

Appendix A
2008 Initial Study and Notice of Preparation



Appendices

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**INITIAL STUDY
FOR:**

**CRUMMER SITE
SUBDIVISION**



prepared for:

CITY OF MALIBU

Contact:
Ha Ly
Associate Planner

prepared by:

**THE PLANNING
CENTER | DC&E**

Contact:
Konstanza Dobрева
Senior Planner

MAY 2012

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FOR:**

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SUBDIVISION**



prepared for:

CITY OF MALIBU

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**COFM-02.0E
MAY 2012**

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APPENDICES

A) Executive Summary, Phase I Environmental Site Assessment

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1. Introduction

The project applicant is proposing the subdivision of an approximately 24-acre property into seven individual parcels for the development of five new single-family residences and associated accessory structures and landscaping, a new private gated road with a guardhouse, and dedication of approximately 1.74 acres of land to the City of Malibu for active and passive recreational use. The recreational use area could consist of a multipurpose active recreation area which could be used as a ball field, or developed as a skate park. All projects within the State of California are required to undergo a review to determine the environmental impacts associated with implementation of the project in accordance with the California Environmental Quality Act (CEQA; Public Resources Code [PRC] §§ 21000 et al., 2004). CEQA was enacted in 1970 by the California Legislature to disclose to decision makers and the public the significant environmental effects of proposed activities and the ways to avoid or reduce the environmental effects by requiring implementation of feasible alternatives or mitigation measures. CEQA applies to all California government agencies at all levels, including local agencies, regional agencies, and state agencies, boards, commissions, and special districts. The City of Malibu has determined that an environmental impact report (EIR) is necessary for the proposed project described in this initial study and will act as the Lead Agency. As such, the City of Malibu is required to conduct a review to analyze the potential environmental effects associated with the proposed project.

On September 19, 2008, a Notice of Publication and Initial Study (Prior NOP) for the project was published by the City of Malibu with an initial public comment period from September 19, 2008 to October 20, 2008. The public comment period was subsequently extended until October 31, 2008. A draft EIR was never completed for the project. In view of the length of time that has elapsed since the end of the public comment period for the Prior NOP, and changes in laws and the project description since that date, the City of Malibu, as lead agency, has determined that an updated Initial Study be re-issued.



1.1 PROJECT LOCATION

The project site is approximately 24 acres, at 24120 Pacific Coast Highway (PCH), in the City of Malibu, County of Los Angeles. The Assessor's Parcel Numbers (APN) for the site are 4458-018-019, 4458-018-018, and 4458-018-002. The site is atop a bluff with slopes descending to the south and east. Malibu Bluffs Park borders the project site to the west, PCH borders the site to the north, and privately owned parcels border the site to the east and south. Winter Mesa, a small road connecting PCH to Malibu Bluffs Park, provides access to the project site. Figure 1, *Regional Location*, and Figure 2, *Local Vicinity*, show the location of the project site in its regional and local contexts. The project site boundaries are illustrated on an aerial photograph overlay in Figure 3, *Aerial Photograph*.

1.2 ENVIRONMENTAL SETTING

1.2.1 Existing Land Use

The project site is currently vacant and has been disturbed in the past by weed-abatement activities, prior construction, and removal of baseball fields in the northwestern portion of the project site. The project site consists of exposed soil and is generally flat with the exception of slopes descending to the south and east. The slopes along the boundaries to the south and east slopes approximately 120 feet downward toward private properties on Malibu Road. Photographs of the site in its current condition can be seen in Figure 4, *Site Photographs*.

1. Introduction

1.2.2 Surrounding Land Use

The project site is located on the southeast corner of Malibu Canyon Road and PCH. The parcel immediately east of the project site contains a former towing yard and several structures, including a residence and a vacant building formerly used as an animal hospital. An EIR was prepared by the City of Malibu to evaluate the subdivision and redevelopment of this adjacent parcel with four single-family residences (Towing EIR). The Towing EIR was certified and Coastal Development Permits for the subdivision and the four single-family residences were approved by the City of Malibu Planning Commission on August 4, 2009. The Winter Mesa drainage channel runs from north to south located approximately 400 feet to the east and a large shopping center is approximately 800 feet east located at the southwest corner of PCH and Webb Way. The parcel immediately west of the project site is Malibu Bluffs Park, a community park consisting of two baseball fields, a soccer/multi-purpose field, a playground, jogging paths, picnic tables and the Michael Landon Community Center. State Park land surrounds Malibu Bluff Park to the south and west. To the north of the project site are vacant parcels, one of which is a 27.8 acre parcel that is currently under review to be developed with a resort hotel. Pepperdine University is located northwest of the project site across PCH. To the south of the project site are single-family residences and Malibu Road. The Pacific Ocean is approximately 300 feet south of portions of the project site.

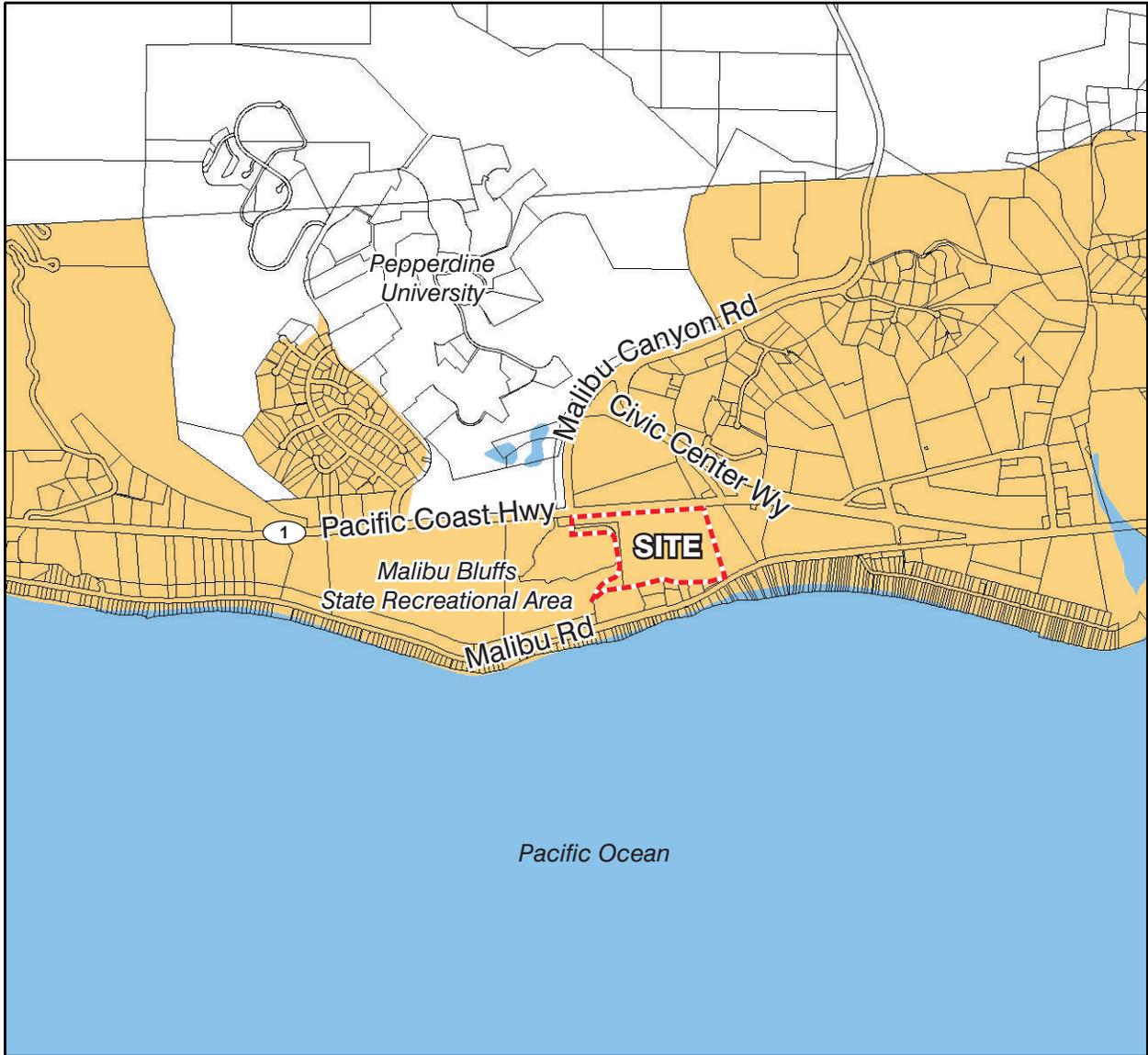
Regional Location



1. Introduction

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Local Vicinity



----- Site Boundary

0 2,000
Scale (Feet)



Source: Google Maps 2007

Crummer Site Subdivision Initial Study

The Planning Center • **Figure 2**

1. Introduction

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Aerial Photograph



--- Site Boundary

0 500
Scale (Feet)



Source: Google Maps 2008

1. Introduction

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Site Photographs



Wide view looking north from center of project site.



Wide view looking southeast from center of project site.

1. Introduction

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1.3 PROJECT DESCRIPTION

Vesting Tentative Tract Map

The proposed project entails the subdivision of the project site into seven individual lots. Lots 1 through 5 would be developed with single-family residences and various accessory structures. Lot 6 would be developed with a private gated street, a gatehouse, an onsite wastewater treatment system (OWTS), landscaping and open space to be owned and maintained by the homeowners association (“HOA”). Lot 7 would be dedicated to the City of Malibu for active and passive recreational use.

The proposed private street providing access to the single-family homes (Lot 6) would also include sufficient turn around area in the event vehicles intending to go to Bluffs Park inadvertently turn into the residential road. The private gated street would be 34 feet in width and terminate in a cul-de-sac, which would serve as a fire department turnaround and would be accessible from Winter Mesa Drive. The HOA will own and be responsible for the operation and maintenance of the OWTS (proposed on Lot 6) and the seepage pits (proposed on Lot 7). The OWTS will be designed with a stub-out box to allow for possible connection to a municipal wastewater treatment in the Civic Center area in the future. New water service will be provided to the project site by Water District 29, by way of a new 10 inch water line running approximately 3,200 linear feet from the intersection of John Tyler and Malibu Canyon Road connecting to the project site at the northwestern corner of Lot 6.

The project includes the dedication of land (Lot 7) to the City of Malibu to expand Malibu Bluffs Park by 1.74 acres to the east and northeast. The recreational area has yet to be designed and would not be developed as part of this project; however, several foreseeable alternative uses for the recreational area will be evaluated as part of the EIR. For instance, the recreational area may be used as a baseball or soccer field, and a portion of Lot 7 may also be developed with a 94-space parking lot for Bluffs Park open to the general, a City-owned maintenance shed, and passive recreational uses such as public sitting areas and picnic tables. The new parking lot could contain up to 94 parking spaces, resulting in a net increase of approximately 50 new parking spaces for Bluffs Park. The new parking lot, proposed recreational facilities, and Bluffs Park would be accessed by Winter Mesa Drive via a Los Angeles County Fire Department approved turnaround, located at the southwestern portion of Lot 7 and Winter Mesa Drive.

Bluffs Park is jointly owned by the City and the Santa Monica Mountains Conservancy (SMMC). The dedication of Lot 7 would contain a deed restriction providing that the new recreational and parking lot areas shall remain open to the public, similar to and consistent with the general operating rules and regulations established by Malibu Municipal Code Chapter 12.08, as amended from time to time. The deed restriction would ensure that public access to the entire park, the new recreational uses, and the parking lot (on a first-come, first-serve basis) is provided to members of the public and to the SMMC. The project may also include a conservation easement in favor of the SMMC along portions of the southern and eastern facing bluff.

The proposed site plan is provided in Figure 5, *Site Plan*. Proposed parcel and building sizes are contained in Table 1, *Parcel Summary*.



1. Introduction

**Table 1
Parcel Summary**

Lot No.	Proposed Use	Building Area (S.F.)	Parcel Gross (S.F.)	Parcel Gross Acres	Parcel Net S.F.: Less 1:1 Slope & Street Easement	Parcel Net Acres: Less 1:1 Slopes & Street Easement	Parcel 1:1 Slope (S.F.)	Parcel Street Easement (S.F.)
1	Single family residence	11,082	168,009	3.86	161,858	3.72	1,688	4,463
2	Single family residence	11,069	146,916	3.37	141,357	3.24	5,056	503
3	Single family residence	11,009	113,678	2.61	109,205	2.51	2,081	2,292
4	Single family residence	11,158	150,818	3.46	136,023	3.12	4,213	10,582
5	Single family residence	11,023	259,132	5.95	251,737	5.78	5,423	1,972
6	Private street/Private open space/OWTS/Gatehouse	245	125,733	2.88	125,733	2.88	0	0
7	Public active and passive recreation/Public Parking/Maintenance building	616	75,640	1.74	75,540	1.74	0	0
TOTAL		56,202	1,039,927	23.87	1,001,553	22.97	18,461	19,912

Development of 5 New Single-Family Residences and Associated Development

Each single-family residence would be two stories, with a maximum height of 28 feet, and would include a basement, attached garage, swimming pool and spa, fountains, vehicle entry gate, fencing, landscaping and hardscape. Lot 1 includes a detached guest house, Lot 2 includes a detached gym, Lots 3 and 5 include a detached cabana and guesthouse and Lot 4 includes a detached cabana. An OWTS plant proposed to be located on the northwestern corner of Lot 6 would serve the proposed residences.

Local Coastal Program Amendment and Zoning Text Amendment

The project also includes a Local Coastal Program Amendment (LCPA No. 12-001) and Zoning Text Amendment (ZTA No. 12-001) to incorporate the Planned Development Ordinance in the Local Coastal Program and the Malibu Municipal Code.

1.4 EXISTING ZONING AND GENERAL PLAN

The City of Malibu General Plan was amended on July 13, 2008 to designate the project site as Planned Development (PD). The project site is also under the purview of the City of Malibu Local Coastal Program (LCP). The Malibu Municipal Code Zoning Map and the LCP Land Use Zoning Map designate the project site as PD. The project site is the only property designated PD in the Malibu General Plan and the Malibu LCP. The LCP PD zoning designation “is intended to provide for a mix of residential and recreational development of the Crummer Trust property [proposed project site] located east of Malibu Bluffs State Park and south of Pacific Coast Highway...Any planned development in such commercial areas would require an amendment to the Malibu LCP in order to specify the permitted type, density, and intensity of development”. Therefore, a Local Coastal Program Amendment (LCPA) and corollary Zoning Text Amendment, including language that specifies the type, density and intensity of development permitted in the PD zoning designation will be

processed and approved by the City. The LCPA and will be forwarded to the California Coastal Commission for certification.

1.5 INCORPORATION BY REFERENCE

This document relies upon previously adopted regional and statewide plans and programs in its analysis. The following documents are incorporated by reference into this initial study.

City of Malibu General Plan: The City of Malibu General Plan is a statement of the goals and programs of the City, and a comprehensive plan setting forth a consistent guide to future development in the City. All development plans, zoning and subdivision ordinances, coastal development permits, and conditional use permits of the City are required to be consistent with the General Plan. The proposed project must comply with the requirements contained in the General Plan.

City of Malibu Local Coastal Program: An LCP is “a local government’s land use plans, zoning ordinances, zoning district maps, and, within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of [the California Coastal Act of 1976] at the local level.” The LCP has a Land Use Plan (LUP) and a Local Implementation Plan (LIP). The LUP includes goals, objectives, and policies intended to guide future development in the City of Malibu. The LIP contains specific regulations intended to carry out the policies of the LUP. The proposed project must comply with all goals, objectives, policies, and requirements contained in the LUP and the LIP. In cases where the LCP conflicts with the City General Plan or Municipal Code, the LCP takes precedence.

City of Malibu Municipal Code: The City of Malibu Municipal Code contains provisions and requirements that apply throughout the City. Included in the Municipal Code are provisions pertaining to buildings and construction, onsite wastewater treatment systems, subdivisions, public services, traffic, health, and safety, among others. The proposed project must comply with the requirements contained in the City of Malibu Municipal Code.



These documents and other referenced source material in this initial study will be made available for public review at the City upon request.

1.6 CITY ACTION REQUESTED

The anticipated actions required for this project are:

- Certification of the EIR;
- Approval of the seven-parcel subdivision Vesting Tentative Tract Map (TTM No. 07-003);
- Approval of the Coastal Development Permit for the Tentative Tract Map (CDP No. 07-144)
- Approval of the Coastal Development Permit for each of the five single-family residential developments (CDP No. 07-145, CDP No. 07-146, CDP No. 07-147, CDP No. 07-148, and CDP No. 07-149)
- Approval of Planned Development Ordinance (LCPA No. 12-001 and ZTA No. 12-001);

In addition, the following approvals from other agencies are required:

1. Introduction

California Coastal Commission. Pursuant to LCP Section 3.3(Q), any planned development in the PD zone would require an LCPA in order to specify the permitted type, density, and intensity of development. The Planned Development Ordinance will be processed as an LCPA and will be forwarded to the California Coastal Commission for certification. In addition, a portion of the site is depicted on the Post-LCP Permit and Appeal Jurisdiction Map (Map No. 3) and is therefore subject to appeal to the Coastal Commission. Other opportunities for appeal to the California Coastal Commission are set forth in the Coastal Act.

Los Angeles Regional Water Quality Control Board. The proposed OWTS is subject to the waste discharge requirements of the Los Angeles Regional Water Quality Control Board (LARWQCB) for private sewage disposal systems serving, or proposed to serve, residential buildings. Approvals for the design and operation of the OWTS proposed for the project site would be the responsibility of the LARWQCB and the City of Malibu.

State Water Resources Control Board. The applicant must file a Notice of Intent to comply with the terms of the general waste discharge requirements for small construction projects. The State Water Resources Control Board requires the filing of the Notice of Intent for development projects that would result in more than an acre of disturbance.

California Department of Transportation (Caltrans). The applicant must obtain a transportation permit from Caltrans in order to transport the export soil on Pacific Coast Highway to the designated landfill. Staging of dump trucks and appropriate travel routes would be regulated by Caltrans.

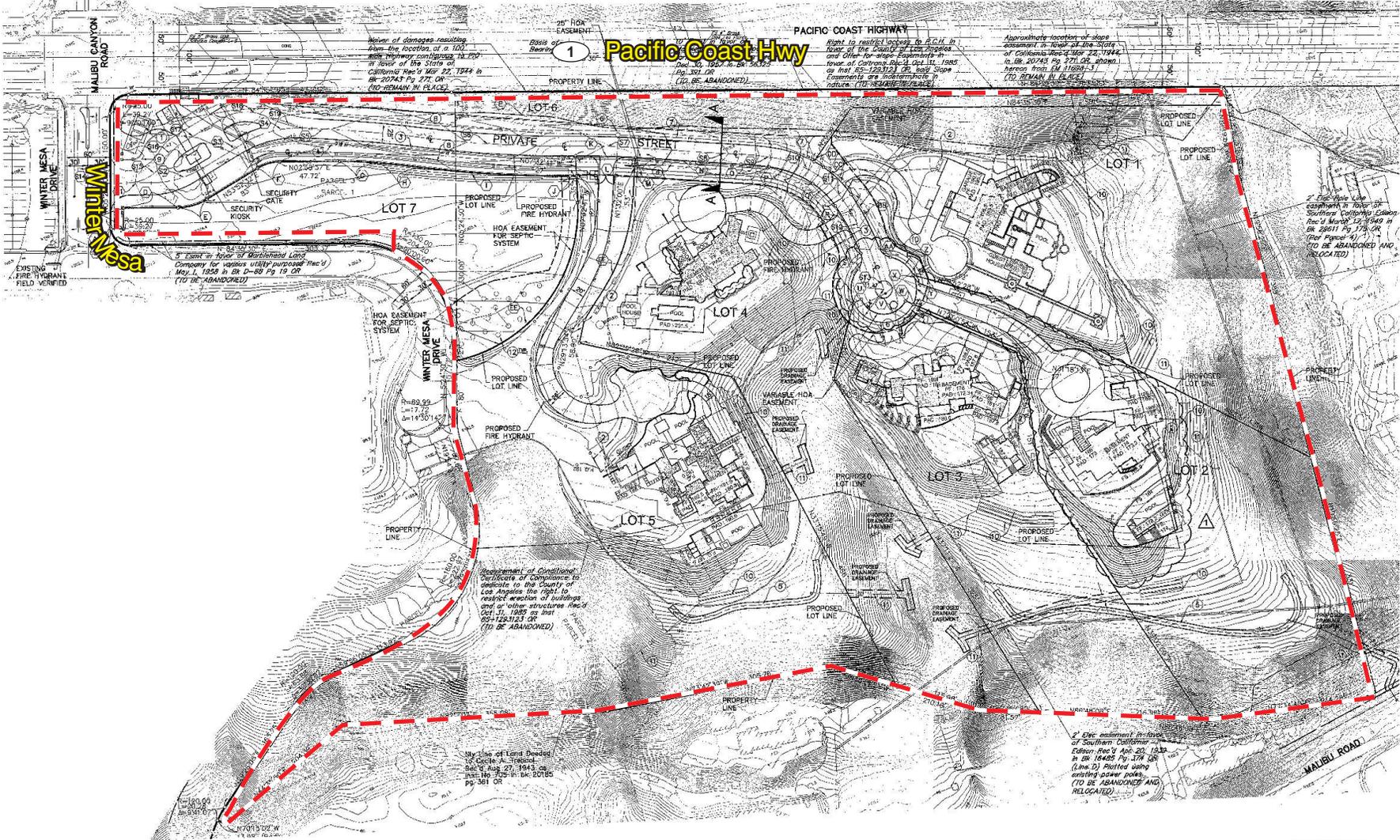
Los Angeles County Fire Department. The applicant must obtain approval for the proposed fuel modification plan and the access driveway from the Los Angeles County Fire Department.

Los Angeles County Waterworks District 29. The applicant must obtain a Will Serve Letter from the District to demonstrate that the proposed single-family residences will have access to water.

Various non-regulatory approvals are also necessary to underground utilities.

1. Introduction

Site Plan



--- Site Boundary

Source: PSOMAS 2009

Crummer Site Subdivision Initial Study



1. Introduction

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2. *Environmental Checklist*

2.1 **BACKGROUND**

1. **Project Title:** Crummer Site Subdivision

2. **Lead Agency Name and Address:**

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

3. **Contact Person and Phone Number:**

Ha Ly, Associate Planner
310.456.2489, ext. 250

4. **Project Location:** The project site is an approximately 24-acre parcel at 24120 Pacific Coast Highway, in the City of Malibu. The APNs for the site are 4458-018-019, 4458-018-018, and 4458-018-002.

5. **Project Sponsor's Name and Address:**

PCH Project Owner, LLC
c/o BRP Management, LLC
315 South Beverly Drive, Suite 211
Beverly Hills, CA 90212
Attn: Robert Gold

6. **General Plan Designation:** Planned Development (PD).

7. **Zoning:** The Malibu Zoning Map and the LCP Land Use Zoning Map designate the project site as PD.

8. **Description of Project:** The proposed project entails the subdivision of the project site into seven individual lots. Lots 1 through 5 would be developed with single-family residences and various accessory structures. Lot 6 would be developed with a private gated street, a gatehouse, an onsite wastewater treatment system (OWTS), landscaping and open space to be owned and maintained by the homeowners association ("HOA"). Lot 7 would be dedicated to the City of Malibu for active and passive recreational use and for the extension of Malibu Bluffs Park. The project also include LCPA No. 12-001 and ZTA No. 12-001 to incorporate the Planned Development Ordinance into the LCP and M.M.C.

9. **Surrounding Land Uses and Setting:** The project site is located on the southeast corner of Malibu Canyon Road and PCH. The parcel immediately east of the project site contains a former towing yard and several structures, including a residence and a vacant building formerly used as an animal hospital. An EIR was certified in August 2009 which evaluated the subdivision and redevelopment of this adjacent parcel with four single-family residences. The Winter Mesa drainage channel runs from north to south located approximately 400 feet to the east and a large shopping center is approximately 800 feet east



2. Environmental Checklist

located at the southwest corner of PCH and Webb Way. The parcel immediately west of the project site is Malibu Bluffs Park, a community park consisting of two baseball fields, a soccer/multi-purpose field, a playground, jogging paths, picnic tables and the Michael Landon Community Center. State Park land surrounds Malibu Bluff Park to the south and west. To the north of the project site are vacant parcels, one of which is a 27.8 acre parcel that is currently under review to be developed with a resort hotel. Pepperdine University is located northwest of the project site across PCH. To the south of the project site are single-family residences and Malibu Road. The Pacific Ocean is approximately 300 feet south of portions of the project site.

10. Other Public Agencies Whose Approval Is Required (e.g., permits, financing approval, or participation agreement):

California Coastal Commission
Los Angeles Regional Water Quality Control Board
State Water Resources Control Board
California Department of Transportation
Los Angeles County Fire Department
Los Angeles County Waterworks District 29

2. Environmental Checklist

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For



2. Environmental Checklist

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

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

2. Environmental Checklist

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	X			
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	X			
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	X			
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	X			
II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X



2. Environmental Checklist

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X			
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X			
d) Expose sensitive receptors to substantial pollutant concentrations?	X			
e) Create objectionable odors affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	X			
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	X			
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	X			
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X

2. Environmental Checklist

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	X			
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X			
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?	X			
b) Result in substantial soil erosion or the loss of topsoil?	X			
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	X			
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	X			
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	X			
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	X			
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	X			
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	



2. Environmental Checklist

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	X			
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	X			
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	X			
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site	X			
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	X			
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	X			
f) Otherwise substantially degrade water quality?	X			

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<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?			X	
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	X			
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	X			
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	X			
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	X			
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X



2. Environmental Checklist

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	
XV. RECREATION. Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	X			
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	X			
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	X			
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	X			
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X

2. Environmental Checklist

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	X			
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
g) Result in inadequate parking capacity?	X			
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?			X	
e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	X			
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	X			



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<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	X			

3. *Environmental Analysis*

Section 2.3 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist.

3.1 **AESTHETICS**

a) **Have a substantial adverse effect on a scenic vista?**

Potentially Significant Impact. In March 2012, story poles demonstrating the proposed mass, height and bulk of the project were installed on the project site. The proposed project site is visible from PCH and Malibu Canyon Road, designated scenic roads in the Malibu LUP. The project site affords views of the Pacific Ocean to the south and the Santa Monica Mountains to the north, as seen in Figure 4, Site Photographs. The proposed project would change the visual character of the project site through the creation of homes, recreational facilities, a private road, a gatehouse, and landscaping. The change in character of the site may affect public views of the ocean. This impact will be discussed further in the EIR.

b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

Potentially Significant Impact. In March 2012, story poles demonstrating the proposed mass, height and bulk of the project were installed on the project site. The proposed project site is visible from PCH and Malibu Canyon Road, designated scenic roads in the Malibu LUP. PCH is also designated eligible for scenic highway status by the California Department of Transportation. Much of the project site, including the locations of the proposed residences, is at least 50 feet above the grade of PCH. The proposed structures may be visible from portions of PCH as well as portions of Malibu Canyon Road to the north. Furthermore, the western portion of the project site, including the proposed locations of the recreational facilities, gatehouse, and private road, are closer to the grade of PCH, and may be visible from there. This potentially significant impact will be discussed further in the EIR.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Potentially Significant Impact. The project site is currently undeveloped. The proposed project would alter the site by developing it with five homes, a private road, a gatehouse, recreational facilities such as ball fields or a skate park, and landscaping. The project site is in a scenic area, with views of the Pacific Ocean and the Santa Monica Mountains. The proposed project would change the visual character and quality of the project site and its surroundings. The impacts to the character of the site and surroundings will be analyzed further in the EIR.

d) **Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?**

Potentially Significant Impact. The proposed project would develop a vacant site with five single-family homes and recreational uses. The recreational uses could include a baseball field, a soccer field and/or a skate park. The proposed recreational uses would not include nighttime lighting. Lighting associated with the proposed development would include indoor and outdoor lighting associated with the homes, evening



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security lighting throughout the site, street lighting, and headlights from vehicles accessing the project site. The proposed lighting would be similar to existing lighting for residences within the project vicinity. However, the lighting associated with the homes and new road may be visible from portions of PCH and Malibu Road, as well as from nearby homes and other structures north of the project site. Further analysis in the EIR is necessary to determine if the proposed project would result in impacts related to light or glare.

3.2 AGRICULTURE RESOURCES

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

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The project site is not designated Farmland on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The project site is not currently used for agriculture. No impacts would occur as a result of the proposed project. This issue will not be examined further in the EIR.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is not currently used or zoned for agriculture, and there are no Williamson Act contracts on the project site. No impacts would occur. This issue will not be examined further in the EIR.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. There is no zoning for forest land, timberland, or timberland production onsite. No impact would occur and no further analysis is necessary.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. Forest land is defined as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits” (California Public Resources Code Section 12220[g]). Timberland is defined as “land...which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees” (California Public Resources Code Section 4526).

No forest or woodland was identified among the plant communities identified onsite during a survey of the site (Impact Sciences 2007). No native trees that are protected under the City of Malibu's Native Tree Protection Ordinance were observed on the proposed development portions of the project site. However, a number of toyon and California walnut trees were observed. None of the vegetation types identified on the project site are native forest or woodland vegetation types. No impact would occur. Thus, no further analysis is required.

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

No Impact. Development of the project would not convert farmland or forest land. There is no forest land, mapped farmland, or agricultural production onsite or adjacent to the site. Based on the site location and its urban nature, development of the proposed residential and open space uses on the project site is not expected to result in conversion of mapped farmland to non-agricultural use, or in conversion of forest land to non-forest use. Thus, no impact would occur and no further analysis is required.

3.3 AIR QUALITY

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

- a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Less Than Significant Impact. A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the Air Quality Management Plan (AQMP). It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration at an early enough stage to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to clean air goals contained in the AQMP. Only new or amended general plan elements, specific plans, and major projects need to undergo a consistency review. This is because the AQMP strategy is based on projections from local general plans. Projects that are consistent with the local general plan are considered consistent with the AQMP.

The emissions from construction and operation of the proposed project would not exceed the South Coast Air Quality Management District (SCAQMD) thresholds. The project is not considered by the Southern California Association of Governments to be a regionally significant project. As the proposed project is not a major project requiring a consistency evaluation and air pollutant emissions generated by the project would not exceed the SCAQMD emissions thresholds, the project would be considered to be consistent with the AQMP and no significant impacts would occur. This issue will not be examined further in the EIR.

- b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Potentially Significant Impact. The proposed activities associated with project construction, onsite operational activities, and increased vehicular traffic generated by the project's proposed land uses have the potential to generate fugitive dust, stationary source emissions, and mobile source emissions. Air pollutant emissions associated with the proposed project could occur over the short term for grading and construction activities. Long-term operation of the proposed project could result in operational emissions from vehicle trips, natural gas combustion, fireplace usage, water heaters, gas stoves, and fuel consumed for landscape activities. An air quality analysis is currently being prepared to determine if the resulting project's short- or long-term emissions would violate any air quality standard, or cumulatively contribute to global climate change impacts. For these reasons, this topic will be addressed in the EIR, and mitigation measures will be recommended as needed.



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

Potentially Significant Impact. The City of Malibu is in the South Coast Air Basin, which is in nonattainment of federal standards for criteria pollutants. Implementation of the proposed project may increase existing levels of criteria pollutants and contribute to the existing nonattainment status for these criteria pollutants. As mentioned in Section 3.3b, air pollutant emissions associated with the proposed project could occur over the short-term from site grading and construction activities and over the long-term from project operation. An air quality analysis is currently being prepared to determine if the project would result in a cumulatively considerable net increase in any criteria pollutant. For these reasons, this topic will be addressed in the EIR, and mitigation measures will be recommended, as appropriate.

- d) Expose sensitive receptors to substantial pollutant concentrations?**

Potentially Significant Impact. An impact is also potentially significant if emission levels exceed the state or federal ambient air quality standards, thereby exposing sensitive receptors to substantial pollutant concentrations. Sensitive receptors are persons more sensitive to the unhealthful effects of emissions, such as children and the elderly. Sensitive receptors near the project site include users of the adjacent Malibu Bluffs Park and the residents of homes on Malibu Road. Emission sources from the proposed project, mainly from construction activities, may expose existing and future sensitive receptors to substantial pollutant concentrations. An air quality analysis is currently being prepared to determine if sensitive receptors would be exposed to substantial pollutant concentrations. For these reasons, this topic will be addressed in the EIR, and mitigation measures will be recommended, as appropriate.

- e) Create objectionable odors affecting a substantial number of people?**

Less Than Significant Impact. Odors are one of the most obvious forms of air pollution to the general public. Odors can present significant problems for both the source and the surrounding community. Although offensive odors seldom cause physical harm, they can cause agitation, anger, and concern to the general public. Most people determine an odor to be objectionable if it is sensed longer than the duration of a human breath, typically two to five seconds.

Project construction would involve the use of heavy equipment creating exhaust pollutants from onsite earth movement and from equipment bringing asphalt and other building materials to the site. With regard to nuisance odors, any air quality impacts would be confined to the immediate vicinity of the equipment itself. By the time such emissions reach any sensitive receptor sites, they are typically diluted to well below any level of air quality concern. An occasional "whiff" of diesel exhaust from passing equipment and trucks accessing the site from public roadways may result. Such brief exhaust odors are an adverse, but not significant, air quality impact.

The operational phase of the project consists of five single-family units. The project would include one or more OWTS plants. Alternative onsite wastewater treatment systems are similar to traditional septic tank systems, with additional emphasis on water quality. They are the primary means of wastewater treatment in the City of Malibu. Nuisance odors are regulated under SCAQMD Rule 402, which prohibits quantities of air contaminants or other materials to be emitted within the air basin that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; that endanger the comfort, repose, health, or safety of any such persons or the public; or that cause or have a natural tendency to cause injury or damage to business or property. The operation of the OWTS is required to comply with Rule 402, and no

3. Environmental Analysis

significant sources of odors would occur onsite. Therefore, impacts from objectionable odors would be less than significant. This issue will not be examined further in the EIR.

3.4 BIOLOGICAL RESOURCES

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Potentially Significant Impact. The project site has been disturbed by weed-abatement activities and a baseball field previously developed in the northwest portion of the project site. Although the areas proposed to be developed have been disturbed, there is natural vegetation on the slopes along the east and south boundaries of the project site. This vegetation could include special status plant species or could be habitat for special status animal species. Additionally, the site contains mature trees and vegetation that could potentially host breeding native bird and raptor species known to nest in the region. A biological resource study was conducted by Impact Sciences in January 2009; however, due to the lapse in time, an updated biological resources is being prepared. The updated biological resources study will determine the extent of the impact, if any. The results of the study will be provided in the EIR. Mitigation measures will be recommended, as needed.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Potentially Significant Impact. There are two drainage features onsite. A jurisdictional determination was conducted in August 2008 which determined that neither of these drainage features meet the definition of a “stream” under the LCP Section 2.1. In addition, a biological resource study was conducted by Impact Sciences in January 2009. However, due to the lapse in time, update studies are being prepared. The updated studies will evaluate potential impacts to riparian habitat or other sensitive natural communities, and policy implications, if any exist on the project site. The results of the study will be provided in the EIR.

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

Potentially Significant Impact. Two drainages flow north to south directly through the project and drain into the Pacific Ocean. The EIR will include a jurisdictional delineation and will analyze whether these drainages are under the jurisdiction of regulating agencies (i.e., Army Corps of Engineers, California Department of Fish and Game, or Regional Water Quality Control Board), and whether the project would impact any wetlands, which would require pre-permit consultation with the appropriate regulating agency to identify potential permitting issues and acceptable mitigation. This issue will be further studied in the EIR.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Less Than Significant Impact. Wildlife movement corridors are linear landscape elements that serve as linkages between historically connected habitat/natural areas, thereby facilitating wildlife movement. The project site is in a developed portion of the City of Malibu. The parcel immediately east of the project site has been developed with a former towing yard, residence, and other buildings. A large shopping center is approximately 800 feet to the east. There are residences south of the project site and along Malibu Road.



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PCH borders the site to the north. Vegetation on the southern slopes of the project site and State park land located to the south and west of Malibu Bluff Parks may offer some open space for limited habitat for migratory birds and a few individual wildlife species; however, the project site is located in a largely developed area; therefore, the project site does not serve as a migration or movement corridor. In addition, the proposed development would be conditioned to comply with existing requirements of the federal Migratory Bird Treaty Act and the Fish and Game Code. Furthermore, a portion of the project site would remain as open space. As a result, the proposed project would not significantly impact localized wildlife movement. Therefore, the proposed project would have no impact on wildlife movement corridors and a less than significant impact on localized wildlife movement. This issue will not be examined further in the EIR.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. The City of Malibu's LCP includes a Native Tree Protection Chapter, which prohibits removal of or damage to certain qualifying trees, including native oaks (*Quercus* sp.), California walnut (*Juglans californica*), western sycamore (*Platanus racemosa*), alder (*Alnus rhombifolia*), and toyon (*Heteromeles arbutifolia*). A number of toyon and California walnut trees were observed near the onsite drainages; however, these drainages would not be impacted by the proposed project. The proposed project would not conflict with the Native Tree Protection Chapter or any other local policies or ordinances. Therefore, no significant impacts would occur as a result of the proposed project. This issue will not be examined further in the EIR.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant Impact. The project site is not covered by any Habitat Conservation Plan, Natural Community Conservation Plan, or other habitat management plan. The Malibu LCP includes maps of environmentally sensitive habitat areas (ESHA) and marine resources. The project site is not designated as an ESHA or a marine resource. However, an ESHA is designated adjacent to the project site to the southwest. The LCP Land Use Plan states:

The LUP policies establish the protection of areas adjacent to ESHA and adjacent to parklands through the provision of buffers. Natural vegetation buffer areas must be provided around ESHA or parkland that are of sufficient size to prevent impacts that would significantly degrade these areas. Development, including fuel modification, shall not be permitted within required buffer areas.

The LUP policies require that new development be sited and designed to minimize impacts to ESHA by minimizing grading, limiting the removal of natural vegetation, and prohibiting grading during the rainy season. Graded and other disturbed areas must be landscaped or revegetated with primarily native, drought resistant plants at the completion of grading.

The proposed project would not develop the southwest corner of the project site, and would therefore establish a buffer as described in the LCP between the ESHA and developed land. Compliance with the requirements of the City of Malibu LCP would reduce impacts to less than significant. This issue will not be examined further in the EIR.

3.5 CULTURAL RESOURCES

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

No Impact. Section 10564.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered to be “historically significant,” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

There are no structures on the project site. A review of historical aerial photographs of the project site, dating back to 1928, revealed that no permanent structures have existed on the project site in the past. However, a baseball field was constructed on the northwest portion of the project site and removed in the 1990s. The Environmental Data Resource, Inc., *Aerial Photo Decade Package*, containing the historical aerial photographs, is available for review at Malibu City Hall. The proposed project would not affect any designated historical resources, or any resources eligible for listing by the California Register of Historical Resources. No impacts would occur as a result of the proposed project. This issue will not be examined further in the EIR.



b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Potentially Significant Impact. The Malibu area was historically occupied by the Chumash Indians. Prehistoric sites connected to the Chumash Indians have been recorded throughout the City. The proposed project site is vacant, and the area proposed for development generally flat. The northwestern portion of the site was previously developed with a baseball field, which was removed in the 1990s. The project site has been continually disturbed by weed abatement activities; a majority of the site consists of exposed soil.

A Phase I Archaeological Study was prepared in July 2007 for the proposed project by the Historical Environmental Archaeological Research Team. As part of the study, a records search was performed at the South Central Coastal Information Center at California State University, Fullerton (SCCIC-Fullerton), and an on-foot surface reconnaissance of the project site was conducted. The records search did not identify any archaeological sites on the project site, the field reconnaissance yielded no indications of archaeological resources on the site, and the Phase I Archaeological Study recommended no additional studies.

However, due to the historic occupation of Chumash Indians in the project vicinity, project grading and excavation could expose undiscovered archaeological resources onsite. Therefore, potential impacts to undiscovered archaeological resources will be analyzed in the EIR.

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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Potentially Significant Impact. There are no known paleontological resources or unique geologic features on the project site. However, fossils have been recovered near the project site from the same sedimentary units that occur in the project area. The proposed project would involve ground-disturbing activities, which could affect previously undiscovered paleontological resources. Therefore, potential impacts to undiscovered paleontological resources will be analyzed in the EIR.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. There are no known human remains on the project site. However, the proposed project would involve ground-disturbing activities, which could disturb undiscovered human remains. It is possible, but not likely, that buried human remains are present in the project site boundaries. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 48 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed. Conformance with existing regulations concerning the discovery of human remains would ensure that impacts related to human remains would be less than significant. This issue will not be examined further in the EIR.

3.6 GEOLOGY AND SOILS

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact. An Alquist-Priolo Earthquake Fault Zone (APEFZ) was previously designated on the project site. In February 2007, the APEFZ zone was removed by the California Geological Survey. The revised map was released on August 16, 2007. The removal of the zone was based on fault studies conducted at the project site and on surrounding properties to east and northeast which concluded that the faults did not meet state criteria for active faulting. The studies were reviewed by and received concurrence from the City of Malibu and California Geological Survey. The project site is not in an APEFZ zone, and impacts would be less than significant. This issue will not be examined further in the EIR.

ii) Strong seismic ground shaking?

Less Than Significant Impact. There are no known active faults on the project site. However, there are a number of faults nearby and in the region that could cause strong earthquakes. The Malibu Coast Fault Zone is approximately 200 feet north of the project site. This fault was thought to be potentially active but, investigations by Leighton and Associates, Inc., in the Malibu Civic Center area and north of Pacific Coast Highway concluded that it was inactive. The Puerco Canyon Fault, a splay of the Malibu Coast Fault, is mapped off-site beyond the southern border of the project site and extends under the Amarillo Beach

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Landslide complex and beneath Malibu Road. Both the Malibu Coast Fault and Puerco Canyon Fault exhibit reverse and left-lateral slip.

The project may be exposed to impacts from strong earthquakes. The site is considered to be no more susceptible to earthquakes than other sites within the coastal areas of the City of Malibu. The project site is in Seismic Zone 4, one of five zones (0–4) mapped in the California Building Code (CBC) to identify areas subject to varying degrees of potential impact and frequency of large earthquakes. Seismic Zone 4 is potentially subject to the greatest frequency of large earthquakes.

The state regulates development in California through a variety of tools that reduce potential hazards from earthquakes and other geologic hazards. The CBC contains provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards. The effects of earthquakes from known faults can be reduced through conformance with the latest CBC and Universal Building Code regulations, and with recommendations of the Structural Engineers Association of California for seismically resistant design structures. Prior to construction of the proposed project, a project-specific Geotechnical Investigation will be prepared by a registered geologist pursuant to Title 24 California Code of Regulations. The project will be required to comply with seismic design parameters based on the 2010 CBC provided in the geotechnical investigation and update report. Compliance with the 2010 CBC and recommendations outlined in the project's Geotechnical Investigation regarding site preparation, excavation, fill placement and compaction, foundation design, site drainage, and retaining wall designs will be incorporated into the structural design of the project and would minimize the potential for significant seismic impacts. Impacts would be less than significant. This issue will not be examined further in the EIR.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. According to the Seismic Hazard Map for the Malibu Beach Quadrangle and analysis completed for the feasibility-level soil study, which is being reviewed by the City Geologist, the project site is not within a State of California zone for potential liquefaction hazard. Therefore, impacts associated with earthquake-related grounding failure such as liquefaction and seismic settlement are less than significant. This issue will not be examined further in the EIR.

iv) Landslides?

Potentially Significant Impact. The site borders slopes that are zoned to require investigation to address the potential for seismically-induced landslides, such as the potential reactivation of the Amarillo Beach Landslide complex. Preliminary slope stability analyses indicate that structural setback zones would be required to establish buildings within areas of the site that meet the minimum required factors of safety. At this time, planned structures and grading are proposed within these zones. While the feasibility-level study finds that the proposed development would be safe from hazards posed by landslides, settlement, or slippage provided that the final recommendations of the Geotechnical Investigation are implemented, this issue will be further discussed in the EIR. The EIR will provide further discussion of the stability of the slopes and will identify additional mitigation measures, as needed.

b) Result in substantial soil erosion or the loss of topsoil?

Potentially Significant Impact. The majority of the project site currently contains exposed soil, which has been disturbed by weed-abatement activities throughout the project site and by the construction and removal of a baseball field in the northwestern portion of the project site. It is currently unknown whether the proposed project would result in soil erosion or the loss of topsoil. A feasibility-level soils report has been



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prepared for the proposed project and is currently being reviewed by the City. The findings of the report will be included in the EIR, and mitigation measures will be recommended, as appropriate.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Potentially Significant Impact. The feasibility-level soils report, which is being reviewed by the City Geologist, indicates that subsurface earth materials consist of undocumented fill, alluvium, terrace deposits, and Monterey Formation bedrock. Soil sampling completed at nearby areas suggests that soils on the proposed project site are corrosive to ferrous metals, which is typically mitigated to design onsite concrete to resist moderate sulfate exposure. The EIR will provide additional analysis on the site's geologic unit and soil mitigation measures will be recommended, as appropriate.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Potentially Significant Impact. The feasibility-level soils report indicates that remedial grading for the upper soils is expected to mitigate the impacts of hydrocollapsible and expansive soils. Nonetheless, the study also recommends additional evaluation when project features are better defined. Therefore, the extent of the impact will be addressed in the EIR, and this issue will be analyzed further in the EIR.

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

Potentially Significant Impact. The proposed project includes the creation of one or more OWTS package plants. While the feasibility-level soils report indicates that the proposed development would be safe from hazards, additional feature-specific analyses, such as on any percolation and slope stability associated with the wastewater treatment package, will be required. The EIR will provide the findings of these additional studies. This issue will be analyzed further in the EIR.

3.7 GREENHOUSE GAS EMISSIONS

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Potentially Significant Impact. AB 32, the Global Warming Solutions Act, was passed by the California state legislature on August 31, 2006, to place the state on a course toward reducing its contribution of greenhouse gas (GHG) emissions. In addition to the requirements under AB 32 to address GHG emissions and global climate change in general plans and CEQA documents, Senate Bill 97 (Chapter 185, 2007) required the Governor's Office of Planning and Research (OPR) to develop CEQA guidelines for addressing global warming emissions and mitigating project-generated GHG emissions. OPR transmitted the proposed guidelines to the California Natural Resources Agency (CNRA) and the guidelines were adopted on December 30, 2009. The amended CEQA Guidelines became effective on March 18, 2010.

Construction and operation of project development would generate GHG emissions, with the majority of energy consumption (and associated generation of GHG emissions) occurring during the project's operation (as opposed to its construction). The proposed project would result in an increase in GHG emissions from transportation sources, offsite energy production required for onsite activities, natural gas used on site for heating and cooking, water use, and waste disposal. Therefore, an analysis will be prepared as part of the

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Draft EIR to calculate GHG emissions generated by the proposed project. The calculations will use the most recent version of the CalEEMod model (Version 2011.1.1).

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Potentially Significant Impacts. The proposed project would generate GHG emissions. As part of the Draft EIR for the proposed project, a GHG analysis will be prepared to analyze the extent to which the project would comply or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions and strategies to help California reach the emission reduction targets.

3.8 HAZARDS AND HAZARDOUS MATERIALS

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Less Than Significant Impact. Construction activities would involve the transport of fuels, lubricating fluids, solvents, and other substances. Onsite construction equipment might require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials would be used in relatively small quantities and would not pose a significant safety hazard. Large quantities of materials considered hazardous would not be used during construction. The storage, handling, and disposal of hazardous materials are regulated by the Environmental Protection Agency, Occupational Safety and Health Administration, and the Los Angeles County Fire Department (LACFD). Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner, and would minimize the potential for safety impacts to occur. After implementation of these standards and regulations, risks involving hazardous materials related to project construction would be less than significant. No further analysis is required.

After construction is complete, the routine operation of the recreational uses and the single-family homes, including individual OWTS, would not involve use of hazardous materials beyond normal cleaning solvents and landscaping products (see Section 3.17b). Impacts related to hazardous materials would be less than significant. This issue will not be examined further in the EIR.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. As stated above, construction and operation of the proposed project may require relatively small quantities of hazardous materials. To reduce impacts from potential spills of hazardous materials during construction, the project would be required to comply with the requirements set forth under the Statewide General Permit for Construction Activities, pursuant to Section 402 of the federal Clean Water Act. Per the requirements, best management practices (BMPs) would be employed to control hazardous materials use and spills, as detailed within a Stormwater Pollution Prevention Plan prepared for the proposed project. The proposed residential and recreational uses would not require the use of hazardous materials beyond normal cleaning solvents and landscaping products, and therefore would not create significant hazards through accidental release of hazardous materials. No significant impacts would occur, and no mitigation measures are necessary. Impacts would be less than significant. This issue will not be examined further in the EIR.



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- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Less Than Significant Impact. There are two schools within one-quarter mile of the project site: Our Lady of Malibu Catholic School and Webster Elementary School. Both schools are on Winter Canyon Road approximately one-quarter mile north of the project site. Construction may require the use of small quantities of hazardous materials. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner, and would minimize the potential for safety impacts to occur. After construction, the operation of the proposed residential and recreational uses would require no hazardous materials other than normal cleaning solvents and landscaping products, which would not cause a significant health or safety hazard on or off the project site. Emissions and hazardous materials associated with the proposed project would not create a hazard to schools near the project site. Impacts would be less than significant. This issue will not be examined further in the EIR.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Less Than Significant Impact. The project site is currently vacant and has been disturbed by weed abatement activities. According to historical aerial photographs, only the northwestern portion of the proposed project site appears to have been previously developed with a baseball field. A Phase I Site Assessment and records search was conducted for the project site (Leighton 2011). The executive summary of the Phase I report can be found in Appendix A of this document. The complete report is available for review at City Hall. The database search is used to identify properties that may be listed on agency records. The project site is not listed on any databases, and the closest facilities are more than one-quarter mile north of the site. Due to the distance between the project site and the closest facilities, it is not anticipated that any potential hazards associated with these facilities would affect the project site. No significant impacts would occur. This issue will not be examined further in the EIR.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles or a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. There are no public airports within 10 miles of the project site, and the project site is not in an airport land use plan area. The nearest public airport is Santa Monica Airport, approximately 15 miles east of the project site. No impacts would occur. This issue will not be examined further in the EIR.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. A search of the airport database AirNav revealed that there are no airports or airstrips within ten miles of the project site. No hazards associated with private airstrips would be created by the proposed project. The nearest heliports are the Malibu Administrative Center Heliport, approximately one-half mile east of the project site and one operated by the Hughes Aircraft Company, approximately one half-mile north of the project site. Hazards associated with the heliports are negligible. Neither heliport is outfitted for commercial or public use. The proposed structures on the project site are not tall enough to alter air traffic patterns or otherwise create a safety hazard related to private airstrips or heliports. No impact would occur. This issue will not be examined further in the EIR.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The project design would not inhibit emergency vehicle circulation. The proposed gate installed at the entrance of the new private street would include an approved Knox Box, which is a wall-mounted safe that holds building keys, to allow emergency access to the project site. Additionally, the proposed private street would be designed in accordance with LACFD standards for emergency access. The road would be designed so that emergency vehicles such as fire trucks can safely traverse it, and the cul-de-sac would serve as an emergency vehicle turnaround. The LACFD will review project site plans for access and safety issues, and building permits will not be issued until the project meets their standards for access, thereby avoiding any interference with emergency response or evacuation plans. The proposed project would not interfere with any adopted emergency response plans or evacuation plans. No significant impacts would occur. This issue will not be examined further in the EIR.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Potentially Significant Impact. The City of Malibu is at high risk for wildfires. The proposed project site is in Fire Zone 4, Very High Fire Hazard Severity Zone, and has been impacted by wildfires in the past. A Fire Protection Plan is currently being prepared. It will provide measures and recommendations customized to the project site and based on fire behavior modeling, including structural enhancement and fuel modification. The measures and recommendations of the plan are intended to create defensible structures. This issue will be analyzed further in the EIR.



3.9 HYDROLOGY AND WATER QUALITY

a) Violate any water quality standards or waste discharge requirements?

Potentially Significant Impact. The proposed project would create five single-family homes, a new private road, and recreational use on undeveloped land. Implementation of the proposed project would reduce the amount of permeable surfaces at the project site, which may increase stormwater runoff or waste discharge from the project site. The proposed project also includes the creation of one or more OWTS package plants. Additional study regarding any potential runoff associated with the wastewater treatment package, will be required. The EIR will provide the findings of these additional studies. This issue will be analyzed further in the EIR.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Potentially Significant Impact. The proposed project would construct five single-family residences and recreational uses on a currently vacant site. This may involve substantial excavation of the project site, which has the potential to affect groundwater. This issue will be analyzed further in the EIR.

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- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.**

Potentially Significant Impact. As stated above, the proposed project would reduce the amount of permeable surfaces at the project site. This may increase or alter the drainage of the project site. This issue will be analyzed further in the EIR.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Potentially Significant Impact. As stated above, the proposed project would reduce the amount of permeable surfaces at the project site. This may increase or alter the drainage and surface runoff from the project site. This issue will be analyzed further in the EIR.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

Potentially Significant Impact. As stated above, the proposed project would reduce the amount of permeable surfaces at the project site. This may increase or alter the drainage and surface runoff from the project site. This issue will be analyzed further in the EIR.

- f) **Otherwise substantially degrade water quality?**

Potentially Significant Impact. As stated above, the proposed project may increase runoff or erosion from the project site. This could affect water quality in the project area. This issue will be analyzed further in the EIR.

- g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

No Impact. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 mandate the Federal Emergency Management Agency (FEMA) to evaluate flood hazards. FEMA provides Flood Insurance Rate Maps (FIRMs) for local and regional planners to promote sound land use and floodplain development, identifying potential flood areas based on the current conditions. To delineate a FIRM, FEMA conducts engineering studies referred to as Flood Insurance Studies (FISs). The most recent FIS and FIRM was completed and published for Malibu on July 6, 1998. Using information gathered in these studies, FEMA engineers and cartographers have delineated Special Flood Hazard Areas on FIRMs.

- h) **The FIRM for the project area (Community Panel Number 06037C1537F, Panel 1537 of 2350) designates the project site as within Zone D, which is defined as an “area of minimal flooding,” or in an area with a 500-year flood hazard or less. Due to the project site’s position, it is unlikely that the project site would be affected by flooding. No impacts would occur. This issue will not be examined further in the EIR.**

- i) **Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

No Impact. As stated above, the project site is not in a 100-year flood hazard area according to FEMA. No impacts would occur. This issue will not be examined further in the EIR.

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j) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact. As stated above, due to the height and topography of the area, the project site is not at risk of flooding. No impacts would occur. This issue will not be examined further in the EIR.

k) Inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. A seiche is a surface wave created when an enclosed body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. Seiches can also occur in partially enclosed water bodies or bays, such as the Santa Monica Bay. A tsunami is a large sea wave that can be generated by surface rupture of an underwater fault, or by underwater landslides. Tsunamis and seiches can be measured in the elevation above mean sea level that is inundated as a result of the tsunami or seiche. The City of Malibu has prepared an Emergency Response Plan for Tsunami Operations. The plan analyzes the inundation zone of a tsunami 25 miles wide with a run-up of 42 vertical feet. In reality, the run-up generated by tsunamis varies and may be greater than 42 vertical feet. Seiches in the Santa Monica Bay would likely be smaller.

Portions of the project site are approximately 300 feet from the Pacific Ocean and the Santa Monica Bay. However, the proposed residential and recreational uses are atop a bluff, at an elevation of at least 150 feet above mean sea level, and well above the 42 foot run-up considered in the Emergency Response Plan for Tsunami Operations. The plan also identifies an inundation zone in the City of Malibu which is likely to be affected by a seiche or tsunami. The proposed residential and recreational uses are not within this inundation zone. In fact, the Emergency Response Plan identifies Malibu Bluffs Park, which is adjacent to the project site and at a similar elevation, as a potential shelter site for the public in the event of a tsunami. The elevation of the project site should provide protection even from a tsunami larger than that identified in the Emergency Response Plan for Tsunami Operation. Tsunamis and seiches occur rarely and are unlikely to impact the project site due to its elevation.

There are no adjacent slopes that could direct mudflows onto the project site. The foothills of the Santa Monica Mountains are approximately one-quarter mile from the project site and are not close enough to direct mudflows onto the site. The proposed project would not be inundated by mudflows. The south and east boundaries of the project site include descending slopes; potential impacts and risks associated with these slopes (e.g., landslides) are discussed in Section 3.6, Geology and Soils, of this document and will also be further analyzed in the geology section of the EIR. The proposed project would not be at a significant risk of inundation by tsunami, seiche, or mudflow. Impacts would be less than significant. This issue will not be examined further in the EIR.

3.10 LAND USE AND PLANNING

a) Physically divide an established community?

Less Than Significant Impact. Adjoining the project site to the west is Malibu Bluffs Park. The proposed project's dedication of recreational space to the City would expand Malibu Bluffs Park by approximately 1.74 acres, and would add an additional multipurpose field that could be used as a ball field or skate park and an additional 50 new parking spaces to Malibu Bluffs Park. The dedication of park space would not divide any established community or land uses, but would expand the existing park adjacent to the project site.



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The proposed project would also create five new homes and a private road on the eastern portion of the project site. There are residences with access to the beach to the west and south of the site, and rural estates with access from PCH just west of Malibu Bluffs Park. The proposed single-family residences are consistent with the surrounding residential uses, and their development would not separate established communities. Impacts would be less than significant. This issue will not be examined further in the EIR.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact. The City of Malibu Zoning Map, LCP Land Use Map and General Plan Land Use Map designate the project site PD, Planned Development. The PD designation “is intended to provide for a mix of residential and recreational development of the Crummer Trust property [project site] located east of Malibu Bluffs State Park and south of Pacific Coast Highway.” The proposed project includes the dedication of land with recreational and parking lot uses to the City of Malibu for recreational purposes. The PD designation does not contain development standards; therefore, a Planned Development Ordinance (ZTA No. 12-001 and LCPA No. 12-001) will be processed and presented to the City Council for approval. If approved, the LCPA will be forwarded to the CCC for certification. The EIR will discuss the proposed project’s consistency with the LCP zoning and land use designations and the proposed Planned Development Ordinance.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Less Than Significant Impact. The project site is not covered by any Habitat Conservation Plan, Natural Community Conservation Plan, or other habitat management plan. The site, however, is under the jurisdiction of the Malibu LCP and the Coastal Act, both of which set goals and policies to preserve, protect, and enhance coastal resources. The LCP Land Use Plan includes maps of ESHAs and marine resources. The project site is not designated as an ESHA or a marine resource. However, an ESHA is designated adjacent to the project site to the southwest. The LCP Land Use Plan states:

The LUP policies establish the protection of areas adjacent to ESHA and adjacent to parklands through the provision of buffers. Natural vegetation buffer areas must be provided around ESHA or parkland that are of sufficient size to prevent impacts that would significantly degrade these areas. Development, including fuel modification, shall not be permitted within required buffer areas.

The LUP policies require that new development be sited and designed to minimize impacts to ESHA by minimizing grading, limiting the removal of natural vegetation, and prohibiting grading during the rainy season. Graded and other disturbed areas must be landscaped or revegetated with primarily native, drought resistant plants at the completion of grading.

The proposed project would not develop the southwest corner of the project site, and would therefore establish a buffer as described in the LCP between the ESHA and developed land. Compliance with the requirements of the City of Malibu LCP would reduce impacts to less than significant. This issue will not be examined further in the EIR.

3.11 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. Sand and gravel resources are the only mineral resources that have been mapped in western Los Angeles County. Although these resources have not been mapped in the Malibu area, the presence of numerous canyons and drainages indicate that these resources may exist in the City. However, the project site is not in a mineral resource zone as defined by the County of Los Angeles Draft General Plan. No mineral resources of value are known to exist on the project site, and implementation of the proposed project would have no impact on known mineral resources of value to the region or the state. No impacts would occur. This issue will not be examined further in the EIR.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. As stated above, no mineral resources of value are known to exist on the project site, and implementation of the proposed project would have no impact on known mineral resources of value to the region or the state. No impacts would occur. This issue will not be examined further in the EIR.

3.12 NOISE

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Potentially Significant Impact. The proposed project would construct five homes and recreational uses on a vacant land. A multipurpose active recreation area is proposed, which could be used as a baseball field, a soccer field, or developed as a skate park. Short-term increases in noise would be associated with the excavation and grading of the site and the construction of the buildings. Short-term construction-related noise levels could be higher than existing ambient noise levels in the project area. The long-term operation of the proposed project would result in increased use of the project site and may generate noise or expose people to noise levels in excess of established standards. This issue will be analyzed further in the EIR.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Potentially Significant Impact. Vibration impacts are generally associated with project construction activities using heavy construction equipment such as bulldozers. Construction equipment utilized during project development would produce vibration from vehicle travel as well as grading and building construction activities. This issue will be analyzed further in the EIR.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Impact. Introduction of new residential and recreational land uses would result in an increase in stationary noise sources and traffic levels in the project site vicinity, which could result in a permanent increase in the ambient noise environment. This issue will be analyzed further in the EIR.



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- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Potentially Significant Impact. As stated above, during the construction phase of the proposed project, noise levels associated with construction activities could result in a substantial increase in the ambient noise environment. This issue will be analyzed further in the EIR.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. There are no airports within 10 miles of the project site, and the project site is not in an airport land use plan area. The nearest public airport is Santa Monica Airport, approximately 15 miles east of the project site. No impacts would occur. This issue will not be examined further in the EIR.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. There are no airports or airstrips within 10 miles of the project site. Noise generated by or airstrips would not impact the project site. The nearest heliport is the Malibu Administrative Center Heliport. Noise from this heliport would not be excessive, as it is approximately one-half mile from the project site. No impacts would occur. This issue will not be examined further in the EIR.

3.13 POPULATION AND HOUSING

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Less Than Significant Impact. The proposed project would construct five new single-family residences and recreational uses. Development of the proposed homes would result in a slight population growth in the area. According to the 2010 Census, the City of Malibu has a population of 12,645 and an average household size of 2.37 people. The proposed creation of five units would therefore increase the population of the City by approximately 12 people, or less than 0.1 percent of the population. This slight population increase would not cause a significant strain on the infrastructure of the City of Malibu. Additional recreational uses at Malibu Bluffs Park would be utilized by area residents, but would not induce substantial population growth. Impacts associated with population growth would be less than significant. This issue will not be examined further in the EIR.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No Impact. The proposed project entails the development of a vacant property. No housing would be displaced as a result of the proposed project. No impacts would occur. This issue will not be examined further in the EIR.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project entails the development of a vacant property. No people would be displaced as a result of the proposed project. No impacts would occur. This issue will not be examined further in the EIR.

3.14 PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Less Than Significant Impact. Fire protection services are provided by Los Angeles County Fire Department (LACFD). The fire station nearest to the project site is Fire Station 88, at 23720 West Malibu Road, approximately 1,500 feet southeast of the project site. There are several other fire stations in the project area that are capable of responding to an incident at the project site. These stations currently offer fire protection to the project site and residences near the project site. Fire protection services from these stations would continue to be provided to the project site.

Impacts to public services such as fire protection are generally due to population growth. As stated above, the proposed project would result in a small amount of population growth. Due to the relatively small size of the proposed project, it is unlikely that it would have a significant impact on fire protection services. The proposed project is compatible with the LCP Land Use Map and Zoning Map designations for the site. The creation of the proposed playfields or skate park would increase the use of Malibu Bluffs Park. However, this increase in use at Malibu Bluffs Park is not anticipated to be large enough to significantly affect fire protection services in the City. The proposed project would not require the creation or expansion of fire department facilities, or the need to hire of additional personnel.

Development of the proposed project would require the project applicant to comply with all requirements of the LACFD. These requirements include providing adequate roadway and exterior building access, water mains, fire flows, and fire hydrants, as well as maintaining brush clearance and fuel modification plans. The project site would be accessible to the fire department in the event of an emergency and designed in accordance with standards for emergency access. The new parking lot, proposed recreational facilities, and Bluffs Park would be accessed by Winter Mesa Drive via a LACFD approved turnaround, located at the southwestern portion of Lot 7 and Winter Mesa Drive. The proposed private street providing access to the single-family homes (Lot 6) would also include sufficient turn around area in the event vehicles intending to go to Bluffs Park inadvertently turn into the residential road. The project would also include new street striping to eliminate the existing parallel parking along Winter Mesa Drive and directional signage. The proposed gate installed at the entrance of the new private street would include an approved Knox Box, which is a wall-mounted safe that holds building keys, to allow emergency access to the project site. Compliance with the LACFD's recommendations would lessen potential interference with emergency response plans and would minimize impacts to fire protection facilities to a less-than-significant level, and the proposed project would not result in a need for a new or the expansion of existing fire protection facilities. Hazards related to potential wildfires are addressed in Section 3.7h of this initial study and will be further addressed in the EIR. This issue will not be examined further in the EIR.



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b) Police protection?

Less Than Significant Impact. Police protection for the City of Malibu is provided by the Los Angeles County Sheriff's Department (LACSD), Malibu/Lost Hills Station. Impacts to public services such as police protection are generally due to population growth. Population growth associated with the proposed project would be small, less than 0.1 percent of the population of the City identified in the 2010 Census. The proposed project would expand the size and use of Malibu Bluffs Park by creating a passive recreation area and a multipurpose active recreation area which could be used as a baseball field, a soccer field, a lacrosse field, or developed as a skate park, as well as a new parking lot.

The LACSD currently offers police protection services to the project site, as well as to nearby properties, including Malibu Bluffs Park and nearby residences on Malibu Road. LACSD would provide emergency services to the site during construction, should an emergency incident occur (such a trespass, theft or injury). As the need for emergency services at the project site during construction would be minimal, the project's short term impacts would not result in the deterioration of police services or require the expansion of physical police service facilities.

The LACSD would continue to provide protection services to the project site after implementation of the proposed project. The project site would be designed in accordance with standards for emergency access. The proposed gate installed at the entrance of a new private street would include an approved Knox Box to allow emergency access to the project site. Project operation is expected to result in similar or slightly increased amount of calls for service compared to existing conditions and the project site would receive adequate police protection. These changes are not large enough to cause a significant impact to police protection services in the City of Malibu. Therefore, project is not expected to create a need for new police facilities, and impacts to police protection would be less than significant. This issue will not be examined further in the EIR.

c) Schools?

Less Than Significant Impact. The project site is part of the Santa Monica-Malibu Unified School District. According to the District, potential schools that would serve the project site include Webster Elementary School, Malibu Middle School, and Malibu High School.

Webster Elementary School had an enrollment of 374 during the 2010-2011 school year. Malibu Middle School and Malibu High School share a campus and jointly had an enrollment of 1,152 students during the 2010-2011 school year, 121 fewer students than during the 2007-2008 school year. Both schools were operating below their design capacity. Pursuant to Education Code Section 17620, school districts can levy a fee against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. In accordance to Government Code Section 65996, this development fee is deemed to be "full and complete school facilities mitigation," and impacts are reduced to less than significant. This issue will not be examined further in the EIR.

d) Parks?

Less Than Significant Impact. Residential development typically results in increased demands on park facilities. Since the proposed project involves the development of new housing, an increase in demand for local and regional parks is anticipated. However, population growth associated with the proposed project would be small, 12 people, less than 0.1 percent of the population of the City identified in the 2010 Census. Population growth associated with the proposed project would be small, and would not have an appreciable effect on parks.

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The proposed project would dedicate land (Lot 7) to expand the adjacent Malibu Bluffs Park by approximately 1.74 acres. Lot 7 would include a passive recreation area and a multipurpose active recreation area which could be used as a baseball field, a soccer field, a lacrosse field, or developed as a skate park. Additionally, passive recreational uses such as public sitting areas and picnic tables may be developed on Lot 7. The new parking lot would contain a total of 94 parking spaces and resulting in a net increase of approximately 50 new parking spaces for Bluffs Park. The 94-space parking lot would be open to the general public and be comprised of 86 full-size parking spaces, 4 handicapped parking spaces, and 4 compact parking spaces. The dedication of Lot 7 would contain a deed restriction providing that the new recreational and parking lot areas shall remain open to the public, similar to and consistent with the general operating rules and regulations established by Malibu Municipal Code Chapter 12.08, as amended from time to time. The construction or expansion of the proposed recreational facilities will be addressed in the EIR as discussed in Section 3.14b below. The proposed project would provide addition recreation opportunities and have a beneficial effect on parks of the City. This issue will not be examined further in the EIR.

e) Other public facilities

Less Than Significant Impact. The project site is in a developed area where public utilities and facilities are in place. Impacts to public facilities, such as libraries, are generally due to population growth. Population growth associated with the proposed project would be small, less than 0.1 percent of the population of Malibu recorded in the 2010 Census, and would not have a significant effect on public facilities. This increase would not require the creation or expansion of public facilities. Impacts associated with public facilities would be less than significant. This issue will not be examined further in the EIR.

3.15 RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?

Potentially Significant Impact. The proposed project may result in a slight increase in use at nearby recreational facilities, including Malibu Bluffs Park, which is adjacent to the project site. The increase in use would not be substantial since the proposed project would create only five new single-family residences and a population increase of 12 people.

Nonetheless, the proposed project would dedicate land to expand the adjacent Malibu Bluffs Park by approximately 1.74 acres to include a passive recreation area and a multipurpose active recreation area which could be used as a baseball field, a soccer field, a lacrosse field, or developed as a skate park. Additional passive recreational uses such as public sitting areas and picnic tables may also be developed. The new parking lot would contain a total of 94 parking spaces and resulting in a net increase of approximately 50 new parking spaces for Bluffs Park. The 94-space parking lot would be open to the general public and be comprised of 86 full-size parking spaces, 4 handicapped parking spaces, and 4 compact parking spaces.

The park's increased size, parking lot, and the new recreational options could result in its increased use. Impacts associated with increased use of recreational facilities are expected to be less than significant; however, this issue will be examined further in the EIR.



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- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

Potentially Significant Impact. The proposed project would dedicate land to expand the adjacent Malibu Bluffs Park by approximately 1.74 acres to include a passive recreation area and a multipurpose active recreation area which could be used as a baseball field, a soccer field, a lacrosse field, or developed as a skate park. Additionally, a new parking lot containing a total of 94 parking spaces and resulting in a net increase of approximately 50 new parking spaces for Bluffs Park is proposed. Impacts associated with the proposed Malibu Bluffs Park improvement will be analyzed further in the EIR.

3.16 TRANSPORTATION/TRAFFIC

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

Potentially Significant Impact. The proposed project would create five new residences and new public recreational facilities on land that is currently vacant. The project would generate new traffic in the project area. In September 2008, a traffic study for the proposed project was prepared by; however, due to the lapse in time, the traffic study is currently being updated. The updated traffic study will evaluate the effects of the trips generated by the proposed homes and recreational uses on nearby intersections and roadway segments. Mitigation measures will be recommended as appropriate. This issue will be examined further in the EIR.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Potentially Significant Impact. The proposed project would create five new residences and recreation uses on land that is currently vacant. This would increase traffic in the project area. The updated traffic study will determine if trips generated by the proposed project would cause an exceedance of level of service standards. This issue will be examined further in the EIR.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact. There are no public or private airports or airstrips within 10 miles of the project site. The nearest heliport is the Malibu Administrative Center Heliport, approximately one-half mile east of the project site. The proposed project would create structures on the currently vacant project site, which would have a maximum height of 28 feet. The proposed structures are not large enough or close enough to any airports or heliports to alter air traffic patterns. No impact would occur. This issue will not be examined further in the EIR.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Potentially Significant Impact. The proposed project would create a new private road and public parking lot. The road would connect to Winter Mesa, immediately south of PCH. The new road and intersection would be near Malibu Bluffs Park. The proposed expansion of Malibu Bluffs Park would increase pedestrian

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activity and may increase conflicts between vehicles and pedestrians. The updated traffic study will determine if the design of the proposed project would increase hazards. This issue will be examined further in the EIR, and mitigation measures will be recommended, as appropriate.

e) Result in inadequate emergency access?

Less Than Significant Impact. The project design would not inhibit emergency access. The private street would be designed in accordance with fire department standards for emergency access. The proposed gate, installed at the entrance of the new private road, would include an approved Knox Box to allow emergency access to the project site. The new private road would be designed to ensure that emergency vehicles such as fire trucks can safely traverse it, and the cul-de-sac would serve as a fire department turnaround. The LACFD will be reviewing project site plans for access and safety issues, and building permits will not be issued until the proposed project meets department's standards for access, thereby ensuring adequate emergency access. No significant impacts would occur. This issue will not be examined further in the EIR.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. The proposed project would not conflict with any policies, plans, or programs supporting alternative transportation. Public transportation is available in and around the project area. No significant impacts would occur as a result of the proposed project. This issue will not be examined further in the EIR.

g) Result in inadequate parking capacity?

Potentially Significant Impact. The proposed project would expand Malibu Bluffs Park with additional play fields and/or a public skate park requiring new parking spaces. The demand for parking generated by the creation of the proposed new recreational uses is currently being determined. The EIR will examine the adequacy of the proposed parking.



3.17 UTILITIES AND SERVICE SYSTEMS

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. The proposed project would include sewage treatment facilities onsite. The facilities would require a waste discharge permit that would be issued by the Los Angeles Regional Water Quality Control Board (RWQCB). The application for the permit would require the project applicant to include a waste discharge report and plans of the treatment facilities. Compliance with the requirements and regulations of the RWQCB and receipt of a permit for operation of the facilities would reduce any potentially significant impact to a level below significance. This issue will not be examined further in the EIR.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. Water for domestic use in the proposed development can be delivered from existing pipelines adjacent to the site currently serving Malibu Bluffs Park and the Michael Landon Center. The water lines are operated by Water District 29 of the Los Angeles County Department of Public Works (LACDWP), Waterworks and Sewer Maintenance Division. Water service to the project site will require the design and construction of new water line mains on the proposed road and service connections to the

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residences. The new service will have to meet domestic water demands and fire flow requirements from the LACFD.

Currently, 10-inch steel water line is stubbed near the entrance to the Michael Landon Center parking lot. The static pressure at this location is approximately 169 psi as provided by the LACDWP. This line has adequate supply and pressure to supply domestic and fire water to the proposed development. A pressure-reducing valve will be required at the service connection to reduce operating pressures to acceptable levels.

A new water line, however, would be required to be extended into the residences along the proposed private road. The size of the new line would be based on fire flow requirements set forth by fire department regulations. The line would be constructed with fire hydrants, domestic meters, and required appurtenances to supply domestic water and fire flow to the project area. With the installation of the new water line and pressure-reducing valve, if required, impacts to water facilities would be reduced to less than significant.

Wastewater generated by the proposed residences cannot be conveyed to an existing sewage facility or pipeline. There are no public or private entities that manage wastewater flows throughout the City of Malibu. The proposed development would include an onsite wastewater treatment system (OWTS) plant to serve the proposed residences and gatehouse. The treatment plant would be located at the northwestern corner of Lot 6. Seepage pits would be located in the southeastern portion of Lot 7. The HOA will own and be responsible for the operation and maintenance of the OWTS and the seepage pits. The HOA shall have an access easement across Lot 7 for the purposes of repair and maintenance of the seepage pits. The OWTS will be designed with a stub out box to allow for possible connection to a municipal wastewater treatment in the Civic Center area. On November 5, 2009, the Los Angeles Regional Water Quality Control Board (LARWQCB) amended the Los Angeles County Regional Basin Plan (Basin Plan Amendment), which was subsequently ratified by the State Water Quality Control Board. The Basin Plan Amendment included a moratorium on new or increased discharge into the groundwater from all properties in an area defined as the Malibu Civic Center Area unless specifically included on Table 4-zz to the Basin Plan Amendment.

Wastewater would be treated through various processes such as: physical separation (primary); biological (secondary); and coagulation, filtration, and disinfection (tertiary). The plant could be housed in a building or installed underground. It would be designed to support flows for the proposed residences and fixtures. In general, the flows from the proposed project would be less than the maximum flow limit of a standard small wastewater treatment plant. Design review and permitting for the operation of the proposed wastewater treatment system(s) will be completed by the City of Malibu and the LARWQCB, respectively. The system(s) would meet operation and maintenance guidelines required by the City of Malibu and would need to comply with requirements of the LCP. With the implementation of the proposed OWTS in accordance with the stated regulations, impacts to wastewater treatment facilities would be less than significant. This issue will not be examined further in the EIR.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. There is a catch basin and storm drain pipe at the end of the Winter Mesa cul-de-sac. Stormwater currently drains into the canyon via the pipe. Project development would not require modification to this system. While the proposed project would reduce the overall permeable surfaces at the project site with the proposed residential buildings and paved areas, the majority of the project site would be set aside for landscape and open space. There would be a bioretention system on the project site before flows from offsite and onsite are discharged downstream. The bioretention system would be designed to treat the pollutants from the proposed hardscape before its ultimate discharge from the project site. Construction BMPs must be utilized during the grading and paving of the site as well as during project

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operation to minimize the discharge of sediments and nonvisible pollutants from the project site. No significant impacts to stormwater drainage facilities resulting from the proposed project are anticipated, and impacts associated with hydrology and water quality will be further addressed in the EIR (see section 3.8). This issue will not be examined further in the EIR.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less Than Significant Impact. The proposed project would increase the demand for water. Water is supplied to the City of Malibu by the Metropolitan Water District of Southern California (MWD). Water infrastructure serving the project site is maintained by the Los Angeles County Department of Public Works, Waterworks District 29. The average residential unit in District 29 requires approximately 1 acre-foot of water per year. Therefore, the proposed five residences would require approximately 5 acre-feet of water per year. Watering of the approximately 3.4-acre public and private space areas would also require approximately 10 acre-feet of water per year; this assumption is based on the consumption rate at the existing 6.7-acre Malibu Bluffs Park between 2003 and 2007, which averaged 20 acre-feet of water per year. Therefore, it is anticipated that the proposed project would demand approximately 15 acre-feet of water per year.

Based on the 2010 Urban Water Management Plan (UWMP), the District foresees a sufficient supply to meet the projected water demands of the District in normal water years for the next 25 years, through 2035. The 2010 UWMP is based on SCAG's population projections, which are conservative. Based on SCAG's projections, the City of Malibu has a population of 14,402 people. According to the 2010 Census, the City of Malibu has a population of 12,645, 1,757 fewer people than the UWMP assumes (see UWMP Table 1.3). Based on SCAG's conservative population projections through 2035, the UWMP shows that there is a supply surplus of over 1,000 acre-feet per year, based on multiple dry-water years. There are no anticipated shortages under any of the multiple dry year scenarios and the District will be able to provide reliable water supplies to City of Malibu. Operation of the proposed project would demand 15 acre-feet per year and would not increase the overall water consumption in District 29 by a substantial amount. Via a Will Serve letter, District 29 has also indicated that it will supply water to the proposed project. Therefore, the increase in water demand would not be substantial, and impacts on water supply are less than significant. This issue will not be examined further in the EIR.



e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. All wastewater would be treated onsite. The proposed project would not require any existing wastewater treatment providers to treat wastewater produced on the project site. The proposed project would not increase the demand for wastewater treatment from any existing providers and would not affect wastewater treatment providers in any way. No impacts would occur. This issue will not be examined further in the EIR.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact. The City of Malibu General Plan estimates that a residential land use generates solid waste at a factor of 4 pounds per unit per day. The proposed project would create five single-family residences, and would therefore generate approximately 20 pounds of solid waste per day.

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The proposed project would be served by Universal Waste Systems, who are under contract with the City of Malibu. The nearest landfill to the project site is the Calabasas Landfill, operated by the County Sanitation Districts of Los Angeles County, approximately eight miles north of the project site. The Calabasas Landfill has an estimated capacity of approximately 9 million tons, and receives approximately 2.8 million pounds of solid waste per day. The proposed project would therefore increase the amount of solid waste received at the landfill by a negligible amount. The proposed project would therefore not result in a discernable impact on the Calabasas Landfill. The proposed project is relatively small, and would not generate a substantial amount of solid waste, and would not require additional landfill space. No significant impact would occur. This issue will not be examined further in the EIR.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. The following federal and state laws and regulations govern solid waste disposal. The United States Environmental Protection Agency administers the Resource Conservation and Recovery Act of 1976 and the Solid Waste Disposal Act of 1965, which govern solid waste disposal. In the State of California, Assembly Bill (AB) 939, the integrated Solid Waste Management Act of 1989; Public Resources Code 40050 et seq., requires every California city and county to divert 50 percent of its waste from landfills by the year 2000 by such means as recycling, source reduction, and composting. In addition, AB 939 requires each county to prepare a countywide siting element specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the county that cannot be reduced or recycled for a 15-year period. AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991, requires local agencies to adopt ordinances mandating the use of recyclable materials in development projects.

The City of Malibu has implemented the Integrated Waste Management Program (IWMP), which provides management of 1) the City's refuse collection policies including residential curbside, recycling, green waste, and refuse reduction programs; 2) residential rubbish contractors who have an exclusive right-to-operate in the City; 3) commercial and industrial recycling programs; 4) collection of trash at bus stops on a weekly basis; and 5) providing public outreach. The City has a contract with Solid Waste Solutions, Inc. to administer the program. The IWMP also has a household hazardous waste recycling program as required by State law under the California Integrated Waste Management Act. Malibu participates on a regional basis with the Cities of Calabasas, Agoura Hills, Westlake Village, and Hidden Hills, as well as with the County of Los Angeles, in providing programs that deal with household hazardous waste disposal. The proposed project would comply with all laws and regulations, including the IWMP, governing solid waste. Therefore, no significant impact to federal, state, and local statutes and regulations related to solid waste would occur. This issue will not be examined further in the EIR.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Potentially Significant Impact. There are no known cultural resources at the proposed project site, and project implementation would not likely eliminate important examples of major periods of California history or prehistory. However, the proposed project site, specifically the eastern and southern slopes, may contain sensitive plant communities. Impacts to these biological resources will be further analyzed in the EIR.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable**

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when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Potentially Significant Impact. The proposed project has the potential to degrade the quality of the environment through impacts involving aesthetics, air quality, biological resources, cultural resources, geology/soils, wildfires, hydrology/water quality, land use and planning, noise, recreation, and transportation/traffic. The EIR will analyze these topics in greater detail to determine whether the proposed project would generate any cumulatively considerable impacts.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact. The proposed project could create impacts related to aesthetics, air quality, biological resources, cultural resources, geology/soils, wildfires, hydrology/water quality, land use and planning, noise, recreation, and transportation/traffic. These impacts could potentially have an adverse effect on humans. Further analysis of these issues is required as part of the environmental review process and will be included in the EIR.



3. Environmental Analysis

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Dahl, John (Site Engineer). 2008, July 31. Phone correspondence. Calabasas Landfill.

Linneer, Hattie (Administrative Assistant). Student Services Department. Santa Monica-Malibu Unified School District.

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4. References

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5. List of Preparers

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Appendix A
Executive Summary of Phase I Environmental Impact
Assessment

The complete Phase I study is available for review the City of Malibu City Hall.



5. List of Preparers

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Appendix

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