
I. INTRODUCTION

OVERVIEW OF CEQA

The California Environmental Quality Act (CEQA) (Public Resources Code (P.R.C.) Division 13, §21000 et seq.) was enacted in 1970 with the main objective of providing public disclosure to inform decision makers and the public of the significant environmental effects of proposed activities, and to require agencies to avoid or reduce the environmental effects by implementing feasible alternatives or mitigation measures. CEQA applies to all discretionary activities proposed to be carried out or approved by California public agencies, including state, regional, county, and local agencies. The Proposed Project requires discretionary approval from the City of Malibu and, therefore, is subject to CEQA. For purposes of complying with CEQA, the City of Malibu is identified as the Lead Agency for the Proposed Project.

This Environmental Impact Report (EIR) was prepared in accordance with CEQA and the State CEQA Guidelines (California Code of Regulations (C.C.R.), Title 14, Division 6, Chapter 3, § 15000-15387).¹ As provided by the State CEQA Guidelines § 15121 (a):

“An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.”

In accordance with CEQA, the City of Malibu determined that the Proposed Project has the potential to result in significant adverse effects on the environment and required an Environmental Impact Report (EIR) be prepared. As provided by the State CEQA Guidelines, the City contracted with the environmental research and planning firm Christopher A. Joseph & Associates (CAJA) for the preparation of this Final EIR and to serve as an independent and third party consultant between the City and the Applicant, Malibu La Paz Ranch. As mandated by the Guidelines, the EIR must be subject to the Lead Agency’s own review and analysis and reflect the Lead Agency’s independent judgment and objectivity with regard to the scope, content, and adequacy.

¹ *The State CEQA Guidelines, adopted by the Resources Agency, are the primary rules and source of interpretation for implementing the CEQA Statutes (P.R.C. §21083).*

PROJECT BACKGROUND/OVERVIEW

The subject of this Final EIR is to analyze the potential environmental impacts of the proposed development of the La Paz Ranch property, a 15.2-acre undeveloped parcel of land located within the Civic Center area of the City of Malibu. The project address is 3700 La Paz Lane, Malibu, California 90265. For a detailed description of the Project Site and surrounding locale, see Section III.A, Project Description.

The La Paz Ranch Development Agreement Project (the "Proposed Project") includes development of three Parcels including 68,997 square feet (sf) of retail and commercial office space on Parcel A, 43,061 sf of retail and commercial office space on Parcel B, and a 20,000 sf City Hall on Parcel C. The total development area proposed for Parcels A, B and C combined includes 132,058 sf, with an overall Floor Area Ratio (FAR) of 0.20:1. For a detailed description of the Proposed Project, see Section III.C, Project Characteristics.

The Proposed Project is subject to approval of a Development Agreement between the City and the Project Applicant. However, in the event that the City Hall portion of the project is not approved, or the final Development Agreement is not ~~fully executed between~~ approved by the City and the California Coastal Commission ~~Project Applicant~~, the Applicant has requested that the original development application be considered without the proposed City Hall. To provide for this flexibility and to comply with the requirements of analyzing CEQA Alternatives, this EIR evaluates the project without the City Hall as a Preferred Alternative to the Proposed Project. The Preferred Alternative includes a total development of approximately 99,117 sf of commercial office/retail floor area, resulting in a total developed FAR of 0.15:1. This development scenario represents a 25 percent reduction in floor area density as compared to the Proposed Project.

The intent of this Final EIR is to provide enough detailed information on the ~~probable~~ potential environmental impact of the Proposed Project and the Preferred Alternative, to provide the decision-makers the ~~opportunity~~ information to evaluate either development scenario without subsequent CEQA analysis. A thorough and comprehensive evaluation of the impacts associated with the Preferred Alternative is included in Section VII, Alternatives to the Proposed Project.

OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

Notice of Preparation

On January 24, 2003, the Notice of Preparation (NOP) was distributed to local and regional responsible agencies and other interested parties. Responses to the NOP received during a 30-day comment period were evaluated and considered in the development of this ~~Draft~~ EIR. These response letters are included in Appendix A to this EIR.

Scope of the EIR

Subsequent to the NOP review period an assessment of the probable environmental effects of the Proposed Project was conducted and the scope of the EIR was refined to include the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Water Quality/Hydrology
- Land Use and Planning
- Noise
- Public Services
- Public Utilities
- Transportation/Circulation

Each of these environmental issues are analyzed in detail in Section V, Environmental Impact Analysis. For issues that were determined to be less than significant and for various reasons did not warrant detailed environmental analysis in the EIR, please refer to Section IV.A, Environmental Setting.

Draft EIR Public Review Period

Public participation is an essential part of the CEQA process. To provide full public disclosure of potential environmental impacts that may occur as a result of a proposed project, CEQA requires Draft EIRs be circulated to all responsible agencies, trustee agencies, and to the general public.² During the public review period, all public agencies and interested individuals and organizations are encouraged to provide written comments addressing their concerns with the adequacy and completeness of the EIR. When providing written comments on the subject matter of the EIR, the readers are referred to State CEQA Guidelines, 15204(a), which state:

“In reviewing Draft EIRs, people, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of

² Pursuant to CEQA Guidelines §15105: “[T]he public review period should not be less than 30 days nor longer than 60 days except in unusual circumstances. When a Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days...” Since the Proposed Project is within the California Coastal Zone and is subject to the approval of the California Coastal Commission, a 45-day public review period has been established for this Draft EIR.

what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

~~This~~ Draft EIR ~~will be~~ was circulated for review and comments by the public and other interested parties, agencies, and organizations during a 45-day review period. ~~One or more~~ A public hearings on ~~this~~ Draft EIR ~~will be~~ held after the 45-day review period, ~~most likely~~ in conjunction with the regularly scheduled Planning Commission public meetings. Notice of the time and location ~~will be~~ was published prior to the public hearing date in accordance with the City’s standard notification procedures. All comments or questions about the Final Draft EIR ~~should be~~ were ~~addressed~~ directed to:

City of Malibu Planning Department

23815 Stuart Ranch Road

Malibu, California 90265

Tel: (310) 456-2489 ext. 299

Fax: (310) 456-7650

Following public review of the Draft EIR, a Final EIR ~~will~~ was ~~be~~ prepared. ~~This~~ Final EIR ~~will~~ includes written responses to comments received during the public review period and to oral comments made at the public hearings. ~~This~~ Final EIR ~~will~~ also includes any additions or corrections to the EIR, as needed, to address public or agency comments on the Draft EIR. The Final EIR will be made available to the commenting public agencies, organizations and interested individuals; no less than 10 days review prior to its consideration by the Planning Commission of the City of Malibu.

ORGANIZATION OF THIS EIR

This ~~Draft~~ Final EIR is organized into the following nine Sections:

Section I. Introduction: This section provides introductory information, a general understanding of the CEQA requirements for preparing an EIR, a brief overview of the Proposed Project, and an explanation of the EIR format and organization.

Section II. Executive Summary: This Section provides a summary of the findings and conclusions of the EIR. For each environmental issue area, the executive summary includes a statement of the significance level of the probable environmental impacts anticipated to occur as a result of the Proposed Project, a list of recommended mitigation measures to mitigate impacts to below a level of significance and will identify any impacts that can not be mitigated to a level below significance.

Section III. Project Description: This Section provides a complete detailed description of the Proposed Project, including the project location, the specific objectives of the project Applicant, a detailed description of the Project's characteristics, and includes a statement of the intended uses of this EIR, including a list of required approvals and discretionary actions necessary to carry out the project.

Section IV. Overview of the Environmental Setting. This Section includes a description of the physical environmental setting on and in the immediate vicinity of the Project Site. The purpose of the environmental setting section is to provide an overview of the environmental conditions at the time the NOP. This setting provides the baseline in which to evaluate the future probable environmental effects of the project. In addition to the physical environmental setting, this section identifies and maps the cumulative related projects, that, when analyzed in conjunction with the Proposed Project, have the potential to generate additional or more severe environmental impacts than would otherwise be generated by the Proposed Project alone. The cumulative impact analyses for each environmental issue area are discussed in detail in Section V, Environmental Impact Analysis.

Section V. Environmental Impact Analysis: This Section is the focus of ~~the this Draft~~ EIR. Each environmental issue contains a discussion of existing conditions for the Project Site and surrounding locale, an assessment and discussion of the (in)significance of project impacts and associated mitigation measures, levels of significance after mitigation, and an analysis of cumulative impacts.

Section VI. General Impact Categories: This Section provides a ~~discussion of the environmental impacts that were determined through the initial scoping process to be less than significant (and thus not evaluated in further detail in Section V, above),~~ a summary of the significant and unavoidable impacts of the Proposed Project, discussion of the growth inducing effects of the project, and clearly identifies ~~the significant irreversible environmental changes that would occur with implementation of the Proposed Project.~~ significant and unavoidable impacts of the Proposed Project.

Section VII. Alternatives to the Proposed Project: This Section includes an analysis of the alternatives to the Proposed Project. The selection and evaluation of the resulting alternatives presented in Section VI is based on their (in)ability to reduce significant impacts and to meet project objectives. The alternatives evaluated in this EIR include the No Project Alternative, as required by CEQA, and the Reduced Density Alternative, which includes a smaller project as originally contemplated by the Applicant, without the development of the proposed City Hall.

Section VIII. Preparers of this EIR and Persons Consulted: This Section presents a list of City personnel, other governmental agency staff, and consultant team members that participated in the preparation of the ~~Draft~~ EIR. In addition, this Section also includes a list of references of the literature cited throughout the EIR and a list of commonly used acronyms and terms.

Section IX. Responses to Comments on the Draft EIR. This Section presents the City's response to comments received on the Draft EIR during the public circulation period.

Appendices: The Appendices to this EIR include the Initial Study, Notice of Preparation, and various technical studies prepared for this project, including Air Quality Impact Assessment, Noise Impact Report, Traffic Impact Study and Cultural Resource Reports.

FINAL ENVIRONMENTAL IMPACT REPORT

Before approving a project, lead agencies are required to prepare and certify a Final Environmental Impact Report (Final EIR). In accordance with Section 15090 of the State CEQA Guidelines, the lead agency shall certify that:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

The requirements of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that the Final EIR shall consist of:

- (a) The Draft EIR or a revision of the Draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the lead agency.

Furthermore, in accordance with Section 15088 of the State CEQA Guidelines, the Lead Agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days before certifying the Final EIR.

ORGANIZATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

This document, which includes the entirety of the Draft EIR, revisions to the text of the Draft EIR, and the Draft EIR Technical Appendices (provided under separate cover), constitute the Final EIR for the Proposed Project. The Draft EIR, dated September 28, 2006, consists of the following:

- The Draft EIR (Volume 1), which includes the environmental analysis prepared for the Proposed Project; and
- The Technical Appendices to the Draft EIR (Volume 2), which includes the following sections:
 - Appendix A: Notice Of Preparation (NOP) and Responses to the NOP
 - Appendix B: Letters From Public Service and Utility Agencies
 - Appendix C: Air Quality and Noise Technical Report
 - Appendix D: Biological Impact Assessment
 - Appendix E: Geotechnical Investigation Reports
 - Appendix F: Wastewater Feasibility Analysis and Conceptual Septic Plans
 - Appendix G: Traffic Impact Study
 - Appendix H: Archaeological Surveys
- This Final EIR includes the addition of the following four sections:
 - Section IX. Responses to Comments on the Draft EIR.
 - Appendix D-1: Biological Resources Assessment Technical Memorandum: Verification of Conditions and Update Letter
 - Appendix F-1: Supplemental Technical Information and Memoranda to Wastewater Feasibility Analysis
 - Appendix I: Draft EIR Comment Letters
 - Appendix J: Supplemental Traffic Count Data/Alternatives Analysis (Traffic)
 - Appendix K Onsite Wastewater Treatment System Conformance Review (October 4, 2006)
 - Appendix L: Malibu La Paz Development Wastewater Management System Master Plan (WMSMP), July 7, 2008.
 - Appendix M: Agency Correspondences Re: Review of the WMSMP.