Addendum No. 3 to the
Crummer Site Subdivision
Final Environmental Impact Report
SCH No. 2008091155

Permanent Skatepark Project
Coastal Development Permit No. 23-001

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EXHIBIT 3

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I. Introduction

A. Project Overview

The *Proposed Project* includes Coastal Development Permit (CDP) 23-001 for the construction of a 12,500-square-foot in-ground permanent skatepark, two-stall restroom building and related parking and improvements on Lot 7 of the Crummer Site Subdivision in the central core of the City of Malibu. The permanent skatepark and restroom would be located on the eastern portion of the project site, an existing drop-off/parking area would be retained and reconfigured in the central portion of the site, and a temporary skatepark in the western portion of the site would be converted to parking upon opening of the permanent facility. The project would also include fencing, picnic tables, benches, landscaping, bioretention basins and a crosswalk over Winter Mesa Drive.

B. Statutory Authority and Requirements

This document is Addendum No. 3 to the 2013 Final Environmental Impact Report (EIR) for the Crummer Site Subdivision (State Clearinghouse No. 2008091155), which was certified by the Malibu City Council in February 2014. The EIR addressed the development of five homes and related facilities on Lots 1-6 and two potential recreational uses on Lot 7. The two potential uses studied were ball fields and a 12,500-square-foot skatepark, with related parking to serve the recreation use and entire Malibu Bluffs Park. The EIR determined that with included mitigation measures, the project would not result in any significant environmental impacts.

This Addendum has been prepared in accordance with relevant provisions of the California Environmental Quality Act (CEQA) (Public Resources Code §21000, et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3 §14000, et seq.). According to Section 15164 of the *CEQA Guidelines*, an Addendum to a previously certified EIR or Negative Declaration is the appropriate environmental document in instances when "only minor technical changes or additions are necessary" and when the new information does not require major revisions to the previous EIR, involve new or substantially increased significant environmental effects, or when mitigation measures previously determined to be infeasible are available, or new mitigation is identified which would substantially reduce one or more significant effects of the project.

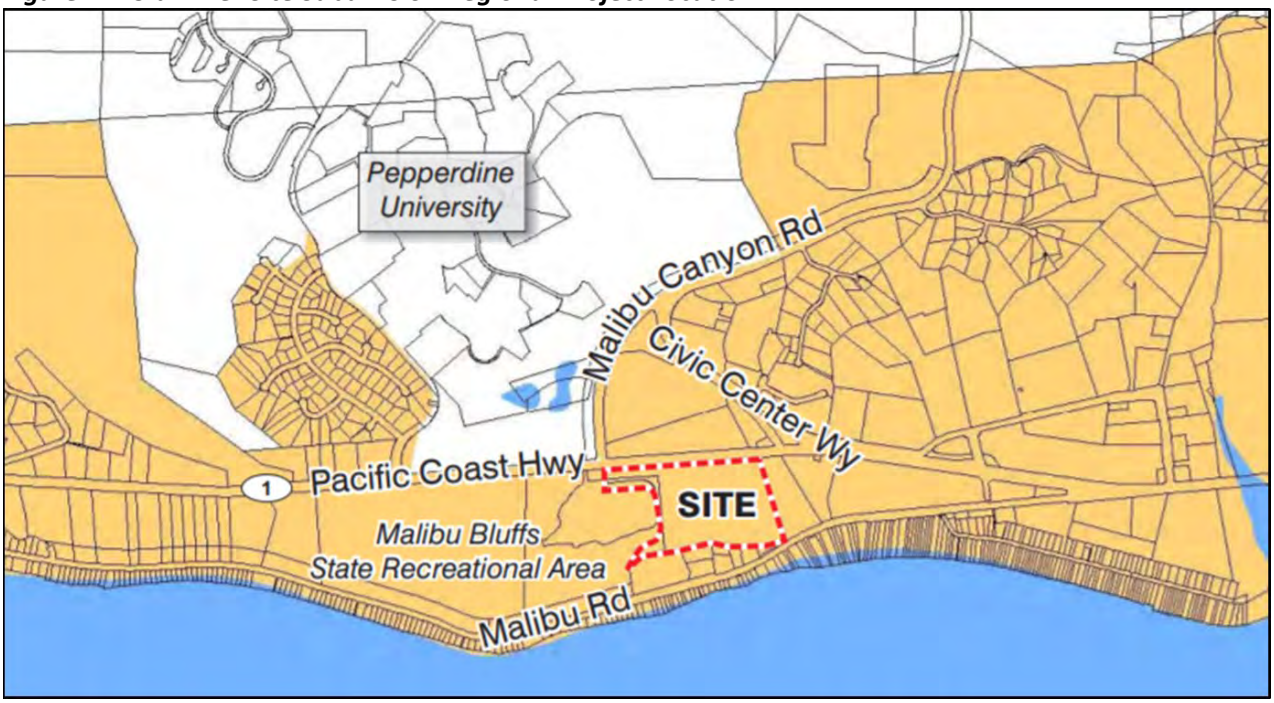
Based on the analysis of potential environmental consequences anticipated to occur as a result of the *Proposed Project*, the City of Malibu has determined that the project would involve only minor technical changes to the Final EIR that would not result in new significant effects or a substantial increase in the severity of significant effects previously identified in the Final EIR. In addition, the City has determined that the project would not require any new mitigation measures or alternatives, including measures or alternatives that would differ considerably from those analyzed in the Final EIR. Therefore, as Lead Agency, the City has determined that preparation of an Addendum is appropriate.

II. Background and Project Description

A. Project Site

The 1.74-acre project site is located within Malibu Bluffs Park and the civic core of the City. The site is within the 24-acre Crummer Site Subdivision property located at 24120 Pacific Coast Highway (PCH) on the south side of PCH east of Winter Mesa Drive. Figures 1 and 2 illustrate the regional location of the Crummer Site Subdivision and the location of the project site on Lot 7 within the subdivision. The project site includes Assessor Parcel Numbers 4458-018-907 and 4458-018-904, addressed as 24250 Pacific Coast Highway, and is located immediately southeast of the intersection of PCH and Winter Mesa Drive.

Figure 1 – Crummer Site Subdivision Regional Project Location

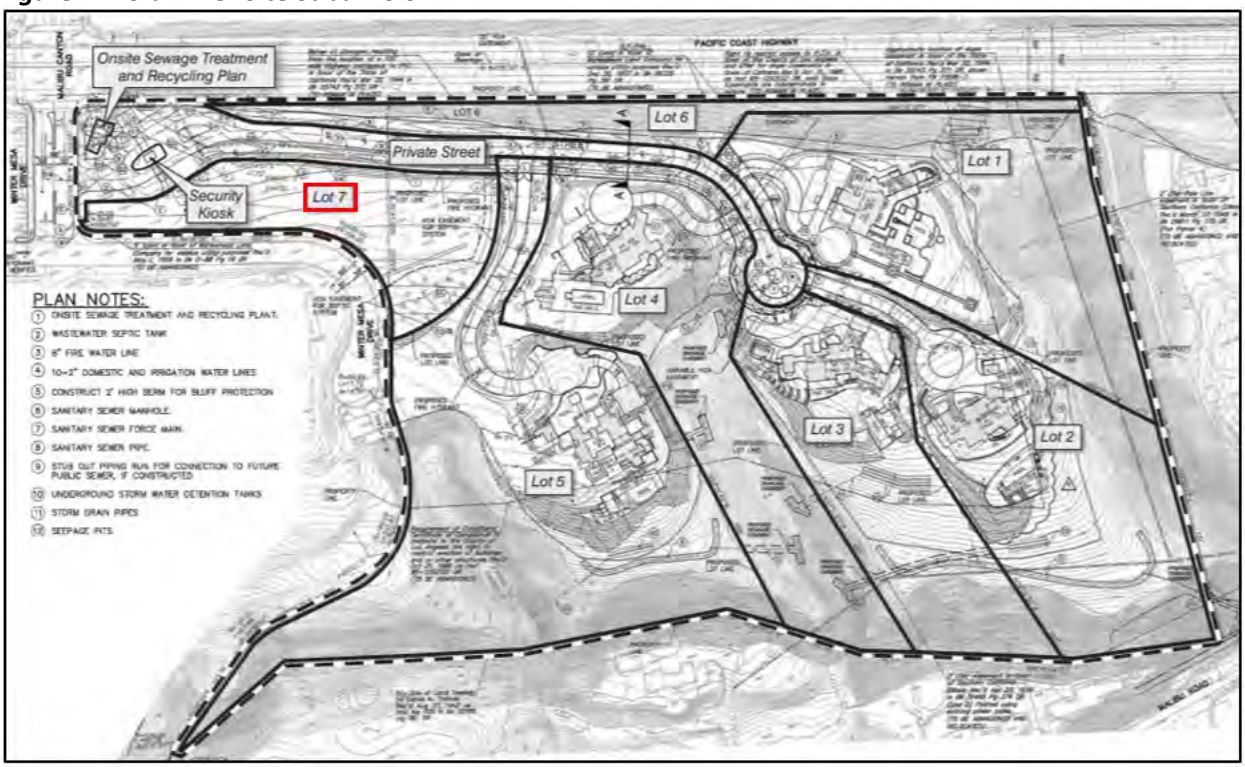


Source: Final EIR for Crummer Site Subdivision, The Planning Center/DC&E, 2013

Land uses surrounding the project site include Case Court and PCH to the north, single family homes under construction within the Case Project to the east, and Winter Mesa Drive and Malibu Bluffs Park to the south and west.

The project site is relatively flat and ranges from approximately 195 feet above mean sea level (MSL) at the southeastern corner of the site to 207 feet above MSL at the northern boundary of the site. The entire site has been graded and the driveway/drop-off area and temporary skatepark are located on the paved central and western portions of the site. The eastern portion of the site is not paved and has been periodically used for parking. Figure 3 and Figure 4 include current recent aerial and drone photographs of the project site.

Figure 2 – Crummer Site Subdivision



Source: Final EIR for Crummer Site Subdivision, The Planning Center/DC&E, 2013

Figure 3 – Aerial Photograph of the Project Site

Source: Bing Maps, 2023

The project site is designated Planned Development (PD) by the Malibu General Plan, the Local Coastal Program (LCP), and the Zoning Ordinance. The property is within the Coastal Zone but outside the Appealable Jurisdiction as depicted on the City of Malibu Post-LCP Certification Permit and Appeal Jurisdiction Map. According to the LCP Environmentally Sensitive Habitat Area (ESHA) Overlay Map, the project site is not designated as ESHA; however, ESHA is located to the southwest of the subject property.

Figure 4 – Drone Photographs of the Project Site

City of Malibu Community Services Division, April 2023

B. Background

The Crummer Site Subdivision was approved by the City Council on February 24, 2014. Project approvals included CDP No. 07-144 for development in the Coastal Zone, Vesting Tentative Map No. 07-033 to subdivide one lot into 7 lots, and Local Coastal Program Amendment (LCPA) No. 12-0001 to correct an inconsistency between LUP Policy and the zoning designation and incorporate the Planned District Ordinance in the LCP and MMC. The project included single-family residences on Lots 1 through 5; a private street, gatehouse, onsite wastewater treatment system (OWTS) package plant and open space on Lot 6; and seepage pits and a recreational use on Lot 7. On May 18, 2014, the Planning Commission approved CDPs on Lots 1 through 5 for single-family residences contingent upon approval of the LCPA by the California Coastal Commission (CCC). On August 12, 2015, the CCC approved the LCPA with modifications which were later accepted by the City of Malibu in September 2015.

The 2013 Final EIR for the Crummer Site Subdivision (Final EIR) (SCH No. 2008091155) was certified by the City Council concurrently with project approvals on February 24, 2014. The EIR included a number of mitigation measures needed to reduce the identified potentially significant effects (Attachment A). The EIR determined that with mitigation, the project would not result in any significant environmental impacts.

In 2016, the Planning Commission approved CDP Amendment Nos. 15-008 through 15-012 to amend the previously approved CDPs on Lots 1 through 5 in response to LCPA modifications made by the CCC in 2015. No changes were made to Lots 6 or 7. The approval included consideration of Addendum No. 1 to the Final EIR documenting that the changes would not create any new significant impacts or increase the severity of any impacts and that no new mitigation measures were available to further reduce impacts.

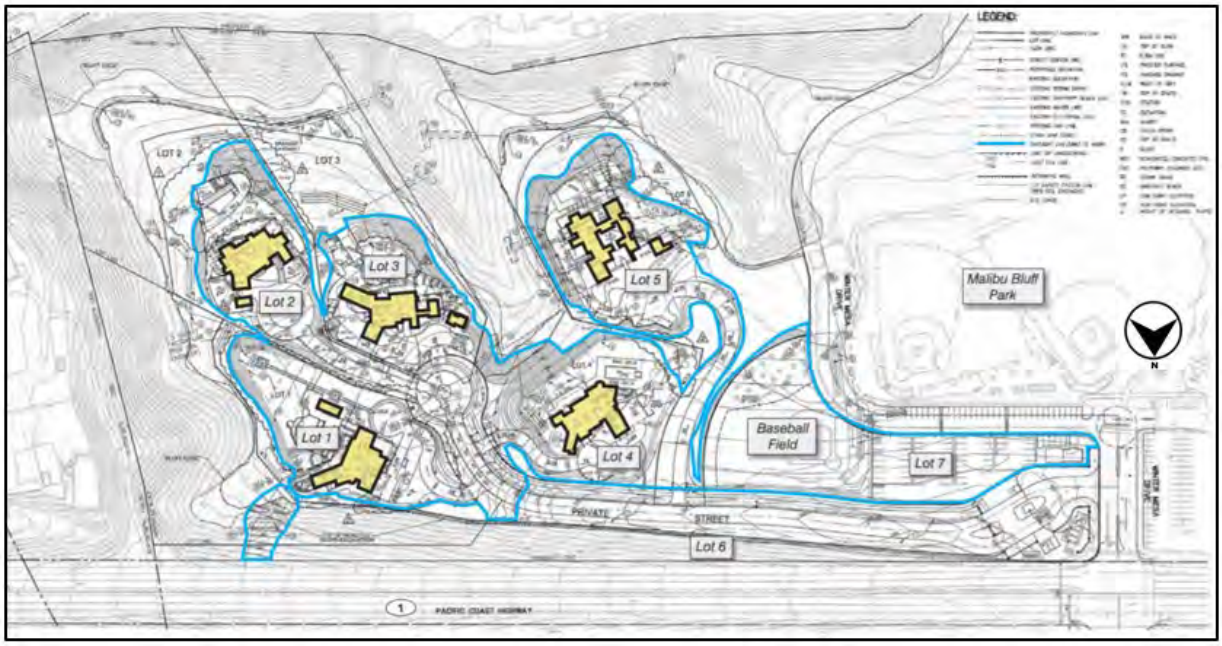
On February 3, 2020, the Planning Commission approved CDP No. 19-083 for the installation of asphalt on the western and central portions of Lot 7, construction of a 12,320-square-foot above-ground temporary skatepark on the western portion of Lot 7, construction of a drop-off/pick-up area including two ADA parking spaces on the central portion of the site, and a dirt parking lot with 40 spaces on the eastern portion. The Commission also considered Addendum No. 2 to the Crummer Site Subdivision Final EIR documenting that the changes would not create any new significant impacts or increase the severity of any impacts that were identified and that no new mitigation measures were available to further reduce impacts. The temporary skatepark opened in July of 2020 and remains operational.

Approved Lot 7 Development Overview

As outlined above, the *Approved Project* included seepage pits and a recreational use that would serve as an expansion of Malibu Bluffs Park on Lot 7. The seepage pits would be located in the southeastern corner of the site adjacent to Winter Mesa Drive and the recreational use, parking and related improvements would be located on the remainder of the site. Lot 7 has been dedicated to the City per the terms of project approval together with a voluntary $1 million developer donation for park improvements. The park improvements were not designed at the time and were not a part of the *Approved Project*. However, active recreation, passive recreation and an expanded parking lot were all identified as possible uses. In addition, the City anticipated that a baseball field or skatepark

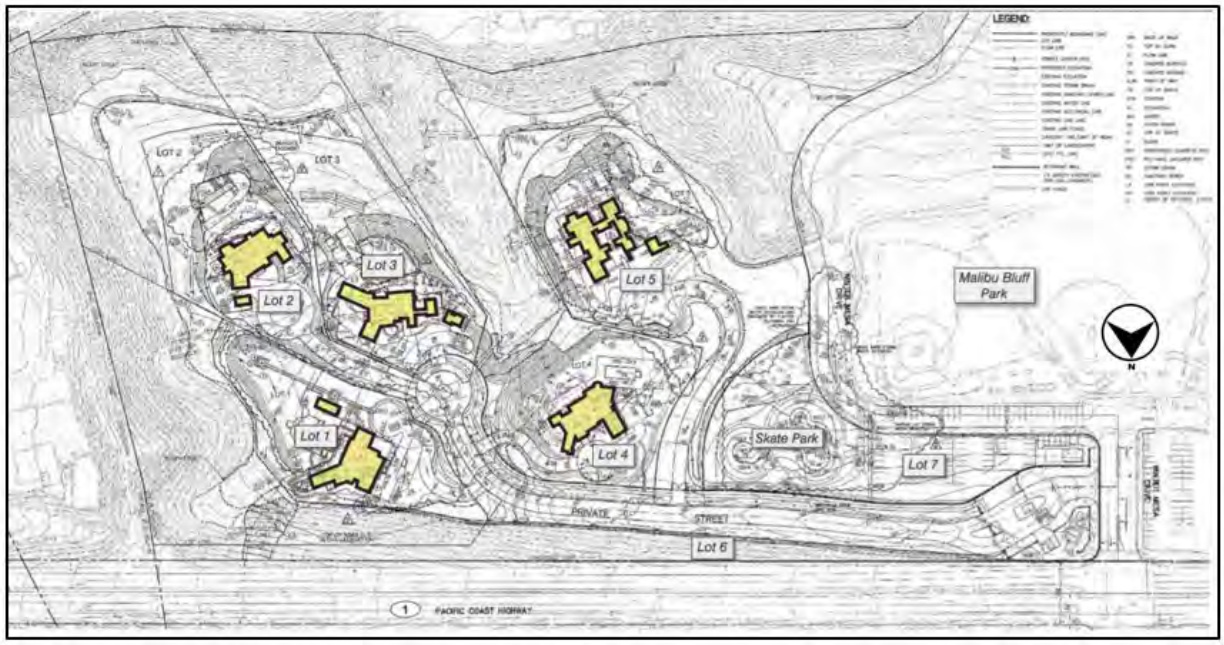
with related parking and improvements would be the likely uses on Lot 7 and those uses were analyzed in concept in the EIR. Figures 6 and 7 from the Final EIR illustrate conceptual layouts for both options on Lot 7.

Figure 5 – Final EIR for Crummer Site Subdivision, Lot 7 Baseball Option Schematic



Source: Final EIR for Crummer Site Subdivision, The Planning Center/DC&E, 2013

Figure 6 – Final EIR for Crummer Site Subdivision, Lot 7 Skatepark Option Schematic

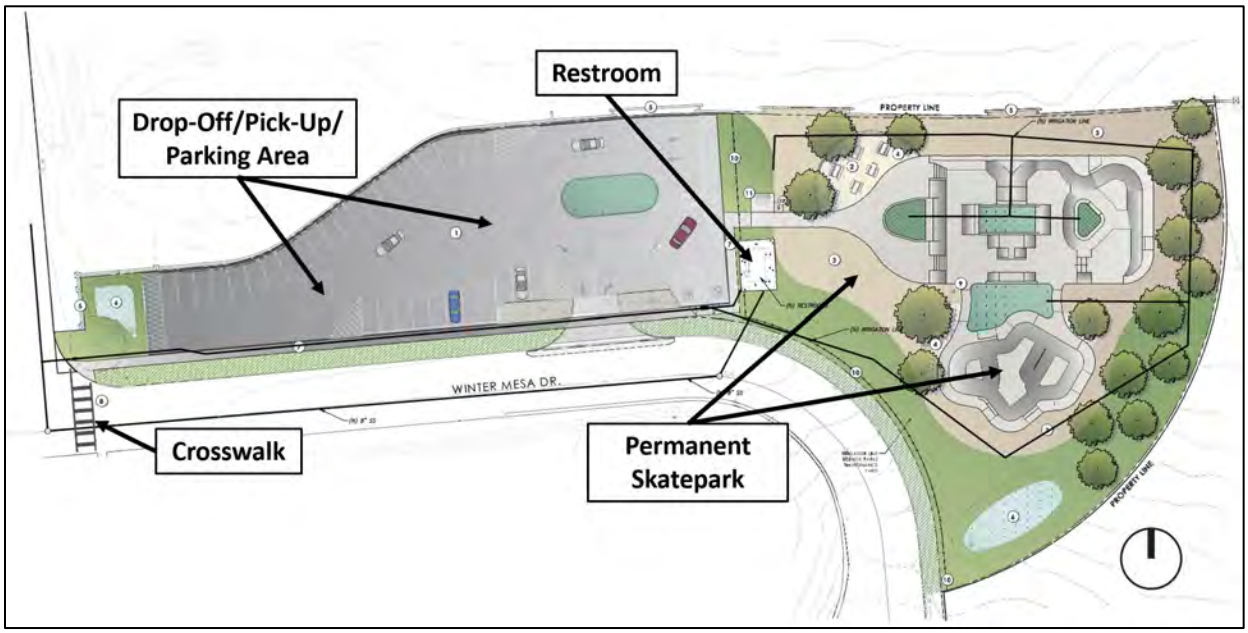


Source: Final EIR for Crummer Site Subdivision, The Planning Center/DC&E, 2013

C. Proposed Project

The *Proposed Project* involves the installation of a permanent skatepark, a two-stall restroom and related facilities on the eastern portion of the project site, improvements to the drop-off/parking area in the central portion of the site, conversion of the temporary skatepark into a parking lot in the western portion, and installation of a crosswalk across Winter Mesa Drive at the southwest corner of the site, as shown in Figure 7. These elements are discussed in detail below.

Figure 7 – Site Plan/Landscape Plan



Source: rrm design group, 2023

As shown in Figure 7, the permanent skatepark would be developed on the eastern portion of the project site. Grading would include 2,636 cubic yards of cut and 386 cubic yards of fill to create the topographic framework for the skatepark and drainage features of the site. Drainage features would include storm drains and a bioretention basin in the southernmost portion of the skatepark site and the western limit of Lot 7.

Following grading, concrete and shotcrete would be laid to create the skatepark architecture including the various skatepark obstacles or "elements" such as ramps, stairs, banks and transitions. Other smaller elements such as grind rails would be made of steel. The skatepark would be built at, below and above-grade with above-grade features extending no more than 6 feet above natural grade. Figure 8 includes representative renderings of the skatepark.

Anticipated user groups for the permanent skatepark would be the same as currently use the temporary skatepark including youth and adult skateboard, bicycle and inline-skate participants with skill levels ranging from beginner to professional. The hours of operation for the skatepark would be from 8:00 a.m. to sunset or 7:00 p.m. (whichever is earlier), 7 days a week, excluding holidays.

Like the temporary skatepark, the permanent skatepark would be classified as an unsupervised skatepark. The City's Community Services Department staff would not be on-site at all times during the hours of operation although staff from the nearby Michael Landon Center would visit the

temporary skatepark six to eight times per day to monitor activities as part of their regular park operations. The skatepark is projected to attract 30 people per day on weekdays and 60 on weekends. Peak periods would include 10 people during the afternoon peak hour on weekdays, and 20 people during the peak hour on weekends. In addition, the Community Services Department would host one class quarterly, one summer camp annually, and one skate event annually.

Figure 8 – Project Renderings

Source: California Skateparks, 2022

A small restroom building would be located near the entrance to the skatepark. The restroom would include a 146-square-foot, 12-foot-high concrete block structure with two unisex stalls accessible from the west side of the building. The restroom will be available to all park users and would be open only during daylight hours when the skatepark is open. The restroom building would have two exterior wall mounted lights that would be motion-activated from 11:00 p.m. to 5:00 a.m. to assist with custodial services. Lighting would be fully-shielded, directed downward and would comply with the City's Dark Sky Ordinance. The restroom will be connected to the City's Civic Center Wastewater Treatment Facility which serves Malibu Bluffs Park.

Other improvements on the eastern portion of the site would include sidewalks, benches, picnic tables, planter areas, a bicycle parking area and water fountain. Landscaping would include various native shrubs, groundcovers and 17 Coast Live Oak trees. Temporary irrigation would be installed upon planting to provide consistent moisture for seeds and plants and would be removed upon plant germination/establishment. Areas immediately surrounding the skatepark features would be covered with a fire-resistant engineered wood fiber mulch.

The existing drop-off/parking area in the central portion of the project site would be retained and expanded to the western portion of the site when operation of the temporary skatepark ceases upon the construction of the permanent skatepark. The temporary skatepark obstacles would be removed from the western portion of the site and the combined asphalt lot would be restriped to include 26 standard parking spaces, 6 carpool/vanpool/electric vehicle spaces, and two ADA parking spaces. Parking would be available for the skatepark and entire Malibu Bluffs Park. Additional offsite parking also exists on the neighboring lot for Malibu Bluffs Park visitors.

In terms of walls and fencing, an existing concrete wall would be retained along the north, west and east sides of the overall project site. A galvanized steel "wave" fence up to 8 feet high would be installed along the western and southwestern boundary of the permanent skatepark area. No lighting would be installed as part of the project except for the motion-activated restroom lights outlined above.

Proposed Project - Required Approvals/Certifications

The *Proposed Project* requires the following City of Malibu approvals/certifications:

1. Consideration of Addendum No. 3 to the 2013 Final EIR for Crummer Site Subdivision
2. Approval of CDP No. 23-001 for the permanent skatepark, restroom and related facilities.

III. Crummer Site Subdivision CEQA Process/EIR

The City of Malibu prepared the 2013 Final EIR for the Crummer Site Subdivision (SCH No. 2008091155) in accordance with the requirements of CEQA and the CEQA Guidelines. A Notice of Preparation (NOP) was filed with the California Office of Planning and Research and was distributed to involved public agencies and interested parties for a 30-day public review period on May 10, 2012. In addition, the Draft EIR was circulated for a 45-day public review period from April 3, 2013 to May 20, 2013. During the public review period, the City received comments from public agencies and private citizens. The comments letters and responses to comments were included in the Final EIR, which was certified by the Malibu City Council on February 24, 2014.

A 2012 Initial Study prepared prior to the preparation of the Final EIR determined that there was no potential that the *Approved Project* would significantly impact the environmental topics outlined in Table 1. Therefore, these topics were not addressed in the Final EIR. The rational for these determinations can be found in Chapter 5.0 – Environmental Analysis, Chapter 8.0 – Impacts Found Not to Be Significant, and Appendix A – Notice of Preparation of the Final EIR.

Table 1 – *Approved Project* – Topics Found Not Significant by the 2012 Initial Study and not Addressed in the Final EIR

Environmental Factor	Thresholds Found Not significant
Agricultural Resources	All
Air Quality	Odors
Cultural Resources	Historic, Human Remains
Geology and Soils	Fault Rupture, Seismic Shaking, Liquefaction
Hazards and Hazardous Materials	All except Wildland Fires
Hydrology and Water Quality	Flood Hazard, Inundation, Levee or Dam Failure, Seiche, Tsunami, or Mudflow
Land Use and Planning	Physically Divide Community, Habitat Conservation Plan
Mineral Resources	All
Noise	Airports
Population and Housing	All
Public Services	All
Transportation and Traffic	Air Traffic, Emergency Access
Utilities and Service Systems	All

Table 2 below outlines the environmental factors that were evaluated in the Final EIR. The EIR determined that all potential impacts would be less than significant, or less than significant with mitigation. The rationale for these determinations can be found in the Final EIR in Chapter 5.0 - Environmental Analysis and Appendix A - Notice of Preparation and Initial Study. The mitigation measures contained in the Final EIR are included as Appendix A of this Addendum.

Table 2 – *Approved Project* - Topics Addressed in the Final EIR and Level of Significance

Environmental Factor	Significance Level
Aesthetics	
Scenic Vista	Less than significant
Scenic Resources	Less than significant
Visual Character	Less than significant
Light and Glare	Less than significant

Environmental Factor	Significance Level
Air Quality	
Consistency with AQMP	Less than significant
Violation of Standards	Less than significant with mitigation
Criteria Pollutant Increase	Less than significant with mitigation
Sensitive Receptors	Less than significant
Biological Resources	
Special Status Species	Less than significant with mitigation
Sensitive Habitat	Less than significant
Jurisdictional Waters	Less than significant
Wildlife Movement	Less than significant
Biological Resource Policies	Less than significant with mitigation
Habitat Conservation Plan	Less than significant
Habitat Reduction/Species Elimination/Wildlife Population	Less than significant
Cultural Resources	
Archaeological	Less than significant with mitigation
Paleontological	Less than significant with mitigation
Geology and Soils	
Landslides	Less than significant with mitigation
Erosion	Less than significant with mitigation
Unstable Soils	Less than significant with mitigation
Expansive Soils	Less than significant with mitigation
Wastewater Disposal System	Less than significant with mitigation
Greenhouse Gas Emissions	
Greenhouse Gas Emissions	Less than significant
Consistency with Plan, Policy or Regulation	Less than significant
Hazards and Hazardous Materials	
Wildland Fires	Less than significant with mitigation
Hydrology and Water Quality	
Water Quality Standards/Waste Discharge Requirements	Less than significant
Groundwater Supplies	Less than significant
Drainage Pattern/Siltation	Less than significant with mitigation
Drainage Pattern/Flooding	Less than significant with mitigation
Excess Runoff	Less than significant with mitigation
Substantially Degrade Water Quality	Less than significant
Land Use and Planning	
Conflict with Land Use Plan	Less than significant
Noise	
Noise Levels in Excess of Standards	Less than significant
Vibration	Less than significant
Permanent Increase in Noise Levels	Less than significant
Temporary Increase in Noise Levels	Less than significant
Recreation	
Increase Use	Less than significant
Expansion of Existing Facilities	Less than significant
Transportation and Traffic	
Trip Generation	Less than significant with mitigation
Conflict with CMP	Less than significant
Increase in Hazards	Less than significant
Adopted Policies	Less than significant
Parking	Less than significant with mitigation

IV. Environmental Impacts of the *Approved Project and Proposed Project*

This section addresses each of the environmental issues discussed in the 2013 Crummer Site Subdivision Final EIR to determine whether the *Proposed Project* has the potential to create new significant impacts or a substantial increase in the significance of a significant impact as compared to what was identified in the document. Table 3 below contains a summary of impacts comparing the *Approved Project* with the *Proposed Project* and is based on the information and analysis contained in the 2012 Initial Study and the Final EIR.

Table 3 – Comparison of Environmental Factors Between the *Approved Project* and *Proposed Project*

Environmental Factor	*Approved Project*	*Proposed Project*	Conclusion
Aesthetics			
Scenic Vista	LTS	LTS	No change
Scenic Resources	LTS	LTS	No change
Visual Character	LTS	LTS	No change
Light and Glare	LTS	LTS	No change
Air Quality			
Consistency with AQMP	LTS	LTS	No change
Violation of Standards	LTS/Mitigation	LTS/Mitigation	No change
Criteria Pollutant Increase	LTS/Mitigation	LTS/Mitigation	No change
Sensitive Receptors	LTS	LTS	No change
Objectionable Odors	LTS	LTS	No change
Biological Resources			
Special Status Species	LTS/Mitigation	LTS/Mitigation	No change
Sensitive Habitat	LTS	LTS	No change
Jurisdictional Waters	LTS	LTS	No change
Wildlife Movement	LTS	LTS	No change
Biological Resource Policies	LTS/Mitigation	LTS/Mitigation	No change
Habitat Conservation Plan	LTS	LTS	No change
Habitat Reduction/Species Elimination/Wildlife Population	LTS	LTS	No change
Cultural Resources			
Historic	NI	NI	No change
Archaeological	LTS/Mitigation	LTS/Mitigation	No change
Paleontological	LTS/Mitigation	LTS/Mitigation	No change
Human Remains	LTS	LTS	No change
Geology and Soils			
Fault Rupture	LTS	LTS	No change
Seismic Ground Shaking	LTS	LTS	No change
Liquefaction	LTS	LTS	No change
Landslides	LTS/Mitigation	LTS/Mitigation	No change
Erosion	LTS/Mitigation	LTS/Mitigation	No change
Unstable Soils	LTS/Mitigation	LTS/Mitigation	No change
Expansive Soils	LTS/Mitigation	LTS/Mitigation	No change
Waste Water Disposal System	LTS/Mitigation	LTS/Mitigation	No change
Greenhouse Gas Emissions			
Greenhouse Gas Emissions	LTS	LTS	No change
Consistency with Plan, Policy or Regulation	LTS	LTS	No change

Environmental Factor	*Approved Project*	*Proposed Project*	Conclusion
Hazards and Hazardous Materials			
Transport, Use, or Disposal	LTS	LTS	No change
Release into the Environment	LTS	LTS	No change
Within ¼ mile of a School	LTS	LTS	No change
List of Hazardous Materials Sites	LTS	LTS	No change
Within 2 miles of a Public Airport	NI	NI	No change
Within Vicinity of a Private Airstrip	NI	NI	No change
Emergency Response Plan	LTS	LTS	No change
Wildland Fires	LTS/Mitigation	LTS/Mitigation	No change
Hydrology and Water Quality			
Water Quality Standards/Waste Discharge Requirements	LTS	LTS	No change
Groundwater Supplies	LTS	LTS	No change
Drainage Pattern/Siltation	LTS/Mitigation	LTS/Mitigation	No change
Drainage Pattern/Flooding	LTS/Mitigation	LTS/Mitigation	No change
Excess Runoff	LTS/Mitigation	LTS/Mitigation	No change
Substantially Degrade Water Quality	LTS	LTS	No change
100-Year Flood Hazard	NI	NI	No change
Impede or Redirect Flood Flows	NI	NI	No change
Levee or Dam Failure	NI	NI	No change
Seiche, Tsunami, or Mudflow	LTS	LTS	No change
Land Use and Planning			
Physically Divide Community	LTS	LTS	No change
Conflict with Land Use Plan	LTS	LTS	No change
Conflict with Habitat Conservation	LTS	LTS	No change
Noise			
Noise Levels in Excess of Standards	LTS	LTS	No change
Vibration	LTS	LTS	No change
Permanent Increase in Noise Levels	LTS	LTS	No change
Temporary Increase in Noise Levels	LTS	LTS	No change
Airport Land Use Plan	NI	NI	No change
Private airstrip	NI	NI	
Recreation			
Increase Use	LTS	LTS	No change
Expansion of Existing Facilities	LTS	LTS	No change
Transportation and Traffic			
Trip Generation	LTS/Mitigation	LTS/Mitigation	No change
Conflict with CMP	LTS	LTS	No change
Change in Air Traffic	NI	NI	No change
Increase in Hazards	LTS	LTS	No change
Emergency Access	LTS	LTS	No change
Adopted Policies	LTS	LTS	No change
Parking	LTS/Mitigation	LTS/Mitigation	No change

SA = Significant and Unavoidable
LTS/Mitigation = Less than significant with mitigation
NI = No Impact
PSI = Potentially Significant Impact
LTS = Less than significant

Table 3 above outlines that the *Proposed Project* would have the same environmental impacts as the *Approved Project*. The *Proposed Project* would not create any new significant environmental impacts or increase the severity of any impacts identified in the Final EIR. In addition, no new mitigation is available to further reduce impacts.

The following pages provide a discussion of the environmental impacts outlined in the Final EIR for the *Approved Project*, compared with those anticipated by the *Proposed Project*.

A. Aesthetics

Approved Project – Summary of Impacts

The Final EIR determined that the *Approved Project* would not obstruct any scenic views or alter any scenic resources. In addition, the project would not result in any aesthetic conflicts with surrounding areas and would only be visible from limited vantage points. The *Approved Project* would also not introduce a significant source of light and glare and the Final EIR specified that any future recreational use on Lot 7 would not include nighttime lighting while the associated parking lot would include only the minimum required security lighting. Thus, the *Approved Project* was determined to have a less than significant impact regarding visual resources and aesthetics and no mitigation measures were required.

Proposed Project – Summary of Impacts

The *Proposed Project* would include a permanent skatepark, restroom, parking and related facilities on the project site. The skatepark would replace a temporary skatepark that has been operating on the western portion of the site since 2020. The proposed skatepark elements would be no more than 6 feet above grade and the restroom building would be up to 12 feet high. All other improvements would be at or below grade and the *Proposed Project* would only be visible from limited vantage points. The project would not block any scenic or important views or create any aesthetic conflicts with surrounding areas. In addition, the skatepark and parking lots would not include nighttime lighting. The proposed restroom building would have motion detection lighting on the west side of the building to accommodate nighttime cleaning operations. However, this lighting would be activated only for short periods of time and would not create a significant source of light and glare. Thus, like the *Approved Project*, the *Proposed Project* would have a less than significant impact on visual resources and aesthetics and no mitigation is required.

B. Air Quality

Approved Project – Summary of Impacts

The Final EIR determined that because the *Proposed Project* was consistent with the Malibu General Plan land use designations, it was consistent with the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP) which relies on general plans for its land use and emissions forecasts. Furthermore, vehicle trips generated by long-term operation of the project would not generate emissions in exceedance of SCAQMD's regional threshold criteria or expose sensitive receptors to carbon monoxide hotspots or substantial concentrations of pollutants. However, construction activities associated with grading and heavy-duty vehicles and equipment would exceed the SCAQMD regional construction threshold for nitrogen oxides (NO_x) which is a precursor to both the formation of ozone (O_3) and particulate matter (PM_{10} and $PM_{2.5}$). Thus, the *Approved Project* would have a potentially significant air quality impact related to construction emissions. However, the Final EIR included Mitigation Measure 2-1 that required measures such as the use of newer trucks and equipment and a limitation on idling to reduce construction exhaust

emissions during grading and construction. With the incorporation of Mitigation Measure 2-1, the Final EIR determined that construction emissions would be less than significant.

Proposed Project – Summary of Impacts

As previously identified, implementation of a permanent skatepark and related facilities would be consistent with the *Approved Project* which anticipated a skatepark or other recreational use on the project site. Like the *Approved Project*, the *Proposed Project* would be consistent with the Malibu General Plan and the AQMP. Vehicle trips generated by operation of the site would be the same as those anticipated by the *Proposed Project* and thus vehicular emissions would be the same. Construction activities associated with installation of the skatepark and construction of the restroom building and related facilities would be limited in scale and duration but would generate emissions. Thus, like the *Approved Project*, the *Proposed Project* would include Mitigation Measure 2-1, which includes requirements to limit construction emissions emanating from the site and a less than significant air quality impact would result. Refer to Appendix A for a list of Mitigation Measures for the project.

C. Biological Resources

Approved Project – Summary of Impacts

According to the Final EIR, Lot 7 and most of the overall Crummer project site contained disturbed non-native grassland including a substantial component of nonnative Mediterranean grasses as well as a variety of forbs. The EIR stated: "Essentially all of the species within this land cover are considered weeds and are nonnative." No sensitive habitat, jurisdictional waters, designated ESHA or wildlife corridors exist on Lot 7 or the broader site and the project was designed to stay a minimum of 100 feet away from designated ESHA offsite to the southwest. Other portions of the site (i.e., outside of Lot 7) contained mixed sage scrub, coastal sage chaparral scrub, and mature trees which could provide foraging and breeding habitat for a number of small mammals, and five black walnut trees on the eastern boundary of the site which are protected by the Malibu's Native Tree Protection Ordinance. In addition, the EIR identified that other non-native trees on the project site could provide seasonal nesting habitat for native birds. The Final EIR included Mitigation Measures 3-1 through 3-3 to reduce impacts to biological resources. Of these, only portions of Mitigation Measures 3-1b and 3-1c would apply to the project site. These measures call for the prohibition of certain invasive ornamental plants and the irrigation of any seeded areas. With the incorporation of mitigation, the Final EIR determined that the *Approved Project* would have a less than significant impact on biological resources.

Proposed Project – Summary of Impacts

The *Proposed Project* involves the installation of a permanent skatepark, restroom and related facilities on the project site. The site has been graded and does not contain any native or sensitive plant or wildlife species and development of the site would not impact any of these resources. The project's landscape plan includes the installation of native shrubs, trees and groundcovers in and around the skatepark, in the drop-off area, western drainage basin and along Winter Mesa Drive. Thus, Mitigation Measure 3-1(b) prohibiting the use of certain ornamental plants would be met. In addition, Mitigation Measure 3-1(c) requiring irrigation of seeded areas would be fulfilled as

temporary irrigation would be provided for consistent moisture upon planting/seeding to ensure germination and establishment of plants and seedlings. Thus, the *Proposed Project* would have a less than significant impact on biological resources.

D. Cultural Resources

Approved Project – Summary of Impacts

The Malibu area was historically occupied by the Chumash Indians although there are no archeological resources known to exist on the overall Crummer site. However, due to the historic occupation, grading and site preparation activities could encounter archeological resources. Likewise, although the project site does not contain any geologic features or known palaeontologic resources, portions of the Crummer site are underlain by older Quaternary alluvial sediments and Monterey Formation deposits which have produced paleontological remains (fossils) on other sites. Thus, the Final EIR included Mitigation Measures 4-1 and 4-2 requiring that a qualified archeologist and Native American monitor of Chumash descent be present to monitor all ground disturbing activities and coordinate the disposition of any resources. In addition, should grading occur within Quaternary alluvial sediments or Monterey Formation deposits, a paleontological monitor shall be present to monitor earthmoving capabilities and direct the handling and disposition of any resources identified. With the incorporation of Mitigation Measures 4-1 and 4-2, the Final EIR determined that impacts to archaeological and paleontological resources would be less than significant.

Proposed Project – Summary of Impacts

As outlined above, there are no known archaeological or paleontological resources known to exist on Lot 7 or the overall Crummer site. Construction and installation of a permanent skatepark, restroom and related facilities will require approximately 2,636 cubic yards of excavation which is considered limited and is not expected to expose archaeological or paleontological resources. Nonetheless, because there is a small chance that grading activities could uncover cultural resources, Mitigation Measures 4-1 and 4-2 would apply to the *Proposed Project* requiring monitoring during earthmoving activities and the appropriate handling of any resources. With the incorporation of Mitigation Measures 4-1 and 4-2, impacts to archaeological and paleontological resources would be less than significant.

E. Geology and Soils

Approved Project – Summary of Impacts

The 2012 Initial Study prepared in advance of the Final EIR determined that the *Approved Project* would not have the potential to impact most of the geology and soils factors addressed under CEQA. However, the Final EIR determined that the *Approved Project* had potential impacts related to geology and soils and on Lots 1 through 6; no impacts were identified on Lot 7. Impacts included potential slope instability and soil erosion on sloping areas and the potential for the OWTS on Lot 6 to contaminate groundwater and contribute to slope instability. Mitigation Measures 5-4, 5-5 and 5-6 requiring setbacks, City approvals and conformance with geotechnical recommendations were included which would mitigate impacts below significance.

Proposed Project – Summary of Impacts

The Final EIR did not identify any potential impacts related to geology and soils on Lot 7. The *Proposed Project* would include limited grading with approximately 2,250 cubic yards of cut material to be removed from the site. Improvements would include the installation of a skatepark, restroom and related facilities and no habitable structures would be developed on the project site. The project would conform with Mitigation Measures 5-4, 5-5 and 5-6 requiring setbacks, City approvals and conformance with geotechnical recommendations and impacts would be less than significant.

F. Greenhouse Gas Emissions

Approved Project – Summary of Impacts

The earth's atmosphere is a collection of atmospheric gases, known as greenhouse gases (GHGs) that trap a sufficient amount of solar energy to keep the global average temperature in a suitable range. These gases, mainly water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone (O_3) and chlorofluorocarbons (CFCs) all act as effective global insulators, reflecting back to earth visible light and infrared radiation. Human activities such as producing electricity and driving vehicles have contributed to the elevated concentration of these gases in the atmosphere. This, in turn, is causing the earth's temperature to rise. A warmer earth may lead to changes in rainfall patterns, much smaller polar ice caps, a rise in sea level, and a wide range of impacts on plants, wildlife, and humans.

The Final EIR determined that the residential and recreational uses included in the *Approved Project* would generate direct and indirect GHG emissions during construction and operation. GHGs would be generated by construction equipment, vehicles, energy consumption, water and wastewater generation, and waste disposal sources. However, these sources would generate a nominal amount of GHG emissions and would not exceed SCAQMD's screening threshold of 3,000 metric tons per year. In addition, since the *Approved Project* was consistent with the General Plan, it would not conflict with plans adopted for the purpose of reducing greenhouse gas emissions. Thus, the Final EIR determined that the *Approved Project* would have a less than significant impact related to GHG emissions.

Proposed Project – Summary of Impacts

The *Proposed Project* involves the development of a permanent skatepark, restroom and related facilities. The uses were anticipated by the *Approved Project,* would be consistent with the General Plan and would not conflict with plans adopted for the purpose of reducing GHG emissions. Like the *Approved Project*, the *Proposed Project* would generate a nominal amount of GHG emissions during construction and operation. However, emissions from the project would not exceed SCAQMD's screening thresholds. In addition, the skatepark use would generate the same number of vehicle trips and GHG emissions as those analyzed for the temporary skatepark and evaluated in the Final EIR for the *Approved Project*. Thus, like the *Approved Project*, the *Proposed Project* would have a less than significant impact related to GHG emissions.

G. Hazards and Hazardous Materials

Approved Project – Summary of Impacts

The Final EIR identified that the entire City of Malibu is in a very high fire hazard severity zone (VHFHSZ) and that the *Approved Project* would place residences and recreational uses in a setting that could be impacted by wildland fires. The *Approved Project* included standard fire prevention measures, as well as the requirement for a fire protection plan which evaluates the project's vulnerability to fires and identifies fire prevention measures. However, even with these measures, the Final EIR identified that the *Approved Project* would have a potentially significant impact regarding fire risk to residences and future recreational uses.

The Final EIR also evaluated the *Approved Project's* impact on the response capability of Los Angeles County Fire Department (LACFD) fire stations. The *Approved Project* would generate a minimal increase in fire service demand due to the small number of new structures and people living in or using the area. However, this incremental increase in demand, when coupled with other projects in the area, could have a cumulatively significant impact on fire response services.

To mitigate the identified impacts to fire risk and fire response services, the Final EIR included Mitigation Measures 7-1, 7-2, 7-3 and 7-4 which are outlined in Appendix A. The Mitigation Measures primarily relate to fire protection measures around the five single-family residential structures on Lots 1 through 5 including providing clear spaces around buildings, adequate turn around spaces, fire equipment access, adequate fire flow and a financial contribution for fire protection facilities. Other measures related to maintaining access to fire hydrants as well as maintaining access throughout the site during construction. With the incorporation of Mitigation Measures 7-1 through 7-4, the Final EIR determined that impacts related to wildfire and fire response services would be less than significant.

Proposed Project – Summary of Impacts

As previously identified, the *Proposed Project* would include the development of a permanent skatepark and related facilities, including skatepark elements, a concrete block restroom building and native landscaping. The project would not include any habitable structures which could be subject to fire risk. As such, the potential fire risk associated with the *Proposed Project* would be low. Nonetheless, the project would increase the use of the site which could generate an incremental increase in calls for fire response. The *Proposed Project* would be required to adhere to those portions of Mitigation Measures 7-1 through 7-4 applicable to the project site including maintaining access through the site during construction and maintaining access to fire hydrants. With the incorporation of these measures, impacts related to wildfire and fire response services would be less than significant.

H. Hydrology and Water Quality

Approved Project – Summary of Impacts

The project site does not lie within a 100-year flood zone. As such, the Final EIR determined that the *Approved Project* would have no impacts related to 100-year flood hazards or levee/dam failure and would not impede or redirect flood flows. Regarding water quality, during construction and operation, development projects have the potential to degrade water quality through sheet erosion

of exposed soils and subsequent deposition of particles and pollutants in drainage areas. However, standard conditions of approval require preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the incorporation of best management practices (BMPs) such as the use of gravel bags, stormwater basins and waste management practices to minimize stormwater pollution. Thus, the Final EIR determined that the *Approved Project* would have a less than significant impact regarding water quality.

The Final EIR also determined that the *Approved Project* would generate increased runoff from urban surfaces which could increase the intensity of flooding and erosion and have a potentially significant impact. However, detention tanks will be installed on each residential lot and beneath the private street to ensure that peak flows during storm events will not exceed predevelopment peak flows. Mitigation Measure 8-1 requires that the tanks be installed and maintained to acceptable standards, and that BMPs be incorporated to minimize stormwater pollution. With the incorporation of Mitigation Measure 8-1, the Final EIR determined that the *Approved Project* would have a less than significant impact.

Proposed Project **– Summary of Impacts**

During construction of the permanent skatepark, restroom and related facilities, BMPs including sandbags and silt fencing would be installed to reduce and filter runoff from the site and minimize stormwater pollution. During operation, the restroom and drinking fountain would use minimal amounts of potable water but would not contribute to runoff, erosion or flooding. Thus, the *Proposed Project* would have a less than significant impact related to hydrology and water quality.

I. Land Use and Planning

Approved Project **– Summary of Impacts**

The Final EIR determined that the *Approved Project*, including recreational uses on Lot 7, were consistent with the Planned Development (PD) designation of the Malibu General Plan, Zoning Ordinance and Local Coastal Program (LCP). In addition, the project was determined to be consistent with applicable goals and policies of the General Plan, and the development regulations of the Zoning Ordinance. Thus, the Final EIR determined that the *Approved Project* would have a less than significant impact related to land use and planning.

Proposed Project **– Summary of Impacts**

The *Proposed Project* would be consistent with the *Approved Project* in that it includes a permanent skatepark on Lot 7 that was planned for a skatepark or other recreational use. In addition, the project is consistent with the Malibu General Plan, Zoning Ordinance and LCP's PD designation, as well as General Plan policies and Zoning Ordinance development regulations. As such, the *Proposed Project* would have a less than significant impact related to land use and planning.

J. Noise

Approved Project **– Summary of Impacts**

The Final EIR examined whether construction and operation of the *Approved Project* would have a significant noise and/or vibration impact at sensitive receptors on and off-site. The EIR identified that

noise would be generated during construction of the Crummer Site Subdivision by vehicles and equipment. However, construction noise and vibration would not exceed acceptable City standards and would have a less than significant impact. During long term operation of the site, noise would be generated primarily by vehicles accessing the site, as well as by mechanical equipment, the OWTS and recreational uses. The EIR included an analysis of both a baseball field on Lot 7 as well as a skatepark up to 12,500 square feet in size which would be open only during daylight hours. The Final EIR concluded that long term operation of the *Approved Project*, including either a baseball field or skatepark, would not cause noise levels to exceed acceptable thresholds. Thus, the Final EIR concluded that the *Approved Project* would have a less than significant impact related to noise.

A neighbor expressed a concern that the above ground elements could result in new sound impacts as the original design contained no above ground features. The skate park consultant has not indicated that the revised design would result in new noise impacts.

Proposed Project – Summary of Impacts

The *Proposed Project* would include a 12,500-square-foot permanent skatepark that would replace the 12,320-square-foot temporary facility on the western portion of the site. During construction of the project, noise would be generated by construction and equipment but would not exceed applicable City standards. In terms of long-term operation of the project, the permanent skatepark would be the same size as that analyzed in the Final EIR and would be open only during daylight hours. Thus, the determination made in 2013 that a skatepark on Lot 7 would have a less than significant impact related to noise would apply to the *Proposed Project*.

K. Transportation and Traffic

Approved Project – Summary of Impacts

The Final EIR examined the impact of the Crummer Site Subdivision on existing and future traffic volumes and levels of service and examined whether the project would create unsafe traffic conditions or interfere with emergency access and operations. The EIR included an analysis of both the baseball field and 12,500-square-foot skatepark on Lot 7. In addition, the EIR examined whether the *Approved Project* would have adequate parking under both the baseball field and skatepark options.

The Final EIR concluded that the baseball field option could have potentially significant impacts on both traffic and parking due to a large number of vehicles projected to travel to Malibu Bluffs Park for baseball games and other events. The Final EIR included Mitigation Measure 11-1 requiring improvements to the Malibu Canyon Road/PCH intersection which have been implemented by the developer. In addition, Mitigation Measure 11-2 for the baseball field option required preparation of a parking management plan to ensure there would be adequate parking during baseball and other events.

For the skatepark option, the Final EIR concluded the project would have a less than significant impact on traffic and parking. With a peak use of 20 persons at any given time, there would be a limited number of vehicles traveling to the site which would not affect roadway or intersection conditions. Likewise, the skatepark option was determined to have a maximum parking need of 10 vehicles based on an assumption of two persons per vehicle which could be more than accommodated by the

proposed parking lot. Thus, the Final EIR determined that the *Approved Project* with the skatepark option would have a less than significant impact and no mitigation was required for this option.

Proposed Project – Summary of Impacts

The *Proposed Project* would construct a permanent skatepark on the project site with the same size and operational parameters as the skatepark examined in the Final EIR. The skatepark would replace the temporary skatepark on the project site which has been operational since July of 2020. The *Proposed Project* would have the same effect on traffic as the *Approved Project* with the skatepark option which was determined to be less than significant by the Final EIR.

The anticipated use of the permanent skatepark would be consistent with the assumptions in the Final EIR which projected there would be a maximum peak use of 20 persons at any given time. In addition, the project would provide 26 parking spaces, 6 carpool/vanpool/electric spaces and 2 ADA spaces for Malibu Bluffs Park which would accommodate the anticipated 10 parking spaces needed for the skatepark at peak use. A less than significant impact would result.

L. Recreation

Approved Project – Summary of Impacts

The Final EIR identified that, based on an average household size of 2.87 people, the addition of five single family homes with the *Approved Project* could increase the population of the City by 15 people. The EIR determined that the minor increase in population would not cause a significant strain on recreational facilities in the City of Malibu. Nonetheless, the project also included the dedication of the 1.74-acre Lot 7 to the City of Malibu for the future expansion of Malibu Bluffs Park. The type of use of Lot 7 was not precisely determined at the time; however, the EIR examined the use of the site as a baseball field or a skatepark with ancillary uses such as parking, public seating and picnic tables. The EIR determined that the development of such uses on the site would not adversely impact the environment and would in fact benefit the City by providing additional park land, active recreation space, and vehicle parking.

Proposed Project – Summary of Impacts

The *Proposed Project* would develop a permanent skatepark, restroom and related facilities on the project site. The skatepark would replace the temporary skatepark that currently exists on the site and would be converted to parking upon the opening of the permanent facility. The project is consistent with the *Approved Project* which anticipated a skatepark and related facilities on the subject site. The project would not adversely impact the environment and would benefit the City by providing active recreation space, a restroom and parking. Thus, like the *Approved Project*, the *Proposed Project* would have a less than significant impact related to recreation.

V. Conclusion

The *Proposed Project* would not create any new significant impacts or increase the severity of any impacts as compared to those identified in the 2013 Crummer Site Subdivision Final EIR. In addition, no new information of substantial importance was identified that would substantially reduce one or more significant effects of the project and no new mitigation measures were identified that would further reduce impacts identified in the Final EIR. Therefore, in accordance with CEQA Guidelines Section 15164 and Section 15162, an Addendum is the appropriate environmental document under CEQA for the *Proposed Project.*

VI. References

City of Malibu. Addendum (No. 1) to the Crummer Site Subdivision Final Environmental Impact Report. May 2016.

City of Malibu. General Plan. November 1995.

City of Malibu. Local Coastal Program Land Use Plan and Local Implementation Plan. September 13, 2002.

City of Malibu, Zoning Ordinance.

The Planning Center/DC&E. Final Environmental Impact Report for Crummer Site Subdivision. December 2013.

Mitigation Monitoring Report

	Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
5.2 AIR QUALITY					
2-1	The construction contractor shall implement the following measures to reduce construction exhaust emissions during grading and construction activities: ▪ The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions. ▪ The construction contractor shall limit nonessential idling of construction equipment to no more than five consecutive minutes. ▪ Where feasible, use haul trucks with engines that are 2010 or newer for soil import and export activities. ▪ The construction contractor shall limit soil hauling activities associated with the site grading phase to a maximum of 38 trucks per day (76 one-way soil haul trips per day for haul trips). ▪ The construction contractor shall use USEPA-rated Tier 3 construction engines for equipment rated at 50 horsepower or greater for general site grading activities. Tier 3 engines between 90 and 750 horsepower are available for 2006 to 2008 model years. ▪ A list of construction equipment by type and model year shall be maintained by the construction contractor onsite. These requirements shall be noted on all construction management plans and verified by the City of Malibu during site grading activities.	Construction Contractor	Prior to issuance of grading permits		
5.3 BIOLOGICAL RESOURCES					
3-1	(a) A focused survey for Braunton's milk-vetch shall occur prior to the issuance of a grading permit. The focused survey shall occur within on-site suitable habitat (i.e., mixed sage scrub and coastal sage chaparral scrub) that may be disturbed as a result of the proposed project implementation, during the typical blooming period (February through July). This survey shall be conducted in accordance with the methodologies used for performing focused plant surveys per the CDFG's 2000 *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Plant Communities (Guidelines)*, and the CNPS's 2001 *Botanical Survey Guidelines of the California Native Plant Society*. In the event that Braunton's milkvetch are discovered during focused preconstruction surveys, a translocation plan shall be developed by a biologist familiar with the ecology of the species and the plan would be approved	Project Applicant	Prior to issuance of grading permits	City Biologist	

Mitigation Monitoring Report

	Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
	by the U.S. Fish and Wildlife Service prior to issuance of grading permit. (b) Certain ornamental plants are known to escape from planted areas and invade into native plant communities. In order to protect established native plant communities located in the vicinity, the plants listed in Table 14 of the Biological Resource Study prepared by Impact Sciences, Inc., in 2008 for the proposed project shall not be planted within the project site. This list shall also be distributed to new homeowners and included within any covenants, conditions, and restrictions. The landscaping plans within common areas of the project shall be reviewed by a qualified botanist who shall recommend appropriate provisions to prevent other invasive plant species from colonizing remaining onsite or adjacent natural areas. These provisions may include the following: (a) review and screening of proposed plant palette and planting plans to identify and avoid the use of invasive species; (b) weed removal during the initial planting of landscaped areas; and (c) monitoring for and removal of weeds and other invasive plant species as part of ongoing landscape maintenance activities. The frequency and method of monitoring for invasive species shall be determined by a qualified botanist. In addition, the homeowner's association shall provide homeowners with the list entitled "City of Malibu Non-Native Invasive Plants Prohibited in Landscape Plans" which is maintained by the City of Malibu and can be found on the City's website. (c) Seeded areas shall be irrigated with temporary overhead irrigation until plants have established as determined by a qualified biologist.				
3-2	The City of Malibu Native Tree Protection Ordinance requires that mitigation and maintenance measures be developed to preserve the six Southern California black walnut trees located on the project site. The Protected Tree Report released in June 2008 by Impact Sciences, Inc., includes suggested mitigation measures. The proposed project shall comply with all mitigation measures contained in the 2008 Protected Tree Report. These measures include the installation of protective fencing around the black walnut trees for the duration of construction and limits on grading activities which can be performed near the protected trees, among others. The mitigation measures included in the Protected Tree Report also require maintenance and monitoring of the trees. The report requires that many of the mitigation measures be approved by a City-approved arborist. After the completion of construction, a monitoring report would be required. Should the monitoring report determine that any protected trees were impacted, counter-measures, including the planting of replacement trees,	Construction Contractor	Prior to issuance to of grading permits	City Biologist	

Mitigation Monitoring Report

	Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
	would be required.				
3-3	(a) To avoid impacts to native nesting birds, the applicant and/or its contractors shall retain a qualified biologist (with selection to be reviewed by the City) to conduct nest surveys in potential nesting habitat within the project site prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code are present in the construction zone or within a distance determined by CDFG or the City of Malibu biologist. Because many birds known to use the project area (including Anna's hummingbird, Cooper's hawk, and loggerhead shrike) nest during the late winter, breeding bird surveys shall be carried out both during the typical nesting/breeding season (mid-March through September) and in January and February. The surveys shall continue on a weekly basis, with the last survey being conducted no more than three days prior to initiation of clearance or construction work. If ground disturbance activities are delayed, additional pre-construction surveys will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. Surveys shall include examination of trees, shrubs, and the ground within grassland for nesting birds, as several bird species known to occur in the area are shrub or ground nesters, including (but not limited to) California horned lark, kill deer, and mourning dove. (b) If active nests are found, clearing and construction activities within a buffer distance determined by CDFG or the City of Malibu biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during the same year. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the City of Malibu within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.	Construction Contractor	Prior to issuance to of grading permits	City Biologist	

Mitigation Monitoring Report

	Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
5.4 CULTURAL RESOURCES					
4-1	For adequate coverage and the protection of potentially significant buried resources, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards (48 Federal Register 44738-39) shall be retained by the applicant to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The project archaeologist shall have the authority to halt any activities adversely impacting potentially significant resources. Any significant archaeological resources found shall be preserved as determined necessary by the project archaeologist and offered to the South Central Coastal Information Center at California State University, Fullerton or repository willing to accept the resource. Any resulting reports shall also be forwarded to the South Central Coastal Information Center at California State University, Fullerton. Should paleontological soils be uncovered during grading, a paleontological monitor shall also be retained by the applicant, upon the archaeological monitor's request, to oversee ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant resources. Should fossil-bearing formations be uncovered, the monitor shall professionally collect any specimens without impeding development. Any paleontological artifacts recovered shall be preserved, as determined necessary by the project paleontologist, and offered to an accredited and permanent scientific institution for the benefit of current and future generations. This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.	Project Applicant	Prior to issuance to of grading permits	City Planning Department	
4-2	A Native American Monitor of Chumash descent shall be retained to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. Any artifacts recovered shall be curated at the South Central Coastal Information Center at California State University, Fullerton, the designated repository for Los Angeles, Ventura, and Orange Counties. The extent and duration of the archaeological monitoring program shall be determined in accordance with the proposed grading or demolition plans. If human remains are uncovered, the Los Angeles Coroner, Native American Heritage Commission, local Native American representatives, and archaeological monitor shall determine the nature of further studies, as warranted and in accordance with Public Resources Code 5097.98 and the City's standard conditions of approval. This mitigation measure shall also apply to trenching for				

Mitigation Monitoring Report

	Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
	utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.				
5.5 GEOLOGY AND SOILS					
5-1	The proposed project shall be constructed in accordance with the geotechnical engineering recommendations as presented in the Leighton and Associates, Inc., Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site", APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California, as well as any subsequent documents, including responses to City comments. These recommendations address site preparation, excavation, fill placement and compaction, foundation design, and site drainage, among other topics.	Project Applicant	Prior to issuance to of grading permits	City Geologist	
5-2	(a) The planned community's covenants, conditions, and restrictions (CC&Rs) shall include protocols for proper maintenance of the slopes and prompt restoration following heavy precipitation events and/or fires. (b) Excavating and cutting into the slopes or removal of slope failure debris by the tenants or one or more future property owners without prior approval from a geotechnical engineer shall be prohibited by the covenants, conditions and restrictions for the proposed development. This information shall also be recorded against the title of each residential property. The services of such a geotechnical engineer shall become necessary should a slope excavation be a desired, planned activity proposed by one or more property owners, or in response to unforeseen slope failure, such as sloughing in the aftermath of heavy rain.				
5-4	(a) The proposed onsite wastewater treatment system shall be installed in accordance with the geotechnical engineering recommendations as presented in the Geotechnical Evaluation of Proposed Onsite Wastewater Treatment System, Proposed Residential Development "Crummer Site", 24200 Pacific Coast Highway, APN 4458-018-019, City of Malibu, California, as well as any subsequent documents, including responses to City comments. These recommendations address site preparation, excavation, fill placement and compaction, foundation design, and site	Project Applicant	Prior to issuance to of grading permits	City Environmental Health Administrator	

Mitigation Monitoring Report

	Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
	drainage, among other topics. (b) The Applicant shall obtain final construction plan approval for the proposed onsite wastewater treatment systems from the City Environmental Health Administrator. The final design must be engineered to meet the effluent limits specified in waste discharge requirements, and requirements of the Regional Water Quality Control Board and the United States Environmental Protection Agency. (c) The proposed onsite wastewater treatment system shall not be installed within the structural setback zone as presented in the Leighton and Associates, Inc., Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site", APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California.				
	5.7 HAZARDS AND HAZARDOUS MATERIALS				
7-1	In addition to compliance with existing requirements and standards of the Los Angeles County Fire Department (LACFD), the proposed project must comply with all requirements detailed in letters dated March 16, 2012, from the LACFD, included in Appendix L of the Draft EIR. Where the two letters differ, the more conservative approach shall be taken. The letters include the following requirements, among others: ▪ For Lot 1 and 5 the circular turnaround shall remain clear and unobstructed. No plantings, fountains, or other features shall be allowed; ▪ For Lot 2 the circular turnaround drive aisle shall be maintained at a minimum 20 feet in width with 32 feet on centerline turning radius. If landscaping or other features are to be located in the center, they must not encroach into the drive aisle. ▪ Provide evidence from a certified civil engineer that the "bridge" feature on Lot 5 shall support the minimum weight capacity of 75,000 pounds to accommodate fire apparatus. Once the "bridge" is installed, provide recertification prior to occupancy from a certified civil engineer that the "bridge" will support a minimum of 75,000 pounds. The width of 15 feet shall be maintained clear and unobstructed for the "bridge" portion of the fire department access. ▪ Emergency access for firefighter pedestrian use shall be extended to all exterior walls of all proposed structures within the subdivision. Additional walking access shall be reviewed and approved by Fire Prevention Engineering prior to building permit issuance. ▪ Department access shall be extended to within 150 feet distance of any exterior portion of	Project Applicant	Prior to issuance to of grading permits	City Public Works Department and Los Angeles County Fire Department (LACFD)	

Mitigation Monitoring Report

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
all structures. ▪ Access shall comply with Section 503 of the Fire Code, which requires all-weather access. All-weather access may require paving. ▪ Where driveways extend farther than 150 feet and are of single-access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed, and maintained to ensure their integrity for fire department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length. ▪ Private driveways shall be indicated on the final map as "Private Driveway and Fire Lane," with the widths clearly depicted, and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested, and accepted prior to construction. ▪ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction. ▪ Prior to occupancy, provide street signs and building access numbers as approved by the Fire Department or City. ▪ Provide water mains, fire hydrants, and fire flows as required by the County of Los Angeles Fire Department for all land shown on map which shall be recorded. ▪ The required fire flow for public fire hydrants at this location is 1,375 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. Hydrant(s) flowing simultaneously may be used to achieve the required fire flow. ▪ Three private fire hydrants shall be installed onsite. The required fire flow for private onsite hydrants is 1,375 gallons per minute at 20 psi. ▪ The required fire hydrants shall be installed, tested, and accepted or bonded for prior to Final Map approval. ▪ Vehicular access must be provided and maintained serviceable throughout construction; ▪ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process. ▪ Per the County of Los Angeles Water Works 29, the Fire Flow Availability form dated March 30, 2012, indicates adequate flow from the existing public fire hydrant on Winter Mesa Drive. All required fire hydrants shall measure 6 inches x 4 inches x 2-1/2 inches, brass or				

Mitigation Monitoring Report

	Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
	bronze, conforming to current AWWA standard C503 or approved equal and meet the required fire flow requirements (1,375 gallons per minute at 20 psi).				
7-2	The proposed project shall comply with all recommendations contained in the fire protection plan and in the fuel modification plan prepared for the proposed project. Compliance with the fire protection plan and fuel modification plan would reduce the vulnerability of the proposed structures and the project site to wildland fires. The recommendations would minimize the likelihood of ember (firebrand) penetration or direct flame impingement, ensure that fire sprinklers and fire alarms are installed in the proposed residences, that the infrastructure of the site and surrounding area allow emergency personnel and vehicles to access the proposed project, and that the project site is landscaped in such a way that the proposed residences are not immediately adjacent to significant amounts of vegetation that could fuel wildfires.				
7-3	The covenants, conditions, and restrictions for the proposed residences shall require the regular maintenance of the vegetation on the project site to ensure compliance with the fuel modification plan.				
7-4	The applicant shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities that are required by residential development in an amount proportional to the demand created by this project. Currently, the developer fee is a set amount per square foot of building space, adjusted annually, and is due and payable at the time a building permit is issued. In the event that the developer fee is no longer in effect at the time of building permit issuance, alternative mitigation measures may be required.				
5.8 HYDROLOGY AND WATER QUALITY					
8-1	The project shall include the construction and proper maintenance of onsite stormwater detention tanks underneath each residential lot and the private street to mitigate potential flooding and erosion impacts to downstream areas. The detention tanks shall be sized according to the City of Malibu's required detention volume for new residential development. In addition, the project shall comply with all site-design, source-control, and treatment-control best management practices outlined in the project's stormwater management plan, including design to reduce potential flooding and to reduce the potential for erosion and siltation.	Project Applicant	Prior to issuance to of grading permits	City Public Works Department	

Mitigation Monitoring Report

	Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
5.11 TRANSPORTATION/TRAFFIC					
11-1	Prior to obtaining the last Building Permit for the recreational facilities, the City Public Works Department shall construct the following improvements at the intersection of Malibu Canyon Road/PCH if a ballfield is proposed on Lot 7: ▪ Re-stripe the existing southbound through plus left-turn lane on Malibu Canyon Road (at its intersection with Pacific Coast Highway) to a through plus left- and right-turn lane. ▪ Either modify the existing traffic signal to remove the right-turn overlap phase to a standard right-turn-on-red (RTOR) permissive phase resulting in LOS E at 0.928 V/C OR; ▪ Keep right turn overlap phase for existing #2 (outside) dedicated right-turn lane on Malibu Canyon Road (at its intersection with Pacific Coast Highway) resulting in LOS E at 0.902 V/C.	City Public Works Department	Prior to recordation of final map	City Public Works Department	
11-2	Prior to obtaining the last Building Permit for the recreational facilities, the City Parks and Recreation Department shall prepare and implement a Parking Management Plan that demonstrates that adequate onsite and/or offsite parking shall be provided during special events and/or other times when it is anticipated that Malibu Bluffs Park would operate at over-capacity conditions relative to parking demand. The Parking Management Plan shall preclude the use of the proposed baseball field when Malibu Bluffs Park would operate at over-capacity conditions relative to parking demand. In addition, the Parking Management Plan will require the City Parks and Recreation Department to schedule baseball games with at least a half-hour to 45 minute interval between games so that the parking demand of two consecutive games would not overlap. To accommodate this longer interval between games, less than 10 games per day would be permitted	Project Applicant	Prior to issuance of building permits	City Parks and Recreation Department	