
V. ENVIRONMENTAL IMPACT ANALYSIS

G. LAND USE AND PLANNING

ENVIRONMENTAL SETTING

Regulatory Land Use Framework

The land use regulatory framework for the project area is comprised of the City of Malibu General Plan Land Use Element, the Local Coastal Program (LCP) and associated Local Implementation Plan (LIP) and the City of Malibu Zoning Ordinance. The following discussion summarizes the provisions of these planning instruments as they apply to the Proposed Project.

City of Malibu General Plan Land Use Element

The Land Use Element of the City of Malibu General Plan serves as the principal instrument of land use regulation for all properties and proposed development within the City of Malibu. The Final General Plan was adopted November 20, 1995.

City of Malibu General Plan Land Use Goals, Objectives, and Policies

The City of Malibu General Plan Land Use Element identifies six goals, as follows:

- LU Goal 1: The natural and environmental resources of Malibu are protected and enhanced.
- LU Goal 2: Manage growth to preserve a rural community character.
- LU Goal 3: Recreational opportunities consistent with the protection of the natural resources and residential character of Malibu.
- LU Goal 4: Commercial uses and structures in harmony with the rural residential character and natural environment of the community.
- LU Goal 5: Protect agriculture which requires or is enhanced by Malibu's unique climate.
- LU Goal 6: Private property rights protected.

City of Malibu General Plan Land Use Designations

The City of Malibu General Plan Land Use Policy Map designates the Project Site as Community Commercial (CC). As stated in the General Plan Land Use Element:

“The CC designation is intended to provide for the resident serving needs of the community similar to the CN designation, but on parcels of land more suitable for concentrated commercial activity. The community commercial category plans for centers that offer greater depth and range of merchandise in shopping and specialty goods than the neighborhood center although this category may include some uses also found in a neighborhood center. Often a supermarket or variety store functions as the anchor tenant. Floor to Area Ratio (FAR) shall range from a maximum of 0.15 to 0.20. Uses that are permitted and conditionally permitted are defined in the Zoning Ordinance but would typically include the following: all permitted uses within the CN designation, financial institutions, medical clinics, restaurants, service stations, and health care facilities. The uses shall be located so as to prevent detrimental effects on adjacent land and to ensure access to the street system. Locations shall be suitably separated from residential development. All areas proposing a community commercial land use shall provide details regarding location, architecture, site design, landscaping, circulation, signage, height, and scale of the proposed development.”

The areas to the east and south of the Project Site are designated as Commercial General (CG) in the General Plan Land Use Policy Map. Areas to the north of the Project Site are designated as Rural Residential (RR). Areas to the west of the Project Site are designated as Institutional (I).

Zoning Ordinance

The City of Malibu Zoning Ordinance (adopted February 24, 1993) designates the Project Site as Community Commercial. As stated in Chapter 17.24.010 of the Zoning Ordinance:

“The CC district is intended to provide for the resident serving needs of the community similar to the CN district, but on parcels of land more suitable for concentrated commercial activity.”

As defined in the Zoning Ordinance, the following commercial development standards are applicable to the Proposed Project:

Permitted Uses:

- a) All permitted uses and activities set forth in Sec. 17.22.020 (CN District).
- b) Medical, dental and physical therapy clinics and health clubs and dance studios.
- c) Mobile homes for residential occupancy.

Height:

- a) Except for beachfront lots, every residence and every other building or structure associated with a residential development, including a satellite dish antenna, shall not be higher than 18

feet above natural or finish grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite antenna.

- c) Notwithstanding any provision of this section, the planning commission, pursuant to Section 17.62.040, may allow heights up to twenty-four (24) feet for flat roofs and twenty-eight (28) feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two.

Non Beachfront Yards/Setbacks:

- a) Front yard setbacks shall be at least 20 percent of the total depth of the lot.
- b) 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 ten (10) percent of the width of the lot or five feet, whichever is greater.
- c) Rear yard setbacks shall be at least fifteen (15) percent of the lot depth or fifteen (15) feet, whichever is greater.
- d) For the purpose of calculating yards, slopes equal to or greater than 1:1 shall not be included in the lot dimensions.
- e) All structures must be set back at least twenty-five (25) feet from the top of a forty-five (45) degree angle slope starting at the toe of an inland-bluff or coastal bluff. For slopes greater than forty-five (45) degrees setback shall be twenty-five (25) feet horizontal as measured from the top of the slope at the end of the forty-five (45) degree line commencing at the base of the slope. For the purposes of this section, an inland or coastal-bluff is a topographic feature not primarily composed of sand and at least twenty-five (25) feet from top to toe with a slope of 1:1 or greater.
- f) Notwithstanding any provision of this section, where feasible, all structures shall be set back a minimum of one hundred (100) feet from an environmentally sensitive habitat area and other designated environmentally sensitive areas and a minimum of one hundred (100) feet from park natural vegetation. For the purposes of this section, "park natural vegetation" means native vegetation comprised of plant species identified as indigenous in the 1986 Edition of Flora of the Santa Monica Mountains (Raven, Thompson and Prigge).

Grading: Notwithstanding any other provisions of this code, grading (total cut and fill) is limited to one thousand (1,000) cubic yards per acre as follows (see Chapter 8 of the LIP):

- a) *Maximum Quantity.* In conjunction with any grading, so that the maximum is not greater than

- one thousand (1,000) cubic yards (exclusive of remedial grading) cut and fill may be allocated as follows: (i) balanced cut and fill up to one thousand (1,000) cubic yards; or (ii) export of no more than one thousand (1,000) cubic yards; or (iii) import of no more than five hundred (500) cubic yards, where additional grading on site does not exceed five hundred (500) cubic yards in conjunction with any landform alteration so that the maximum is no greater than one thousand (1,000) cubic yards; or (iv) any combination of the above that does not exceed one thousand (1,000) cubic yards.
- b) *Maximum height cut or fill with retaining walls.* Six feet for any one wall, or twelve (12) feet for any combination of walls, where a minimum three foot separation exists between walls, except single cuts up to twelve (12) feet in height which are an integral part of the structure are permitted.
- c) *Maximum grade cut or fill.* Maximum grade cut or fill shall be 3:1 for areas created for development of structures and open yard areas. Transition slopes may not exceed 2:1 and shall not exceed the maximum height permitted for cuts or fills.
- d) *Criteria.* Grading plans shall be submitted for approval with building plans. No grading permits shall be issued until a building permit is approved. Contour grading shall be used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.
- e) *Remedial Grading.* Notwithstanding the limitations of this subsection, the ~~Manager~~ director may permit remedial grading pursuant to Site Plan Review, Section 13.27 of the Malibu LIP. For the purposes of this ~~section~~ Section, “remedial grading” is defined as grading recommended by a full site geotechnical report approved by the ~~director~~ Manager and ~~city~~ City geologist Geologist, except that no such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development. Remedial grading that would result in substantial land form alteration shall not be permitted where project alternatives, including but not limited to, deepened foundations, caissons, (or) soldier piles could be utilized to provide equivalent stability.
- f) *Exceptions.* Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations;

Site of Construction: Structures shall not be constructed on sites with slopes greater than 3:1.

Wastewater Disposal: All wastewater shall be disposed of on the site where it is created unless a property is already developed with a habitable structure and a conditional use permit is obtained for off-site treatment and disposal.

Site Development Criteria: All proposed commercial construction shall comply with the following site development standards:

- a) The gross square footage of all buildings on a given parcel shall be limited to a maximum floor area ratio (FAR) of 0.15, or fifteen (15) percent of the lot area (excluding any street rights-of-way). The city council shall have the authority to approve additional gross square footage, up to the maximum allowed for the parcel under the General Plan, provided the increase complies with the provisions of subsection (e) of this subsection.
- b) Forty (40) percent of the lot area shall be devoted to landscaping. An additional twenty-five (25) percent of the lot area shall be devoted to open space. Open space areas may include courtyards, patios, natural open space and additional landscaping. Parking lots, buildings, exterior hallways and stairways shall not qualify as open space.
- c) Commercial buildings located within floodplains, liquefaction or earthquake fault zones shall comply with any other site specific hydrologic, geologic and seismic conditions based on the required hydrology soils and geotechnical reports and final recommendations from the city geologist or city engineer.
- d) The applicant shall provide appropriate graphic information and calculations on the site plan to satisfy compliance with this subsection.
- e) *Additional Square Footage.* The City Council shall have the authority to approve additional square footage for commercial development where the applicant has offered to the city public benefits and amenities in connection with a project subject to a Development Agreement authorized by Sec. 17.64.

Parking: The Zoning Ordinance specifies the number of parking spaces required for various commercial office/retail uses.

- a) The most conservative parking requirements for office uses are for medical and dental office uses, which require one parking space for each 150 square feet of gross floor area. Additionally, financial office uses (i.e., commercial banks, savings and loan offices, other floor financial institutions, public or private utility offices, mutual ticket agencies, or other similar window service offices) require one space per 225 square feet of gross floor area. General office uses (i.e., technical service, administrative, or professional offices) require one space per 250 square feet of gross floor area. Veterinary office uses require one space per 300 square feet of gross floor area.
- b) Parking requirements for retail and other commercial services vary widely depending on type. Beauty and barber shops require that three parking spaces be provided for each of the first

two beauty shop or barber shop chairs, plus one and one-half spaces for each additional chair. For laundromats and coin-operated cleaners, one parking space shall be provided for each two machines. For non walk-up restaurant uses, one space shall be provided for each 50 square feet of service area. For shopping centers, five parking spaces for each 1,000 square feet of gross floor area within the shopping center shall be provided, or parking spaces can be provided based on each individual use within the center. To qualify for the “shopping center” criteria (5/1,000) a well balanced mixture of uses within the center must be demonstrated.

The California Coastal Act of 1976

The Project Site is located within the California Coastal Zone, which was established pursuant to the Federal Coastal Zone Management Act of 1972 and the California Coastal Act of 1976. These Acts require that planning and development within the Coastal Zone be consistent and compatible with the unique characteristics of coastal resources. To implement these principles, the California Coastal Act established several basic goals, including the following:

- a) To protect, maintain, enhance and, where feasible, restore the overall quality of the Coastal Zone Environment;
- b) To assure balanced utilization of Coastal Zone resources;
- c) To maximize public access and recreational opportunities consistent with resource conservation principles and private property rights;
- d) To assure priority for coastal-dependent development over other development; and
- e) To encourage State and local efforts to coordinate planning for mutually beneficial uses.
- f) In order to implement these goals, the California Coastal Act established the California Coastal Commission as a permanent State coastal management and regulatory agency with the duties of assisting coastal communities in the preparation of Local Coastal Programs (LCPs) and reviewing and certifying the LCPs once they are adopted by local jurisdictions. LCPs are developed by local jurisdictions for that portion of the jurisdiction that falls within the Coastal Zone. Each local government along the coast is responsible for incorporating these policies into its own LCP, consisting of a land use plan, zoning ordinances, and other implementing actions. After certification, the Coastal Commission’s regulatory authority over most development is delegated to the local government. However, the Coastal Commission retains permanent jurisdiction over certain geographic areas (See P.R.C. Section 30603).

City of Malibu Local Coastal Program (LCP)

In 2002 the California Coastal Commission (CCC) adopted an LCP for Malibu. Until recently, implementation of the City of Malibu Local Coastal Program (“Malibu LCP”) was on hold due to pending litigation in the Superior Court. However, in December 2004, the CCC’s certification of the LCP was upheld and the City of Malibu is now responsible for processing Coastal Development Permits in accordance with the aforementioned Malibu LCP. The overriding goals identified in the Malibu LCP shall be to:

- a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Regional Comprehensive Plan

The Project Site is located within the six-county region which comprises the Southern California Association of Government’s (SCAG) planning area. SCAG is a Joint Powers Agency with numerous roles and responsibilities relative to regional issues that cross jurisdictional boundaries. Included in SCAG’s responsibilities is the preparation of the Regional Comprehensive Plan Guide (RCPG) in conjunction with its constituent members and other regional planning agencies. The RCPG provides a general view of the plans of the various regional agencies that will affect local governments, or that respond to the significant issues facing southern California, including growth management, and is intended to serve as a framework for decision-making with respect to the growth and changes that can be anticipated by the year 2015 and beyond. In addition, the RCPG proposes a strategy for voluntary use by local governments, which will assist them in addressing issues related to future growth and in assessing the potential impacts of proposed development projects within the context of the region. The Project Site is located within the Los Angeles Subregion.

The RCPG includes five core chapters (Growth Management, Regional Mobility, Air Quality Water Quality, and Hazardous Waste Management) which respond directly to the Federal and State requirements placed on SCAG and form the basis for certification of local plans. Ancillary chapters within the RCPG (Economy, Housing, Human Resources and Services, Finance, Open Space and Conservation, Water Resources, Energy, and Integrated Waste Management) reflect other regional plans, but do not contain actions or policies required of local governments. Adopted RCPG policies related to land use are contained primarily in Chapter 2, Growth Management. The purpose of the Growth Management Chapter is to present forecasts which establish the socio-economic parameters for the development of the Regional Mobility and Air Quality Chapters of the RCPG, and to address issues related to growth and land consumption by encouraging local land use actions which could ultimately lead to the development of an urban form that would help minimize development costs, save natural resources, and enhance the quality of life in the region. Impacts associated with air quality and regional mobility are discussed in Sections V.B, Air Quality and V.K, Transportation/Circulation, respectively.

Air Quality Management Plan

The Proposed Project is also located within the South Coast Air Basin and is therefore within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). In conjunction with SCAG, the SCAQMD is responsible for formulating and implementing air pollution control strategies. The Air Quality Management Plan (AQMP), adopted in 1997 by SCAQMD and SCAG to assist in fulfilling these responsibilities, is intended to establish a comprehensive air pollution control program leading to the attainment of Federal and State air quality standards in the South Coast Air Basin, thereby addressing the requirements set forth in the Federal and State Clean Air Acts. Section V.B, Air Quality, provides a specific discussion of AQMP policies and the Project's conformance with such policies.

Congestion Management Plan

The Congestion Management Program (CMP) is a state-mandated program enacted by the state legislature to address the increasing concern that urban congestion is affecting the economic vitality of the state and diminishing the quality of life in many communities. As a new approach to addressing congestion concerns, the CMP was created to:

- 1) Link land use, transportation, and air quality decisions;
- 2) Develop a partnership among transportation decision makers on devising appropriate transportation solutions that include all modes of travel; and
- 3) Propose transportation projects which are eligible to compete for state gas tax funds.

The CMP, as adopted in 1992 and revised in 1995, includes a system of highways and roadways with minimum level of service (LOS) standards, transit standards, a trip reduction and travel demand

management element, a program to analyze the impacts of local land use decisions on the regional transportation system, a seven-year capital improvement program, and a countywide computer model to evaluate traffic congestion and recommend relief strategies and actions. The CMP incorporates procedures for meeting deficiency plan requirements, or strategies that mitigate or improve congestion and air quality. Projects which have the potential to affect the designated CMP network (mostly main-line freeway segments) are required to identify and mitigate their adverse effects on the network. Section V.K, Transportation and Circulation, provides an analysis of the Project's potential impact on the CMP network.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

The proposed developments and associated planning and zoning actions (e.g., commercial plot plan review, development agreement, lot line adjustment, conditional use permits, and approval of a sign program) are assessed in this section for their potential land use impacts. The following significance thresholds address the applicable issues identified in the significance criteria contained in the *City of Malibu General Plan Draft Environmental Impact Report* (August 1995).

The Proposed Project would result in a significant impact if it results in land uses which are inconsistent with adopted regional plans.

CEQA Guidelines (Appendix G) Land Use, identifies the following applicable criteria for determining whether a project's impacts are considered to have a significant effect on the environment:

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

Project Impacts

The Proposed Project entails the development of a 15.2-acre primarily vacant property into three parcels ~~separate commercial development projects~~ for a total development of 132,058 square feet of commercial floor area, including commercial office and retail space on Parcels A and B and three City Hall buildings on Parcel C. Parcel A occupies approximately 312,195 sf of land area (7.2 acres) and is proposed to be developed with 68,997 sf of commercial office and retail uses. The proposed FAR for Parcel A is approximately ~~0.22:1~~ 0.20:1. Parcel B occupies approximately 248,610 sf of land area (5.7 acres) and is proposed to be developed with 43,061 sf of commercial office and retail uses. The proposed FAR for Parcel B is approximately 0.17:1. Parcel C is comprised of approximately 100,000 sf (or 2.3 acres) of land area and is proposed to be developed with a 20,000 sf City Hall. The proposed FAR for Parcel C is approximately 0.20:1. The overall FAR for the Proposed Project as a whole is 0.20:1.

The proposed structures will be a maximum of ~~34~~32-feet in height, with the largest single structure 17,879 square feet in area, the smallest being 400 square feet. For a detailed discussion of the Proposed Project, the reader is referred to Section III, Project Description. The development summary for the Proposed Project is included in Table III-1. Figure III-3 illustrates the conceptual site plan for all three parcels.

Compliance With City of Malibu General Plan Land Use Element

The Proposed Project is substantially consistent with the Community Commercial land use designation of the General Plan Land Use Element. Commercial office, retail, restaurant and City Hall uses are allowable uses within the Community Commercial land use designation. As stated above, the Proposed Project has an overall FAR of 0.20:1, which is the maximum allowable FAR of the Land Use Element. Although most of the goals, objectives, and policies of the Land Use Element are directed towards the City, Table V.G-1 demonstrates how the Proposed Project would be consistent with applicable objectives and policies of the General Plan Land Use Element. Since the Proposed Project would be generally consistent with the Land Use Element of the General Plan, impacts would be less than significant.

**Table V.G-1
Malibu General Plan Consistency Analysis**

Policy	Projects Consistency/Comments
LU Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.	The Proposed Project will be consistent with the natural topography of the sites. The landscape design will include native trees, shrubs, and plants, in addition to ornamental flowering trees.
LU Policy 1.1.2: 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 area.	This Draft -EIR has included mitigation measures aimed to reduce potential impacts upon biological resources and water quality. See Sections V.C, Biological Resources and V.F, Hydrology/Water Quality.
LU Policy 1.1.3: The City shall control surface runoff into coastal waters, wetlands, and riparian areas.	This Draft -EIR has included mitigation measures aimed to control surface runoff, and to reduce potential impacts upon biological resources and water quality. See Sections V.C, Biological Resources, and V.F, Hydrology/Water Quality.
LU Policy 1.1.4: The City shall preserve the City's rural residential character.	The Proposed Project is not located in a Rural Residential land use designation. Furthermore, the Proposed Project is generally consistent with the Community Commercial land use designation for the Project Site and will not detract from the Rural Residential character of Malibu.
LU Policy 1.1.5: The City shall require careful site planning which blends development with the natural topography.	The Proposed Project will be <u>has been</u> designed and constructed to blend in with the existing landscape and topography. Final site plans and grading plans will be <u>have been</u> submitted to the City for review and approval. Section V.A, Aesthetics/Views, includes a mitigation measure that requires the preparation <u>implementation</u> of a landscape plan <u>included in concept</u> .
LU Policy 1.3.1: The City shall regulate	With implementation of mitigation measures, no significant

Policy	Projects Consistency/Comments
development in floodways.	flooding impacts would result from the Proposed Project. See Section V.F, Hydrology/Water Quality.
LU Policy 1.3.2: The City shall require proposed development to avoid geologic safety hazards created by development.	With implementation of mitigation measures, no significant geologic impacts would result from the Proposed Project. See Section V.E, Geology and Soils.
LU Policy 1.4.3: 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).	No unique landforms would be altered as a result of the projects. The Proposed Project will be <u>has been</u> designed and constructed to blend in with the existing landscape and topography. The proposed City Hall will be situated at the base of the slope in the northern portion of Parcel C. The structures on Parcel B will be setback approximately 25 feet from the base of the slope. See Section V.E, Geology and Soils.
LU Policy 1.5.1: 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.	The individual and cumulative effects of the Proposed Project are analyzed for each environmental subject addressed within the scope of this Draft EIR.
LU Policy 2.1.1: The City shall promote an aesthetically pleasing and visually stimulating environment whose architecture, common and open spaces inspire and uplift the human spirit.	The proposed architecture style envisioned for the project would incorporate the use of textured clay tile, Spanish lace, cement pilasters, rough-hewn wood trellises and exposed wood rafter tails, decorative/battered walls, and an array of arches and colonnades. Plan elevations for each building are provided in Section III, Project Description.
LU Policy 2.1.4: The City shall require development to be landscaped so that the project blends in with the environment and neighborhood.	The Proposed Project includes a uniform landscape plan that is consistent with the character of the surrounding area.
LU Policy 2.1.5: Consistent with the primary objective of protecting RPAs, 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.	The Proposed Project will be <u>has been</u> designed and constructed to blend in with the existing landscape and topography. Due to the relatively high elevation of residential properties located to the north of the Project Site, ocean views would not be obstructed. (See Section V.A, Aesthetics /Views).
LU Policy 2.1.6: The City shall encourage pedestrian friendly design in concentrated commercial areas.	The Proposed Site Plan incorporates a system of pedestrian-friendly walkways and open space plazas surrounding the commercial structures to encourage pedestrian activity within the Project Site.
LU Policy 2.2.1: The City shall require adequate infrastructure, including but not limited to roads, water, and wastewater disposal capacity, as a condition of proposed development.	The Project Site is adequately served by existing roads and infrastructure. Costs associated with tying into existing infrastructure systems will be borne by the project developer. Additionally, the Proposed Project includes a proposed on-site wastewater treatment system.
LU Policy 2.2.4: The City shall manage development in accordance with the efficient operation of the traffic system and service infrastructure.	The traffic impacts of the Proposed Project are addressed in Section V.K (Transportation and Circulation).
LU Policy 2.2.5: The City shall evaluate the effect	The impacts of the Proposed Project on road capacity has

Policy	Projects Consistency/Comments
on road capacity of traffic impacts from all sources when determining the type and intensity of land use.	been evaluated in Section V.K (Transportation and Circulation).
LU Policy 2.2.8: The City shall require adequate wastewater management for development.	The Proposed Project will include an on-site wastewater treatment system, which has been reviewed and approved in concept by the City of Malibu. Final Plans and specifications will be submitted to the <u>RWQCB</u> during the final building plan check approval <u>WDR</u> process.
LU Policy 2.3.1: The City shall protect and preserve the unique character of Malibu's many distinct neighborhoods.	The Proposed Project is a commercial project in a portion of the Civic Center designated for community commercial land uses. The project would not conflict with surrounding residential areas, as the site would be accessed from the Civic Center.
LU Policy 4.1.3: The City shall prohibit strip center commercial development.	The Proposed Project would include the development of three separate Parcels linked together with a system of surface parking areas, open air plazas and pedestrian linkages, and water features. Therefore the development of the Proposed Project would not represent a strip center.
LU Policy 4.1.4: The City shall require signage to be in harmony with the natural environment and the residential character of the community.	A detailed signage program for the Proposed Project has not yet been developed. However, in order to obtain approval of the sign program, the Proposed Project would be required to conform to all the applicable requirements of Malibu Municipal Code Chapter 17.52, Section 17.52.070.
LU Policy 4.1.5: The City shall prohibit undue concentration of businesses which sell alcohol for off-site consumption.	The Proposed Project incorporates commercial office and retail uses and would not promote the concentration of businesses which sell alcohol for off-site consumption.
LU Policy 4.1.6: 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.	The proposed landscape plans will include low volume irrigation and the use of native fire-resistant and drought-tolerant plant materials in accordance with the Los Angeles County Fire Department Fuel Modification Program.
LU Policy 4.1.7: The City shall require visually aesthetic screening of service areas and well landscaped parking lots.	The proposed parking lot areas will be adequately shielded from the street with ornamental vegetation (e.g., shrubs, etc.) which effectively screens the parking lots from off-site areas.
LU Policy 4.3.1: The City shall, prior to adoption of a specific plan, review any proposed development in the Civic Center Area to ensure safety, health and circulation impacts are mitigated to the extent feasible, including but not limited to high water table, threat of liquefaction, flooding and traffic congestion.	Impacts associated with groundwater, liquefaction, and flooding are addressed in Sections V.E, Geology/Soils and V. F, Hydrology/Water Quality.
LU Policy 4.3.2: 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.	As seen in Section V.A, Aesthetics/Views, the Proposed Project has been designed with a maximum height of 34 <u>32</u> feet to be compatible with the surrounding area and uses. The building layouts incorporate a "community village" character and consist of low rise buildings with extensive landscaping plans which include several varieties of native plants, including plants, shrubs, and trees, including large canopy sycamores and coast live oaks, in addition to ornamental flowering trees.

Policy	Projects Consistency/Comments
LU Policy 4.3.5: The City shall develop the Civic Center Area so that it is pedestrian oriented.	The Proposed Project includes walkways and plazas designed to encourage pedestrian activity.
LU Policy 4.3.6: The City shall encourage the use of scenic walkways and shuttle service, as appropriate, for circulation within the area.	The design of walkways and plazas will be lined with landscaping and will meander adjacent to a man-made stream. Walkways will utilize decorative pavement.
LU Policy 4.3.7: The city shall encourage well-screened and landscaped centralized or clustered parking.	The proposed parking areas will be adequately shielded from the street with ornamental vegetation which effectively screens the parking lot areas from off-site areas.
LU Policy 4.3.8: 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.	As seen in Section III (Project Description), the Project's design includes architectural features such as trellises supporting flowering vines, in addition to tile roofs, arches, and colonnades promoting a traditional Spanish colonial style architectural design.
LU Policy 4.4.1: The City shall encourage establishment and continued operation of small neighborhood and community serving businesses.	The Proposed Project encourages small, community-serving commercial office/retail businesses. Furthermore, the Proposed Project includes the development of a City Hall, which would serve the entire community of Malibu.
LU Policy 4.5.1: The City shall require commercial wastewater to be managed on-site unless an environmentally acceptable alternative exists.	The proposed on-site wastewater treatment system will be approved by the RWQCB during the WDR process depicted on the final site plans and will be submitted to the City for review and approval. Issuance of all building permits will be dependent on approval of the proposed wastewater treatment system.
LU Policy 6.1.1: The City shall use development standards and procedures that protect the property owner's reasonable use of their land.	As discussed and analyzed in this Section, the Proposed Project is generally consistent with the existing zoning and land use designations of the sites.

Compliance With City of Malibu Zoning Ordinance

The Proposed Project is substantially consistent with the allowable uses and development standards for Community Commercial zoning designation for the Project Site. As discussed in greater detail 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 commercial office/retail space and a City Hall. As such, the proposed uses would conform to the uses permitted in the Community Commercial zone.

Height Limitations. The maximum height of the proposed development would be approximately ~~34~~³² feet. The maximum height limitation for the CC zone (i.e., ~~18-28~~ feet above natural or finish grade) would be exceeded. The proposed Zone Text Amendment will set the applicable standards. With

approval of the proposed Zone Text Amendment and Development Agreement, land use impacts related to height limitations would be brought into conformance and would thus be less than significant. Refer to Section V.A, Aesthetics/Views, for a detailed discussion of the visual resources impacts associated with the Proposed Project.

Setback Requirements. As indicated in Figure V.G-1, the Proposed Project does not conform to the yard setback requirements of the Zoning Ordinance, ~~and will be requesting minor modification to deviate from the setback requirements.~~ The Zone Text Amendment and Development Agreement, if approved would create development standards for the Project Site. On Parcel A, the Proposed Project would provide 48-foot side yard setbacks, a 131-foot rear yard setback, and an 87.5-foot front yard setback. The front yard setback would result in a 50% encroachment into the required setback area. On Parcel B, the Proposed Project would provide side yard setbacks ranging from 24 to 100 feet, and a 66.6-foot front yard setback. The front yard setback would result in a 50% encroachment into the required setback area. On Parcel C, which is located between Parcels A and B, the Proposed Project would provide a 13-foot rear yard setback. Parcels A, B and C are not consistent with the existing yard setback requirements, ~~and a variance (or minor modification) to permit the development as proposed would be required.~~ With approval of the proposed Zone Text Amendment and Development Agreement, land use impacts related to yard setbacks would be less than significant.

Grading. As stated above, notwithstanding the limitations imposed on site grading, the ~~director~~ Manager may permit remedial grading pursuant to the provisions of the Site Plan Review process (Section 13.27 of the Malibu LIP). The Proposed Project will consist of remedial and safety grading to raise the proposed structures above the flood plain. This design is estimated to require approximately 42,307 cubic yards (cy) of cut and an estimated 23,299 cy of fill. As specified in the respective, Geotechnical Review Sheets for each parcel, complete grading plans that include the existing and proposed grades, grading yardages, proposed subterranean parking, the limits and depths of removals under the structures and flatwork areas ~~shall have been~~ submitted to the City's Geologist, as Final Plans will be part of the grading plan check stage. ~~Additionally, the approval; in concept is conditioned on submittal of revised and final grading plans that clearly define and illustrate the extent of remedial grading that is proposed to mitigate liquefaction and other geotechnical hazards.~~ No grading permits will be issued until these conditions are met. With approval by the ~~director~~ Manager, and final approval of the grading plans by the City's Geologist, land use impacts related to grading limitations would be less than significant.



PARCEL "A"

SETBACK CALCULATIONS

1) AVERAGE LOT DEPTH	878 FEET
2) AVERAGE LOT WIDTH	384 FEET
3) FRONT SETBACK (20 % OF AVERAGE LOT DEPTH)	175 FEET
4) REAR SETBACK (15 % OF AVERAGE LOT DEPTH)	131 FEET
5) SIDE SETBACK (25 % COMPOSITE OF AVERAGE LOT WIDTH)	96 FEET

PARCEL "B"

SETBACK CALCULATIONS

AVERAGE LOT DEPTH CALCULATION	
1) AVERAGE LOT DEPTH	668 FEET
2) FRONT SETBACK (20 % OF AVERAGE LOT DEPTH)	133 FEET
3) REAR YARD SETBACK (15 % OF AVERAGE LOT DEPTH)	100 FEET
AVERAGE LOT WIDTH CALCULATION	
4) AVERAGE LOT WIDTH	238 FEET
5) SIDE SETBACK (25 % COMPOSITE OF AVERAGE LOT WIDTH)	60 FEET

Source: Daniel Chudnovsky, A.I.A. Architects, Inc., December 12, 2005.

Wastewater Disposal. An on-site wastewater treatment system (OWTS) is proposed to treat and dispose wastewater generated by the Proposed Project while minimizing impacts to the greatest degree feasible. The OWTS includes a network of underground wastewater treatment tanks designed to remove solids, floatable oil and grease, and other water quality related constituents from the waste stream prior to discharging effluent on-site. The effluent would be processed to meet the requirements of the City of Malibu uniform Plumbing Code and disposed into a system of leach fields and subsurface drip disposal areatreat the Proposed Project's wastewater to a tertiary quality. ~~Three underground septic tanks are proposed underneath Parcels A and B.~~ Effluent will be processed and ready for standard dispersal through this system. Treated wastewater ("reclaimed water") would be utilized in some areas of the development to irrigate landscaping. In addition, the developed property would have on-site stormwater filtration and storage systems, designed to meet the standards of the Los Angeles Regional Water Quality Control Board (LARWQCB), which are intended to reduce runoff, improve water quality and improve groundwater recharge. The location of the wastewater treatment system will be shown on the final building plans for the City's approval. Based on the analysis provided in Section V.I.4, Wastewater, land use impacts related to wastewater disposal would be less than significant.

Site Development Criteria. The Proposed Project consists of 132,058 square feet of commercial office/retail space and a City Hall, with an overall FAR of 0.20:1. The Zoning Ordinance limits Community Commercial development to an FAR of 0.15. However, the City Council has the authority pursuant to LIP Sec. 3.8 (A)(5)(f) to approve additional gross square footage, up to the maximum allowed for the parcel under the General Plan (e.g., FAR 0.15:1 to 0.20:1), provided the applicant has ~~offered to the city~~ conferred public benefits and amenities in connection with a project subject to a development agreement authorized by ~~Sec. 17.64~~ LIP Sections 3.8 and 13.28. The Proposed Project would provide a City Hall on Parcel C and Parcels A and B have been redesigned accordingly to accommodate this public use. As such, the Proposed Project's FAR of 0.20:1 would result in a less-than-significant density impact.

With respect to meeting the requirements for open space, approximately 105,379 square feet is proposed to be left as open space and 266,641 square feet of landscaping would be provided. ~~This nearly meets the open space (163,676 square feet) and landscaping (261,883 square feet) requirements for the Project Site as a whole.~~ The proposed plant palette includes several varieties of native plants, including trees such as Coast live oak and California Sycamore, large shrubs, and other native plants from the Malibu and Santa Monica Mountains coastal plant communities. With approval of the proposed Development Agreement, landscaping/open space impacts would be less than significant.

The Proposed Project would be developed in accordance with all site-specific hydrologic, geologic and seismic conditions based on the required hydrology, soils and geotechnical reports and final recommendations from the City's consulting Geologist and Health and Safety Engineers. These issues are discussed in greater detail in Section V.E (Geology and Soils), and Section V.F (Hydrology/Water Quality) of this ~~Final Draft~~ Final EIR.

Parking. The Proposed Project consists of 132,058 square feet of commercial office/retail space and a City Hall. Based on the adjusted gross square footage of development proposed, a total of ~~527~~607 parking spaces would be required by code, including 330 spaces on Parcel A, 197 spaces on Parcel B, and ~~66~~80 spaces on Parcel C. As described in Section III, Project Description, the Proposed Project would include a total of approximately 609 parking spaces. As such, the Proposed Project would meet the minimum parking requirements.

Consistency with California Coastal Act

The Proposed Project does not include any of the following: development between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach; other development located on tidelands, submerged lands, and public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; other development located in a sensitive coastal resource area; development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district

map approved pursuant to Chapter 6 of the California Coastal Act (commencing with Section 30500); or any development which constitutes a major public works project or a major energy facility. As such, the Proposed Project would not be expected to require Coastal Commission review and approval. With procurement and approval of a Coastal Development Permit from the City of Malibu, pursuant to the provisions of the Malibu LCP, and upon effective certification of the proposed Development Agreement and LCP Amendment by the CCC, development of the Proposed Project would be considered consistent with the Coastal Act policies and requirements.

Consistency with Malibu Local Coastal Program (LCP)

The Malibu LCP includes numerous basic goals and policies to ensure that development within the City that falls within the Coastal Zone is consistent and compatible with the unique characteristics of coastal resources. The Proposed Project would be substantially consistent with these basic policies and goals. Specifically, the Proposed Project would not interfere with the public's access to the sea, significantly interfere with the traffic circulation system (Section V.K, Transportation and Circulation), affect marine resources, or affect environmentally sensitive habitat area (refer to Section IV.B, Impacts Found to be Less Than Significant). In addition, the Proposed Project would not result in any significant impacts to the scenic and visual qualities of the coast (Section V.A, Aesthetics/Views). Table V.G-2 demonstrates how the projects are consistent with applicable objectives and policies of the Coastal Act. Table V.G-2 demonstrates how the Proposed Project would be generally consistent with all applicable objectives and policies of the Malibu LCP.

**Table V.G-2
Malibu Local Coastal Program Consistency Analysis**

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>Section 30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.</p>	<p>The development of the proposed City Hall would provide needed administrative and meeting space for city government departments to operate. The City Hall would complement the existing County Civic Center buildings, but would not result in the overcrowding or overuse of existing the Civic Center area.</p>
<p>Section 30222 The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.</p>	<p>The project includes commercial office and retail space and a City Hall. The Project Site is zoned and designated for Community Commercial uses and is not designated for agricultural or recreational opportunities.</p>
<p>Section 30252 The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.</p>	<p>The Proposed Project does not lend itself to coastal access, as it is located north of PCH. Therefore this policy does not directly apply to the Proposed Project. Nevertheless the Propose Project would provide adequate parking and on-site vehicular and pedestrian circulation to accommodate the patrons and visitors to the Project Site, and those frequenting coastal uses <u>It does not propose public coastal access parking.</u></p>
<p>LU Policy 2.24 The extension of public transit facilities and services, including shuttle programs, to maximize public access and recreation opportunities shall be encouraged, where feasible.</p>	<p>The Proposed Project is not a transit facility and does not provide transit-related services. However the project will be served by existing public transportation services and routes within the Civic Center, thereby maximizing public access to the Project Site.</p>
<p>LU Policy 2.25 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>The Proposed Project includes a total of 609 parking spaces within Parcels A, B and C. Parking for each site is expected to adequately accommodate all parking needs for project employees and visitors and</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
	to meet the City Parking Ordinance requirements.
<p>LU Policy 2.27 The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) 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>The Proposed Project is a commercial office and retail project proposed to serve the commercial needs of the community. The project also includes a proposed City Hall, which is a public facility. Due to the location of the Project Site relative to coastal areas, there would be little demand, if any for parking to accommodate beachgoers. As such, it is not anticipated that “No Parking” signs will be posted on site. Nevertheless conditions of approval may be imposed by the decision-makers to provide for such signage on the City Hall portion of the site.</p>
<p>LU Policy 2.29 Parking facilities for new development of general office or commercial use, which may cumulatively impact public access and recreation, shall be designed to serve not only the development during ordinary working hours, but also public beach parking during weekends and holidays, in conjunction with public transit or shuttle buses serving beach recreational areas.</p>	<p>The Proposed Project will provide adequate parking to serve the proposed uses. Due to the location of the Project Site relative to coastal areas, there would be little demand, if any for off-site/satellite shuttle services parking to accommodate beachgoers. Nevertheless conditions of approval may be imposed by the decision-makers to provide for such a service on the City Hall portion of the site.</p>
<p>LU Policy 2.33 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>The Proposed Project includes a new commercial retail and office development on land that is currently undeveloped. The Project Site is properly zoned and designated for the commercial uses that are proposed and not designated for visitor-serving or recreational facilities.</p>
<p>LU Policy 2.43 Existing bikeway corridors along roads and highways should be upgraded, as feasible, to eliminate the present hazards between motor vehicles and bicycles, consistent with the sensitive environmental resource and visual resource protection policies. Improvements to any roadway containing a bikeway should not adversely affect the provision of bicycle use, to the extent feasible.</p>	<p>The Proposed Project would improve/develop pedestrian sidewalks fronting the property along Civic Center way. The sidewalks and Civic Center public roadway right-of-way (ROW) will be improved to accommodate the standard designated roadway widths, including designated bike lines as appropriate.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>Section 30231</p> <p>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 wastewater discharges and entertainment, 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>The Proposed Project would not result in any significant impacts to biological resources. Refer to Section V.C (Biological Resources). Also, the Proposed Project would not result in any significant water quality impacts. Refer to Section V.F (Hydrology/Water Quality). The Proposed Project will minimize impacts related to wastewater discharges and control runoff through OWTS facilities. No stream alteration would occur from the Proposed Project.</p>
<p>LU Policy 3.19</p> <p>The use of insecticides, herbicides, or other toxic substances by City employees and contractors in construction and maintenance of City facilities shall be minimized.</p>	<p>It is assumed that the use of insecticides, herbicides, or other toxic substances by City employees and contractors in construction and maintenance of the proposed City Hall will be conducted in accordance with all applicable laws and regulations and applicable City policies.</p>
<p>LU Policy 3.36</p> <p>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>A complete biological inventory and impact study was prepared for this project. The biological inventory concluded that no sensitive flora or threatened/endangered wildlife is expected to be present on the Project Site. (See Section V.C, Biological Resources.)</p>
<p>LU Policy 3.45</p> <p>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 waterbody.</p>	<p>Due to remedial grading requirements to mitigate against potential flooding and liquefaction hazards, it is estimated that the project will involve approximately 42,507 cubic yards (cy) of cut and 23,299 cy of fill. As discussed in Section V.F, Hydrology/Water Quality, mandatory BMPs and WQMP/NPDES requirements will ensure impacts upon water quality are reduced to less than significant levels.</p>
<p>LU Policy 3.46</p> <p>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>As stated above, the project will involve an estimated 42,507 cubic yards (cy) of cut and 23,299 cy of fill. A grading permit will be required for the proposed development. For geology and soils issues, See Section V.E, Geology/Soils. As, stated in Section V.C, Biological Resources, the Project Site is not located within or adjacent to and ESHA.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.47 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>The Project Site is not located in a designated ESHA; however, <u>a small patch of coastal sage scrub is present in the western-central edge of the site and northeast corner of the property.</u> Several mature sycamores are also present in the central and western portion of the site, as discussed in Section V.C Biological Resources, and identified in Appendix D-1). relict CSS and sycamore woodland relic habitat exists on the northerly slopes of the Project Site. Grading in this area will be performed in accordance with the WQMP as outlined in Section V.F., Hydrology Water Quality, which establishes stringent erosion control measures to protect natural resources. Therefore, the Proposed project would be consistent with this policy.</p>
<p>LU Policy 3.48 Where grading is permitted during the rainy season (extending from November 1 to March 1), erosion control measures such as sediment basins, silt fencing, sandbagging, installation of geofabrics, shall be implemented prior to and concurrent with grading operations. Such measures shall be maintained through final grading and until landscaping and permanent drainage is installed.</p>	<p>Erosion control measures will be implemented and maintained as specified in the applicable NPDES and WQMP permits. (See Section V.F, Hydrology/Water Quality).</p>
<p>LU Policy 3.50 Cut and fill slopes and other areas disturbed by construction activities (including areas disturbed by fuel modification or brush clearance) shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:</p> <ul style="list-style-type: none"> • Plantings shall be native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below. • Invasive plant species that tend to supplant native species and natural habitats shall be prohibited. • Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification nearest approved residential structures. • Landscaping or revegetation shall provide 90 % coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for restoration. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 % coverage within five years. • Any landscaping, or revegetation shall be 	<p>As stated in Section V.C, Biological Resources, all graded areas will be landscaped or re-vegetated at the completion of grading with native, drought-tolerant plant species, <u>consistent with the Conceptual Landscape Plan for the Proposed Project (see Figure V.A-6).</u> Street trees are also proposed throughout the project in and around the proposed surface parking areas. Irrigation for landscaped areas in Parcels A and B would occur through <u>the use of 29 subsurface drip dispersal fields and 6 leach fields.</u> All proposed structures and landscape elements will be designed and constructed in accordance with the Los Angeles County Fire Department’s Fuel Modification Plan Guidelines.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>monitored for a period of at least five years following the completion of planting. Performance criteria shall be designed to measure the success of the plantings. Midcourse corrections shall be implemented if necessary. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met.</p>	
<p>LU Policy 3.52 Access for geologic testing (or percolation or well testing) shall use existing roads or track mounted drill rigs where feasible. Where there is no feasible access, a temporary access road may be permitted when it is designed to minimize length, width and total grading to that necessary to accommodate required equipment. All such temporary roads shall be restored to the maximum extent feasible, through grading to original contours, revegetating with native plant species indigenous to the Project Site, and monitoring to ensure successful restoration.</p>	<p>All geologic tests were implemented on site and were accessed via Civic Center Way and the unimproved dirt road known as La Paz Lane. All proposed driveways and internal access roads will be completely improved and paved with permeable concrete pavers.</p>
<p>LU Policy 3.59 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 4.54. Development shall utilize fire resistant materials and incorporate alternative fuel modification measures, such as firewalls (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>With the exception of the northern limits of the Project Site, the existing natural vegetation areas are limited to sycamore relics, and non-native disturbed grassland. Development of the Project Site would adhere to all applicable Building and Fire Code regulations and will be developed in a manner consistent with the Los Angeles County Fire Department’s Fuel Modification Plan Guidelines.</p>
<p>LU Policy 3.60 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>Development of the Project Site would adhere to all applicable policies provided in the Los Angeles County Fire Department’s Fuel Modification Plan Guidelines (see Section V.C, Biological Resources).</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.61 Applications for new development shall include a quantification of the acreage of natural vegetation that would be removed or made subject to thinning, irrigation, or other modification by the Proposed Project, including building pad and road/driveway areas, as well as required fuel modification on the Project Site and brush clearance on adjacent properties.</p>	<p>As <u>shown in Figure V.C-4, Vegetation Communities</u>, discussed in Section V.C, Biological Resources, approximately 5% of the <u>vegetative cover on-site</u> total site area consists of native vegetation communities (i.e., <u>coastal sage scrub and California sycamore cells</u>). <u>The remaining portion of vegetative cover on-site consists of non-native annual vegetation.</u> Due to the proposed City Hall on Parcel C, all native vegetation areas would be removed. Future development including landscaping in this area will adhere to the Los Angeles County Fire Department’s Fuel Modification Plan Guidelines.</p>
<p>LU Policy 3.63 New development 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>The Project Site contains relics of a California Sycamore community. All native trees are proposed to be relocated or replaced on a 10:1 ratio in accordance with the mitigation measures identified in Section V.C., Biological Resources. In addition, the proposed landscape plan will include the addition of several new native trees, including California sycamores and Coast live oaks to the Project Site.</p>
<p>LU Policy 3.64 New development on sites containing oak, walnut, sycamore, alder, toyon, or other native trees shall include a tree protection plan.</p>	<p>All native trees are proposed to be relocated or replaced on a 10:1 ratio in accordance with the mitigation measures identified in Section V.C., Biological Resources.</p>
<p>LU Policy 3.65 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>All native trees are proposed to be relocated or replaced on a 10:1 ratio in accordance with the mitigation measures identified in Section V.C., Biological Resources.</p>
<p>LU Policy 3.79 Grading and landform alteration shall be limited to minimize impacts from erosion and sedimentation on marine resources.</p>	<p>As a majority of the site is relatively level, grading will be minimal. However, as discussed in Section V.E, Geology and Soils, the Proposed Project is anticipated to include approximately 42,507 cy of cut and 23,299 cy of fill materials.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.83 Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens shall be designated as wetland. Identified wetlands include Malibu and Zuma Lagoons. Any unmapped areas that meet these criteria are wetlands and shall be accorded all of the protections provided for wetlands in the LCP.</p>	<p>Although the Project Site is located in close proximity to Malibu Creek and the Malibu Creek Lagoon, the Project Site is not located within a wetland. (See Section V.C, Biological Resources).</p>
<p>LU Policy 3.84 Any wetland area mapped as ESHA or otherwise determined to have previously been wetlands shall not be deprived of protection, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, filled, degraded, or that species of concern have been illegally eliminated.</p>	<p>Although the Project Site is located in close proximity to Malibu Creek and the Malibu Creek Lagoon, the Project Site is not located within a wetland and is not located within a designated ESHA. (see Section V.C, Biological Resources).</p>
<p>LU Policy 3.95 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"> • 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 susceptible to erosion and sediment loss. • Limiting increases of impervious surfaces. • Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss. • Limiting disturbance of natural drainage features and vegetation. 	<p>The Project Site does not currently contain any riparian habitat or water bodies. However, the project proposes to incorporate man-made wetlands which will have a net beneficial impact for biotic resources. The Proposed Project also includes a state-of-the-art on-site wastewater treatment system to process, treat and disinfect <u>dispose</u> generated wastewater prior to discharging gray water effluent into on-site leach fields proposed within the surface parking lot areas on site <u>and subsurface drip disposal areas</u>. The project will include approximately 285,891 square feet of impermeable surface area. With the incorporation of erosion mitigation measures identified in Section V.F, Hydrology/Water quality, hydrology impacts would be less than significant.</p>
<p>LU Policy 3.96 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>The Proposed Project includes a state-of-the-art on-site wastewater treatment system to process, treat and dispose <u>disinfect</u> wastewater prior to discharging graywater effluent on-site into on-site a system of <u>leach fields proposed within the surface parking lot areas and subsurface drip disposal areas on-site</u>. In addition, pursuant to NPDES/SWPP requirements, the on site drainage plan will be required to retain and filter surface water runoff before discharging into the stormdrains under Civic Center Way. As such, no untreated effluent or untreated stormwater will be discharged into the Malibu Creek or ocean.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.97 Development must be designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern that may result in significant impacts from site runoff from impervious areas. To meet the requirement to minimize "pollutants of concern," new development shall incorporate a Best Management Practice (BMP) or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.</p>	<p>As stated above, pursuant to NPDES/SWPP requirements, the project will be required to retain and filter surface water runoff before discharging into the stormdrains under Civic Center Way. As such, no untreated effluent or untreated stormwater will be discharged into the Malibu Creek or ocean. (See Section V.F, Hydrology/Water Quality).</p>
<p>LU Policy 3.99 Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. Dry weather runoff from new development must not exceed the pre-development baseline flow rate to receiving waterbodies.</p>	<p>Pursuant to NPDES/SWPP requirements, the project will be required to retain and filter the first ¾ inch rainfall event before discharging into the stormdrains under Civic Center Way. (See Section V.F, Hydrology/Water Quality).</p>
<p>LU Policy 3.100 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 its the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County (March 2000) (LA SUSMP) or subsequent versions of this plan.</p>	<p>As addressed above, pursuant to NPDES/SWPP requirements, the project will be required to prepare a WQMP to retain and filter the first ¾ inch rainfall event before discharging into the stormdrains under Civic Center Way. Compliance with all applicable LARWQCB requirements will be ensured during the final building plan check approval process. (See Section V.F, Hydrology/Water Quality).</p>
<p>LU Policy 3.102 Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs. This standard shall be consistent with the most recent Los Angeles Regional Water Quality Control Board municipal stormwater permit for the Malibu region or the most recent California Coastal Commission Plan for Controlling Polluted Runoff, whichever is more stringent.</p>	<p>As addressed above, pursuant to NPDES/SWPP requirements, the project will be required to retain and filter the first ¾ inch rainfall event before discharging into the stormdrains under Civic Center Way. Compliance with all applicable LARWQCB requirements will be ensured during the final building plan check approval process. (See Section V.F, Hydrology/Water Quality).</p>
<p>LU Policy 3.103 Land divisions that would result in building pads, access roads, or driveways located on slopes over 30%, or result in grading on slopes over 30% shall be prohibited. All land divisions shall be designed such that the location of building pads and access roads minimizes erosion and sedimentation.</p>	<p>The Proposed Project would not involve a land division resulting in grading on slopes greater than 30%. Therefore the Proposed Project would be consistent with this policy.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.104 New roads, bridges, culverts, and outfalls shall not cause or contribute to streambank or hillside erosion or creek or wetland siltation and shall include BMPs to minimize impacts to water quality including construction phase erosion control and polluted runoff control plans, and soil stabilization practices. Where space is available, dispersal of sheet flow from roads into vegetated areas or other on-site infiltration practices shall be incorporated into road and bridge design.</p>	<p>The Proposed Project includes a new access road along the western property line. Appropriate drainage flow and filtration devices have been incorporated into the Site Plan to ensure water quality impacts are reduced to the maximum extent feasible. The Proposed Project would therefore be consistent with this policy.</p>
<p>LU Policy 3.106 Commercial development shall use BMPs to control the runoff of pollutants from structures, parking and loading areas.</p>	<p>As discussed in Section V.F, Hydrology/Water Quality, BMPs will be implemented to control the runoff of pollutants from structures, parking and loading areas.</p>
<p>LU Policy 3.107 Restaurants shall incorporate BMPs designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system.</p>	<p>As discussed in Section V.F, Hydrology/Water Quality, specific BMPs will be implemented to minimize runoff of restaurant related oil and grease, solvents, phosphates, and suspended solids.</p>
<p>LU Policy 3.110 New development shall include construction phase erosion control and polluted runoff control plans. These plans shall specify BMPs that will be implemented to minimize erosion and sedimentation, provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials.</p>	<p>Pursuant to NPDES requirements, the project will be required to implement a water quality management plan during the construction phase. (See Section V.F, Hydrology/Water Quality).</p>
<p>LU Policy 3.111 New development shall include post-development phase drainage and polluted runoff control plans. These plans shall specify site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff, and shall include the monitoring and maintenance plans for these BMPs.</p>	<p>Post-development phase drainage and polluted runoff control plans will be submitted during the building plan check approval process. See Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.112 Storm drain stenciling and signage shall be provided for new stormdrain construction in order to discourage dumping into drains. Signs shall be provided at creek public access points to similarly discourage creek dumping.</p>	<p>The Proposed Project will provide the requisite storm drain stenciling and signage in accordance with the SWPPP. See Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.113 Outdoor material storage areas shall be designed using BMPs to prevent stormwater contamination from stored materials.</p>	<p>Outdoor material storage areas are not proposed as part of this project.</p>
<p>LU Policy 3.114 Trash storage areas shall be designed using BMPs to prevent stormwater contamination by loose trash and debris.</p>	<p>Trash storage areas would be designed and constructed to prevent stormwater contamination. (See Section V.F, Hydrology/Water Quality.)</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.115 Permits for new development shall be conditioned to require ongoing maintenance where maintenance is necessary for effective operation of required BMPS. Verification of maintenance shall include the permittee's signed statement accepting responsibility for all structural and treatment control BMP maintenance until such time as the property is transferred and another party takes responsibility.</p>	<p>Proof of NPDES compliance and other associated regulatory permits outlining BMPs and on-going maintenance plans will be submitted to the City for verification during the building plan check approval process.</p>
<p>LU Policy 3.116 The City, property owners, or homeowners associations, as applicable, shall be required to maintain any drainage device to insure it functions as designed and intended. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.</p>	<p>The project developer will be responsible for compliance with all requisite BMPs and maintenance contracts associated with water quality measures. (See Section V.F, Hydrology/Water Quality.)</p>
<p>LU Policy 3.117 Public streets and parking lots shall be swept frequently to remove debris and contaminant residue. For private streets and parking lots, the property owner shall be responsible for frequent sweeping to remove debris and contaminant residue.</p>	<p>This issue is addressed in Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.118 Some BMPs for reducing the impacts of non-point source pollution may not be appropriate for development on steep slopes, on sites with low permeability soil conditions, or areas where saturated soils can lead to geologic instability. New development in these areas should incorporate BMPs that do not increase the degree of geologic instability.</p>	<p>For a discussion of slope stability issues, see Section V.E, Geology/Soils. For a discussion of water quality issues, see Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.119 New development that requires a grading permit or Local SWPPP shall include landscaping and re-vegetation of graded or disturbed areas, consistent with Policy 3.50. Any landscaping that is required to control erosion shall use native or drought-tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.</p>	<p>The Proposed Project landscaping plan will consist of primarily native drought-tolerant vegetation. For a discussion of impacts to biological resources and post-development landscaping requirements, see Section V.C, Biological Resources.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.120 New development shall protect the absorption, purifying, and retentive functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems shall be restored, where feasible, except where there are geologic or public safety concerns.</p>	<p>This issue is addressed in Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.124 A Wastewater Management Plan should be developed within a timeframe to be determined by the City in consultation with the Environmental Review Board, Wastewater Advisory Committee, and other pertinent City committees, to address future wastewater issues.</p>	<p>The Proposed Project includes a OWTS to treat all project-generated wastewater. See Section V.F, Hydrology/Water Quality for further discussion of this system.</p>
<p>LU Policy 3.125 Development involving onsite wastewater discharges shall be consistent with the rules and regulations of the L.A. Regional Water Quality Control Board (LARWQCB), including Waste Discharge Requirements, revised waivers and other regulations that apply.</p>	<p>The sewage treatment system will be designed consistent with the rules of the LARWQCB.</p>
<p>LU Policy 3.126 Wastewater discharges shall minimize adverse impacts to the biological productivity and quality of coastal streams, wetlands, estuaries, and the ocean. On-site wastewater treatment systems (OWTSs) shall be sited, designed, installed, operated, and maintained to avoid contributing nutrients and pathogens to groundwater and/or surface waters.</p>	<p>This issue is addressed in Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.127 OWTSs shall be sited away from areas that have poorly or excessively drained soils, shallow water tables or high seasonal water tables that are within floodplains or where effluent cannot be adequately treated before it reaches streams or the ocean.</p>	<p>This issue is addressed in Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.128 New development shall be sited and designed to provide an area for a backup soil absorption field in the event of failure of the first field.</p>	<p>This issue is addressed in Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.129 Soils should not be compacted in the soil absorption field areas during construction. No vehicles should be parked over the soil absorption field or driven over the inlet and outlet pipes to the septic tank.</p>	<p>This issue is addressed in Section V.F, Hydrology/Water Quality.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.130 Subsurface sewage effluent dispersal fields shall be designed, sited, installed, operated, and maintained in soils having acceptable absorption characteristics determined either by percolation testing, or by soils analysis, or by both. No subsurface sewage effluent disposal fields shall be allowed beneath nonporous paving or surface covering.</p>	<p>This issue is addressed in Section V.F, Hydrology/Water Quality.</p>
<p>LU Policy 3.131 New development shall include the installation of low-flow plumbing fixtures, including but not limited to flow-restricted showers and ultra-low flush toilets, and should avoid the use of garbage disposals to minimize hydraulic and/or organic overloading of the OWTS.</p>	<p>The Proposed Project design would include flow-restricted showers and ultra-low flush toilets.</p>
<p>LU Policy 3.132 New development may include a separate graywater dispersal system where approved by the Building Safety Department.</p>	<p>This issue is addressed in Section V.F. Hydrology/Water Quality.</p>
<p>LU Policy 3.133 New development shall include protective setbacks from surface waters, wetlands and floodplains for conventional or alternative OWTSs, as well as separation distances between OWTS system components, building components, property lines, and groundwater. Under no conditions shall the bottom of the effluent dispersal system be within five feet of groundwater.</p>	<p>This issue is addressed in Section V.F. Hydrology/Water Quality.</p>
<p>LU Policy 3.134 The construction of private sewage treatment systems shall be permitted only in full compliance with the building and plumbing codes and the requirements of the LARWQCB. A coastal development permit shall not be approved unless the private sewage treatment system for the project is sized and designed to serve the proposed development and will not result in adverse individual or cumulative impacts to water quality for the life of the project.</p>	<p>The sewage treatment system will be designed consistent with the rules of the LARWQCB.</p>
<p>LU Policy 3.136 In areas with constraints on private sewage treatment and disposal, including, but not limited to, small lots, beachfront parcels, and geologic hazard areas, innovative and alternative methods of wastewater treatment and disposal are permitted. Such systems shall minimize impacts to water quality and coastal resources and be acceptable to the Environmental and Building Safety Department, and the Regional Water Quality Control Board.</p>	<p>The Proposed Project includes a sewage treatment system to treat all project-generated wastewater. See Section V.F. Hydrology/Water Quality for further discussion of this system.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 3.138 Applications for new development relying on an OWTS shall include a soils analysis and or percolation test report. Soils analysis shall be conducted by a California Registered Geotechnical Engineer or a California Registered Civil Engineer in the environmental/geotechnical field and the results expressed in United States Department of Agriculture classification terminology. Percolation tests shall be conducted by a California Registered Geologist, a California registered Geotechnical Engineer, a California Registered Civil Engineer, or a California Registered Environmental Health Specialist. The OWTS shall be designed, sited, installed, operated, and maintained in full compliance with the building and plumbing codes and the requirements of the LARWQCB.</p>	<p>The sewage treatment system will be designed consistent with the rules of the LARWQCB.</p>
<p>LU Policy 3.141 Applications for a coastal development permit for OWTS installation and expansion, where groundwater, nearby surface drainages and slope stability are likely to be adversely impacted as a result of the projected effluent input to the subsurface, shall include a study prepared by a California Certified Engineering Geologist or Registered Geotechnical Engineer that analyzes the cumulative impact of the proposed OWTS on groundwater level, quality of nearby surface drainages, and slope stability. Where it is shown that the OWTS will negatively impact groundwater, nearby surface waters, or slope stability, the OWTS shall not be allowed.</p>	<p>The OWTS will be designed in consultation with a California Certified Engineering Geologist/Registered Geotechnical Engineer.</p>
<p>LU Policy 3.142 The construction of new privately maintained package wastewater treatment plants shall not be allowed unless it can be demonstrated that a package treatment plant would have fewer adverse impacts to coastal resources, water quality or geologic stability than individual sewage disposal systems. No new discharges shall be permitted from privately maintained package wastewater plants into streams, wetlands or areas of saturated groundwater.</p>	<p>This issue is addressed in Section V.F. Hydrology/Water Quality.</p>
<p>LU Policy 3.143 The formation of On-site Wastewater Zones pursuant to Section 6950 et seq. of the California Health and Safety Code shall be considered in appropriate areas.</p>	<p>This issue is addressed in Section V.F. Hydrology/Water Quality.</p>
<p>LU Policy 3.144 Cooperation and coordination with the Los Angeles Regional Water Quality Control Board to ensure septic system conformance with regional water quality standards shall be provided.</p>	<p>The sewage treatment system will be designed consistent with the rules of the LARWQCB.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>Section 30253 New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.</p>	<p>These issues are addressed in Section V.B. Air Quality, Section V.E. Geology and Soils, and Section V.F. Hydrology/Water Quality.</p>
<p>LU Policy 4.1 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:</p> <ul style="list-style-type: none"> • Low Slope Stability & Landslide/Rockfall Potential: hillside areas that have the potential to slide, fail, or collapse. • Fault Rupture: the Malibu Coast-Santa Monica Fault Zone. • Seismic Ground Shaking: shaking induced by seismic waves traveling through an area as a result of an earthquake on a regional geologic fault. • Floodprone areas most likely to flood during major storms. • 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. • Liquefaction/Floodprone areas where saturated sediments lie in flood plains. • Tsunami: shoreline areas subject to inundation by a sea wave generated by local or distant earthquake, submarine landslide, subsidence, or volcanic eruption. • Wave Action: shoreline areas subject to damage from wave activity during storms. • Fire Hazard: areas subject to major wildfires 	<p>These issues are addressed in Section V.E, Geology and Soils.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
classified in Fire Zone 4 or in the Very High Fire Hazard Severity Zone.	
<p>LU Policy 4.2 All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.</p>	This issue is addressed in Section V.E, Geology and Soils.
<p>LU Policy 4.3 Information should be provided to the public concerning hazards and appropriate means of minimizing the harmful effects of natural disasters upon persons and property relative to siting, design and construction.</p>	This issue is addressed in Section V.E, Geology and Soils.
<p>LU Policy 4.4 On ancient landslides, unstable slopes and other geologic hazard areas, new development shall only be permitted where an adequate factor of safety can be provided, consistent with the applicable provisions of Chapter 9 of the certified Local Implementation Plan.</p>	This issue is addressed in Section V.E, Geology and Soils.
<p>LU Policy 4.5 Applications for new development, where applicable, shall include a geologic/soils/ geotechnical study that identifies any geologic hazards affecting the Project Site, any necessary mitigation measures, and contains a statement that the Project Site is suitable for the proposed development and that the development will be safe from geologic hazard. Such reports shall be signed by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE) and subject to review and approval by the City Geologist.</p>	The Geotechnical Engineering Report prepared for the Proposed Project is included in Appendix E.
<p>LU Policy 4.10 New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.</p>	These issues are addressed in Section V.E, Geology and Soils, and Section V.F, Hydrology/Water Quality.
<p>LU Policy 4.11 New development involving a structure dependent on a wastewater disposal system shall utilize secondary treatment, at a minimum, and evapotranspiration waste disposal systems or other innovative measures, where feasible.</p>	The Proposed Project includes a sewage treatment system to treat all project-generated wastewater. See Section V.F, Hydrology/Water Quality for further discussion of this system.

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 4.45 New development shall minimize risks to life and property from fire hazard through:</p> <ul style="list-style-type: none"> • Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.; • Siting and designing development to avoid hazardous locations; • Incorporation of fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent; • Use of appropriate building materials and design features to insure the minimum amount of required fuel modification; • Use of fire-retardant, native plant species in landscaping. 	<p>The Proposed Project includes a Fuel Modification Plan to address these issues.</p>
<p>LU Policy 4.48 When brush clearance is required for fire safety, brushing techniques that minimize impacts to native vegetation, ESHA and that minimize erosion, runoff, and sedimentation shall be utilized.</p>	<p>This issue is addressed in Section V.E, Geology and Soils.</p>
<p>LU Policy 4.49 Applications for new development, which require fuel modification, shall include a fuel modification plan for the project, prepared by a landscape architect or resource specialist that incorporates measures to minimize removal of native vegetation and to minimize impacts to ESHA, while providing for fire safety, consistent with the requirements of the applicable fire safety regulations. Such plans shall be reviewed and approved by the Forestry Division.</p>	<p>The Proposed Project includes a Fuel Modification Plan to address these issues.</p>
<p>LU Policy 4.50 New development shall provide for emergency vehicle access and fire-flow water supply in accordance with applicable fire safety regulations.</p>	<p>The Proposed Project provides both emergency vehicle access and adequate fire-flow. See Section V.I. Public Utilities and Section V.J. Public Services for further discussion of these issues.</p>
<p>LU Policy 4.51 All new development shall demonstrate the availability of an adequate water supply for fire protection, as required by applicable fire safety regulations.</p>	<p>The Proposed Project provides adequate fire-flow and water supply. See Section V.I. Public Utilities and Section V.J. Public Services for further discussion of these issues.</p>
<p>LU Policy 4.52 Where applicable, property owners shall comply with applicable fire safety regulations for management of combustible vegetative materials (controlled burns) in fire hazardous areas.</p>	<p>The Proposed Project includes a Fuel Modification Plan to address these issues.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>Section 30244 Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p>	<p>This issue is addressed in Section V.D. Cultural Resources.</p>
<p>Land Use Plan Designations: COMMUNITY COMMERCIAL (CC): The CC designation is intended to provide for the resident serving needs of the community similar to the CN designation, but on parcels of land more suitable for concentrated commercial activity. The community commercial category plans for centers that offer a greater depth and range of merchandise in shopping and specialty goods than the neighborhood center although this category may include some of the uses also found in a neighborhood center. Often a supermarket or variety store functions as the anchor tenant. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.20 where public benefits and amenities are provided as part of the project. Uses that are permitted and/or conditionally permitted include the following: all permitted uses within the CN designation, financial institutions, medical clinics, restaurants, service stations, health care facilities, offices, and public open space and recreation.</p>	<p>As described under the Consistency with City of Malibu Zoning Ordinance subtitle, above, with approval of the proposed Development Agreement, <u>and Zone Text Amendment</u> the Proposed Project would conform to the requirements of the CC zoning designation.</p>
<p>LU Policy 5.3 A coastal development permit may only be approved for new development on legally created lots. All applications for new development on a vacant parcel shall include evidence of the date and method by which the subject parcel was created.</p>	<p>The Proposed Project includes a lot line adjustment and a land division to create three legal lots from two existing lots. The third legal lot (Parcel C) is being conveyed to the City of Malibu as a public benefit. The proposed lot line adjustment and parcel re-configuration will be conducted in accordance with all applicable laws and regulations.</p>
<p>LU Policy 5.4 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>As described under the Consistency with City of Malibu Zoning Ordinance subtitle, above, the Proposed Project would provide adequate parking in conformance with the Malibu Zoning Ordinance parking requirements.</p>
<p>LU Policy 5.7 New development shall conform to the hillside management provisions of the LIP, including measures to minimize impacts to scenic and visual resources and to minimize the risk from hazards. The measures include but are not limited to limiting grading and retaining walls, restricting development on steep slopes, protecting ridgelines, and applying siting and design restrictions (scenic and visual</p>	<p>These issues are addressed under Section V.A. Aesthetics/Views and Section V.E. Geology/ Soils.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>policies). The slope density criteria of the subdivision ordinance shall apply to sloping terrain and be applied in combination with the base land use designation in order to determine the maximum allowable density.</p>	
<p>LU Policy 5.8 Pedestrian and bicycle circulation shall be required as part of all new commercial development.</p>	<p>The Proposed Project would improve/develop pedestrian sidewalks fronting the property along Civic Center way. The sidewalks and Civic Center public roadway right-of-way (ROW) will be improved to accommodate the standard designated roadway widths, including designated bike lines as appropriate.</p>
<p>LU Policy 5.9 New commercial development shall be designed to minimize conflicts with adjacent residential uses, including preserving the character and integrity of the adjacent residential areas. Commercial development shall be designed to avoid intrusive traffic circulation and light and glare.</p>	<p>These issues are addressed in Section V.A. Aesthetics/Views and Section V.K Transportation and Circulation.</p>
<p>LU Policy 5.14 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 nonautomobile circulation within the development to the extent feasible.</p>	<p>The Proposed Project includes several landscaped pedestrian paths and is served by existing public transportation services.</p>
<p>LU Policy 5.18 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>The Proposed Project would result in development with a maximum FAR 0.20 and would provide a Civic Center building that would serve as a public benefit.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 5.19 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>No wetlands are located on or immediately adjacent to the Project Site.</p>
<p>LU Policy 5.37 Land divisions shall be designed to cluster development, including building pads, if any, in order to minimize site disturbance, landform alteration, and removal of native vegetation, to minimize required fuel modification, and to maximize open space.</p>	<p>The Proposed Project is designed with three parcels, each of which would contain a cluster of buildings arranged in a manner to maximize landscaped area.</p>
<p>LU Policy 5.40 Subsequent development on a parcel created through a land division shall conform to all provisions of the approved land division permit, including, but not limited to, the building site location, access road/driveway design, and grading design and volumes.</p>	<p>The application for the Proposed Project will be reviewed by the City to ensure that these issues have been addressed.</p>
<p>LU Policy 5.46 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>The Project Site receives water supplied by the Los Angeles County Water Works District 29, which would have adequate supply to serve the Proposed Project. See Section V.I. Public Utilities, Water for further discussion of this issue.</p>
<p>LU Policy 5.49 All new development shall comply with the City's water conservation and wastewater regulations.</p>	<p>Section V.I. Public Utilities provides further discussion of water conservation measures and wastewater regulations related to the Proposed Project.</p>
<p>LU Policy 5.50 The installation of reclaimed water lines to provide irrigation for approved landscaping or fuel modification areas (Zone A or B, if required) for approved development may be permitted, if consistent with all policies of the LUP.</p>	<p>See Section V.I-4. Public Utilities, Wastewater for further discussion of this issue.</p>
<p>LU Policy 5.51 The use of reclaimed water in lieu of fresh water supplies for the maintenance of public lands and other non-consumptive uses shall be encouraged and supported provided such use can be found to be consistent with all applicable policies of the LCP.</p>	<p>See Section V.I-4. Public Utilities, Wastewater for further discussion of this issue.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 5.60 New development shall protect and preserve archaeological, historical and paleontological resources from destruction, and shall avoid and minimize impacts to such resources.</p>	<p>This issue is addressed in Section V.D. Cultural Resources.</p>
<p>LU Policy 6.7 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>As described under the Consistency with City of Malibu Zoning Ordinance subtitle, above, the Proposed Project would be between 28 feet in height and 34<u>32</u> feet in height. With approval of the proposed <u>Zone Text Amendment and Development Agreement</u>, the project would be brought into conformance with the zoning code and land use consistency impacts would be less than significant.</p>
<p>LU Policy 6.9 All new development shall be sited and designed to minimize alteration of natural landforms by:</p> <ul style="list-style-type: none"> • Conforming to the natural topography. • Preventing substantial grading or reconfiguration of the Project Site. • Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs. • Requiring that man-made contours mimic the natural contours. • Ensuring that graded slopes blend with the existing terrain of the site and surrounding area. • Minimizing grading permitted outside of the building footprint. • Clustering structures to minimize site disturbance and to minimize development area. • Minimizing height and length of cut and fill slopes. • Minimizing the height and length of retaining walls. • 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. 	<p>This issue is addressed in Section V.E, Geology and Soils.</p>
<p>LU Policy 6.10 New development, including a building pad, if provided, shall be sited on the flattest area of the Project Site, except where there is an alternative location that would be more protective of visual resources or ESHA.</p>	<p>This issue is addressed in Section V.E. Geology and Soils.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>LU Policy 6.12 All new structures shall be sited and designed to minimize impacts to visual resources by:</p> <ul style="list-style-type: none"> • Ensuring visual compatibility with the character of surrounding areas. • Avoiding large cantilevers or understories. • Setting back higher elements of the structure toward the center or uphill portion of the building. 	<p>This issue is addressed in Section V.A. Aesthetics/Views.</p>
<p>LU Policy 6.13 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>This issue is addressed in Section V.A. Aesthetics/Views.</p>
<p>LU Policy 6.15 Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.</p>	<p>This issue is addressed in Section V.A. Aesthetics/Views.</p>
<p>LU Policy 6.21 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 ridgelines and natural features of the Santa Monica Mountains through measures such as clustering development, and restricting height and bulk of structures.</p>	<p>This issue is addressed in Section V.A. Aesthetics/Views.</p>
<p>LU Policy 6.23 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. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited.</p>	<p>This issue is addressed in Section V.A. Aesthetics/Views.</p>
<p>LU Policy 6.24 Land divisions, including lot line adjustments, shall be designed to minimize impacts to visual resources by:</p> <ul style="list-style-type: none"> • Clustering the building sites to minimize site disturbance and maximize open space. • Prohibiting building sites on ridgelines. • Minimizing the length of access roads and driveways. • Using shared driveways to access development on adjacent lots, where feasible. • Reducing the maximum allowable density in steeply sloping and visually sensitive areas. • Minimizing grading and alteration of natural landforms, consistent with Policy 6.9. • Landscaping or revegetating all cut and fill slopes, 	<p>This issue is addressed in Section V.A. Aesthetics/Views.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
<p>and other disturbed areas at the completion of grading, consistent with Policy 6.29.</p> <ul style="list-style-type: none"> • Incorporating interim seeding of graded building pad areas, if any, with native plants unless construction of approved structures commences within 30 days of the completion of grading. 	
<p>LU Policy 6.27 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>This issue is addressed in Section V.C. Biological Resources.</p>
<p>LU Policy 6.28 All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible. Development shall incorporate alternative fuel modification measures, where feasible, in order to minimize the visual resource impacts of site disturbance, removal, and thinning of natural vegetation.</p>	<p>The Proposed Project includes a Fuel Modification Plan to address this issue.</p>
<p>LU Policy 6.29 Cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:</p> <ul style="list-style-type: none"> • Plantings shall be of native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below. • Invasive plant species that tend to supplant native species and natural habitats shall be prohibited. • Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification nearest approved residential structures. • Lawn shall not be located on any geologically sensitive area such as coastal blufftop. • Landscaping or revegetation shall provide 90 percent coverage within five years. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years. 	<p>This issue is addressed in Section V.C. Biological Resources.</p>
<p>LU Policy 6.30 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. 6.32 Existing offsite outdoor advertising billboards shall be phased out</p>	<p>This issue is addressed in Section V.A. Aesthetics/Views.</p>

Malibu Local Coastal Program Policy	Project Consistency/Comments
and the construction of new billboards is prohibited.	
<p>LU Policy 7.12 Restrictions on or elimination of existing on-street public parking on Pacific Coast Highway and adjacent side-streets shall not be permitted unless a comparable number of replacement parking spaces are provided in the immediate vicinity and it is demonstrated that such restrictions or elimination will not adversely impact public access to the shoreline.</p>	<p>The Proposed Project would eliminate any off-street parking spaces that currently exist along the Civic Center Way frontage as the project will include two new driveway curb cuts at this location. This loss of parking will not, however, adversely impact access to the shoreline as the project is not directly located adjacent to or in close proximity to coastal recreation resources.</p>
<p>LU Policy 7.17 On-site wastewater management zones that establish performance standards including water quality protection measures and periodic inspections should be created and enforced by the Department of Health Services and/or City engineer for the Civic Center area, Point Dume, the immediate coastal strip and any areas known to have poor percolation rates, a high water table or be prone to geologic hazards.</p>	<p>The preliminary geotechnical reports, grading plans and onsite wastewater treatment system plans have been approved in concept by the City’s consulting Geologist and Environmental Health Administrator <u>Specialist</u>, respectively. As specified on the respective approval in concept review sheets, a number of conditions have been imposed to ensure geotechnical safety and water quality performance standards are demonstrated prior to construction.</p>

Land Use Compatibility

As discussed throughout this Section, the Proposed Project would be generally consistent with the goals and policies identified in the Malibu General Plan Land Use Element, the Malibu Zoning Ordinance, and the Malibu LCP, which are designed to ensure that development within the City of Malibu, including the Proposed Project, is consistent with and compatible to existing and desired land uses. The Proposed Project involves the development of commercial office/retail space and a City Hall on property zoned and designated for Community Commercial uses. The Project Site is located adjacent to existing vacant lots, single-family residences, a county government civic center and commercial uses. As such, the Proposed Project would ~~complement~~ complement the existing uses in the surrounding area with unique, attractive, and carefully designed architecture, which is intended to reflect the architectural and natural qualities of the Malibu area. Sensitive receptors include single-family residential uses north of the Project Site, the Malibu Public Library, Colin McEwen High School, Papa Jack’s Skate Park, and St. John’s Malibu Urgent Care. From a land use compatibility perspective, the Proposed Project is designed to blend into the landscape of the surrounding community. As a Community Commercial center and City Hall, the Proposed Project would be compatible with and serve the needs of the surrounding land uses.

CUMULATIVE IMPACTS

Development of the related projects is expected to occur in accordance with adopted plans and regulations. Most related projects would be compatible with the zoning and land use designations of each site and their existing surrounding uses. Cumulative development of the related projects would result in an intensification of existing prevailing land uses in the project area. However, based upon information available regarding the related projects, it is reasonable to assume that the projects under consideration in the surrounding area would implement and support local and regional planning goals and policies. Therefore, no significant cumulative land use impacts are anticipated.

MITIGATION MEASURES

Project development will require a number of land use approvals by the appropriate agencies. To ensure land use impacts are less than significant, the following mitigation measures are proposed:

1. Grading and Drainage Plans shall be submitted to the Environmental Building and Safety Division for approval with the final Site Plan and Building Plans. No grading permits shall be issued until ~~a building permit is approved~~ final building plans have been approved.
2. All wastewater shall be treated and managed on-site by the project operators in accordance with all applicable rules and regulations of the County of Los Angeles Health Department. The location of all proposed and abandoned wastewater treatment systems shall be depicted on the final building plans for the City's approval.
3. The projects shall be developed in accordance with all site-specific hydrologic, geologic studies and final recommendations from the City Geologist or City Engineer.
4. Approval of the Proposed Project shall be contingent on approval of a Coastal Development Permit from the City of Malibu approval of a Zone text Amendment, and upon effective certification of the Development Agreement by the CCC.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant land use compatibility or consistency impacts would result from the long-term operation of the Proposed Project.