

## 3.9 LAND USE AND PLANNING

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### INTRODUCTION

This section analyzes the impacts of the Whole Foods and the Park Shopping Center Project related to Land Use and Planning. The analysis in this section was prepared based on the City of Malibu General Plan, Zoning Ordinance, and Local Coastal Program (LCP).

### ENVIRONMENTAL SETTING

#### Regional Setting

The City encompasses a 27-mile-long narrow strip of land along the coast of the Pacific Ocean extending from the shoreline into the lower foothills of the Santa Monica Mountains to the north. The City is bordered to the north by unincorporated land within Los Angeles County and parklands under federal and state ownership within the Santa Monica Mountains National Recreation Area (SMMNRA). Commercial development is generally limited to frontages along Pacific Coast Highway (PCH), particularly in the east end of the City and within the Civic Center area. Much of the shoreline in the City is developed with residential uses, and such uses extend into the lower foothills, often as distinct canyon or ridgeline neighborhoods, separated by undeveloped foothill parkland or open space.

#### Local Setting

The project site is located within the City's Civic Center area, a generally level area within Malibu Creek Valley that supports areas of both commercial and institutional uses. The project site is located on a relatively flat parcel located on the eastern edge of the Civic Center. The Civic Center is the primary commercial district of the City, and it includes commercial retail, service industry spaces, small- to mid-sized office buildings, and recreational uses. Developed areas are distributed amongst substantial undeveloped areas. The Civic Center also includes many public facilities, including City Hall and a County government center.

The Civic Center area, including the project site, is designated for Community Commercial (CC), Commercial General (CG), Visitor-Serving Commercial (CV-1 and CV-2), and Institutional (I) uses under the City's adopted LCP (see **Figure 3.9-1, Existing Local Coastal Program Land Use Designations**). However, consistent with the overall semi-rural environment of the City, this commercially developed area is not highly urbanized. The low-density distribution of the structures, low profile of building heights and design elements, and limited landscaping amongst undisturbed open space maintains a spacious and small-town feel. The Civic Center area is surrounded by rural residential uses on hillsides to

north, public open space along Malibu Creek and Lagoon on the east, multi-family and rural residential to the west, and PCH to the south. Commercial, recreation, open space, and residential uses lie south of PCH.

Office uses include professional office buildings of one to two stories that support professional service and business support uses, such as insurance, dry cleaners, medical, dental and law offices. Public uses in the area include Malibu City Hall, located off of Stuart Ranch Road in the northern section of the Civic Center area, and a Los Angeles County government center with a vacated Los Angeles County Sheriff's Department (LASD) substation, the former Los Angeles County Superior Court West District office and courthouse<sup>1</sup> and the Los Angeles County Public Library – Malibu Branch. Webster Elementary School, Our Lady of Malibu Church and School, and a Southern California Edison facility are located off of Civic Center Way in the northwest portion of this area. The City's newly constructed 26-acre Legacy Park is located between Civic Center Way and PCH. The Malibu Racquet Club, a commercial recreational facility, is located west of City Hall.

## **Project Site**

The project site is located in the northwest corner of the intersection of Civic Center Way and Cross Creek Road. The project site is located adjacent to a vacant parcel to the west, commercial to the east, a horse training facility to the north, and a commercial center to the south. Single-family residential properties are located further to the north, along the ridgeline overlooking the Civic Center area. Additional land uses in the area include the Legacy Park, located to the south, across Civic Center Way. Immediately to the west is the site for the approved, but as yet unbuilt, La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Malibu Branch Public Library, the vacated LASD substation, and the vacated Superior Court offices, is located immediately to the west of the La Paz site.

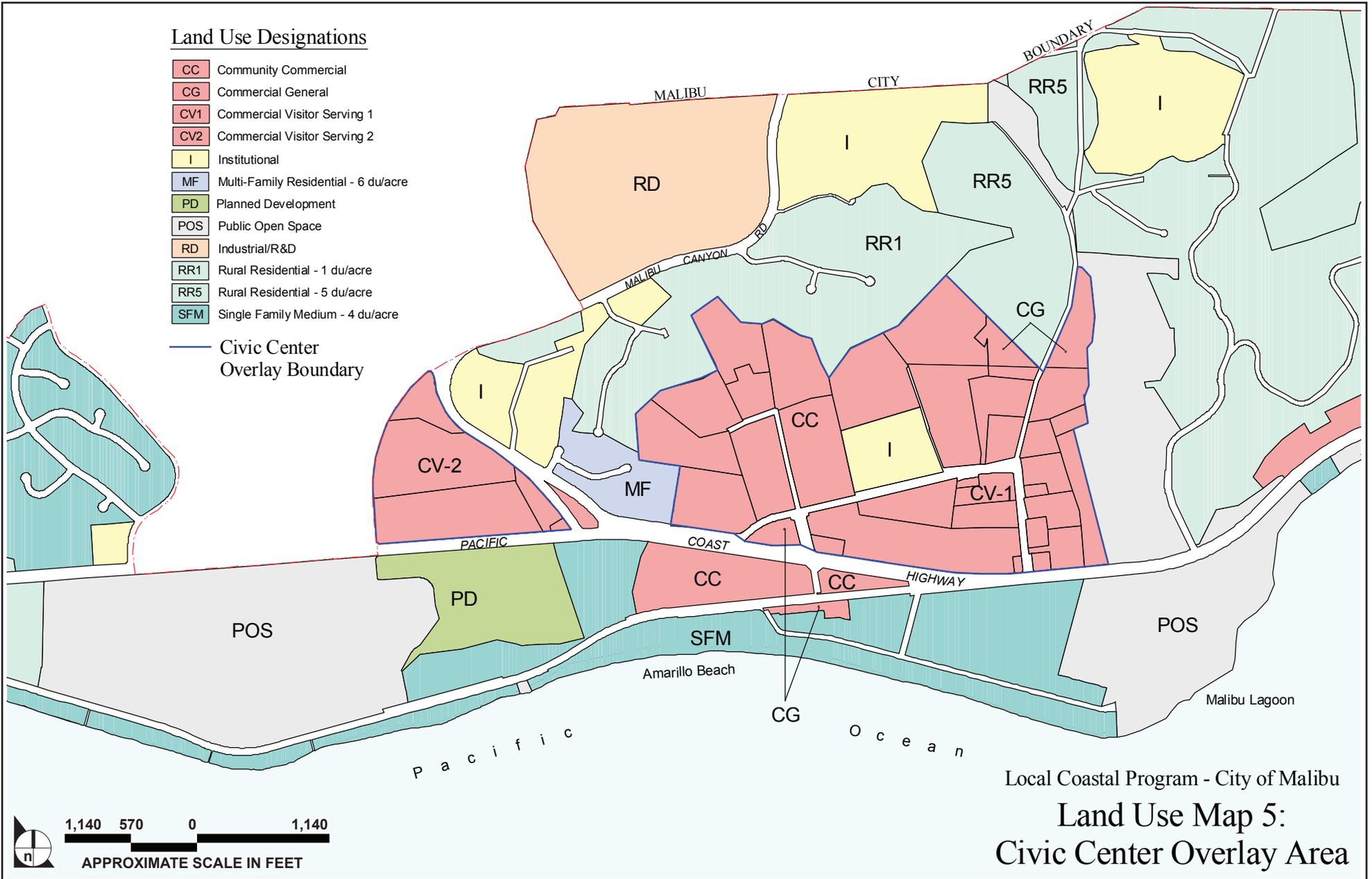
The project site is currently vacant; a gravel road runs along the west side of the project site and a paved area is located in the northeast portion along Cross Creek Road. Non-native weedy vegetation occupies the rest of the site. Three groups of native western sycamore trees (a total of eight) are located in the central and northwestern portions of the site and will be removed to accommodate the development.

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<sup>1</sup> Following the implementation of a County-wide Court Consolidation Plan, the Malibu Courthouse was closed in May 2013, <http://www.lasuperiorcourt.org/consolidation/ui/pdf/NTAMALIBUREASSIGNMENT4-10-13.pdf>, accessed April 7, 2014.

**Land Use Designations**

- CC Community Commercial
  - CG Commercial General
  - CV1 Commercial Visitor Serving 1
  - CV2 Commercial Visitor Serving 2
  - I Institutional
  - MF Multi-Family Residential - 6 du/acre
  - PD Planned Development
  - POS Public Open Space
  - RD Industrial/R&D
  - RR1 Rural Residential - 1 du/acre
  - RR5 Rural Residential - 5 du/acre
  - SFM Single Family Medium - 4 du/acre
- Civic Center Overlay Boundary



Local Coastal Program - City of Malibu  
**Land Use Map 5:**  
**Civic Center Overlay Area**

SOURCE: City of Malibu, Local Coastal Program, August 2002

FIGURE 3.9-1

Existing Local Coastal Program Land Use Designations

The project site is identified as Assessor Parcel No. (APNs) 4458-022-001 and 4458-022-022 and consist of 2.33 and 3.55 acres respectively. The project site is designated Community Commercial (CC) by the General Plan land use element (see **Figure 3.9-2, Malibu General Plan Land Use Map**). Both parcels are designated CV-1 according to the Local Coastal Plan (LCP) land use and zoning map (see **Figure 3.9-3, Civic Center Area Zoning Map**). Under the General Plan and Malibu Municipal Code (MMC) zoning, one of the parcels is designated CV-1 (4458-022-001) but the other (4458-022-022) is currently CG. In 2009 the City of Malibu adopted a housekeeping General Plan and MMC zoning map amendment to fix discrepancies with the LCP for a number of properties in the City, including the project site. However, inadvertently only one of the APNs was included so the other parcel (4458-022-022) still retains the conflicting CG designation under the GP and MMC.

The lot development criteria for CV-1 calls for new lots to be at least 5 acres in size, 300 feet wide and 500 feet deep; as part of the proposed project, the two parcels would be merged into one parcel that would be 5.88 acres with a depth of 717 feet and a width of 422.5 feet. This lot merger would bring the project site into conformance with the criteria. The lot merger must be recorded prior to issuance of grading permits. The CV-1 zoning district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents and respect the rural character and natural environmental setting.<sup>2</sup> Food stores and restaurants are permitted uses by both the CV-1 and CG zoning designations.

### **Proposed Project Improvements**

The Whole Foods and the Park Shopping Center project (proposed project) would construct a new 38,425-square-foot (sf) neighborhood shopping center in the Civic Center Area designed to be anchored by a Whole Foods Market (24,549 sf) and four smaller commercial buildings (3,015 sf, 3,086 sf, 3,592 sf, and 4,183 sf, respectively). The buildings would have pitched roofs up to 28 feet in height and surround a central parking area, with walkways, landscaping and outdoor amenities integrated throughout. The proposed project is intended provide a variety of community and visitor-serving goods and services, including restaurant uses and additional space designed for outdoor dining. Primary vehicle access would be provided from a driveway on Civic Center Way that would be designed to align with the driveway serving the existing commercial office complex across the street. Secondary access would be provided by a driveway on Cross Creek Road.

Outdoor areas would incorporate storm water management features such as biofiltration. For further discussion regarding stormwater discharge and water quality, refer to **Section 3.8, Hydrology and Water**

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<sup>2</sup> Malibu Municipal Code Section 17.26.010

**Quality.** For wastewater disposal, the project proposes to connect to the future Civic Center Water Treatment Facility (CCWTF) system via points of connection to the projected Phase I pipelines in either Civic Center Way or Cross Creek Road, refer to **Section 3.14.4, Wastewater.**

## REGULATORY FRAMEWORK

### *Federal*

The proposed project is not located within any federal property, and therefore is not subject to federal land use regulations.

### *State*

#### **California Government Code**

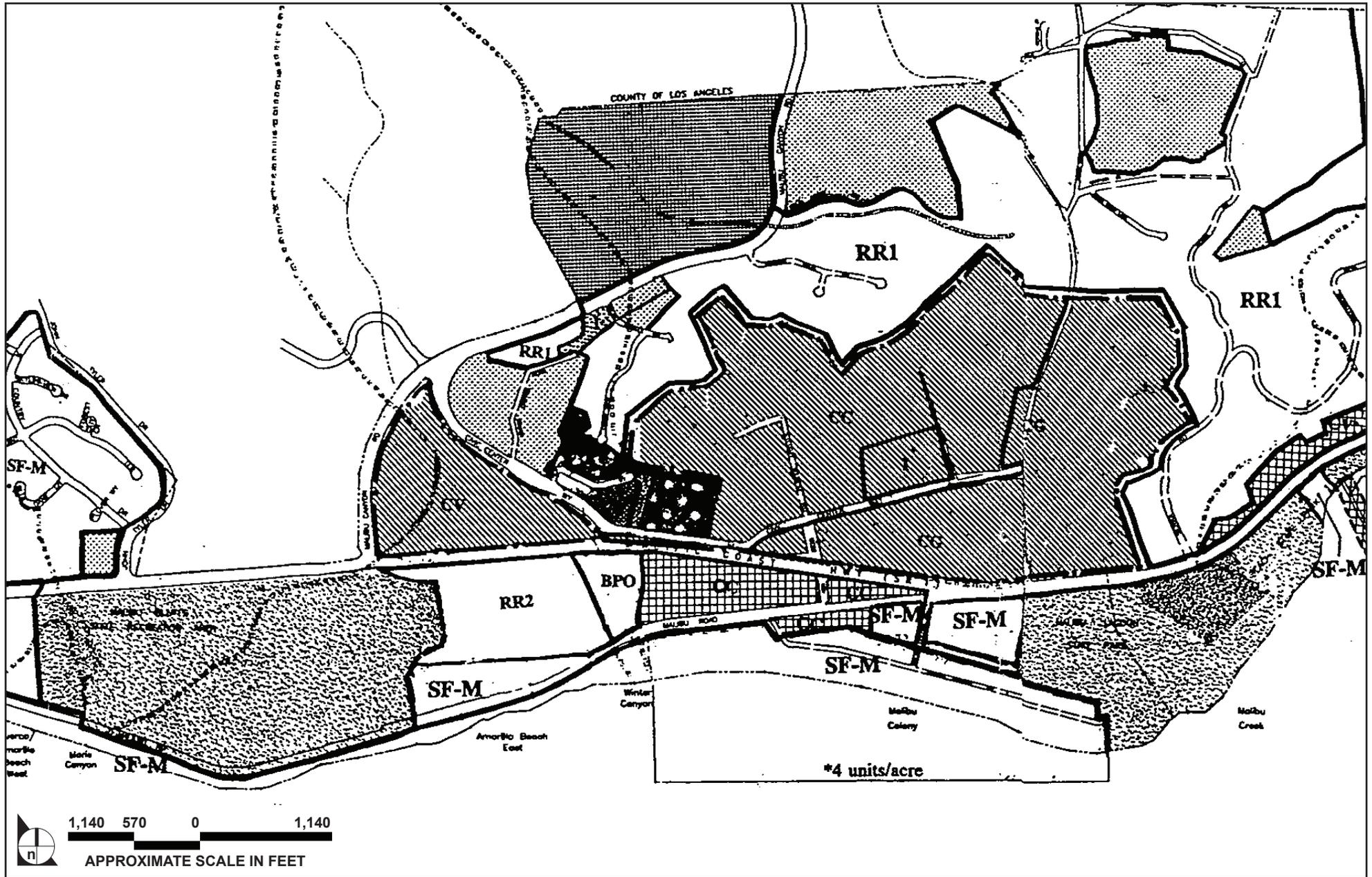
Pursuant to state law, the general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals that shall include the following elements: (1) land use, (2) circulation, (3) housing, (4) conservation, (5) open space, (6) noise, and (7) safety.<sup>3</sup>

The land use element shall include the following:

*(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.*

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<sup>3</sup> California Government Code, Section 65302.



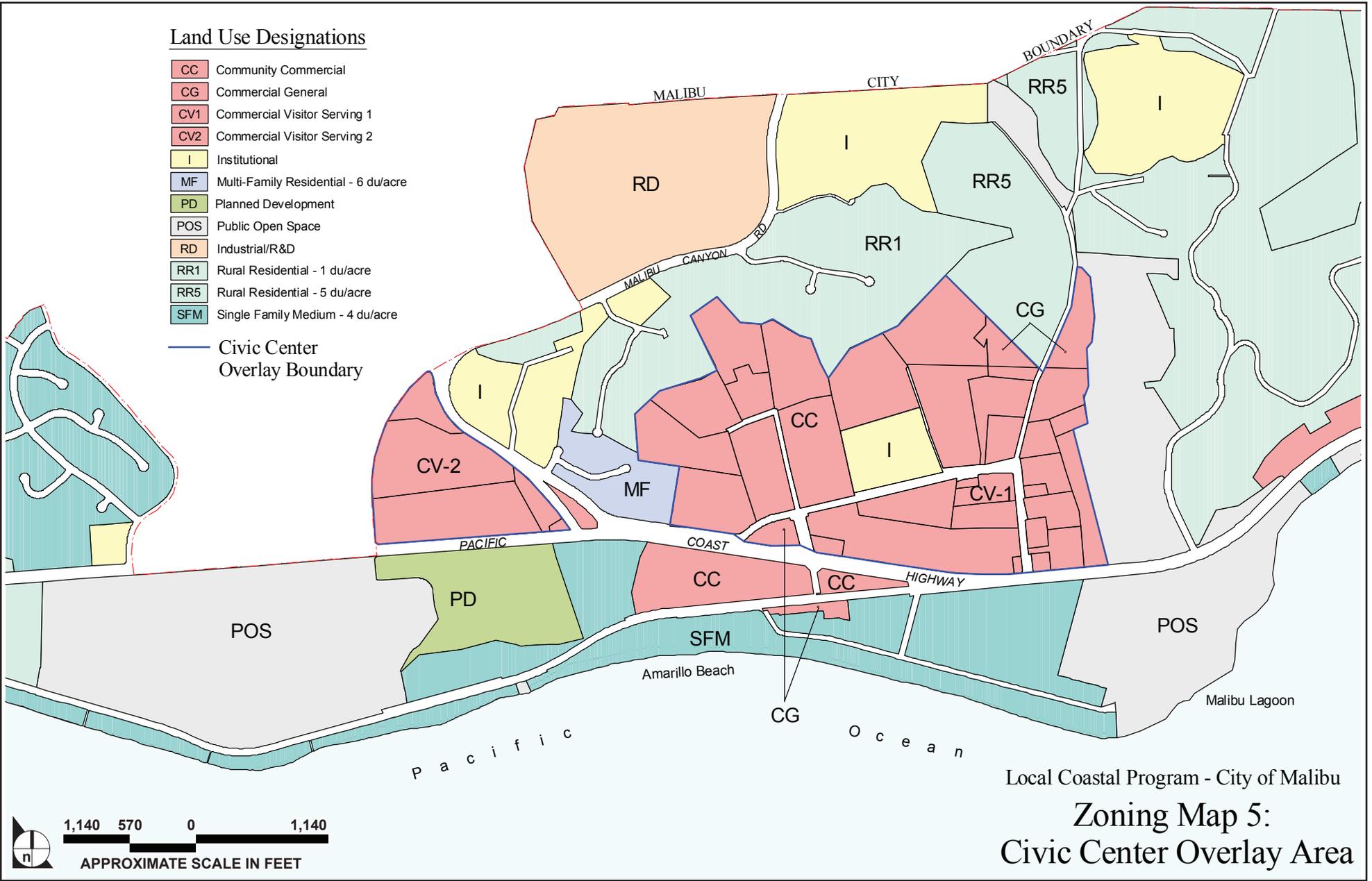
SOURCE: City of Malibu, General Plan Land Use Element, November 1995

FIGURE 3.9-2

Malibu General Plan Land Use Map

**Land Use Designations**

- CC Community Commercial
- CG Commercial General
- CV1 Commercial Visitor Serving 1
- CV2 Commercial Visitor Serving 2
- I Institutional
- MF Multi-Family Residential - 6 du/acre
- PD Planned Development
- POS Public Open Space
- RD Industrial/R&D
- RR1 Rural Residential - 1 du/acre
- RR5 Rural Residential - 5 du/acre
- SFM Single Family Medium - 4 du/acre
- Civic Center Overlay Boundary



SOURCE: City of Malibu, Local Coastal Program, August 2002

Local Coastal Program - City of Malibu  
**Zoning Map 5:**  
**Civic Center Overlay Area**

FIGURE 3.9-3

Civic Center Area Zoning Map

### **California Coastal Act**

The project site is located within the California Coastal Zone, which was established pursuant to the California Coastal Act of 1976. This act requires that planning and development within the Coastal Zone be consistent and compatible with the unique characteristics of coastal resources. The Coastal Act requires that its goals and policies be implemented by local government through the LCP process. Malibu's LCP was adopted by the California Coastal Commission on September 13, 2002, and in December 2004, the City gained regulatory authority for development in the City's Coastal Zone.

### ***Regional and Local Policies***

#### **Regional Comprehensive Plan**

The Southern California Association of Governments (SCAG) developed the 2008 Regional Comprehensive Plan (RCP) to address important regional land use planning issues, including housing, employment, traffic/transportation, water, and air quality. The RCP identifies voluntary best practices to approach growth and infrastructure challenges in a regionally integrated and comprehensive way. It also includes goals and outcomes to measure progress toward a more sustainable region.

#### **Regional Transportation Plan/Sustainable Communities Strategy**

The Regional Transportation Plan (RTP) is a long-range transportation plan that is developed and updated by SCAG every four years. The RTP provides a goals and policies for transportation investments throughout the region. Using growth forecasts and economic trends projected over a 20-year period, the RTP considers the role of transportation in the broader context of economic, environmental, and quality-of-life goals for the future, identifying regional transportation strategies to address mobility needs. The Sustainable Communities Strategy (SCS) includes the growth forecast for the region and integrates land use and transportation planning strategies to reduce transportation demand and achieve emissions reduction targets set by the California Air Resources Board (CARB).

#### **City of Malibu General Plan**

The City's General Plan was adopted in 1996 and last revised in 2004. The General Plan is primarily a policy document that sets goals and policies concerning the community and gives direction to growth and development. The General Plan consists of the seven state mandated elements: Land Use Element (Chapter 1.0), Open Space and Recreation Element (Chapter 2.0), Conservation Element (Chapter 3.0), Circulation and Infrastructure Element (Chapter 4.0), Safety and Health Element (Chapter 5.0), Noise Element (Chapter 6.0) and Housing Element (Chapter 7.0). In addition, it outlines the programs that were

developed to accomplish the goals and policies of the General Plan. The General Plan policies ensure that new development meets City standards and is consistent with City goals. Specific General Plan policies that would be applicable to the proposed project are catalogued and analyzed for consistency in **Table 3.9-1, General Plan Consistency Analysis**, below.

### **Malibu Municipal Code**

Malibu Municipal Code (MMC), Title 17 (Zoning Ordinance) regulates land use and development throughout the City. California law requires the City's zoning code to be consistent with the Land Use Element of the City's General Plan and is intended to implement the land use policies in the General Plan. The Zoning Ordinance identifies the uses that are allowed on parcels within the City. As previously discussed, the proposed project site is zoned CV-1 and CG, both of which allow food stores and restaurants.

### **City of Malibu Local Coastal Program**

The City lies entirely within with the California Coastal Zone, as defined by the California Coastal Act. The Coastal Act requires that its goals and policies be implemented by local government through the LCP process. The LCP is composed of two parts: the Land Use Plan (LUP) and the Local implementation Plan (LIP). Both plans were adopted by the California Coastal Commission on September 13, 2002.

#### *Land Use Plan*

Policies of the LUP are designed to assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the state's and City's residents (refer to **Table 3.9-3, Local Coastal Program Consistency Analysis**, below).

#### *Local Implementation Plan*

The LIP was adopted to implement the policies outlined in the LUP of the LCP by providing detailed guidance regarding development in the Coastal Zone. The Chapters of the LIP that are most relevant to the proposed project include:

- **Chapter 3, Zoning Designations and Permitted Uses:** Contains zoning boundaries and maps, general regulations and development standards, and other measures for ensuring compliance with the LCP, including guidelines for signs, landscaping, fuel modification, and placement of communication facilities.
- **Chapter 5, Native Tree Protection:** Provides for the protection and preservation of native trees.

- **Chapter 6, Scenic, Visual, and Hillside Resource Protection Ordinance:** Enhances and protects the scenic and visual qualities of 18 coastal and mountain areas within the City as a resource of public importance.
- **Chapter 8, Grading:** Ensures that new development minimizes the visual and resource impacts of grading and landform alteration.
- **Chapter 9, Hazards:** Ensures that new development shall minimize 23 risks to life and property in areas of high geologic, flood, and fire hazard.
- **Chapter 11, Archeological/Cultural Resources:** Avoids damage to or destruction of important cultural resources within the City of Malibu.
- **Chapter 13, Coastal Development Permits:** Establishes the process for the review of all development within the coastal zone of the City of Malibu to ensure that it will be consistent with the provisions of the LCP.
- **Chapter 15, Requirements for Land Divisions:** Provides guidance for land divisions and mergers.
- **Chapter 17, Water Quality Protection Ordinance:** Protects and enhances coastal waters within the City in accordance with the policies of the LCP.

#### City of Malibu - Measure R

On November 4, 2014, City of Malibu voters approved Measure R. This measure requires (1) voter-approval of specific plans for commercial and commercial-residential projects over 20,000 square feet, and (2) allows formula retail businesses<sup>4</sup> in tenant spaces between 1,400 square feet and 5,000 square feet in existing civic center shopping centers but imposes stricter requirements (including a 2,500-square-foot limit per business and a limit of 30 percent of shopper center's tenants) on some such businesses in any new shopping center or existing ones outside the civic center.

In conformance with Measure R, a Specific Plan has been prepared for the project. Once built-out, the occupancy of the project also must be in conformance with Measure R formula retail limitations; no tenants other than anchor tenant Whole Foods Market are proposed for the project site at this time.

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<sup>4</sup> Formula retail is considered any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with 10 or more other existing, operational retail establishments located within the United States, is required to maintain two or more of the following features: Standardized array of merchandise or menu items; Standardized décor; Uniform apparel; Standardized signage, a servicemark, or a trademark; Standardized color scheme; Standardized layout; or Standardized façade.

## ENVIRONMENTAL IMPACTS

### Thresholds of Significance

In order to assist in determining whether a project will have a significant effect on the environment, the *California Environmental Quality Act (CEQA) Guidelines* identify criteria for conditions that may be deemed to constitute a substantial or potentially substantial adverse change in physical conditions. Specifically, Appendix G of the *State CEQA Guidelines* (Environmental Checklist Form) lists the following items to be considered when determining whether a project may be deemed to have a significant impact related to land use and planning:

- Physically divide an established community
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan

### Methodology

The following section includes an assessment of the City's land use policies that are most applicable to the proposed project, as laid out in the General Plan, Zoning Code, and LCP, and the project's level of compliance with these stated policies. Project elements that may be potentially inconsistent with an adopted goal, policy, or program are summarized in this section, along with related physical environmental consequences.

### Impacts Analysis

#### Threshold 3.9.1      **Physically divide an established community.**

The project site is located adjacent to a vacant parcel to the west, a commercial complex to the east, a horse training facility to the north, and a commercial center to the south. The proposed project is an infill project as it is surrounded by development on three sides. The proposed project does not include any barriers to the existing development surrounding the project site such as new roadways or infrastructure. Further, no residential uses are located immediately surrounding the project site that could be disrupted by the proposed project. Therefore, the proposed project would not physically divide an established community. This impact is less than significant.

### *Mitigation Measures*

No mitigation measures are required.

## *Residual Impacts*

Impacts would be less than significant.

**Threshold 3.9-2**      **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.**

To determine if the proposed project will conflict with any applicable land use plan, policy, or regulation, the consistency of the proposed project with applicable land use plans is discussed below.

### *City of Malibu General Plan*

The project site is designated Community Commercial (CC) by the General Plan land use element. Under the General Plan and MMC zoning, one of the parcels is designated CV-1 (4458-022-001) but the other (4458-022-022) is currently CG. An amendment to the General Plan is proposed as part of the project entitlement approvals to re-designate the CG designated parcel as CV-1. With this amendment, the proposed project would be consistent with the CV-1 designation for the project site.

The City of Malibu General Plan contains numerous policies for land development. A detailed analysis of the proposed project's consistency with the applicable policies of the various elements of the general plan is provided in **Table 3.9-1, General Plan Consistency Analysis**. The analysis concludes that the proposed project would be consistent with the applicable goals and policies of the general plan.

**Table 3.9-1  
General Plan Consistency Analysis**

Policies	Consistency Finding and Discussion
<b>Land Use Element</b>	
<b>LU Policy 1.1.1:</b> The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.	<b>Consistent.</b> The proposed project would conform to the natural topography of the project site. The landscape design will include native trees, shrubs, and plants, in addition to ornamental flowering trees.
<b>LU Policy 1.1.2:</b> The City shall ensure that land uses avoid or minimize adverse impacts on water quality and other natural resources, such as undisturbed watershed and riparian areas.	<b>Consistent.</b> Surface run-off during construction and operation of the proposed project could result in potentially significant impacts to water quality and downstream riparian habitats. Mitigation measures and best management practices (BMPs) designed to protect downstream riparian areas and improve water quality are included in <b>Section 3.3, Biological Resources</b> , and <b>Section 3.8, Hydrology and Water Quality</b> .

Policies	Consistency Finding and Discussion
<p><b>LU Policy 1.1.3:</b> The City shall control surface runoff into coastal waters, wetlands, and riparian areas.</p>	<p><b>Consistent.</b> The proposed project could increase the amount of surface run-off exiting the project site. Mitigation measures and BMPs designed to control the release of run-off on the project site are included in <b>Section 3.8, Hydrology and Water Quality</b>.</p>
<p><b>LU Policy 1.1.5:</b> The City shall require careful site planning which blends development with the natural topography.</p>	<p><b>Consistent.</b> The proposed project would not substantially alter the topography of the project site as construction of the proposed project would only involve approximately 3,900 cubic yards of cut and about 13,800 cubic yards of fill.</p>
<p><b>LU Policy 1.3.1:</b> The City shall regulate development in floodways.</p>	<p><b>Consistent.</b> While the project site is located in a flood zone, no significant impacts would occur due to implementation of the proposed project. See <b>Section 3.8, Hydrology and Water Quality</b>.</p>
<p><b>LU Policy 1.3.2:</b> The City shall require proposed development to avoid geologic safety hazards created by development.</p>	<p><b>Consistent.</b> The main trace of the Malibu Coast fault is mapped along the south and southeastern portions of the property near Cross Creek and along the southern portion of the site near Civic Center Way. The geotechnical analysis prepared for the proposed project indicates that the fault is not active and that no significant geologic safety hazards would result from the project. See <b>Section 3.5, Geology and Soils</b>.</p>
<p><b>LU Policy 1.3.3:</b> The City shall require fire protection measures for development.</p>	<p><b>Consistent.</b> A Fuel Modification Plan has been developed and approved by to the Los Angeles County Fire Department (LACFD) to mitigate potential wildfire impacts.</p>
<p><b>LU Policy 1.4.3:</b> The City shall minimize the alteration of existing land forms and require design consistent with natural topography and processes of the site (i.e. geological, soils, hydrological, water percolation and runoff).</p>	<p><b>Consistent.</b> No unique landforms would be altered as a result of the proposed project. The proposed project has been designed and would be constructed to blend in with the existing landscape and topography.</p>
<p><b>LU Policy 1.5.1:</b> The City shall scrutinize proposed development for any potential individual or cumulative adverse environmental impact, in addition to those impacts that are peculiar to development otherwise consistent with the General Plan.</p>	<p><b>Consistent.</b> The individual and cumulative effects of the proposed project are analyzed for each environmental topic addressed within the scope of this EIR.</p>
<p><b>LU Policy 2.1.1:</b> The City shall promote an aesthetically pleasing and visually stimulating environment whose architecture, common and open spaces inspire and uplift the human spirit.</p>	<p><b>Consistent.</b> Building design would be in keeping with the City's preferred "rustic contemporary" theme; building finishes would include natural wood siding, stone veneer and earth-toned stucco and/or paint. Overhead trellises and canopy structures would provide shade for outdoor walkways and seating areas. Refer to Project Renderings, <b>Figures 3.1-3 through 3.1-11</b>.</p>
<p><b>LU Policy 2.1.4:</b> The City shall require development to be landscaped so that the project blends in with the environment and neighborhood.</p>	<p><b>Consistent.</b> The proposed project includes a landscaping plan that is consistent with the character of the surrounding area.</p>
<p><b>LU Policy 2.1.5:</b> The City shall protect and preserve public and private ocean and mountain views, by striking an equitable balance between the right to reasonable use of one's property including the maintenance of privacy and the right to protection against unreasonable loss of views.</p>	<p><b>Consistent.</b> The proposed project is designed to maximize views of the hillside behind the project site by locating the main market at the rear of the property.</p>
<p><b>LU Policy 2.1.6:</b> The City shall encourage pedestrian friendly design in concentrated commercial areas.</p>	<p><b>Consistent.</b> The pedestrian entrance to the proposed project is an extension of the Cross Creek pedestrian walkways. The proposed project would also include internal walkways and a pedestrian connection to the adjacent La Paz site.</p>

Policies	Consistency Finding and Discussion
<p><b>LU Policy 2.2.1:</b> The City shall require adequate infrastructure, including but not limited to roads, water, and wastewater disposal capacity, as a condition of proposed development.</p>	<p><b>Consistent.</b> The project site is adequately served by the existing roadway system. Adequate water supply infrastructure would be extended to the project site from existing water mains located beneath Civic Center Way and Cross Creek Road. No on-site wastewater discharge would occur. All wastewater generated by the proposed project would be treated by the new CCWTF. See <b>Section 3.14.4, Wastewater.</b></p>
<p><b>LU Policy 2.2.4:</b> The City shall manage development in accordance with the efficient operation of the traffic system and service infrastructure.</p>	<p><b>Consistent.</b> The impacts of the proposed project on traffic and service infrastructure have been evaluated in <b>Section 3.11, Public Services, Section 3.13, Transportation and Traffic, and Section 3.14, Utilities and Service Systems.</b></p>
<p><b>LU Policy 2.2.5:</b> The City shall evaluate the effect on road capacity of traffic impacts from all sources when determining the type and intensity of land use.</p>	<p><b>Consistent.</b> The impacts of the proposed project on road capacity have been evaluated in <b>Section 3.13, Transportation and Traffic.</b></p>
<p><b>LU Policy 2.2.8:</b> The City shall require adequate wastewater management for development.</p>	<p><b>Consistent.</b> The proposed project would connect to the new CCWTF for wastewater disposal. See <b>Section 3.14.4, Wastewater.</b></p>
<p><b>LU Policy 3.1.1:</b> The City shall ensure visitor-serving and recreational uses are compatible with the natural resources and aesthetic values of the area.</p>	<p><b>Consistent.</b> Building design would be in keeping with the City's preferred "rustic contemporary" theme and site development includes amenities such as a children's park, and outdoor seating areas landscaped to harmonize with the buildings. Refer to Project Renderings, <b>Figures 3.1-3 through 3.1-11.</b></p>
<p><b>LU Policy 4.1.6:</b> The City shall promote extensive landscaping in new projects while emphasizing low volume irrigation and the use of native, fire-resistant and drought-tolerant plant materials.</p>	<p><b>Consistent.</b> The proposed project would utilize low volume irrigation and include the use of native fire-resistant and drought-tolerant plant materials.</p>
<p><b>LU Policy 4.1.7:</b> The City shall require visually aesthetic screening of service areas and well landscaped parking lots.</p>	<p><b>Consistent.</b> All service areas associated with the proposed structures would be screened by landscaping. Parking for the proposed project would be located in the interior of the project site and would be screened by the proposed structures and extensive landscaping along the project's Civic Center Way and Cross Creek Road frontages. Project deliveries would occur through the rear of the site.</p>
<p><b>LU Policy 4.3.2:</b> The City shall require buildings within the Civic Center Area to reflect (a) the uniqueness of this location as the City's town center, (b) its close proximity to the beach and ocean, and (c) a "community village" character with small scale, low-rise buildings. Development in the Civic Center will be guided by those policies and implementation measures in the Plan that are generally applicable to commercial development.</p>	<p><b>Consistent.</b> Building design would be in keeping with the City's preferred "rustic contemporary" theme, building finishes would include natural wood siding, stone veneer and earth-toned stucco and/or paint. Site development includes amenities such as a children's park, and outdoor seating areas landscaped to harmonize with the buildings. Refer to Project Renderings, <b>Figures 3.1-3 through 3.1-11.</b></p>
<p><b>LU Policy 4.3.5:</b> The City shall develop the Civic Center Area so that it is pedestrian oriented.</p>	<p><b>Consistent.</b> The proposed project includes walkways and plazas with public seating areas designed to encourage pedestrian activity.</p>
<p><b>LU Policy 4.3.8:</b> The City shall encourage architectural design features such as towers, cupolas, roof parapets, kiosks, changes in roof elevations and roof monuments which do not add square footage, floor area or stories to the building.</p>	<p><b>Consistent.</b> The proposed project would be constructed in a "rustic contemporary" style; building finishes would include natural wood siding, stone veneer and earth-toned stucco and/or paint. Buildings would include trellises and green walls. See <b>Chapter 2.0, Project Description</b> and Project Renderings, <b>Figures 3.1-3 through 3.1-11.</b></p>
<b>Conservation Element</b>	
<p><b>CON Policy 1.1.1:</b> The City shall minimize disruption of natural systems and areas rich in biodiversity and avoid consumption of ecologically sensitive lands including ESHAs, significant watersheds, wildlife habitat linkages, disturbed sensitive resource areas, blue-line streams and significant oak woodlands.</p>	<p><b>Consistent.</b> The project site supports upland non-native grasses and forbs, as well as eight native western sycamore trees. No ecologically sensitive lands such as environmentally sensitive habitat areas (ESHAs), blue-line streams, wetlands, and oak woodlands are located on the project site. See <b>Section 3.3, Biological Resources.</b></p>

Policies	Consistency Finding and Discussion
<p><b>CON Policy 1.2.7:</b> The City shall reduce impacts resulting from night lighting so as not to disturb natural habitats.</p>	<p><b>Consistent.</b> The proposed project would result in increased night lighting that may affect wildlife. However, project design features including shielded pedestrian walkway and parking lot lighting, dense landscaping, and mitigation proposed in <b>Section 3.1, Aesthetics</b> and <b>Section 3.3, Biological Resources</b> would reduce this impact to a less than significant level.</p>
<p><b>CON Policy 2.1.2:</b> The City shall avoid the destruction or alteration of cultural resources.</p>	<p><b>Consistent.</b> While no known archaeological resources are located on the project site, there is the potential that unknown archaeological resources may be unearthed during grading. However, mitigation proposed in <b>Section 3.4, Cultural Resources</b> would reduce this impact to a less than significant level.</p>
<p><b>Circulation and Infrastructure Element</b></p>	
<p><b>C Policy 1.1.1:</b> Where level of service at signalized intersections and roadways is below LOS C, the City shall ensure that proposed development maintains the then current LOS. Where LOS at signalized intersections and roadways is at LOS C or above, the City shall ensure that proposed development (1) does not cause a degradation of LOS greater than or equal to two percent in the circumstances set forth in Land Use Implementation Measure 70 and (2) does not degrade LOS below LOS C.</p>	<p><b>Consistent.</b> The proposed project would increase area traffic. The applicant-prepared traffic study, which was peer reviewed and approved by an independent transportation consultant, found that project-related impacts to area intersections can be successfully mitigated. Final plans would be reviewed and approved by the City. See <b>Section 3.13, Traffic and Transportation</b>.</p>
<p><b>C Policy 1.3.1:</b> The City shall require sufficient off-street parking.</p>	<p><b>Consistent.</b> According to the Malibu Municipal Code, the proposed project would be required to provide 217 parking spaces. The proposed project would provide 220 parking spaces, which is three more than is required. See <b>Section 3.13, Traffic and Transportation</b>.</p>
<p><b>Safety and Health Element</b></p>	
<p><b>S Policy 1.2.1:</b> The City shall require development to provide for analyses of site safety related to potential hazards of fault rupture, earthquake ground shaking, liquefaction, and rockfalls.</p>	<p><b>Consistent.</b> The main trace of the Malibu Coast fault is mapped along the south and southeastern portions of the property near Cross Creek and along the southern portion of the site near Civic Center Way. The geotechnical analysis prepared for the proposed project indicates that the fault is not active and that no significant geologic safety hazards would result from the project. See <b>Section 3.5, Geology and Soils</b>.</p>
<p><b>S Policy 1.2.2:</b> The City shall require development to provide site safety analyses related to landsliding, debris flows, expansive soils, collapsible soils, erosion/sedimentation, and groundwater effects.</p>	<p><b>Consistent.</b> Soils on the project site are subject to liquefaction. However, mitigation proposed in <b>Section 3.5, Geology and Soils</b> would reduce this impact to a less than significant level.</p>
<p><b>Noise Element</b></p>	
<p><b>N Policy 1.1.2:</b> The City shall protect noise sensitive land uses from negative impacts of proximity to noise generating uses.</p>	<p><b>Partially Consistent.</b> The proposed project would increase area noise. The applicant-prepared noise study found that project-related impacts with regard to temporary construction noise would be mitigated to less than significant, with the exception of receptors located at 23704 Harbor Vista Drive, 3657 Cross Creek Road, and Legacy Park, which would remain significant and unavoidable. Project-related impacts with regard to operational noise would be fully mitigated and less than significant. See <b>Section 3.10, Noise</b>.</p>

### *City of Malibu Zoning Ordinance*

The project site is zoned Commercial Visitor-Serving (CV-1) and Community Commercial (CC). An amendment to the zoning map is proposed as part of the proposed project to re-designate the CC designated parcel as CV-1. With this amendment, the proposed project would be consistent with the CV-1 designation for the project site. As discussed in **Section 2.0 Project Description** and below, various discretionary land use and entitlement actions will be necessary for the project to be constructed as proposed. Procurement of all required land use approvals will mitigate any potential land use impacts to a less than significant level. Specific development standards that apply to the project site are discussed in more detail below:

#### **Permitted Uses**

The proposed project includes the development of a retail center that would include a market and restaurant space. Food markets are permitted uses within the CV-1 zone while restaurants are conditionally permitted uses within the CV-1 zone. As such, the proposed uses would conform to the uses permitted in the CV-1 zone.

#### **Height Limitations**

According to Section 17.40.080 of the Malibu Municipal Code, the maximum height of commercial development in the City is 18 feet. As the maximum height of each of the proposed structures is 28 feet, the proposed project would exceed the City's height limitation for commercial uses. This height increase above the 18-foot allowable height is due in part to the fact that building finished floors must be raised by a minimum of 3 feet above the existing grade to meet Federal Emergency Management Agency (FEMA) requirements and MMC Floodplain Management Ordinance requirements (refer to **Section 3.8, Hydrology and Water Quality**, and is also necessary to provide a screen for the rooftop mechanical equipment required for commercial use. Existing buildings in the project vicinity include the two-story, approximately 35-foot-tall, Malibu Country Mart professional building directly across Civic Center Way from the proposed project site, as well as other nearby two-story commercial buildings further south on Cross Creek Road and to the west along Civic Center Way. Therefore the proposed project is within keeping of the existing visual character or quality of the project vicinity. Site plan review (SPR) is required to allow heights in excess of the maximum allowed height in the zone. With the site plan review process (SPR No. 10-043), height limitations would be brought into conformance. Refer to **Section 3.1, Aesthetics**, for more information.

### Setback Requirements

According to Section 17.40.080 of the Malibu Municipal Code, front yard setbacks shall be at least 20 percent of the total depth of the lot, side yard setbacks shall be cumulatively at least 25 percent of the total width of the lot but, in no event, shall a single side yard setback be less than 10 percent of the width of the lot or 5 feet, whichever is greater, and rear yard setbacks shall be at least 15 percent of the lot depth or 15 feet whichever is greater. Based on these standards, with a lot depth of 717 feet, the proposed project would require a front yard setback of 143.4 feet and a rear yard setback of 107.55 feet. In addition, with a lot width of 422.46 feet, the proposed project would require one side yard setback to be at least 42.25 feet and the other side yard setback to be a maximum of 63.37 feet. However, as the proposed project would provide a front yard setback of 88 feet, a side yard setback (east) of 50.7 feet, a side yard setback (west) of 42.25 feet, and a rear yard setback of 86.04 feet, it would not conform to the yard setback requirements contained in the Malibu Municipal Code. A Minor Modification (MM) is being requested to permit the reduced front, side (east) and rear setbacks.

### Landscaping and Open Space

Consistent with the MMC the project provides 64,042 square feet of open space (25 percent of site area). Section 17.40.080 of the MMC and the LCP also require that 40 percent of the gross lot area constitute landscaped area, or, in this case, 102,467 square feet. The ground-based planter area included in the landscaped area calculations totals 32,849 square feet; however the project proposes additional landscape features as shown in **Table 3.9-2 Proposed Landscaping and Plantings** which are described below and shown in **Figure 2.0-10 Landscape Plan**.

**Table 3.9-2  
Proposed Landscaping and Plantings**

Feature	Area
On-grade landscaping	32,849 square feet
Tree canopy	48,492 square feet
Green walls	22,000 square feet
<b>Total</b>	<b>103,341 square feet</b>

*Source: The Park at Cross Creek LLC, December 2014*

The applicant also proposes to install and maintain approximately 4,500 square feet of landscape in the City's right of way contiguous to the property along Civic Center Way. This landscaping within the City's right of way is also not included in the code required landscaping area calculations.

For clarification, because the MMC does not define “Landscaped Area,” the Specific Plan prepared for the proposed project further interprets the permitted functional landscape elements, such as tree canopies and green walls, which could be included in the calculations. Under alternative interpretation, the project would provide greater Landscaped Area than required. However, should the decision makers determine that a more traditional interpretation of the landscape requirement is more appropriate for the site, a variance has been requested (Variance No. 10-028) for the reduced Landscaped Area.

While the provision of underground parking would potentially allow for a greater amount of landscaping on the site, due to the high water table under the project site (less than 10 feet below ground surface), underground parking is not feasible.<sup>5</sup>

### *City of Malibu Local Coastal Program*

The LUP for the Local Coastal Program contains numerous policies for land development. A detailed analysis of the proposed project’s consistency with the applicable policies of the various chapters of the LUP is provided in **Table 3.9-3, Local Coastal Program Consistency Analysis**. The analysis concludes that the proposed project would be consistent with the applicable policies of the LUP.

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<sup>5</sup> There are special circumstances due to the property elevation in relation to the water table in the area that make it potentially damaging to the aquifer to use underground parking which would allow for more landscaped space at ground level. On this site, historic high groundwater is reported to be 5 feet below grade (Van Beveren & Butelo, January 13, 2009). According to the project geologist, underground parking in an area of high ground water requires constant pumping of the underground parking area and causes disposal issues. Also, because of the narrow distance between grade and the high water table, the use of subterranean parking to achieve more landscaped space at ground level would displace a corresponding amount of water, elevating the water table on adjacent properties, which may be exacerbated when coupled with the subterranean parking garage approved on the adjoining La Paz site. In addition, protection of the water table from potential pollution, especially important for properties closer to Malibu Creek, may not be controllable on a fail-safe basis from an underground garage.

Protection of the water table from pollution in such an instance would be extremely wasteful of energy, since pumps would have to run 24-hours per day to clear water from the garage and that water, once removed, would be considered potentially toxic, and could not be discharged directly into the storm drain system.

**Table 3.9-3  
Local Coastal Program Consistency Analysis**

Policies	Consistency Finding and Discussion
<b>Chapter 2 (Public Access and Recreation)</b>	
<p><b>LUP Policy 2.25</b> New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.</p>	<p><b>Consistent.</b> See discussion for <b>C Policy 1.3.1</b>, above. The project has been designed to provide parking pursuant to Malibu Local Implementation Plan (LIP) requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces, the Project parking supply of 220 parking spaces would accommodate the estimated parking demand on site. The plan includes 220 parking spaces (182 standard and 38 compact), 16 bicycle spaces, four golf cart spaces, two loading spaces for the retail structures. The Project also includes two electric vehicle charging stations and four equestrian hitching post areas.</p>
<p><b>LUP Policy 2.27</b> The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.</p>	<p><b>Consistent.</b> The proposed project would not eliminate public parking.</p>
<p><b>LUP Policy 2.33</b> Priority shall be given to the development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, priority shall be given to such use over private residential or general commercial development. New visitor-serving uses shall not displace existing low-cost visitor-serving uses unless an equivalent replacement is provided.</p>	<p><b>Consistent.</b> The proposed project includes visitor-serving uses and with the proposed General Plan and Zoning amendments would be properly designated for the visitor-serving commercial uses. As the project site is presently vacant, no existing low-cost visitor-serving uses would be displaced.</p>
<p><b>LUP Policy 2.37</b> Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.</p>	<p><b>Consistent.</b> The proposed project would be visible from Legacy Park. However, landscaping in the City's right-of-way, along the frontage of Civic Center Way would screen the project from park users. See <b>Section 3.1, Aesthetics</b>.</p>
<p><b>LUP Policy 2.44</b> Proposals to install bike racks, lockers, or other devices for securing bicycles in convenient locations at beach and mountain parks, parking lots throughout the City, trailheads and other staging areas shall be permitted. Funding shall be supported and provided where available.</p>	<p><b>Consistent.</b> Access to and from the project via bicycle has been made a priority and is suitable due to the relatively flat topography. Bicycle parking is located conveniently throughout the project site with the placement of four bike racks for a total 16 bike spaces equally distributed throughout the site. Bikes may be secured to lockable racks attached to the pavement.</p>

Policies	Consistency Finding and Discussion
<b>Chapter 3 (Marine and Land Resources)</b>	
<p><b>Section 30231</b> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p><b>Consistent.</b> See discussion for <b>LU Policy 1.1.3</b>, above. Mitigation measures and BMPs designed to control the release of run-off on the project site are included in <b>Section 3.8, Hydrology and Water Quality</b>.</p>
<p><b>LUP Policy 3.36</b> New development shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required.</p>	<p><b>Consistent.</b> A biological inventory was prepared for the property by Rachel Tierney on January 22, 2010. The inventory concluded no rare or sensitive plants were found or expected to be on site and that no rare or sensitive animals were found on site though raptors may use the on-site trees for nesting. Pre-construction surveys are required prior to any construction during the nesting season. No resources meeting the definition of ESHA were identified on site.</p> <p>Because the site is located within the Civic Center Overlay per the LCP, per LIP 3.8.5(A)(5)(e)(5), the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination found that the site does not support or contain any wetland, streams, or aquatic features subject to United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Wildlife. Similarly, no wetlands or streams as defined by the Malibu LCP were found on site. <b>Refer to Section 3.3 Biological Resources</b></p>
<p><b>LUP Policy 3.45</b> All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.</p>	<p><b>Consistent.</b> Grading will be necessary to raise the building floors above the floodplain to meet FEMA requirements. The proposed grading breaks down as follows: 70 cubic yards of remedial cut and 5,321 cubic yards of remedial fill, 7612 cubic yards of removal and recompaction, and 4,516 cubic yards of exempt understructure fill. Construction of the proposed project would require the import of a total of 5,251 cubic yards of soil. As discussed in <b>Section 3.8, Hydrology and Water Quality</b>, mitigation measures and BMPs are provided to ensure that impact related to water quality are reduced to less than significant levels.</p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 3.46</b> Grading or earthmoving exceeding 50 cubic yards shall require a grading permit. Grading plans shall meet the requirements of the local implementation plan with respect to maximum quantities, maximum cuts and fills, remedial grading, grading for safety purposes, and maximum heights of cut or fill. Grading proposed in or adjacent to an ESHA shall be minimized to the maximum extent feasible.</p>	<p><b>Consistent.</b> The Project site is relatively level; however, grading is needed to prepare the site for construction and elevate building floors out of the flood plain. As part of the Project application, a Site Plan Review request for grading volumes in excess of 1,000 cubic yards is necessary in order to raise building floors above the required elevation to meet FEMA requirements. The grading plan is required to meet all LIP regulations. As previously discussed, the project site is not in or adjacent to an ESHA.</p>
<p><b>LUP Policy 3.47</b> Earthmoving during the rainy season (extending from November 1 to March 1) shall be prohibited for development that is 1) located within or adjacent to ESHA, or 2) that includes grading on slopes greater than 4:1. In such cases, approved grading shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 1, unless the City determines that completion of grading would be more protective of resources.</p>	<p><b>Consistent.</b> Grading would not be conducted during the rainy season. The Project site is not located within or adjacent to an ESHA and does not include slopes greater than 4:1.</p>
<p><b>LUP Policy 3.59</b> All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety, as required by Policies 4.45 through 5.54. Development shall utilize fire resistant materials and incorporate alternative fuel modification measures, such as fire walls (except where this would have impacts on visual resources), and landscaping techniques, where feasible, to minimize the total area modified. All development shall be subject to applicable federal, state, and county fire protection requirements.</p>	<p><b>Consistent.</b> Existing natural vegetation on the project site is limited to a mix of native and non-native trees, and non-native grassland. Development on the project site would adhere to all applicable Building and Fire Code regulations as well as the LACFD's Fuel Modification Plan Guidelines.</p>
<p><b>LUP Policy 3.60</b> As required by Policy 4.49, applications for new development shall include a fuel modification plan for the project site, approved by the County Fire Department. Additionally, applications shall include a site plan depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures.</p>	<p><b>Consistent.</b> A Fuel Modification Plan has been prepared for the project and received Preliminary Approval by the Los Angeles County Fire Department Prevention Services Bureau (on March 14, 2013). Brush clearance beyond the project property boundary is not required. Final approval of the Fuel Modification Plan would require review and approval by the LACFD prior to issuance of building permits for the project. This process involves adding the irrigation plans to the Fuel Modification Plan submittal, and providing the property owner's signature on the plans and on a covenant to be recorded agreeing to maintain the property in conformance with the approved plan for the life of the project.</p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 3.63</b> New developments shall be sited and designed to preserve oak, walnut, sycamore, alder, toyon, or other native trees that are not otherwise protected as ESHA. Removal of native trees shall be prohibited except where no other feasible alternative exists. Structures, including roads or driveways, shall be sited to prevent any encroachment into the root zone and to provide an adequate buffer outside of the root zone of individual native trees in order to allow for future growth.</p>	<p><b>Consistent.</b> The proposed project would result in the removal of eight native western sycamore trees. The removal of these trees shall be mitigated by planting 80 new western sycamore trees as part of the landscaping for the proposed project. See <b>Section 3.3, Biological Resources</b>.</p>
<p><b>Policy 3.65</b> Where the removal of native trees cannot be avoided through the implementation of project alternatives or where development encroachments into the protected zone of native trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every 1 tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be provided through planting replacement trees or by providing an in-lieu fee, based on the type, size and age of the tree(s) removed.</p>	<p><b>Consistent.</b> The proposed project would result in the removal of eight native western sycamore trees. The removal of these trees shall be mitigated by planting 80 new western sycamore trees as part of the landscaping for the proposed project. Mitigation Measures are included that require the monitoring of the trees and the provision of a report to the City documenting the tree's growth, including a health assessment and the replacement of trees which decline beyond recovery, for no less than 10-years. See <b>Section 3.3, Biological Resources</b>.</p>
<p><b>LUP Policy 3.95</b> New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:</p> <ul style="list-style-type: none"> <li>a. Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.</li> <li>b. Limiting increases of impervious surfaces.</li> <li>c. Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss.</li> <li>d. Limiting disturbance of natural drainage features and vegetation. (Resolution No. 07-04 (LCPA No. 05-001))</li> </ul>	<p><b>Consistent:</b> The project site does not currently contain any riparian habitat or water bodies. The project would include approximately 201,123 square feet of impermeable surface area. With the incorporation of erosion mitigation measures and BMPs identified in <b>Section 3.8, Hydrology and Water Quality</b>, hydrology impacts would be less than significant.</p>
<p><b>LUP Policy 3.96</b> New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.</p>	<p><b>Consistent.</b> Project impacts to surface waters would generally be short-term during construction or until establishment of landscaping, and would be addressed through adherence with National Pollutant Discharge Elimination System (NPDES) and City MS4 requirements. See <b>Section 3.8, Hydrology and Water Quality</b>. See also discussion for <b>LU Policy 1.1.3</b>, above.</p>
<p><b>LUP Policy 3.100</b> New development shall be sited and designed to minimize impacts to water quality from increased runoff volumes and nonpoint source pollution. All new development shall meet the requirements of the Los Angeles Regional Water Quality Control Board (RWQCB) in the Standard Urban Storm Water Mitigation Plan For Los Angeles County and Cities in Los Angeles County (March 2000) or subsequent versions of this plan.</p>	<p><b>Consistent.</b> See also discussion for <b>LUP Policy 3.96</b> and <b>General Plan LU Policy 1.1.3</b>, above.</p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 3.125</b> Development involving on-site wastewater discharges shall be consistent with the rules and regulations of the L.A. Regional Water Quality Control Board, including Waste Discharge Requirements, revised waivers and other regulations that apply.</p>	<p><b>Consistent.</b> No on-site wastewater discharge would occur. All wastewater generated by the proposed project would be treated by the new CCWTF. See <b>Section 3.14.4, Wastewater.</b></p>
<p><b>Chapter 4 (Hazards and Shoreline/Bluff Development)</b></p>	
<p><b>LUP Policy 4.1</b> The City of Malibu and the Santa Monica Mountains coastal zone contains areas subject to hazards that present substantial risks to life and property. These areas require additional development controls to minimize risks, and include, but shall not be limited to, the following: a) Low Slope Stability &amp; Landslide/Rockfall Potential: hillside areas that have the potential to slide, fail, or collapse. b) Fault Rupture: the Malibu Coast-Santa Monica Fault Zone. c) Seismic Ground Shaking: shaking induced by seismic waves traveling through an area as a result of an earthquake on a regional geologic fault. d) Floodprone areas most likely to flood during major storms. e) Liquefaction: areas where water-saturated materials (including soil, sediment, and certain types of volcanic deposits) can potentially lose strength and fail during strong ground shaking. f) Liquefaction/Floodprone areas where saturated sediments lie in flood plains. g) Tsunami: shoreline areas subject to inundation by a sea wave generated by local or distant earthquake, submarine landslide, subsidence, or volcanic eruption. h) Wave action: shoreline areas subject to damage from wave activity during storms. i) Fire Hazard: areas subject to major wildfires classified in Fire Zone 4 or in the Very High Fire Hazard Severity Zone. (Resolution No. 07-04)</p>	<p><b>Consistent.</b> FEMA designates the project site within Zone AO for potential flood hazard purposes (Flood Insurance Rate Map No. 0637C1541F, dated September 26, 2008). Zone AO is defined by FEMA as “flood depths of 1 to 3 feet (usually sheet flow on sloping terrain)” and requires finished floor elevations of new structures to be at least 3 feet above existing grade. Site grading has been designed to meet FEMA requirements and raise building floors out of the floodplain. Regarding potential fire hazards, a Fire Prevention Plan has been prepared for the project and received preliminary approval from the Los Angeles Fire Department as further described above in <b>Policy 3.60</b>. Regarding seismic safety, geotechnical analyses have been conducted for the site and, as described under Policy 4.5, with implementation of geotechnical report recommendations will be required for the project. Refer to <b>Section 3.5, Geology and Soils.</b></p>
<p><b>LUP Policy 4.2</b> All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.</p>	<p><b>Consistent.</b> As discussed under Policy 4.1, the project has been designed to minimize risks to life and property from geologic, flood, and fire hazard.</p>
<p><b>LUP Policy 4.9</b> Buildings within floodprone areas subject to inundation or erosion shall be prohibited unless no alternative building site exists on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard</p>	<p><b>Consistent.</b> As discussed under Policy 4.1, the project has been designed to minimize risks to life and property from flood hazard.</p>
<p><b>LUP Policy 4.50</b> New development shall provide for emergency vehicle access and fire-flow water supply in accordance with applicable fire safety regulations.</p>	<p><b>Consistent.</b> The Project has been reviewed by the LACFD Land Development Unit – Fire Prevention Division for site access and fire flow requirements. Site access and circulation has been designed to meet LACFD requirements (e.g., minimum 20 foot drive aisle widths clear to sky and unobstructed to within 150 feet of all portions of exterior walls). On November 22, 2011, the Project was approved subject to conditions for providing three on-site hydrants and one new off-site public hydrant and meeting specified fire flow standards. Additionally, preliminary approval of the fuel modification plan was received on February 15, 2012 from the Fire Prevention Bureau - Fuel Modification Unit. The project will be required to obtain final LACFD approvals prior to building and/or grading permit issuance.</p>
<p><b>LUP Policy 4.51</b> All new development shall demonstrate the availability of an adequate water supply for fire protection, as required by applicable fire safety regulations.</p>	<p><b>Consistent.</b> Water service for the Project would be provided by Los Angeles County Waterworks District No. 29. Refer to <b>Section 3.14.3 Water Supply.</b> The Project is required to comply with applicable fire safety regulations and is in conformance as discussed above under Policy 4.50.</p>

Policies	Consistency Finding and Discussion
<b>Chapter 5 (New Development)</b>	
<p><b>COMMERCIAL VISITOR SERVING (CV):</b> The CV designation provides for visitor-serving uses such as hotels and restaurants that are designed to be consistent with the rural character and natural environmental setting, as well as public open space and recreation uses. Uses allowed in the other commercial categories may be permitted as part of projects approved on parcels designated CV, so long as at least 50% of the overall floor area of any individual project is devoted to visitor-serving uses. The maximum Floor to Area Ratio (FAR.) is 0.15. The FAR may be increased to a maximum of 0.25 where public benefits and amenities are provided as part of the project. CV designations are divided into two levels of density. Hotels are only permitted in CV-2 designations, the highest density designation.</p>	<p><b>Consistent.</b> The proposed project is a retail center located in a portion of the Civic Center area that is designated CV-1 by the LCP, which permits commercial visitor-serving land uses, including food stores and restaurants. The proposed project would be constructed to a maximum floor to area ratio (FAR) of 0.15 or 15 percent of the lot area.</p>
<p><b>LUP Policy 5.1</b> All development that requires a coastal development permit is subject to written findings by the City’s decision making body for coastal development permits (Planning Manager, Planning Commission, or City Council, as appropriate) that it is consistent with all Land Use Plan (LUP) policies and Local Implementation Plan (LIP) provisions of the City’s certified Local Coastal Program. (Resolution No. 07-04)</p>	<p><b>Consistent.</b> A Coastal Development Permit is proposed as part of the entitlement request to address Project development components, including the merger of two lots into one lot totaling 5.88 acres. CDP findings pursuant to LCP policies are required to be met.</p>
<p><b>LUP Policy 5.4</b> Off-street parking shall be provided for all new development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. A modification in the required parking standards through the variance process shall not be approved unless the City makes findings that the provision of fewer parking spaces will not result in adverse impacts to public access.</p>	<p><b>Consistent.</b> The Project has been designed to provide parking pursuant to Malibu Local Implementation Plan (LIP) requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces required, the Project parking supply of 220 parking spaces will accommodate on site the estimated parking demand. No parking variances are requested as part of the Project.</p>
<p><b>LUP Policy 5.8</b> Pedestrian and bicycle circulation shall be required as part of all new commercial development.</p>	<p><b>Consistent.</b> . The project is designed to emphasize pedestrian mobility. This is accomplished by provision of clear pedestrian crossings at Civic Center Way and a strong system of walkways and pedestrian spaces within the project area itself and a pedestrian connection to the adjacent La Paz site. Regarding bicycle circulation, access to and from the project via bicycle has been made a priority. In addition, bicycle parking is located conveniently on site. There are a total of four bike racks with 16 bike spaces equally distributed throughout the site. Bikes may be secured to lockable racks attached to the pavement.</p>
<p><b>LUP Policy 5.12</b> Visitor serving retail uses shall be permitted in all commercial zones in the City. Visitor serving retail uses shall fit the character and scale of the surrounding community.</p>	<p><b>Consistent.</b> Project uses are governed by Commercial Visitor Serving-1 (CV-1) zoning regulations and provide a Whole Foods Market with other community and visitor-oriented businesses. The center would serve and benefit not only local residents, but also visitors to the area’s beaches and parks. The design intent is to provide a park-like atmosphere that provides a physical and visual link to Legacy Park. The small scale of the building enhances the village and park-like character as further described in <b>Section 2.0, Project Description.</b></p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 5.14</b> All new commercial and higher density residential development must be located and designed to facilitate provision or extension of transit service to the development and must provide non-automobile circulation within the development to the extent feasible.</p>	<p><b>Consistent.</b> As described in <b>Section 3.13, Traffic and Transportation</b>, local public transit is provided by Los Angeles Metro 534 Express bus service. The closest stop to the project area is located at the intersection of Malibu Canyon Road and Civic Center Way. Regarding bicycle circulation, access to and from the project via bicycle has been made a priority. In addition, bicycle parking is located conveniently on site. There are a total of four bike racks with 16 bike spaces equally distributed throughout the site. Bikes may be secured to lockable racks attached to the pavement. In addition, the project would provide “horse parking” by including and 520 square feet of soft-surface area, including four hitching posts, and a watering trough.</p>
<p><b>LUP Policy 5.15</b> No development shall be approved on any parcel located within the Civic Center Overlay Area (LIP Zoning Map 5), other than improvements to existing uses, for a period of two (2) years commencing City of Malibu LCP Land Use Plan September 15, 2002, or until a Specific Plan, or other comprehensive plan encompassing all parcels located within the Civic Center Overlay Area is adopted by the City and certified by the Coastal Commission as an LCP amendment.</p>	<p><b>Consistent.</b> The Project is located within the Civic Center Overlay Area as shown in LIP Zoning Map 5. However, to date no specific plan has been adopted or certified for this area.</p> <p>Further, consistent with the requirements of Measure R, a Specific Plan for the proposed project has been prepared.</p>
<p><b>LUP Policy 5.18</b> Other than as provided in 5.15 through 5.17 above, subsequent to September 15, 2004, if no Specific Plan, Development Agreement or other comprehensive plan has been approved by the Coastal Commission as an LCP amendment, Visitor-Serving Commercial, General Commercial, and Community Commercial uses shall be allowed on individual parcels located in the Civic Center Overlay area, as designated by the Land Use Map, consistent with all policies of the LCP. A maximum FAR of 0.15 is permitted, except that the project FAR may be increased to no greater than a maximum of 0.20 FAR if public benefits and amenities, including public open space and habitat restoration or enhancement, are provided and the project site is included as part of a planned development or development agreement for multiple parcels, approved under a LCP amendment certified by the California Coastal Commission. Any LCP amendment to provide for a planned development or development agreement shall be subject to a wetland delineation determination in accordance with the requirements of Policy 3.81(a) prior to approval.</p>	<p><b>Consistent.</b> The Project is located within the Civic Center Overlay Area, however, to date no specific plan has been adopted or certified for this area. The Project is governed by Visitor-Serving Commercial (CV- 1) regulations and complies with the maximum FAR of 0.15. In addition, because the site is located within the Civic Center Overlay, the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination found that the site does not support or contain any wetland, streams, or aquatic features subject to United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Wildlife. Similarly, no wetlands or streams as defined by the Malibu LCP were found on site.</p>
<p><b>LUP Policy 5.19</b> Subsequent to September 15, 2004, if no Specific Plan or comprehensive plan is approved by the Coastal Commission as an LCP amendment, applications for new development, other than improvements to existing uses, on individual parcels located in the Civic Center Overlay area shall be subject to a wetland delineation determination in accordance with the requirements of Policy 3.81(a) prior to approval of any new development on the site.</p>	<p><b>Consistent.</b> The Project is located within the Civic Center Overlay Area, however, to date no specific plan has been adopted or certified for this area. As noted above, the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination found that the site does not support or contain any wetland, streams, or aquatic features subject to United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Wildlife. Similarly, no wetlands or streams as defined by the Malibu LCP were found on site.</p>
<p><b>LUP Policy 5.33</b> Land divisions include subdivisions (through parcel map, tract map, grant deed, or any other method), lot line adjustments, redivisions, mergers, and certificates of compliance (except as provided in Policy 5.41). Land divisions are only permitted if they are approved in a Coastal Development Permit.</p>	<p><b>Consistent.</b> A component of the Project entails a lot merger to combine two lots into one lot totaling 5.88 acres. A Coastal Development Permit is proposed as part of the entitlement request.</p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 5.39</b> Any Coastal Development Permit for a land division resulting in the creation of additional lots shall be conditioned upon the retirement of development credits (TDCs) at a ratio of one credit per new lot created.</p>	<p><b>Consistent.</b> As part of the proposed project, the underlying parcels constituting the project site will be merged. There would not be a net increase in the number of lots on the project site.</p>
<p><b>LUP Policy 5.46</b> All new development shall demonstrate that an adequate potable water supply is available to each parcel. An on-site water well shall provide water of potable quality and be able to provide a quantity of water sufficient to meet domestic supply requirements for the life of the development.</p>	<p><b>Consistent.</b> On February 26, 2012, Los Angeles County Waterworks District No. 29 approved a conditional will-serve letter for the Project. The District agrees to serve the project with public water, subject to the applicant constructing required on-site water facilities and paying its pro-rata share toward design and construction of off-site facilities, including a +/- 800,000 gallon storage tank, water mains and associated facilities.</p>
<p><b>LUP Policy 5.49</b> All new development shall comply with the City's water conservation and wastewater regulations</p>	<p><b>Consistent.</b> The proposed project would be required to meet the Los Angeles County Green Building Ordinance (as adopted by the City of Malibu Municipal Code, Section 15.24.010), which includes the County's Drought-Tolerant Landscaping Ordinance. In addition, as part of the project, the following features will be incorporated to reduce overall water demand:</p> <p><i>The proposed project shall incorporate into the building plans water conservation measures as outlined in the following items:</i></p> <ul style="list-style-type: none"> <li>• <i>Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;</i></li> <li>• <i>Title 24, California Administrative Code, which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation, which can reduce water used before hot water reaches equipment or fixtures; and</i></li> <li>• <i>Government Code Section 7800, which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.</i></li> </ul> <p>With the above "low-impact" design measures, overall water usage would be reduced. Guidelines concerning drought-tolerant and native landscaping included in the County's Green Building Ordinance and the Drought-Tolerant Landscaping Ordinance will also reduce the proposed project's water demands. Regulations such as, at least 75 percent of the project's total landscaped area must be comprised of specified drought tolerant plants, will reduce the site's water usage and runoff. A supplementary measure to the ordinances referenced above, Government Code Section 7800, will further ensure limited personal excess use of water by installing self-regulated public faucets.</p> <p>No on-site wastewater discharge will occur. All wastewater generated by the proposed project would be treated by the new CCWTF. See <b>Section 3.14.4, Wastewater.</b></p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 5.60</b> New development shall protect and preserve archaeological, historical, and paleontological resources from destruction, and shall avoid and minimize impacts to such resources.</p>	<p><b>Consistent.</b> No historical resources are located on the project site as the site is vacant. A Phase I Archaeological Study prepared by Robert J. Wlodarski in February 2010 concluded, "Any proposed improvements or modifications to the project property will have no adverse impacts to known cultural resources." Therefore, while no known archaeological or paleontological resources are located on the project site, there is the potential that unknown archaeological and/or paleontological resources may be unearthed during grading. However, mitigation is proposed in <b>Section 3.4, Cultural Resources</b> that would reduce this impact to a less than significant level.</p>
<p><b>Chapter 6 (Scenic and Visual Resources)</b></p>	
<p><b>LUP Policy 6.5</b> New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.</p>	<p><b>Consistent.</b> The proposed site is only partial visible from the PCH, a City-designated scenic road, due to existing commercial development south of the project site and its set back from the roadway (1,000 feet). In addition, landscaping along the Civic Center Way and Cross Creek Road frontages would screen the site from the PCH and local roadways. The Whole Foods and the Park project has been designed as a village of simple, contemporary buildings scattered in the landscape. Straightforward design, heavy timber trellises and standing seam metal roofs reference Malibu's ranching history. Splitting the building area into five structures and the simple contemporary character of the buildings allow them to fit in to the site. Views of the Santa Monica Mountains are preserved from surrounding public vantage points. Building materials are simple and unpretentious – stucco, wood siding, heavy timber and metal roofs with colors inspired by nature and chosen to complement the proposed native landscaping and Santa Monica Mountains. As a result, the visual change to the project site associated with the proposed project is not considered substantial. See <b>Section 3.1 Aesthetics</b>.</p>
<p><b>LUP Policy 6.7</b> The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.</p>	<p><b>Consistent.</b> The market, which is the core of the development, is located at the rear of the property to maximize the views of the Malibu hillside behind the project, as well the landscaping proposed on site, from the street and sidewalk on Civic Center Way, to reduce the scale of the building as viewed from Civic Center Way, and to mask views of the loading and trash areas. Combined with the market, a group of four small-scale buildings create a village around a central parking area with its trees and landscaped islands, walkways and benches. Taller structures are located to the rear of the site to enhance views. Consistent with LIP regulations and procedures, a Site Plan Review for building heights over 18 feet is requested as component of the Project development application. Portions of each of the proposed structures will be up to 24 feet above existing grade for flat roof areas, and up to 28 feet above existing grade for pitched roof areas. This height increase above 18 feet is due, in part, to the fact that the building finish floors must be raised to meet FEMA requirements, and also is necessary to screen rooftop equipment required for commercial uses to provide for greater compatibility with surrounding uses.</p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 6.9</b> All new development shall be sited and designed to minimize alteration of natural landforms by:</p> <ul style="list-style-type: none"> <li>a) Conforming to the natural topography.</li> <li>b) Preventing substantial grading or reconfiguration of the project site.</li> <li>c) Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.</li> <li>d) Requiring that man-made contours mimic the natural contours.</li> <li>e) Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.</li> <li>f) Minimizing grading permitted outside of the building footprint.</li> <li>g) Clustering structures to minimize site disturbance and to minimize development area.</li> <li>h) Minimizing height and length of cut and fill slopes.</li> <li>i) Minimizing the height and length of retaining walls.</li> <li>j) Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.</li> </ul>	<p><b>Consistent.</b> No unique landforms would be altered as a result of the proposed project. The proposed project has been designed and would be constructed to blend in with the existing landscape and topography. Grading volumes in excess of 1,000 cubic yards of soil will be necessary to raise the building floors above the floodplain to meet FEMA requirements. (Land Use Implementation Plan Section 8.3(G)). Proposed grading breaks down as follows: 70 cubic yards of remedial cut and 5,321 cubic yards of remedial fill, 7,612 cubic yards of removal and recompaction, and 4,516 cubic yards of exempt understructure fill. Site plan review and approval would be required.</p>
<p><b>LUP Policy 6.12</b> All new structures shall be sited and designed to minimize impacts to visual resources by: a) Ensuring visual compatibility with the character of the surrounding areas. b) Avoiding large cantilevers or understories. c) Setting back higher elements of the structure toward the center or uphill portion of the building. (Resolution No. 07-04)</p>	<p><b>Consistent.</b> As described under Policies 6.5 and 6.7, the Project has been designed to minimize impacts to visual resources by locating taller structures to the rear of the property, retaining public views of the Santa Monica Mountains, scaling structures to be compatible with surrounding development, and integrating building materials, plantings, and a color palette that is inspired by nature. Cantilevers or understories are not proposed.</p>
<p><b>LUP Policy 6.13</b> New development in areas visible from scenic roads or public viewing areas, shall incorporate colors and exterior materials that are compatible with the surrounding landscape. The use of highly reflective materials shall be prohibited.</p>	<p><b>Consistent.</b> As described under Policy 6.5, the Project has been designed as a collection of simple, contemporary buildings scattered in the landscape. Straightforward design, heavy timber trellises and standing seam metal roofs reference Malibu’s ranching history. Splitting the building area into five structures and the simple sculptural character of the buildings allow them to fit in to the site. Views of the Santa Monica Mountains are preserved from surrounding public vantage points. Building materials are simple and include stucco, wood siding, heavy timber and metal roofs with colors inspired by nature and chosen to complement the proposed native landscaping and Santa Monica Mountains. The use of highly reflective materials is not proposed.</p>
<p><b>LUP Policy 6.14</b> The height of permitted retaining walls shall not exceed six feet. Stepped or terraced retaining walls up to twelve feet in height, with planting in between, may be permitted. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief. Where feasible, retaining walls supporting a structure should be incorporated into the foundation system in a stepped or split level design. Retaining walls visible from scenic highways, trails, parks, and beaches should incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape.</p>	<p><b>Consistent.</b> The project site is generally flat, no retaining walls will be necessary for project construction. However, the proposed project includes a 12-foot sound wall at the rear of the property to reduce potential impacts on the horse training facility to the north of the site. With the proposed variance the project would be consistent with this policy. Further, because the proposed wall is at the rear of the project site, behind the proposed market building, it would not be generally visible to the vast majority of viewers.</p>
<p><b>LUP Policy 6.15</b> Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.</p>	<p><b>Consistent.</b> Project frontages along Civic Center Way and Cross Creek Road provide an open design with views into the site and of the Santa Monica Mountains to the north. Fences, walls, and landscaping will not block scenic views.</p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 6.21</b> New commercial development within the Civic Center shall be sited and designed to minimize obstruction to the maximum feasible extent of public views of the ridge lines and natural features of the Santa Monica Mountains through measures such as clustering development, and restricting height and bulk of structures.</p>	<p><b>Consistent.</b> Portions of each of the proposed structures would exceed the 18-foot height limit, to a maximum of 24 feet above existing grade for flat roof areas and up to 28 feet above existing grade for pitched roof areas. This height increase above 18 feet is due, in part, to the fact that the building finish floors must be raised to meet FEMA requirements. The project design locates taller structures to the rear of the site to optimize views of the Santa Monica Mountains from public rights-of-way. As such, the proposed structures would only obstruct views of the lower ridgelines of the Santa Monica Mountains to the north from the PCH. All other views of the mountains across the project site would remain unobstructed. See <b>Section 3.1, Aesthetics</b>. The project would undergo a Site Plan Review (SPR No. 10-043) to further ensure consistency.</p>
<p><b>LUP Policy 6.23</b> Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas.</p>	<p><b>Consistent.</b> Project lighting is proposed to be hooded, shielded, and directed downward to minimize light spill over, and landscaping along the Civic Center Way and Cross Creek Road frontages would also minimize the visibility of the lighting. However, careful review of the final design would be required to ensure that the fixtures are properly located and designed. See <b>Section 3.1, Aesthetics</b>.</p>
<p><b>LUP Policy 6.27</b> New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site, consistent with Policy 3.60.</p>	<p><b>Consistent.</b> The project site is flat, with a gravel road running along the west side and a paved area located in the northeast portion along Cross Creek Road. Non-native weedy vegetation occupies the rest of the site. Three groups of native sycamore trees are located in the central and northwestern portions of the site and would be removed to accommodate the development. No streams, wetlands or ESHA are present on the property. Removal of native trees will be mitigated in compliance with LCP Policy 3.65 discussed above.</p>
<p><b>LUP Policy 6.30</b> Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of commercial development shall be incorporated into the design of the project and shall be subject to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views.</p>	<p><b>Consistent.</b> A sign program has been prepared for the project that conforms to all City requirements and uses materials and theming compatible with proposed buildings and landscape elements. The signs are compatible with the character of surrounding areas and do not interfere with scenic views.</p>
<b>Chapter 7 (Public Works)</b>	
<p><b>LUP Policy 7.4</b> Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP.</p>	<p><b>Consistent.</b> A traffic impact analysis for the Project has been prepared, and the Project would comply with adopted mitigation measures for improvements to the following intersections: Malibu Canyon Road/Pacific Coast Highway, Pacific Coast Highway/Webb Way, and Pacific Coast Highway/Cross Creek Road. In addition, the Project will participate in applicable fair share traffic mitigation programs. Refer to <b>Section 3.13, Traffic and Transportation</b>.</p>
<p><b>LUP Policy 7.9</b> Road improvements to provide legal access to or facilitate development of a legal parcel may be permitted provided such improvements are consistent with all policies of the LCP. Existing legal roads shall be utilized for access where feasible.</p>	<p><b>Consistent.</b> Primary vehicular access would come from a driveway on Civic Center Way that is designed to align with the driveway serving the existing commercial office complex across the street. Secondary access is provided by a driveway on Cross Creek Road, a private street. Both access points connect to existing legal roads.</p>

Policies	Consistency Finding and Discussion
<p><b>LUP Policy 7.21</b> Any assessment district formed to finance construction of a public sewer system shall be considered a public works project pursuant to PRC Section 30114 and must be found consistent with all applicable policies of the LCP including the ultimate level of growth allowed by the LCP and shall not be effective until and unless the Coastal Commission has approved the proposed system as an LCP amendment.</p>	<p><b>Consistent.</b> The project would connect to the Malibu CCWTF for wastewater treatment. The project applicant would participate in the funding of the CCWTF and the upgrading of the Sweetwater Mesa Waterworks District 29 tank on a pro-rata basis.</p>

### *Mitigation Measures*

No mitigation measures are required.

### *Residual Impacts*

Impacts would be less than significant.

### **Threshold 3.9.3      Conflict with any applicable habitat conservation plan or natural community conservation plan.**

No adopted habitat conservation plan or natural community conservation plan exists for the project site or immediate area. Consequently, implementation of the project would not conflict with the provisions of any adopted conservation plan. There would be no impact with regard to this criterion.

### *Mitigation Measures*

No mitigation measures are required.

### *Residual Impacts*

Impacts would be less than significant.

### **Cumulative Impacts**

The development of the related projects listed in **Chapter 3.0, Environmental Impact Analysis**, is expected to occur in accordance with adopted plans and regulations. All future development in the City would be reviewed for consistency with adopted land use plans and policies by the City, including Measure R. For this reason, pending and approved projects are anticipated to be consistent with the General Plan, zoning, and LCP requirements, or be subject to an allowable exception, and further, would be subject to review under CEQA, mitigation requirements, and design review.

As the Specific Plan prepared for the proposed project demonstrates, following the granting of the requested discretionary approvals (Coastal Development Permit No. 10-022, General Plan Amendment No. 11-001, Zoning Map Amendment No. 11-001, Lot Merger No. 10-004, Conditional Use Permit No. 10-013, Site Plan Review No. 10-042, Site Plan Review No. 10-043, the Minor Modification request, Variance No. 10-028, and Variance No. 10-029) the proposed project would be consistent with applicable land use plans and zoning for the project site, the cumulative impact of the proposed project along with pending and approved projects would be less than significant.

### ***Mitigation Measures***

No mitigation measures are required.

### ***Residual Impacts***

Impacts would be less than significant.