

Appendix D
2012 Comments Received (Initial Study, Notice of Preparation
and Scoping)



Appendices

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“WE APPRECIATE YOUR PARTICIPATION”

Crummer Site Subdivision
Environmental Impact Report Scoping Meeting Comment Form

The City of Malibu and The Planning Center/DC&E request your participation in the planning process for this project. Your comments will assist us in the preparation of the Environmental Impact Report (EIR).

You may submit your comments at the June 7, 2012 meeting or, if you prefer, you can mail, email or fax your comments to:

Ha Ly, Associate Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

hly@malibucity.org

FAX: (310) 456-7650

For your convenience, three specific questions are listed to help organize your comments. (Note that this is a two-sided form).

1. What specific environmental impact issues would you like to see addressed in the EIR?

I have seen AN INCREASE IN TRAFFIC
ON PCH and don't approve of
additional projects that will add
to the traffic.

(See Over)



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For your convenience, three specific questions are listed to help organize your comments. (Note that this is a two-sided form).

1. What specific environmental impact issues would you like to see addressed in the EIR?

We are concerned that the development will block our view since we live in Malibu Country Estates.

Also any new landscaping (trees) would impact views.

(See Over)

Ha Ly

From: Roberta Bogie [bogiebunch@yahoo.com]
Sent: Friday, April 06, 2012 1:49 PM
To: Ha Ly
Subject: interfere view
Attachments: 239.JPG; 244.JPG; 244.JPG

Hi Ha Ly,

I just spoke on the phone with you Thursday, 4/5/12, you said i could e-mail you the pictures that show how the new house plans by the park will interfere with our view of the ocean. Could you e-mail me if there is a meeting or any new news on this project.

Thanks for everything,
Ron & Roberta Bogie

3727 malibu country drive
310 968 7800

Bogie - 3727 Malibu Country Drive









Ha Ly

From: Robert A. Briskin [rbriskin@rablegal.com]
Sent: Friday, June 08, 2012 4:42 AM
To: Ha Ly
Cc: Hiro Kotchounian; MCE/Dick Gary; res0657h@gte.net; MCE/Ed Solomon; Tom Botz; amgrantent@aol.com; Sheedy, Lisa MCE
Subject: Malibu Country Estates additional comments to proposed Crummer Site subdivision

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To City of Malibu:

The Malibu Country Estates Homeowners Association has the following additional comments to the proposed Crummer Site Subdivision project (Env Impact Rept 90-001 and Coastal Development Permit No 7-144).

This proposed construction project as currently shown with 2 story homes and 28 feet height roof lines (and potential trees above those roof line) **blocks** the public's view of the Pacific Ocean including the following: **(i) blocks views from public traveled Pacific Coast highway blocking one of the last road view sheds of the Ocean in central Malibu from the Coast highway;** **(ii) blocks in part views from Malibu Canyon road a designated scenic highway;** **(iii) blocks views of the homeowners in Malibu Country Estates subdivision and blocks views from their public streets; and (iv) blocks views from Pepperdine University's Alumni Park, a park that is used by thousands of people who are both part of the University and used by the general public.**

The Pacific Ocean views should be enjoyed by everyone. This is one of the last view sheds in Malibu from the Coast highway in this area. Why should a few private homes be allowed to be constructed that are going to have such a major impact on the general public's views?

Proposed construction and potential sound walls to be constructed will block some portion of the views from the Bluffs Park, a park facility use by the general public including children and their families on a daily basis.

There are other views being blocked from other points in Malibu by this proposed private development.

Thus, the following items need to be implemented:

1. Alternative should be implemented of having all houses and structures be only **one (1) story high**. One story restrictions on height are common in Malibu where homes are blocking other persons views, especially where these propped homes will block the views of the general public.
2. Highest point of structure should be **18 feet**. See current City of Malibu restrictions on height limitations. Why should these homes be constructed higher than 18 feet which will cause view blockage? Have "Story Poles" redone with a one story 18 foot height so it can be observed if this blocks people's views.
3. Structures (and their height limits) should be required to be constructed in height from a **lower excavated elevation**. In other words since excavation is contemplated for basement areas then the foundations (from where the heights can be measured for the one story and the 18 feet) can be **below** current grade level of land. Thus 18 foot height level would commence being measured from a lower point than from current grade. If this is implemented then the ocean views of the Pacific Ocean may be able to be preserved. Constructed part of house structure below ground is, thus, a helpful solution.

4. No trees or foliage should be allowed to grow above the **lowest point** of roof line in order to preserve views. Again to help views the entire site should be excavated so that the trees and foliage are planted at a lower elevation. "Story Poles" should be shown where trees are to be planted so that view blockage by these trees can be observed.

5. No trees should be allowed to be planted outside current "story poles" since it would be a misrepresentation otherwise in the views being blocked. Remember that effluent and water is being used to irrigate plants and trees which will cause larger and higher tree growth.

6. Alternative land use considerations should be considered of not having residential lots near existing baseball fields used by thousands of children. Is this good land use? Will these new homeowners complain about noise since the two land uses are not compatible immediately adjacent to one another? Why should 5+ single family private homes be constructed in this public area which appears to be an incompatible land use with the existing uses?

7. A prohibition of using the homes for parties should be implemented since that would reduce traffic, and in fact no parking is available to accommodate such parties.

8. **Reduce** the **square footage** of these homes (from 11,000 + square feet), and **reduce the number** of these homes. A lesser square footage would reduce size of homes and by reducing size and number of homes it would in turn reduce the impact of the public losing their views of the Pacific Ocean.

Thank you for your consideration of the above.

By: Malibu Country Estates Homeowners Association



State of California - The Natural Resources Agency

DEPARTMENT OF FISH AND GAME

South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
<http://www.dfg.ca.gov>

EDMUND G. BROWN JR., Governor

CHARLTON H. BONHAM, Director



June 7, 2012

Ms. Ha Ly
 City of Malibu
 23215 Stuart Ranch Road
 Malibu, CA 90265

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JUN 11 2012

PLANNING DEPT.

Subject: Notice of Preparation for a Draft Environmental Impact Report for Crummer Site Subdivision Project, SCH # 2008091155, Los Angeles County

Dear Ms. Ly:

The Department of Fish and Game (Department) has reviewed the Initial Study and Notice of Preparation for a proposed subdivision of approximately 25 vacant acres into seven parcels for the development of five new single-family residences and associated infrastructure and landscaping (project). The project is located at 24120 Pacific Coast Highway and Winter mesa/Malibu Canyon Road, City of Malibu.

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. With these stressors in mind, the Department has previously worked with the City of Malibu in recommending conservation and protective measures for biological and botanical resources and looks forward to continuing this effort. Please let Department staff know if you would like a copy of the California Wildlife Action Plan to review.

The Department is California's Trustee Agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code. (Fish & G. Code, §§ 711.7, subd. (a), 1802.) The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA). (See generally Pub. Resources Code, §§ 21070; 21080.4.) Given its related permitting authority under the California Endangered Species Act (CESA) and Fish and Game Code section 1600 et seq., the Department also submits these comments likely as a Responsible Agency for the project under CEQA. (*Id.*, § 21069.)

To enable Department staff to adequately review and comment on the proposed project we recommend the following information, where applicable, be included in the DEIR:

1. A complete, recent assessment of flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats including:
 - a. A thorough recent assessment of rare plants and rare natural communities, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities. (See Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities at: <http://www.dfg.ca.gov/habcon/plant/>).

Conserving California's Wildlife Since 1870

Ms. Ha Ly
June 7, 2012
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- b. A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use within the project area should also be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.
 - c. Endangered, rare, and threatened species to address should include all those species which meet the related definition under the CEQA Guidelines. (See Cal. Code Regs., tit. 14, § 15380). Burrowing owl should be included in the assessment following the Department's Guidelines (see 2012 Staff Report on Burrowing Owl Mitigation at: www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf).
 - d. The Department's Biogeographic Data Branch in Sacramento should be contacted at (916) 322-2493 (www.dfg.ca.gov/biogeodata) to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Also, any Significant Ecological Areas (SEAs) or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction that are located in or adjacent to the project area must be addressed.
2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. This discussion should focus on maximizing avoidance, and minimizing impacts.
- a. CEQA Guidelines, Section 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. Project impacts including deposition of debris should also be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas are of concern to the Department and should be fully evaluated and provided. The analysis should also include a discussion of the potential for impacts resulting from such effects as increased vehicle traffic, outdoor artificial lighting, noise and vibration and pest management.
 - c. A cumulative effects analysis should be developed as described under CEQA Guidelines, Section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
 - d. Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to remove/disturb native and ornamental landscaping and other nesting habitat for native birds. Impact evaluation may also include such elements as migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.

Ms. Ha Ly
June 7, 2012
Page 3 of 4

- e. Impacts from project activities (including but not limited to, staging and disturbances to native and non native vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from March 1-August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If project activities cannot avoid the avian breeding season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department generally recommends a minimum 300 foot nest avoidance buffer or 500 feet for all active raptor nests).
 - f. Proposed impacts to all habitats from City or County required Fuel Modification Zones (FMZ). Areas slated as mitigation for loss of habitat shall not occur within the FMZ.
3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources including wetlands/riparian habitats, alluvial scrub, coastal sage scrub, should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.
- a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Compensation for unavoidable impacts through acquisition and protection of high quality habitat elsewhere should be addressed with off-site mitigation locations clearly identified.
 - b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts (Attachment).
 - c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
4. An Incidental Take Permit (ITP) from the Department may be required if the project, project construction, or any project-related activity during the life of the project will result in "take" as defined by the Fish and Game Code of any species protected by CESA. (Fish & G. Code, §§86, 2080, 2081, subd. (b), (c).) Early consultation with Department regarding potential permitting obligations under CESA with respect to the project is encouraged. (Cal. Code Regs., tit. 14, § 783.2, subd. (b).) It is imperative with these potential permitting obligations that the draft environmental document prepared by the Lead Agency includes a thorough and robust analysis of the potentially significant impacts to endangered, rare, and threatened species, and their habitat, that may occur as a result of the proposed project. For any such potentially significant impacts the Lead Agency should also analyze and describe specific, potentially feasible mitigation measures to avoid or substantially lessen any such impacts as required by CEQA and, if an ITP is necessary, as required by the relevant permitting criteria prescribed by Fish and Game Code section 2081, subdivisions (b) and (c). The failure to include this analysis in an environmental document could preclude the Department from relying on the Lead Agency's analysis to issue an ITP without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project. (See, e.g., Cal. Code Regs., tit. 14, § 15096, subd. (f).) For these reasons, the following information is requested:

Ms. Ha Ly
June 7, 2012
Page 4 of 4

- a. Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
 - b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
5. The Department opposes the elimination of watercourses (including concrete channels, blue line streams and other watercourses not designated as blue line streams on USGS maps) and/or the channelization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of drainage.
- a. The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a project subject to CEQA. To facilitate issuance of a LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Again, the failure to include this analysis in the project's environmental document could preclude the Department from relying on the Lead Agency's analysis to issue a LSA Agreement without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project.

Thank you for this opportunity to provide comments. Please contact Mr. Scott Harris, Environmental Scientist at (626) 797-3170, if you should have any questions and for further coordination on the proposed project.

Sincerely,



Terri Dickerson
Senior Environmental Scientist
South Coast Region

Attachment

cc: Ms. Leslie MacNair, CDFG, Laguna Hills
Ms. Kelly Schmoker, CDFG, Pasadena
Mr. Dan Blankenship, CDFG, Santa Clarita
Mr. Scott Harris, CDFG, Pasadena
State Clearinghouse, Sacramento

**Sensitivity of Top Priority Rare Natural
Communities in Southern California**

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

- S1.# Fewer than 6 known locations and/or on fewer than 2,000 acres of habitat remaining.
- S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.
- S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

- S1.1 = very threatened
 S2.2 = threatened
 S3.3 = no current threats known

Sensitivity Rankings (February 1992)

<u>Rank</u>	<u>Community Name</u>
S1.1	Mojave Riparian Forest Sonoran Cottonwood Willow Riparian Mesquite Bosque Elephant Tree Woodland Crucifixion Thorn Woodland Allthorn Woodland Arizonan Woodland Southern California Walnut Forest Mainland Cherry Forest Southern Bishop Pine Forest Torrey Pine Forest Desert Mountain White Fir Forest Southern Dune Scrub Southern Coastal Bluff Scrub Maritime Succulent Scrub Riversidean Alluvial Fan Sage Scrub Southern Maritime Chaparral Valley Needlegrass Grassland Great Basin Grassland Mojave Desert Grassland Pebble Plains Southern Sedge Bog Cismontane Alkali Marsh

- S1.2 Southern Foredunes
Mono Pumice Flat
Southern Interior Basalt Flow Vernal Pool
- S2.1 Venturan Coastal Sage Scrub
Diegan Coastal Sage Scrub
Riversidean Upland Coastal Sage Scrub
Riversidean Desert Sage Scrub
Sagebrush Steppe
Desert Sink Scrub
Mafic Southern Mixed Chaparral
San Diego Mesa Hardpan Vernal Pool
San Diego Mesa Claypan Vernal Pool
Alkali Meadow
Southern Coastal Salt Marsh
Coastal Brackish Marsh
Transmontane Alkali Marsh
Coastal and Valley Freshwater Marsh
Southern Arroyo Willow Riparian Forest
Southern Willow Scrub
Modoc-Great Basin Cottonwood Willow Riparian
Modoc-Great Basin Riparian Scrub
Mojave Desert Wash Scrub
Engelmann Oak Woodland
Open Engelmann Oak Woodland
Closed Engelmann Oak Woodland
Island Oak Woodland
California Walnut Woodland
Island Ironwood Forest
Island Cherry Forest
Southern Interior Cypress Forest
Bigcone Spruce-Canyon Oak Forest
- S2.2 Active Coastal Dunes
Active Desert Dunes
Stabilized and Partially Stabilized Desert Dunes
Stabilized and Partially Stabilized Desert Sandfield
Mojave Mixed Steppe
Transmontane Freshwater Marsh
Coulter Pine Forest
Southern California Fellfield
White Mountains Fellfield
- S2.3 Bristlecone Pine Forest
Limber Pine Forest

DEPARTMENT OF TRANSPORTATION

DISTRICT 7

100 S. MAIN STREET, SUITE 100

LOS ANGELES, CA 90012-3606

PHONE (213) 897-0362

FAX (213) 897-0360

TTY (213) 897-4937

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May 16, 2012

Ha Ly
City of Malibu
23215 Stuart Ranch Road
Malibu, CA. 90265IGR/CEQA # 120530/NY
NOP/Crummer Site Subdivision
SCH# 2008091155
Vic. LA/001/47.0

Dear Ms. Ly:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the proposed Crummer Site Subdivision Project. The project proposes to subdivide an approximately 24-Acre property into seven (7) individual parcels, for the development of five (5) single family residences, in City of Malibu.

Based on evaluation of the information received this project may require an encroachment permit review by Caltrans. Any work performed within State right of way will require a Caltrans Encroachment Permit. It is recommended that the City, submit six (6) complete sets of plans, two (2) sets of all engineering plans, including drainage plans, to the Caltrans Permits Office for review.

To assist in evaluating the impacts of this project on State transportation facilities a traffic study is necessary. The traffic study should include ingress/egress points, traffic circulation system, directional flow, turning movements and traffic projections at build-out of the project.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful of your need to discharge clean run-off water.

We would like to remind you that any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods.

If you have any questions regarding this response, please call the Project Engineer/Coordinator Mr. Nerses Armand Yerjanian at (213) 897-6536 and refer to IGR/CEQA # 120530/NY.

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief
Regional Transportation Planning

Ha Ly

To: Tony Di Lorenzo
Subject: RE: Bluffs park construction

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Hello Anthony,

Thank you for your comments. I will place your email in the file. I have also added you to the "Interested Party" list for this project so you will be notified when there is a public hearing for the project. Here is a link to the City website that includes a brief summary of the proposed project:

<http://www.malibucity.org/index.cfm/fuseaction/nav/navid/559/>

An initial study is currently being prepared. An Environmental Impact Report will be prepared in the future. There will be a scoping meeting (to identify issues and to gather public input, such as yours), a Planning Commission hearing as well as a City Council meeting. These are all opportunities for members of the public to be heard. As an interested party, you will be notified of all these meetings.

If you have any questions, please do not hesitate to email or call.

Regards,

Ha

Ha Ly | Associate Planner | City of Malibu
23825 Stuart Ranch Road, Malibu CA, 90265
(310) 456- 2489 ext. 250

Connect with the City of Malibu



From: Tony Di Lorenzo [<mailto:tdilorenzo@live.com>]
Sent: Tuesday, May 01, 2012 1:44 PM
To: Ha Ly
Subject: Bluffs park construction

Hello Ha Lync

My name is Anthony DiLorenzo, I live at 24657 Blue Dane Lane. I can see the yellow tapes from my windows. Any construction in that area would interfere with my view of the bay. Thank you for aprising me of the situation.

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JUN 11 2012

PLANNING DEPT.

June 10, 2012

Fr: Tim Elkins & Joan and Paul Almond/ #54 Malibu Colony Drive, Malibu
To: Mr. Gold and unnamed institutional investor, City Council and City of Malibu
Re: EIR Scoping Questions / Five Bluff top homes at Michael Landon Bluffs Top Park, per City of Malibu Resolution No. 08-68

Questions regarding the EIR

1. Were any of the homeowners, or the general public ever made aware, or could they have reasonably become aware, that the implication of the approval of Amendment No. MAL-MAJ-2-09-A (change to existent zoning), would be highly visible to residences and a disruption to the natural mountain profile, as viewed from Malibu Colony, Malibu Civic Center, Malibu Knolls and Malibu Country Estates among other locations?
2. How many homeowners were within 500 feet of this project and were they all noticed?
3. Would the homeowners who do live within 500 feet of this project even be able to see any of the homes within your project?
4. Did you or anyone ever publish the amendment in any public periodical during the applicable review period, other than to publish brief announcements that the proposed amendment was available to be viewed?
5. Isn't it reasonable to assume that the noticed homeowners would not actually be the most relevant persons to notice, as far as view shed, since they already face the ocean and your project is behind them and set back from their ocean bluff top?
6. If no pictures or graphics of the proposed development were made available to the public during the noticing period from 10/23/08 to 11/27/2008, how was the public to ever understand the implication to this mountaintop as viewed from so many significant locations within the heart of Malibu?
7. Why wasn't impact to view shed from significant areas within the center of Malibu, including the entry way of Malibu Canyon to Malibu, a major consideration in the approval granted by the City of Malibu at the time? (Instead, it was whether "adequate provision of visitor-serving commercial development and public recreational opportunities" were being considered.)
8. Does the City of Malibu believe that \$750,000 and the donation of an area for a skate park is adequate compensation for the permanent marring of this otherwise pristine mountain profile in the heart of Malibu?
9. Do the Residents of Malibu believe that \$750,000 and the donation of a skate park is adequate compensation for the permanent marring of this otherwise pristine mountain profile in the heart of Malibu?

10. In deciding to zone this parcel as “for public” and “passive use”, isn’t it reasonable to assume that the original intent of the California Coastal Commission contemplated that this mountain top was so prominent and significant and central as to be prohibitive for residential development?
11. Isn’t it possible that the Ridgeline Ordinance, passed in 2005, did not designate this mountain top as a significant ridge due to the existent zoning which implied then that it was unnecessary to designate/protect it? (We note that this project was approved subsequently, in 2009!)
12. According to the Ridgeline Ordinance, “Ridgelines are defined as the line formed by the meeting of the tops of sloping surfaces of land. Significant ridgelines are ridgelines which in general, are highly visible and dominate the landscape.” Why wouldn’t a bluff top like Bluffs Park be considered as a significant ridge when it looks like a ridge from the Colony, from the entry way of Malibu Canyon, Malibu Knolls and Malibu Country Estates and the Civic Center in the heart of Malibu?
13. Isn’t it possible that the largest impact from this development will be the view shed impact it has to this mountain profile? If this is the largest impact and indeed no graphics or pictures of the disruption to this mountain skyline were ever made available, then was the public adequately apprised of the potential impact of this zoning change amendment? Shouldn’t the worst case impact, as evidenced by the profile of the current story poles, have been shared with the local homeowners within two miles and whose view would be effected?
14. The main purpose of the Ridgeline Ordinance passed in 2005 was to protect the views of the significant ridgelines. It seems to me that this was the impetus and main purpose, not to define ridges per se. Although this is a bluff top, isn’t it the same as a ridge for all intents and purposes when viewed from so many off site locations?
15. Wouldn’t this mountain profile qualify for all five of the specific criteria used in determining significant ridgelines that were made a part of the ridge line ordinance? For the record, those criteria are;
 - a. “Topographic Complexity” - it has a steep slope
 - b. “Near/Far contrast” – It is the most prominent ridge which would otherwise be 100% free of buildings.
 - c. “Cultural Landmarks” – the effect is to a key mountain profile in the heart of Malibu
 - d. “Uniqueness and character of a specific location”.
 - e. “Existing community boundaries and gateways” - for example key entry ways to Malibu.
16. How could the City of Malibu have decided to approve this zoning change without making sure the public was more adequately noticed?
17. If this project would be approved, given the significant marring of the public mountain profiles from Malibu Colony, Malibu Canyon, Malibu Civic Center, Malibu Knolls, Malibu Country Estates and so many other areas, why isn’t more of a set back from the edge of the bluff top considered? (We note that set backs are a significant tool imposed on projects which do come under the jurisdiction of the Ridgeline Ordinance.)











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June 11, 2012

ORIGINAL BY MAIL

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VIA E-MAIL hly@malibucity.org

Ha Ly
Associate Planner
City of Malibu - Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Notice of Preparation for Crummer Site Subdivision
Environmental Impact Report No. 09-001
Coastal Development Permit (CDP) No. 07-144

Dear Ms. Ly,

This law office represents Green Acres, LLC with regard to its ownership and development of 4000 Malibu Canyon Road, otherwise known as the proposed Rancho Malibu Hotel project. As you know, the Rancho Malibu Hotel entitlement applications are pending at the City of Malibu (the "City") while environmental review is being conducted. In addition to those pending applications, the Green Acres site already has an approved Coastal Development Permit and Conditional Use Permit to permit a hotel at its property. The proposed Crummer Site Subdivision is located immediately across Pacific Coast Highway ("PCH") to the south and, if approved, will have severe and long-lasting impacts on the Rancho Malibu Hotel site, the City of Malibu, and surrounding environment. **For the reasons set forth in this letter, Green Acres has serious concerns about the Crummer Site Subdivision that must be identified and carefully analyzed in the Draft Environmental Impact Report ("DEIR").**

A. CRUMMER SITE SUBDIVISION PROJECT BACKGROUND.

The project applicant is proposing to subdivide an approximately 24-acre property into seven individual parcels for the development of five new single-family residences and associated accessory structures, landscaping, a new private gated road with a guardhouse, and dedication of approximately 1.74 acres of land to the City for active and passive recreational use. Lots 1 through 5 would be developed with single-family residences and various accessory structures. 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 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"). 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 Los Angeles Waterworks 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 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, it is stated that alternatives for Lot 7 will be evaluated in the DEIR.

The anticipated actions required for the project include:

- 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).

According to the City, the following approvals from other agencies are required:

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.

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 PCH 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.

Based on the May 2012 Initial Study, there are a number of environmental factors that warrant thorough review as they may potentially be affected by the Crummer Site Subdivision project. As set forth below, Green Acres anticipates that there will be a number of significant environmental impacts should the Crummer Site Subdivision be approved as currently proposed.

B. VISUAL IMPACTS / AESTHETICS.

1. Scenic Vistas.

The DEIR should carefully study all potential visual impacts of the proposed project. There is no question that the Crummer Site Subdivision will have a substantial adverse affect on scenic vistas. In or around March 2012, story poles demonstrating the proposed mass, height and bulk of the project were installed on the project site. The applicant proposes a 28' height for the residences, which is 10' higher than the City's maximum allowable height for single family residences. For this project, impacts of the proposed building height must be fully evaluated in the DEIR. Anticipated height of mature trees and landscaping on the project site must also be evaluated in the DEIR. Green Acres believes the proposed bulk, height and scale, coupled with the project's location on a prominent bluff in a scenic vista area, are unmitigatable.

The proposed project site is visible from PCH and Malibu Canyon Road (*i.e.* the Rancho Malibu Hotel site) and designated scenic roads in the Malibu LUP. There is no doubt that the proposed

project would negatively impact the visual character of the area through the creation of highly visible homes, recreational facilities, a private road, a gatehouse, and landscaping. The change in character of the site will affect public views of the Pacific Ocean and, as discussed further below, damage substantial and valuable views from the Rancho Malibu Hotel site.

2. Scenic Resources.

The proposed project site would substantially damage scenic resources. Again, the project site is visible from PCH and Malibu Canyon Road (*i.e.* the Rancho Malibu Hotel site) and designated scenic roads in the Malibu LUP. The Initial Study notes that 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 will be visible from portions of PCH as well as portions of Malibu Canyon Road to the north and the Rancho Malibu Hotel site. 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 will also be highly visible. In addition, anticipated height of mature trees and landscaping on the project site may also damage scenic resources. These potential significant impacts must be evaluated in the DEIR.

3. Visual Character.

The DEIR should also study whether the project will substantially degrade the existing visual character and quality of the site and surroundings. The project site is currently undeveloped and 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 must be studied in the DEIR.

4. Light and Glare.

The DEIR should study all potential impacts of light and glare. As a result of the project, there will be new sources of light and glare which will adversely affect views. The proposed project would develop a vacant site with five single-family homes and recreational uses. It is possible that recreational uses could include a baseball field, a soccer field and/or a skate park.. It is understood that lighting associated with the proposed development would include indoor and outdoor lighting associated with the homes, evening security lighting throughout the site, street lighting, and headlights from vehicles accessing the project site. The Initial Study acknowledges that the lighting associated with the homes and new road will be visible from portions of PCH and Malibu Canyon Road, as well as from nearby homes and other structures north of the project site (*i.e.* the Rancho Malibu Hotel site).

5. The City's New View Protection and Restoration Ordinances.

The City has recently taken steps to protect and restore views, highlighting the environmental importance that views play in the region. The DEIR should review the history, research, and staff reports behind these new City ordinances and study whether any aspects of the Crummer Site Subdivision conflict with the City's view related findings and new legal requirements.

6. Impacts on Rancho Malibu Hotel Site.

Green Acres has serious concerns about maintaining views currently enjoyed by the property and views anticipated with development of the hotel site. *In fact, the views from the Rancho Malibu Hotel site towards the Pacific Ocean are of undeniable and irreplaceable value as they belong to the only remaining commercial visitor serving site in the City.* Any impact whatsoever will devastate the hotel and the resulting income, both direct (Transient Occupancy Tax) and indirect (Sales Tax, Property Tax, etc.), received by the City of Malibu in conjunction with the hotel development.

Story poles on the Crummer property illustrate that the proposed development will have a significant impact on the future Rancho Malibu Hotel. As stated above, the proposed height of buildings to be located on the Crummer site (28') far exceed the City's maximum height Residential Development Standards for single family residences (18'). Green Acres requests that the DEIR prepare and study view analyses from various locations north of PCH, which should focus on the proposed height of structures and mature landscaping. Such analyses should evaluate alternative Crummer Site Subdivision configurations (as further discussed below) and limiting maximum project height to no more than 18'.

C. AIR QUALITY / GREENHOUSE GAS EMISSIONS.

The DEIR should study all potential impacts of the proposed project related to increased vehicular traffic, construction truck trips and construction dust emissions. 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 the Crummer Site Subdivision 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 must be prepared as part of the DEIR to calculate GHG emissions generated by the proposed project. The calculations must use the most recent version of the CalEEMod model (Version 2011.1.1).

D. BIOLOGICAL RESOURCES.

Updated studies must be prepared by the applicant and the DEIR should study all potential impacts that the proposed project may have on biological resources, including federally protected wetlands and riparian habitat. Two drainages flow north to south directly through the project and drain into the Pacific Ocean. The DEIR must include a jurisdictional delineation and should analyze whether the drainages are under the jurisdiction of regulating agencies and whether the project would impact any wetlands. Impact on wetlands would require pre-permit consultation with the appropriate regulating agency to identify potential permitting issues and acceptable mitigation.

E. CULTURAL RESOURCES.

The DEIR should study all potential impacts that the proposed project may have on cultural resources, including causation of adverse changes in the significance of an archeological resource and potential destruction of unique paleontological or geologic features. The project site was historically occupied by the Chumash Indians. The proposed project site is vacant and the northwestern portion of the site was previously developed with a baseball field, which was removed in the 1990s. The Initial Study states that the project site has been continually disturbed by weed abatement activities and that a majority of the site consists of exposed soil. 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 must be analyzed in the EIR.

F. GEOLOGY, SOILS, AND SEISMICITY.

The DEIR should study all potential impacts associated with site-based geological conditions and construction of the proposed project site. For example, 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. In fact, the DEIR should note and study that this area has been prone to severe landslides with at least four (4) occurring in the last 15-20 years. The Initial Study states that 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. ***Planned structures and grading are proposed within these zones, which may be***

infeasible or unmitigatable. The DEIR must provide further discussion regarding the stability of slopes and should identify additional mitigation measures, as needed.

Furthermore, there are environmental issues related to the site's previous designation within the Alquist-Priolo Earthquake Fault Zone ("APEFZ"), which was "removed" by the California Geologic Society in 2007. Despite the removal of the APEFZ designation, the Initial Study indicates that there are several other faults within the project area. Given the fault zone history of the site, the Initial Study incorrectly finds that there will be no significant impact as a result of rupturing a known earthquake fault and the DEIR is required to study these potential impacts.

Finally, 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 highly likely that the Crummer Site Subdivision would result in soil erosion and loss of topsoil and/or the site may have soil that is incapable of adequately supporting the proposed OWTS. These findings of related reports and studies must be included in the EIR.

G. HAZARDS.

The DEIR should study all potential impacts of the proposed project related to hazards, including the transport, use, and disposal of hazardous materials, the release of hazardous materials, hazardous emissions and waste, interference with emergency response and evacuation times, and risk of wildland fires. Additional hazards, which are referenced in other sections of this correspondence must be evaluated in the DEIR as well.

H. HYDROLOGY & WATER QUALITY.

The DEIR should study all potential impacts of the proposed project with respect to onsite hydrology and water quality resources. The project proposes an OWTS with a seepage pit on Lot 7. Potential increase in runoff, drainage, groundwater, and erosion should be studied thoroughly. As stated above, there is severe risk of landslides in the project area that may be exacerbated by destabilized soil resulting from the OWTS and/or runoff. The alternative of using the City's proposed waste treatment facility, as opposed to an OWTS, must also be analyzed.

I. LAND USE PLANNING.

The DEIR should study all potential impacts on land use and planning. The Crummer Site Subdivision conflicts with various provisions of the General Plan, Malibu Municipal Code, and LCP goals and polices that were adopted for purposes of avoiding and mitigating environmental effects. 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. A dedication of land to the City for purposes of fulfilling the recreation component of the PD is contrary to the “mixed use” intent of the PD. In addition, the proposed 28' height conflicts with the City’s adopted Residential Development Standards. Green Acres believes that, as proposed, the Planned Development Ordinance (ZTA No. 12-001 and LCPA No. 12-001) cannot be approved by the City or Coastal Commission. These issues, among others, should be reviewed in the DEIR.

Finally, a special section in the DEIR should be dedicated to how the proposed Crummer Site Subdivision project will affect the ability of the City to provide required visitor serving uses as set forth in the Coastal Act and in all applicable Coastal Commission and City Planning documents. In addition, the affect of the Crummer Site Subdivision on access to the shore from planned visitor serving uses must be analyzed.

J. NOISE.

The DEIR should study all potential increase in ambient noise levels (construction related and operational) due to the proposed project and associated traffic. A multipurpose active recreation area is proposed, which could be used for a variety of active recreational uses. Short-term increases in noise would be associated with the excavation and grading of the site and the construction of the buildings. Construction-related noise levels would 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 likely generate noise or expose people to noise levels in excess of established standards. Finally, 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.

Furthermore, the DEIR must study potential noise impacts on neighboring visitor serving uses, including the Rancho Malibu Hotel site. Both short-term construction noise and long-term operational noise of the Crummer Site Subdivision (including all noise related each alternative proposed for Lot 7) may significantly impact properties that are zoned for visitor serving uses. Noise impacts on visitor serving uses may likely be significant and unmitigatable.

K. RECREATION.

The DEIR should study all potential impacts of the proposed project associated with recreational facilities, as it would result in an increase in use at (and possible expansion of) nearby recreational facilities, including Malibu Bluffs Park, which is adjacent to the project site. An increase in active and passive recreational uses are anticipated. 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 would likely result in its increased use.

The project will require the expansion of recreational facilities that may have an adverse physical effect on the environment. 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. These and other impacts associated with the proposed Malibu Bluffs Park improvements (and Lot 7) must be analyzed in the EIR.

As discussed in more detail below, it is impermissible for the DEIR to gloss over and/or exclude a thorough analysis of impacts related to recreational (and other) uses anticipated for Lot 7. As such, the DEIR must evaluate, including but not limited to noise, light / glare, transportation / traffic, public services, public access to the shore, land use planning, and scenic resources as impacts of those environmental factors may result from development and uses (recreational and other) of Lot 7 and Malibu Bluffs Park.

1. Lot 7 Alternatives.

The Initial Study states that Lot 7 is not part of the Crummer Site Subdivision project but that the DEIR will study alternatives for the future development of that site. The following examples are provided: 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.

It is stated that 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 apparently 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 allegedly state 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.

Under the current proposal, Lot 7 would be dedicated to the City for active and passive recreational uses. The Initial Study also states that the seepage pit associated with the Onsite Wastewater Treatment System ("OWTS") is proposed for Lot 7 as well. The DEIR should analyze the impacts associated with an OWTS seepage pit located on future public property designated for public passive and active recreational use. The DEIR should also study the fact that the proposed Homeowners Association would be responsible for repair and maintenance of the seepage pit.

In addition, the DEIR should also consider and study whether the exclusion of Lot 7 from the project itself 1) violates the PD Ordinance which calls for "a mix of residential and recreational development" and 2) may constitute project-splitting under CEQA.

Finally, environmental impacts associated with all of the proposed Lot 7 alternatives should be thoroughly studied, including but not limited to, noise, light and glare, aesthetics, traffic, pedestrian safety, public services, and public access. It is legally impermissible for a Lot 7 analysis to be excluded from CEQA requirements for the Crummer Site Subdivision.

2. Public Access.

The DEIR should study all potential impacts the Crummer Site Subdivision project would have on public access to recreational facilities and the shore. In addition, the connection between the shore and visitor serving uses must be analyzed, including whether the Crummer Site Subdivision project may result in any potential impacts on that connection and access.

3. Public Facilities and Public Services.

The DEIR should study all potential impacts the Crummer Site Subdivision project would have on public facilities (including parks) and public services (including police, fire, and schools). In doing so, the DEIR should take into consideration the project's impacts on future revenue generated by the Rancho Malibu Hotel and other visitor serving uses.

L. TRANSPORTATION / TRAFFIC.

The DEIR should study all potential impacts of the proposed project on traffic and circulation. 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 and the proposed expansion of Malibu Bluffs Park would increase pedestrian activity and may increase conflicts between vehicles and pedestrians. It is imperative for the DEIR to evaluate the traffic and circulation resulting from the project in its entirety, including Lot 7 and changes anticipated for Malibu Bluffs Park.

The DEIR must also study the Crummer Site Subdivision's anticipated traffic and circulation related impacts on visitor serving uses, including, but not limited to, the proposed Rancho Malibu Hotel project.

M. PROJECT ALTERNATIVES.

The DEIR should study alternatives, including but not limited to:

- No Project Alternative
- Fewer Houses Alternative
- Houses Limited to 18' Height Alternative
- Different Location and/or Configuration of Houses Alternatives
- Public Acquisition Alternatives
- Open Space / Park / Passive Recreation Alternatives
- Visitor Serving / Connection to Shore Alternatives

N. SPECIAL CONSIDERATIONS.

There are other special considerations that the DEIR should take into consideration and review when studying the Crummer Site Subdivision.

First, the Rancho Malibu Hotel site is the only remaining commercial visitor serving site in the City on which a hotel may be built under the City's current zoning laws. In fact, a hotel and related facilities have already been approved for the site (CUP No. 2446 and CDP No. 5-85-418). As stated herein, development of the Crummer site as proposed would dramatically limit the viability of the Rancho Malibu Hotel by impacting the environment in ways which may be unmitigatable.

Second, the circumstances surrounding Lot 7 should be fully evaluated in the DEIR as discussed herein.

Finally, the proposed 28' height clearly is more than 10' higher than the maximum height allowed pursuant to the City's Residential Development Standards. If this project was not processed as a PD, the City would be required to make variance findings to permit a height above 18'. It is likely that the City would be unable to make those variance findings. This issue should be fully evaluated in the DEIR.

O. CONCLUSION

For the reasons set forth in this letter, Green Acres respectfully requests that the potential significant impacts on the environment, the City, and the future Rancho Malibu Hotel be analyzed fully as suggested herein.

Ha Ly
June 11, 2012
Page 12

Finally, please include me on the list of those requesting notice with regard to the Crummer Site Subdivision. Notices should be sent to:

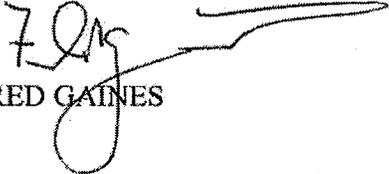
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Fax: (818) 933-0222
e-mail: fgaines@gaineslaw.com

Thank you for your immediate attention to these matters. As always, please do not hesitate to contact me at any time with any questions or comments that you may have.

Sincerely,

GAINES & STACEY LLP

By


FRED GAINES

Ha Ly

From: Dan Hoffman/ITo Products - ASI 92408/PPAI 511110 [dan@IToProducts.com]
Sent: Sunday, April 29, 2012 3:24 PM
To: Ha Ly
Subject: Project at the Bluffs Park

We live in Malibu Country Estates and have noticed the orange story poles at Bluffs Park. I was told there are several homes being proposed for that site.

Right now, we're having a view restoration issue with a couple of neighbors, but when that's resolved, I believe these homes would be right in our view line of site. Beyond that, how can the city of Malibu allow anything to be built on that land? What an eyesore!! It's also hard to believe that Pepperdine would stand for something that, unless they own the land... It's bad enough that an entire hotel is being built across the street, but now this! What is Malibu becoming?? So sad...

Sincerely,

Dan Hoffman
3625 Malibu Country Dr.
Malibu, CA 90265
310-456-7831 Home
dan@2cconline.com

RECEIVED
APR 29 2012
PLANNING DEPT.

Hello Joyce,

I live at 24001 Malibu Road, directly beneath the Crummer Property proposed development.

I want to express my concerns with this project to you and the appropriate personnel

1. I have had the hillside give way in the last el nino and thus am concerned with the size, amount of water, landscaping, pool weights, septic water and run off causing hill slippage into my house below.

This is a serious concern to me and want to know when and how the developer plans to mitigate such factors and what the city can do to mitigate the risk to me as the downhill property owner.

I understand there has been slippage on the bluff down the road from a similar situation.

2. I am also concerned with the proximity of the houses to the edge of the bluff beneath my house give all the factors above

3. I am concerned about the amount of light the project will give up causing light pollution in our night skys

Is there an upcoming hearing where my issues can be expressed to you and the developer?

Thank you

Russell Kern

24001 Malibu Road

818-2648480 (cell)

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APR 10 2012
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