



# Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Ha Ly, AICP, Associate Planner *HL*

Reviewed by: Bonnie Blue, AICP, Senior Planner *BB*

Approved by: Joyce Parker-Bozylinski, AICP, Planning Director *JPB*

Date prepared: November 7, 2013 Meeting date: November 18, 2013

Subject: Rancho Malibu Hotel Project – Environmental Impact Report No. 12-001 and Coastal Development Permit No. 11-028 – The proposed Project is for the construction of the Rancho Malibu Hotel on an approximately 27.8 acre vacant site at the northeast corner of Pacific Coast Highway and Malibu Canyon Road (State Clearinghouse No. 2012051035)

Application Filing Date: June 7, 2011  
Applicant: Susan Villain  
Owner: Green Acres, LLC  
Location: 4000 Malibu Canyon Road, within the non-appealable jurisdiction of the coastal zone  
APNs: 4458-030-007, 4458-028-015 and 4458-028-019  
Zoning: Commercial Visitor Serving - 2

---

**RECOMMENDED ACTION:** Review the Draft Environmental Impact Report (“Draft EIR”) (Attachment 1) for the Rancho Malibu Hotel Project and provide comments to be addressed in the Final Environmental Impact Report (“Final EIR”).

**DISCUSSION:** On June 7, 2011, the applicant submitted an application for the Rancho Malibu Hotel Project (hereafter referred to as the “Project”). On April 9, 2012, the Malibu City Council approved a contract for a consultant to prepare an Environmental Impact Report (EIR) to evaluate the potential environmental impacts of the Project.

The California Environmental Quality Act (CEQA) requires that local government agencies, prior to taking action on projects over which they have discretionary approval

authority, consider the environmental consequences of such projects. The purpose of the Draft EIR is to identify and disclose significant environmental impacts that will or could potentially occur as a result of the project and to identify ways to avoid or mitigate the project's significant impacts on the environment and to indicate alternatives to the project.

In accordance with Section 15367 of the CEQA Guidelines, the City of Malibu is the Lead Agency for the proposed Project, since it will serve as "the public agency which has the principal responsibility for carrying out or approving the project." Before it approves or carries out any project that may have a significant effect on the environment, the City must prepare a legally adequate EIR which analyzes the significant environmental effects, identifies alternatives to the project, and discloses ways to reduce or avoid the possible environmental consequences of a project.

On October 17, 2013, the Draft EIR became available for public review. The Draft EIR was distributed to the State Clearinghouse, responsible and trustee agencies and interested parties for a 45-day public review period. The 45-day public review period will conclude on December 2, 2013.

The purpose of requesting Planning Commission review of the Draft EIR is to allow staff the opportunity to incorporate Planning Commission comments as part of the public record and address them in the Final EIR. The meeting will also provide an opportunity for members of the public to submit written or verbal comments on the Draft EIR which will also be addressed in the Final EIR. This does not constitute a public hearing on the Project's entitlements and no decisions on the Project's entitlements will be made.

Upon addressing all of the comments received during the public review period, the Final EIR will be released and a Planning Commission hearing will be scheduled to consider the Project's entitlements and the Final EIR.

## **Background**

There have been attempts to permit a hotel at the Project site for many years. To date, previous applicants have obtained California Coastal Commission (CCC) approval for a 300-room hotel in 1986; completed of a Certified EIR in 1997; and received approval of a previous 146-room hotel design by the City Council in 1998. In 2002, the applicant submitted revised project plans and City Council found that the revised project plans were in substantial conformance to the requirements set forth in the Resolution dated March 1998. The City's approval of the 1997 project was kept active until 2006 through annual time extensions issued by the City. The CCC's 1986 approval remains active after the issuance of 26 consecutive annual extensions. Most recently in 2007, a 146 room design was submitted by the same applicants putting forth the proposed Project, but the application was later withdrawn.

Substantial changes in the regulatory and environmental setting have occurred since approval of the 1986 project and certification of the 1997 EIR. There are also substantial differences in the design of the hotel on this site compared to what was set forth in the prior EIR. In light of these factors, City Council deemed it necessary to have a new EIR prepared in order to provide members of the public and decision-makers with an up-to-date and complete analysis, to allow timely project processing and to create a legally sustainable administrative record.

### **Project Chronology**

On June 7, 2011, Fred Gaines, on behalf of Green Acres, LLC, submitted an application for Coastal Development Permit (CDP) No. 11-028 and associated entitlements.

On April 9, 2012, to define the scope of the EIR, the City provided the City Council and the public an opportunity to comment on a proposed EIR Scope of Work at a City Council meeting. Additionally, on that date the City Council approved a contract for an environmental consultant, AMEC, to prepare the EIR for the Project.

On May 3, 2012, a Notice of Preparation (NOP) for the Project was published by the City. The 30-day circulation period ran from May 3, 2012 through June 2, 2012.

On May 16, 2012, the City held a public scoping meeting regarding the preparation of the Draft EIR.

Between June 2011 and February 2013, the Project went through a number of plan revisions and reviews by City staff.

On June 22, 2012, story poles were placed on the Project site to demonstrate the location, height, mass and bulk of the main hotel building as well as the surrounding secondary hotel buildings. Additionally, the outline of the subterranean parking structure and the perimeter roads around the site were staked with flags. The placement of the story poles were certified by a professional land surveyor.

On September 3, 2013, the Project was deemed complete by Planning Department staff.

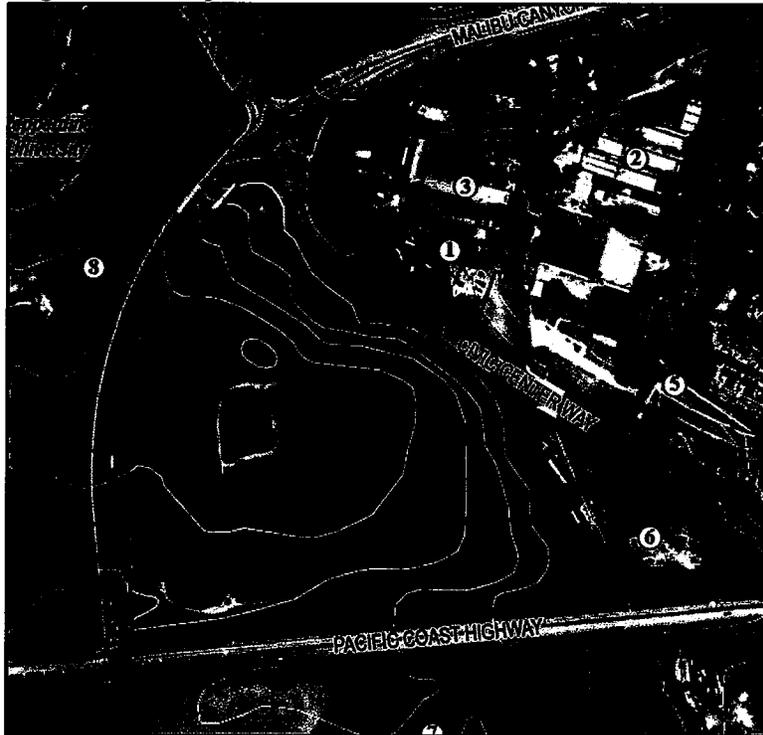
On September 27, 2013, the property owner signed a Letter of Authorization, authorizing Susan Villain to represent the property owner as an Applicant.

On October 17, 2013, the Draft EIR was made available to the public and the 45-day review period began. The 45-day review period will run from Thursday, October 17, 2013 to Monday, December 2, 2013. Also, on this date, a Notice of Availability of a Draft Environmental Impact Report and Notice of Planning Commission Public Hearing was published by the City. Notices were also sent out to all interested parties.

## Setting

The subject property includes three adjacent vacant parcels, totaling 27.8 acres, which is located in a triangle-shaped area formed by the intersections of Malibu Canyon Road, PCH and Civic Center Way. The underlying zoning of the Project site is Commercial Visitor Serving – 2 (CV-2) which intended to provide for visitor serving uses, including hotels serving visitors and residents, that are designed to be consistent with the rural character and natural environmental setting. Figure 1 below includes an aerial photograph of the subject Project site.

*Figure 1. Project Site*



The Project site is bordered by Malibu Canyon Road and the large open lawns of Pepperdine University's Alumni Park to the north and west, Civic Center Way and mixed institutional and residential uses to the north and east, and PCH, the City-owned portion of Malibu Bluffs Park and undeveloped land to the south.

The site consists of a level or gently sloping terrace of about 16 acres bounded on the east and south by steep slopes leading down to Civic Center Way and PCH, respectively. The site's approximate 1,000 feet of frontage along Malibu Canyon Road is generally level to gently sloping. The site is currently vacant but historically supported a nursery operation. No structures are located on the Project site; however, a gated entrance driveway off Malibu Canyon Road still exists and is located approximately 250 feet north of the intersection of Pacific Coast Highway (PCH). A network of dirt roads provides limited access throughout the site from this existing site entrance.

A small section of the CCC's appeal jurisdiction is located in the northern portion of the project site. The area marks a mapped blue line stream depicted on the City's Local Coastal Program (LCP) Environmentally Sensitive Habitat Area (ESHA) Map. After reviewing onsite conditions, the City Biologist has confirmed that this stream is actually a buried drainage ditch within a concrete culvert. Nonetheless, no development associated with the proposed project will occur within 100 feet of the mapped blue line stream or within the appeal jurisdiction.

## **Project Description**

The Project is designed as a 146-room luxury hotel resort with a floor area ratio (F.A.R.) of .15. The F.A.R. does not include the square footage of any below ground area (i.e., basement) or any parking areas (i.e., subterranean parking structure). Approximately 274,775 square feet of development (gross square footage) is proposed both for the main hotel building and the 21 detached, two-story secondary hotel buildings (referred to as "casitas" on the project plans) which will house the majority of hotel rooms. The Project will include the following facilities, most of which will be open to hotel guests as well as the general public: retail shops, hotel restaurant, sundries store, lobby bar, library, ballrooms, meeting rooms, fitness center and spa, pool, pool cabanas and function lawns.

Proposed structures would be organized around a central axis, which would consist of a series of courtyards, patios, and the central pool complex and lawn that would run from the motor court at the Project entry on the west through the hotel and pool complex to a second event lawn and scenic overlook on the eastern site bluff top. Located north of this central axis would be an 11,000 square foot lawn for events, a hotel ballroom, the spa, 11 secondary hotel buildings and an employee parking lot. Located to the south of the axis would be a subsurface parking structure, street level and subterranean retail space, and 10 secondary hotel buildings.

The Project proposes a tentative tract map to create an airspace subdivision to allow each hotel room, as well as two retail spaces, to be sold individually as commercial condominiums. The owner of an individual hotel room would then be able to use the condominium unit for a period of not greater than 30 consecutive calendar days, in order to still maintain the transient use of the hotel as defined by Malibu Municipal Code (M.M.C.) Section 3.24.020, and total owner use would not be allowed to exceed 180 days per calendar year. When the condominium unit owner is not staying at the hotel, the unit would be placed into the normal pool of hotel rooms to be booked and used by the general public.

Primary site access would be provided via a main entrance and exit driveways centrally located along the site's frontage at Malibu Canyon Road, approximately 680 feet north of the intersection of PCH and Malibu Canyon Road, with a secondary fire and service

access road proposed approximately 200 feet north of this the main access driveway. A total of 543 parking spaces would be provided onsite, primarily in a four-level, 166,827 square foot parking structure with three subterranean levels. Additional parking would be provided in a surface level employee lot consisting of 40 spaces and a 14 space registration surfacing parking area outside the main entrance to the hotel.

The Project includes the installation of an onsite wastewater treatment system (OWTS) to serve the proposed use. The proposed OWTS is required to meet both Regional Water Quality Control Board (RWQCB) and City of Malibu standards as well as obtain a permit from both the RWQCB and the City. As an alternative to installing such a facility on the Project site, in the event the State Water Resource Control Board does not allow the proposed Project to move forward with an onsite system, the Project would instead need to connect to the City's planned Civic Center centralized wastewater treatment facility once it is available. Although no project description for this centralized system has yet been formulated, it is anticipated that the City's system would include a new sewer main along Civic Center Way, as well as a new reclaimed water distribution main. It is also anticipated that the Project would utilize an onsite sewer lateral to connect to the new sewer main that the City would construct.

The following entitlements are requested for the proposed Project:

- Coastal Development Permit No. 11-028 to allow the construction of a 146-room hotel with 0.15 Floor Area Ratio (FAR), 14 percent landscaping, 32 percent tall fescue lawn, and 11 percent open space
- Conditional Use Permit No. 11-007 to allow a hotel with accessory restaurant, bar, live entertainment and indoor/outdoor event space, in the CV-2 zone
- Site Plan Review No. 11-011 to allow building heights not exceeding a maximum of 24 feet for sections of flat roof and 28 feet for sections of pitched roof
- Minor Modification No. 11-004 to allow a 50% reduction in the required front yard setback for the construction of the subterranean parking structure
- Variance Nos. 11-013, 11-037, 12-002, 12-003 and 12-007 to allow non-exempt grading totaling 35,260 cy, cumulative of cut and fill; to allow construction on slopes (specifically with regard to the creation of a secondary fire access/service entry road and removal of natural slopes at the perimeter of the site where the hillside starts to descend) in excess of 2½ to 1 to 1 to 1 slopes; to allow building height up to 30 feet, six inches for sections of flat roof, and up to 36 feet, two inches for the elevator and stair shafts; to allow a reduction in the total number of parking spaces provided onsite; and to allow for parking within the front yard setback
- Lot Merger No. 12-002, to allow the merger of the three adjacent parcels into a single parcel for the purposes of calculating allowable FAR and the requirements for landscaping and open space
- Tentative Tract Map No. 11-001 to allow the creation of a commercial airspace subdivision consisting of two separate legal parcels. Proposed Lot 1 would consist

of a 14.5 acre hotel and visitor-serving commercial site consisting of 98 airspace units. Proposed Lot 2 would consist of a 10.3-acre parcel for hotel and commercial purposes consisting of 50 airspace units; and

- Determination of Permitted Use (M.M.C. Section 17.04.050) with regard to the proposed commercial air space subdivision<sup>1</sup>. Depending on the determination, a zoning text amendment or Local Coastal Program Amendment may be required.

## **DRAFT ENVIRONMENTAL IMPACT REPORT ANALYSIS**

Under CEQA, the lead agency is charged with the duty to substantially lessen or avoid significant environmental effects where feasible for projects subject to CEQA (refer to Public Resources Code Section 21004 and CEQA Guidelines Sections 15002(a)(3) and 15021(a)(2)). In discharging this duty, the lead agency has an obligation to balance a variety of public objectives, taking into account economic, environmental, and social issues.

The following goals have been established by the Applicant for the proposed Project and will aid decision-makers in their review of the Project, associated environmental impacts and alternatives:

- A. Provide a high-quality hotel and supporting facilities consistent with allowable uses within the CV-2 zoning district designation;
- B. Ensure that all new development is sited and designed in a manner that respects the site's rural character and natural environmental setting;
- C. Increase the City's supply of full-service hotel rooms, with supporting spa, banquet, meeting and special event facilities available for both hotel guests and community members (e.g., weddings, holiday parties, non-profit fundraisers, business functions, etc.);
- D. Enhance the City of Malibu's Civic Center commercial core, developing its only full service hotel with supporting high quality facilities;
- E. Improve the City's tax revenue base through generation of substantial transient occupancy and sales taxes; and
- F. Comply with Los Angeles RWQCB requirements for wastewater treatment and disposal.

The following impact categories are derived from Appendix G, *Environmental Checklist Form*, of the CEQA Guidelines.

---

<sup>1</sup> In accordance with Malibu Municipal Code (M.M.C.) Section 17.04.050, when a use is not specifically listed or is determined by the Planning Director not to be included in a general category of use in the chapter defining uses permitted, it shall be assumed that such uses are prohibited unless it is determined by an action of the Planning Commission, following receipt of a recommendation from the Director, and a public hearing, that the use is similar to and not more objectionable than the uses listed.

## **No Impact**

Review of the proposed technical studies prepared (refer to the appendices of the Draft EIR) and the EIR scoping meeting, held in May 2012, helped identify three environmental impact categories as not being significantly impacted by or impacting the proposed Project. These topics and the reasons why they are not discussed in the Draft EIR are as follows:

- **Agricultural and Forestry Resources**

The proposed Project would not impact farmland, agricultural resources, forest land or timberland and, therefore, this resource topic is not further analyzed in the Draft EIR.

- **Mineral Resources**

The Project site does not contain any known mineral resources. Therefore, this resource topic is not analyzed in the Draft EIR.

- **Population and Housing**

While the Project is for a hotel use, it would include individual ownership of each of the hotel rooms. However, the owners would not be allowed to stay for more than 180 days annually (i.e., less than 50 percent of the year) and the rooms would not be considered to be a primary residence. As discussed in more detail in Section 2.0, Project Description, of the Draft EIR, when the owner is not staying at the hotel, the room would be placed into the pool of hotel rooms to be rented to the general public. Furthermore, the proposed Project is not anticipated to provide employee housing. As such, the proposed Project would not induce substantial population growth either in the City or the region, and would not substantially alter the need for housing. Therefore, this resource topic is not analyzed in the Draft EIR.

Chapter 4.0 of the Draft EIR includes a more in depth discussion of the CEQA issues that were found to have no impact.

## **Less Than Significant Impact**

The following impact was discussed in detail in the Draft EIR prepared for the proposed Project and was determined to be less than significant without any mitigation measures required.

- **Land Use**

A discussion evaluating the Project's potential impact on land use and planning is included in Section 3.10 of the Draft EIR. Land use impacts can be direct or indirect.

Direct impacts result in land use incompatibilities, division of neighborhoods or communities, or interference with other land use plans, including habitat or wildlife conservation plans. This section focuses on direct land uses impacts; indirect impacts are addressed in other sections of the Draft EIR. The visitor-serving land uses that would be made possible by the proposed Project are consistent with those identified in the CV-2 zoning designation of the Project site. A detailed analysis of the proposed Project's consistency with the applicable goals and policies of the various elements of the General Plan and Local Coastal Program (LCP) Land Use Plan (LUP) is provided in Table 3.10-1 of the Draft EIR. No mitigation measures are required.

### **Less than Significant Impact with the Incorporation of Mitigation Measures**

After the implementation of mitigation measures, the following impacts are mitigated to less than significant. Refer to the appropriate section of the Draft EIR for the proposed mitigation measures associated with each of the following impact categories.

- **Aesthetics and Visual Resources**

A discussion of aesthetics and visual resources is included in Section 3.1 of the Draft EIR because the Project is visible from a scenic highway, PCH, as well as scenic areas to both the north and south of the Project site. A detailed discussion of the Project site and surrounding uses, as well as the various provisions of the LCP and M.M.C. which regulate the aesthetics of new development, are provided in the Draft EIR to demonstrate the Project's impact on scenic resources. Visual simulations were completed to highlight the way in which the proposed development will appear on the Project site when viewed from various locations in the vicinity. Mitigation measures proposed in this chapter include relocation of the secondary hotel buildings away from the southern and eastern edges of the development envelope and closer to the center of the site; provision of an area of native scrub landscaping to preserve the natural visual appearance of the site; and requiring that the facades implement architectural features that break up a flat elevation and provide areas of relief. Implementation of these measures will reduce impacts of the Project on aesthetics and visual resources to a less than significant level.

- **Air Quality**

A discussion of the Project's impact on air quality in a local and regional context is included in Section 3.2 of the Draft EIR. The analysis of the proposed Project's air quality impacts follows the guidance and methodologies recommended in the South Coast Air Quality Management District (SCAQMD)'s CEQA Air Quality Handbook and the significance thresholds on SCAQMD's website. The Draft EIR identifies impacts to air quality resulting from short-term construction; the release of diesel emissions during initial construction and long-term hotel operation; operations of the proposed hotel; as well as cumulative air quality impacts resulting from emissions of reactive organic

compounds (ROG), nitrous oxide (NO<sub>x</sub>), carbon monoxide (CO), and particulate matter (PM<sub>10</sub>). Mitigation measures requiring compliance with SCAQMD Rule 403<sup>2</sup> as well as implementation of dust control measures and construction equipment controls will reduce impacts of the Project on air quality to a less than significant level.

- Cultural Resources

A discussion of cultural resources is included in Section 3.3 of the Draft EIR because future construction activities facilitated by the proposed Project could disturb previously identified archaeological resources on the Project site. A mitigation measure requiring the development envelope be reduced so as to prohibit development and any attendant disturbance in the sensitive resource area identified onsite has been included. In addition, mitigation measures have been included to provide procedures for the discovery of intact cultural resources as well as for human remains. In addition, Prior to the commencement of grading, the applicant will be required to contract with a qualified archaeologist and a qualified Chumash cultural resources monitor to monitor all earth disturbances within 50 feet of the sensitive site. Implementation of these measures will reduce impacts of the Project on cultural resources to a less than significant level.

- Biological Resources

A discussion of biological resources is included in Section 3.4 of the Draft EIR. A detailed discussion of the regional biologic setting, as well as vegetative communities, wildlife resources, special-status biological resources, and habitat linkages specific to the Project site is provided in the Draft EIR to demonstrate the Project's impact on biological resources. Based the City Biologist's review of the proposed Project, it has been determined that the development would not result in significant cumulative impacts to biological resources after the implementation of certain mitigation measures.

The Draft EIR identifies that the proposed Project would result in the removal/damage of between eight and ten acres of dense, intact coastal sage scrub habitat. However, as part of a prior project proposed for the subject site, mitigation of this impact was already completed. The prior applicant recorded a conservation easement over a 30-acre parcel located on the southwest side of Malibu Canyon Road, known as the Francisco Property, as a replacement for the 8.04 acres of coastal sage scrub that would be removed from the Project site. Additionally, the Draft EIR discusses the role the site plays as a habitat linkage between the Santa Monica Mountains to the north and Malibu Bluffs Park to the south. Mitigation measures include implementing a landscape and native habitat enhancement plan for the remaining undisturbed hillside open spaces areas onsite; using a modified fuel modification plan to minimize the removal of foothill needlegrass;

---

<sup>2</sup> Specifically, SCAQMD Rule 403 requires the use of best available control measures, which include soil watering to the depth of the proposed cut, maintaining live vegetation where possible, limiting vehicular traffic and disturbances on soils, and the use of tarps or other suitable enclosures on haul trucks, among numerous other measures.

conducting nesting bird surveys to be completed prior to issuance of grading permits; and requiring that a qualified biologist be onsite to monitor initial ground disturbance activities. Implementation of these measures will reduce impacts of the Project to biological resources to a less than significant level.

- **Geology and Soils**

A discussion of geology and soils is included in the Section 3.5 of the Draft EIR. A detailed discussion of the regional geologic setting, as well as topography, soils, faulting, seismicity, earthquakes, expansive soils, liquefaction, landslides and slope instability, and erosional ravines specific to the Project site, is provided in the Draft EIR to demonstrate the Project's impact on geology and soils. Based on the City Geologist's review of the proposed Project, it has been determined that development on the subject site would not result in significant cumulative impacts to geology and soils after the implementation of certain mitigation measures.

The Draft EIR identifies that a section of the Malibu Coast Fault runs through the southern portion of the site, but concludes that the fault is not active. Additionally, there are slopes on the Project site which do not meet the minimum factor of safety as set forth in LIP Chapter 9. Mitigation measures placed on the Project include a requirement that the Project comply with site-specific recommendations as put forth in the approved geotechnical engineering report and in accordance with the California Building Code and Malibu Building Code; incorporation of engineered retaining walls and regrading of slopes to a ratio no greater than 2:1 (horizontal to vertical); and integration of measures to address expansive spoils. Implementation of these measures will reduce impacts of the Project to geology and soils to a less than significant level.

- **Fire Protection and Hazardous Materials**

A discussion fire protection and the effects of hazardous materials is included in Section 3.6 of the Draft EIR. The Section describes regional wildfire conditions and hazards and specifically focuses on the fire hazard posed by development on the Project site. Other issues of concern include the presence of abandoned septic tanks and potential contaminated soil left over from former nursery land uses and accidental hazardous materials spills during construction. Mitigation measures require creating a comprehensive Wildfire Emergency Management Plan that will be reviewed and approved by the City and the Los Angeles County Fire Department (LACFD); training hotel personnel for emergency situations; implementing a shelter-in-place program for times of wildfire; completing soil testing after the removal of the septic tanks and prior to the excavation and removal of soil from the Project site; and filing a Construction Impact Management Plan and Emergency Spill Response Plan to address the potential sources of hazardous spills. Implementation of these measures will reduce impacts of the Project due to exposure to hazards and hazardous materials to a less than significant level.

- Hydrology and Water Quality

A discussion of hydrology and water quality is included in Section 3.7 in the Draft EIR. A large portion of the subject section is dedicated to the proposed zero discharge OWTS for the Project. As the project moves forward through the planning process, the OWTS could take the form of one of the two options discussed in the Draft EIR: 1) construction of a zero discharge OWTS on the Project site to serve the proposed hotel development, which would require an amendment to the Basin Plan<sup>3</sup>; or 2) the Project would hook into the City's Civic Center Wastewater Treatment Facility when it comes online in the future. The Draft EIR identifies potential impacts to surface water quality resulting from: 1) increased erosion, sedimentation and polluted runoff during construction; and 2) increased storm water runoff, drainage capacity, erosion and sedimentation during the operation of the Project. However, with the incorporation of Best Management Practices, a Storm Water Pollution Prevention Plan and the other measures set forth in the Draft EIR, the impacts will be less than significant. Implementation of these measures will reduce impacts of the Project to hydrology and water quality to a less than significant level.

- Utilities

A discussion evaluating the Project's potential impact on utilities is included in Section 3.8 of the Draft EIR. A detailed discussion of existing conditions related to wastewater treatment, potable water, and energy (gas and electricity) specific to the Project site, is provided in the Draft EIR to demonstrate the Project's impact on utilities. Development facilitated by the proposed Project would generate demand for potable water equivalent to 46,854 gallons per day (gpd). The City's existing agreement with LA County Waterworks District No. 29 would ensure that a portion of the needed water supply is provided to serve future development on the Project site. Additional water would be provided through an agreement with Pepperdine University equating to an allocation of 109,000 gpd. As connections are not in place yet between Pepperdine and the Project site, the placement of off-site infrastructure would be required along Malibu Canyon Road.

Additionally, the Project could generate a peak flow of up to an estimated 39,000 gpd with an average flow of 26,000 gallons of wastewater per day. As designed, the total capacity of the OWTS would be 215,000 gallons, including a 40,000-gallon equalization tank to help regulate fluctuations in daily flow. If the Basin Plan amendment were approved by the RWQCB, as discussed in the previous section of this report, the applicant would be required to obtain an OWTS would be required to obtain an operating

---

<sup>3</sup> On September 21, 2010, the State Water Resources Control Board adopted Resolution No. 2010-0045 approving the Basin Plan Amendment. The Basin Plan Amendment prohibits all new OWTS in the Malibu Civic Center Area and prohibits the discharge from existing OWTS based on a phased schedule to cease discharges from Phase One systems by November 5, 2015 and Phase Two systems by November 5, 2019.

permit from the City of Malibu for the OWTS, which would ensure the proper design, operation, and maintenance of the system. Mitigation measures of the Draft EIR include a requirement for an OWTS Operations and Maintenance Plan; completion of all water system infrastructure improvements; and reuse of treated wastewater for landscaping and other uses on the Project site. Implementation of these measures will reduce impacts of the Project to utilities to a less than significant level.

- Public Services

A discussion evaluating the Project's potential impact on public services is included in Section 3.9 of the Draft EIR. The specific public services analyzed in this section include police protection, schools, hospitals, and solid waste management. Development of the proposed Project would incrementally increase demand for police protection services, particularly during and after special events. Further, the Project would incrementally increase the demand for LACFD services through increased demand for both emergency and non-emergency fire and protection services, particularly during major wildfire events. Finally, it is anticipated that the proposed Project would generate approximately 600 tons per year or 1.6 tons per day of solid waste and dispose of approximately 457 tons per year or 1.3 tons per day. Mitigation measures including the requirement for a Special Event Management Plan, a Private Security Plan and a Fuel Modification Plan, as well as the placement of convenient facilities for interior and exterior onsite recycling. Implementation of these measures will reduce impacts of the Project to public services to a less than significant level.

- Paleontological Resources

A discussion of paleontological resources is included in Section 3.13 of the Draft EIR because future construction activities facilitated by the proposed Project could disturb previously identified paleontological resources on the Project site. Mitigation measures have been included to provide procedures for the curation of any significant specimens that are found onsite during the course of construction. In addition, prior grading activities into the older Quaternary alluvium and/or Sespe Formation, or below a depth of five feet, an onsite monitor would be required to salvage any fossils or sediments as they are unearthed. Implementation of these measures will reduce impacts of the Project on paleontological resources to a less than significant level.

### **Impacts Remaining Significant After the Incorporation of Mitigation Measures**

After the implementation of mitigation measures, the following impacts would remain significant and unavoidable.

- Noise

A discussion of potential noise impacts associated with the proposed Project is included in Section 3.12 of the Draft EIR. The Draft EIR reviewed noise from special events (outdoors) and construction noises. Noise-sensitive uses within 1,000 feet of the Project site include the Vista Pacifica and De Ville Way residential neighborhoods, Our Lady of Malibu Church and School, and Webster Elementary School located north / northeast of the Project site, and Payson Library at Pepperdine located northwest of the Project site. To the north are the Santa Monica Mountains and to the south across PCH is Malibu Bluffs Park and a vacant parcel proposed for single-family development. The nearest sensitive receptor to the Project site is Our Lady of Malibu Church and School, which is located 600 feet away from the nearest building on the Project site.

Impact NO-1 states "Project construction would create potentially significant short-term impacts to nearby sensitive receptors over the approximately two-year construction period." Given that noise-sensitive receptors are located at a distance less than 500 feet from proposed OWTS construction activities, sound levels at these locations associated with construction activity would potentially exceed maximum sound level criteria. While these construction activities would not be of the duration or intensity of the primary construction site on the mesa top, estimated sound levels would potentially exceed the City's threshold for noise exposure during construction and, therefore, onsite short-term noise impacts would be potentially significant.

Noise is anticipated to be generated during the construction phase of the proposed Project. Compliance with the City's Noise Ordinance (Section 8.24 of the M.M.C.) would reduce noise generated by construction activities; however, it would not be able to completely reduce impacts. Mitigation measures are required such as: implementation of measures related to the preparation of a Construction Noise Management Plan and a Special Event Management Plan (as discussed previously in this report), as well as limiting the hours allowed for deliveries from heavy-duty trucks. Even after the incorporation of these mitigation measures, impacts related to noise (specifically Impact NO-1, as discussed above) would remain significant. As such, a Statement of Overriding Considerations would be required for this impact.

- Traffic and Transportation

A discussion evaluating the Project's potential to result in traffic and transportation impacts is included in Section 3.11 of the Draft EIR. A Transportation Impact Analysis (TIA) was prepared by Overland Traffic Consultants (OTC), Inc. in 2013. The TIA contains analyses of local traffic circulation issues, focusing on potential increases in congestion at major intersections along PCH. Two visits by OTC were made to the Project site in July 2012. During these site visits, OTC assessed existing traffic operations during the morning and afternoon weekday peak hours, as well as the weekend midday peak hours. These field surveys were conducted to assist in determining the roadway and intersection geometry and traffic signal operations.

Under existing conditions, the TIA found that all ten of the intersections studied in the City are currently operating at level of service (LOS) C or better during the weekday morning (7:00 AM to 9:00 AM) and evening (4:00 PM to 6:00 PM.) peak periods as well as weekend peak period (7:00 AM to 9:00 AM).

The TIA compares the projected LOS at each study intersection for four scenarios including: 1) a No Project Scenario; 2) a Plus Project Scenario for Existing Year (2012); 3) Future Year 2016; and 4) Future Year 2030. Estimates of Project-generated traffic were calculated using the industry standard 2012 traffic generation rates developed by the Institute of Transportation Engineers (ITE). Future year traffic volume projections were developed to analyze the traffic conditions after completion of other planned land developments, including the proposed Project.

The traffic estimates show that the proposed Project would generate 2,058 weekday vehicle trips with 106 AM peak hour trips and 156 PM peak hour trips. In addition, the proposed Project would generate an estimate 3,167 weekend trips with 222 weekend peak hour trips.

The Draft EIR identifies that several traffic and transportation impacts will result from the proposed Project; however, all but one impact may be mitigated to a less than significant level. The mitigable impacts involved short-term impacts from the operation of heavy haul truck and construction vehicle trips, long-term impacts related to the safety of pedestrians using both Malibu Canyon Road and Civic Center Way. Additionally, under cumulative Future Year 2016 Plus Project conditions, Webb Way at PCH and Cross Creek Road at PCH would experience a significant negative impact to LOS. Mitigation measures, including required roadway improvements, installation of a pedestrian trail, and implementation of a Construction Management Plan, all of which are discussed in Section 3.11 of the Draft EIR, are applicable to each of the aforementioned impacts.

However, Impact T-6 which states, "Construction of the proposed Project would contribute considerably to significant short-term cumulative construction impacts due to activities such as lane closures and potential obstruction of turn lanes by large trucks and construction vehicles" will remain significant even after the incorporation of mitigation. As such, a Statement of Overriding Considerations would be required for this impact.

## **Alternatives**

CEQA Guidelines Section 15126(a) states that an EIR must address "a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives."

This section discusses alternatives to the proposed Project, including alternatives that were considered and discarded, alternative sites, and alternative uses for the subject property. Each of these analyses considers the ability of a particular alternative to substantially reduce or eliminate the Project's significant environmental impacts while continuing to meet the basic Project objectives.

Included in the Draft EIR's analysis are four alternatives that were initially considered, but ultimately discarded as infeasible: 1) Business Park/Office Complex Alternative; 2) Budget Hotel Alternative; 3) Campground Alternative; and 4) Alternative Location on the Crummer site or in the Civic Center area. These alternatives were not evaluated in detail in the Draft EIR.

In addition to the four discarded alternatives, Chapter 6.0 of the Draft EIR reviewed the following alternatives in detail to determine whether any could significantly reduce or eliminate the environmental impacts of the proposed Project:

- Reduced Development / Garden Hotel Alternative
- Commercial Use Alternative
- No-Project / Approved Hotel Alternative
- No-Project / No-Build Alternative

Please refer to Chapter 6.0 for a complete discussion of how the alternatives were selected and the relative impacts associated with each alternative.

**DRAFT EIR AVAILABILITY:** The Rancho Malibu Hotel Project Draft EIR is available for review and download on the City's website at <http://www.malibucity.org>. The Draft EIR is also available for review at Malibu City Hall and the Malibu Public Library. Copies of CDs may be purchased for \$3.00 (+ postage if mailing is requested) upon request at City Hall. Please contact (310) 456-2489, extension 245, to request a CD.

**PUBLIC COMMENTS:** All comments on the Draft EIR should be submitted in writing to the attention of Ha Ly, AICP, Associate Planner. Comments may be submitted by email to [hly@malibucity.org](mailto:hly@malibucity.org), fax at (310) 456-7650 or mail at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA 90265. The deadline to submit comments is Monday, December 2, 2013 at 5:30 p.m.