s	3.0	0.0	3.0	0.0		3.1		3.1
Queue Clearance Time (g _s), s	8.5		2.8			3.7		28.0
Green Extension Time (g _e), s	0.5	0.0	0.0	0.0		0.1		0.0
Phase Call Probability	1.00		0.32			1.00		1.00
Max Out Probability	0.00		0.00			0.00		1.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (v), veh/h	233	676	672	14	1508	159	30		28	224	214	485
Adjusted Saturation Flow Rate (s), veh/h/ln	1757	1900	1887	1810	1809	1610	1828		1610	1810	1822	1610
Queue Service Time (g _s), s	6.5	26.9	27.0	0.8	39.8	3.3	1.6		1.7	10.5	9.8	26.0
Cycle Queue Clearance Time (g _c), s	6.5	26.9	27.0	0.8	39.8	3.3	1.6		1.7	10.5	9.8	26.0
Green Ratio (g/C)	0.09	0.51	0.51	0.02	0.44	0.70	0.05		0.05	0.26	0.26	0.35
Capacity (c), veh/h	314	973	967	35	1600	1131	88		78	470	474	563
Volume-to-Capacity Ratio (X)	0.741	0.694	0.695	0.401	0.942	0.140	0.345		0.364	0.477	0.451	0.862
Back of Queue (Q), ft/ln (50 th percentile)	69	289.5	288.5	9.1	454.1	22.6	18.2		17	109.6	103.7	300.2
Back of Queue (Q), veh/ln (50 th percentile)	2.8	11.6	11.5	0.4	18.2	0.9	0.7		0.7	4.4	4.1	12.0
Queue Storage Ratio (RQ) (50 th percentile)	0.23	0.00	0.00	0.04	0.00	0.00	0.00		0.00	0.25	0.00	0.00
Uniform Delay (d ₁), s/veh	44.4	18.5	18.5	48.4	26.7	4.9	46.1		46.1	31.3	31.0	30.3
Incremental Delay (d ₂), s/veh	1.3	4.1	4.1	2.7	12.4	0.3	0.9		1.1	0.3	0.3	12.4
Initial Queue Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (d), s/veh	45.7	22.5	22.6	51.2	39.0	5.2	46.9		47.2	31.5	31.3	42.7
Level of Service (LOS)	D	C	C	D	D	A	D		D	C	C	D
Approach Delay, s/veh / LOS	26.0		C	35.9		D	47.0		D	37.3		D
Intersection Delay, s/veh / LOS	32.7						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.3	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.8	B	1.9	B	0.5	A	2.0	B

HCS7 Signalized Intersection Results Summary

General Information				Intersection Information			
Agency	City of Malibu			Duration, h	0.25		
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other		
Jurisdiction		Time Period	existing sat peak hour	PHF	0.92		
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1 > 7:00		
Intersection	Malibu Canyon Road	File Name	pch malibu sat peak with.xus				
Project Description	sat peak hour with project						



Demand Information	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Approach Movement												
Demand (v), veh/h	231	1216	24	13	1400	176	22	6	26	375	28	446

Signal Information														
Cycle, s	100.0	Reference Phase	2											
Offset, s	0	Reference Point	End											
Uncoordinated	No	Simult. Gap E/W	On	Green	1.9	3.5	43.7	26.0	4.8	0.0				
Force Mode	Fixed	Simult. Gap N/S	On	Yellow	4.0	4.0	4.0	4.0	4.0	0.0				
				Red	0.0	0.0	0.0	0.0	0.0	0.0				

Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	13.5	55.2	5.9	47.7		8.8		30.0
Change Period, (Y+R _c), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (MAH), s	3.0	0.0	3.0	0.0		3.1		3.1
Queue Clearance Time (g _s), s	9.0		2.8			3.7		28.0
Green Extension Time (g _e), s	0.5	0.0	0.0	0.0		0.1		0.0
Phase Call Probability	1.00		0.32			1.00		1.00
Max Out Probability	0.00		0.00			0.00		1.00

Movement Group Results	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (v), veh/h	251	676	672	14	1522	191	30		28	224	214	485
Adjusted Saturation Flow Rate (s), veh/h/ln	1757	1900	1887	1810	1809	1610	1828		1610	1810	1822	1610
Queue Service Time (g _s), s	7.0	26.9	27.0	0.8	40.9	4.1	1.6		1.7	10.5	9.8	26.0
Cycle Queue Clearance Time (g _c), s	7.0	26.9	27.0	0.8	40.9	4.1	1.6		1.7	10.5	9.8	26.0
Green Ratio (g/C)	0.09	0.51	0.51	0.02	0.44	0.70	0.05		0.05	0.26	0.26	0.35
Capacity (c), veh/h	334	973	967	35	1580	1122	88		78	470	474	571
Volume-to-Capacity Ratio (X)	0.753	0.694	0.695	0.401	0.963	0.171	0.345		0.364	0.477	0.451	0.848
Back of Queue (Q), ft/ln (50 th percentile)	74.4	289.5	288.5	9.1	481.3	28.9	18.2		17	109.6	103.7	292.2
Back of Queue (Q), veh/ln (50 th percentile)	3.0	11.6	11.5	0.4	19.3	1.2	0.7		0.7	4.4	4.1	11.7
Queue Storage Ratio (RQ) (50 th percentile)	0.25	0.00	0.00	0.04	0.00	0.00	0.00		0.00	0.25	0.00	0.00
Uniform Delay (d ₁), s/veh	44.1	18.5	18.5	48.4	27.4	5.2	46.1		46.1	31.3	31.0	29.8
Incremental Delay (d ₂), s/veh	1.3	4.1	4.1	2.7	15.4	0.3	0.9		1.1	0.3	0.3	10.9
Initial Queue Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (d), s/veh	45.4	22.5	22.6	51.2	42.8	5.5	46.9		47.2	31.5	31.3	40.7
Level of Service (LOS)	D	C	C	D	D	A	D		D	C	C	D
Approach Delay, s/veh / LOS	26.2	C		38.7	D		47.0	D		36.3	D	
Intersection Delay, s/veh / LOS	33.6						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.3	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.8	B	1.9	B	0.5	A	2.0	B