

RESOLUTION NO. 08-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LA PAZ RANCH PROJECT, COASTAL DEVELOPMENT PERMIT NO. 05-106 (".15 FAR PROJECT"), SITE PLAN REVIEW NOS. 07-126, 07-127, 07-148 AND 07-149, MINOR MODIFICATION NOS. 07-044 AND 07-045, LOT LINE ADJUSTMENT NO. 05-003, AND CONDITIONAL USE PERMIT NOS. 05-003, 07-018 AND 07-019 TO PERMIT THE CONSTRUCTION OF 99,117 SQUARE FEET OF COMMERCIAL OFFICE AND RETAIL USES ADDRESSED AS 3700 LA PAZ LANE (MALIBU LA PAZ RANCH, LLC)

THE CITY COUNCIL OF THE CITY OF MALIBU DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

A. On February 17, 2000, Schmitz and Associates, on behalf of La Paz Ranch, LLC, submitted applications for Plot Plan Commercial (PPC) No. 00-005 (Parcel A) and PPC No. 00-006 (Parcel B). Parcel A is identified as Assessor Parcel Number 4458-022-023 and Parcel B is identified as Assessor Parcel Number 4458-022-024. The application requests construction of 99,117 square feet of shopping center and office park development. Subsequently, the property owner revised its proposal, applying for the construction of 112,058 square feet of shopping center and office park development and a 20,000 square foot City Hall complex. However, if the .20 project was not approved, the property owner wanted to pursue the .15 project. To accommodate this alternative, the City bundled two sets of entitlement applications and studied the .15 project as an alternative, although the .20 project was the property owner's preferred alternative.

B. On January 24, 2003, a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) was issued for a 30-day public review period.

C. On January 29, 2003, the Governor's Office of Planning and Research distributed the NOP to responsible agencies for comments for a 30-day public review period ending on February 27, 2003 (SCH #200311131).

D. On February 12, 2003, the City of Malibu held a public scoping meeting regarding the preparation of the EIR.

E. During the following years, the Applicant worked with all City Departments in order to obtain an "in-concept" approval for the proposed project.

F. On June 21, 2005, the application was changed to a coastal development permit, conditional use permit, site plan review, minor modification and lot line adjustment application. The entitlements associated with the .15 Project (.15 floor area ratio (FAR)) include: 1) a coastal development permit (CDP No. 05-106) for construction of 99,117 square feet of commercial development; 2) a lot line adjustment (LLA No. 05-003) to adjust property boundaries between the two parcels (A and B); 3) site plan reviews (SPR Nos. 07-126 and 127) for construction in excess of

18 feet in height for the development on both parcels; 4) site plan reviews (SPR Nos. 07-148 and 149) for remedial grading on both parcels; 5) minor modifications (MM Nos. 07-044 and 045) for front yard setbacks on both parcels; 6) a conditional use permit (CUP No. 05-003) for up to 10,000 square feet of restaurant use in Buildings 5, 6 and 7 on Parcel A; and 7) conditional use permits (CUP Nos. 07-018 and 019) for wastewater systems across property lines. The entitlements associated with the .20 Project include: 1) Local Coastal Program (LCP) Local Implementation Plan (LIP) Text Amendment (LCPA No. 06-003) amending Section 3.4 (Zoning Designations and Permitted Uses – Overlay Zones) to include Subsection 3.4.3 (Town Center Overlay) and associated development standards in conjunction with the associated Development Agreement between the City and the project Applicant; 2) CDP No. 05-107 for construction of 112,058 square feet of commercial floor area, including retail, restaurant and office uses and a 20,000 square foot City Hall complex; 3) LLA No. 05-004 between two adjacent parcels and the subsequent conveyance of a portion of one parcel (2.3 acres) to the City; and 4) CUP No. 05-004 for up to 10,000 square feet of restaurant use in Buildings 5, 6 and 7 on Parcel A.

G. On September 28, 2006, the Draft EIR (DEIR) was circulated by the City of Malibu for a 45-day public review period ending on November 13, 2006.

H. On September 29, 2006, the Governor's Office of Planning and Research distributed the DEIR to responsible agencies for a 45-day public review period ending on November 13, 2006 (SCH #200311131).

I. On October 25, 2006, the project was reviewed by the Environmental Review Board (ERB). Since there were only four of the seven ERB members in attendance at the meeting, staff requested that the project be brought back to the November 15, 2006 meeting. On November 15, 2006, the ERB, with additional members in attendance, reviewed the project and made recommendations. These recommendations have been incorporated into the final project.

J. On October 18, 2007, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Amendment documents was published in a newspaper of general circulation within the City of Malibu. In addition, on October 18, 2007, pursuant to LIP Section 19.3.2.A, a Notice of Public Hearing and Notice of Availability of LCP Amendment documents was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission (CCC).

K. On November 6, 2007, the Planning Commission opened the public hearing, considered the staff report and presentation, took public testimony and continued the item to December 18, 2007.

L. On December 18, 2007, the Planning Commission meeting was cancelled due to a lack of quorum.

M. On January 2, 2008, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu. In addition, on January 2, 2008, pursuant to LIP

Section 19.3.2.A, a Notice of Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

N. On January 22, 2008, the Planning Commission held a duly noticed public hearing, reviewed and considered written reports, public testimony, and related information, and recommended that the City Council certify the EIR, disapprove the .20 Project, and approve the .15 Project with the following comments:

1. Recommend the Applicant work with the neighbors to address their concerns and incorporate measures which alleviate conflict with the adjacent land use.
2. Address concerns with groundwater and the Water Resources Board
3. Address concerns with traffic
4. Review traffic study submitted at hearing
5. Include 24-hour security for the entire commercial development
6. Fence for Malibu Knolls neighborhood
7. Revise Fuel Modification Plan to reflect information learned during recent fires
8. Include gate/fence/key system for "after hours" at Buildings 10 and 11
9. Include very low lighting throughout development
10. Include conditions regulating hours of operation, including, trash pick-up etc.

O. The Planning Commission acts exclusively as an advisory body to the City Council with respect to development agreements. Pursuant to LIP Section 13.28 and the corollary provisions of the Municipal Code, the Planning Commission makes its recommendation to the City Council and the City Council subsequently renders a decision whether to approve or disapprove the development agreement.

P. On February 19, 2008, the Planning Commission adopted Resolution No. 08-07 memorializing the Commission's action on January 22, 2008.

Q. On February 27, 2008, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu. In addition, on February 27, 2008, pursuant to LIP Section 19.3.2.A, a Notice of City Council Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

R. On March 24, 2008, the City Council continued the hearing to the May 12, 2008, Regular City Council meeting.

S. On April 3, 2008, the applicant submitted a Wastewater Management System Master Plan (WMSMP) prepared by Lombardo Associates, Inc (LAI). The new onsite wastewater treatment system (OWTS) is materially different than the previously reviewed onsite wastewater treatment system as described in the DEIR.

T. On May 12, 2008, the City Council did not hear the report but continued the item to a date uncertain to allow analysis of the new onsite wastewater treatment system (OWTS). The agenda

report indicated that "Once the analysis of the new system has been completed and incorporated into the environmental document, the project will be noticed for a public hearing." Since the City Council bases its decision in part based on the recommendation of the Planning Commission and the Commission did not have the opportunity to provide a recommendation on the projects with the revised wastewater systems or the updated EIR, it was determined that the project should return to the Planning Commission so that the recommendation would be based on the most accurate information available.

U. On July 10, 2008, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu. In addition, on July 10, 2008, pursuant to LIP Section 19.3.2.A, a Notice of Planning Commission Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

V. On August 5, 2008, the Planning Commission declined to hear the item indicating by majority vote that it had reviewed the project extensively and that the changes did not warrant further review by the Planning Commission. Subsequently, the project was scheduled for the City Council.

W. On August 28, 2008, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu. In addition, on August 28, 2008, pursuant to LIP Section 19.3.2.A, a Notice of City Council Public Hearing was mailed to all interested parties; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

X. On September 22, 2008, the City Council conducted a duly noticed public hearing. heard and reviewed the proposed projects and associated environmental document, and directed staff to negotiate a revision to the development agreement provisions relating to the use of the 2.3 acre parcel for other municipal uses, including but not limited to a wastewater treatment facility for the Civic Center Area, and to change the five-year deadline to develop the property to 10 years. The item was continued to the November 10, 2008 City Council hearing but was to report any revisions to the development agreement to the Planning Commission for recommendation pursuant to Local Coastal Program Local Implementation Plan Section 13.28.5. Subsequently, when the revisions were negotiated, the item was scheduled for the next Planning Commission meeting.

Y. On October 21, 2008 the Planning Commission received the report on the proposed revisions to the development agreement and made a recommendation to the City Council to approve the proposed changes as improvements to the development agreement.

Z. At the November 10, 2008, public hearing, the Council heard and considered all testimony and arguments of all persons desiring to be heard and the Council considered all factors relating to the proposed coastal development permit and associated entitlements, including but not limited to the recommendation from the Planning Commission.

Section 2. CEQA Findings.

The City Council finds as follows:

- A. The California Environmental Quality Act (CEQA) requires decision makers to balance the benefits of a proposed project against its unavoidable environmental impacts. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” by adopting a Statement of Overriding Considerations. This statement sets forth the project benefits or reasons why the Lead Agency, City of Malibu, is in favor of approving and weighs these benefits against the project’s environmental impacts identified in the Final Environmental Impact Report (FEIR) that cannot be mitigated to a level less than significant.
- B. CEQA requires decision makers to adopt a mitigation monitoring and/or reporting program for those mitigation measures identified in the FEIR that would mitigate or avoid each significant effect identified in the EIR, and to incorporate the mitigation monitoring and reporting program including all mitigation measures as conditions of project approval. The DEIR includes an analysis of the extent to which the proposed project’s direct and indirect impacts will commit nonrenewable resources to uses that future generations will probably be unable to reverse.
- C. CEQA requires that the responses to comments in the FEIR demonstrate good faith and a well-reasoned analysis, and may not be conclusory. In response to several comments received, portions of the DEIR have been revised. Although new material has been added to the DEIR through preparation of the FEIR, this new material provides clarification to points and information already included in the DEIR and is not considered to be significant new information or a substantial change to the DEIR that would necessitate recirculation.
- D. The CEQA Guidelines [California Code of Regulations Section 15003(c) and (I)] note that state courts have identified that the EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project. CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure.
- E. Comments received on the DEIR during and after the public review period show that there may be disagreements among experts, particularly in the issue areas of traffic, water quality and biological resources. The FEIR includes an additional clarifying narrative and clarifying exhibits for the purposes of fully disclosing the information sources and reasoning by which levels of impact and mitigation measures were established in the DEIR. Further, the clarifying narrative and exhibits in the FEIR serve the purpose of fully disclosing the information sources and reasoning used by various public and agency DEIR commentators who arrived at divergent conclusions. CEQA provides that disagreement

among experts regarding conclusions in the EIR is acceptable, and perfection is not required.

Section 3. Project-Level Impacts Determined to be Significant and Mitigable.

The City Council does hereby find that the FEIR for the La Paz Development Agreement and associated entitlements identifies and discloses project specific impacts and cumulative project impacts. Environmental impacts identified in the FEIR, findings, and facts in support of findings are herein incorporated as Findings Required by CEQA, and are as follows:

- A. The FEIR identifies project-level impacts determined to be significant and mitigable - "Environmental Effects which Have Been Mitigated to a Level Less Than Significant". They are as follows:

1. AESTHETICS

Significant Impact: The project would introduce new development to a site that is primarily vacant. The project would be visible from local and distant viewing locations along portions of City streets (e.g. Civic Center Way, Cross Creek Road, and Malibu Canyon Road) as well as from various residential and/or commercial land uses located along these streets. Existing offsite trees and vegetation would screen some public and private views of the project from these locations. Visibility of the proposed project from these locations is obscured by existing topography, vegetation and existing development within the Civic Center Area. As such, the proposed project would not result in the obstruction of any public scenic views. The proposed project is consistent with the neighborhood in regards to size, design, and height, which includes the surrounding homes and commercial development.

Lighting

The project has the potential to significantly alter the daytime and nighttime visual qualities and conditions of the site and its vicinities. The project has the potential to introduce a greater amount of nighttime lighting to the project site. Light and glare impacts would be potentially significant but can be mitigated to less than significant levels by implementing mitigation measures.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of the Mitigation Measures A-1 through A-3 (Exhibit A) would ensure that the proposed project does not result in any significant aesthetics impacts.

2. AIR QUALITY

Significant Impact: Construction of the proposed project would generate pollutant emissions from the following construction activities: 1) grading and excavation; 2) construction workers traveling to and from project site; 3) delivery and hauling of construction supplies and debris to and from the project site; 4) the fuel combustion by onsite construction equipment; and 5) architectural coating. Estimates of daily particulate matter (PM₁₀) emissions assume proper implementation of South Coast Air Quality Management District (SCAQMD) Rule 403. Estimated daily construction emissions would not exceed any of the SCAQMD thresholds. Therefore, air quality impacts from construction activities would be less than significant.

Operational Impacts

Regional Impacts

Motor vehicles would be the predominate source of long-term emissions associated with the proposed project. The proposed project would not exceed any of the SCAQMD significance thresholds for criteria pollutants. Regional air quality impacts would therefore be less than significant.

Localized Impacts

One-hour Carbon Monoxide (CO) concentrations under “proposed project” conditions would range from approximately 5.4 parts per million (ppm) to 7.1 ppm during the weekday and from approximately 6.1 ppm to 6.6 ppm during the weekend at worst-case sidewalk receptors. The “proposed project” eight-hour CO concentrations are anticipated to range from approximately 3.3 ppm to 4.3 ppm during the weekday and from approximately 3.7 ppm to 4.0 ppm during the weekend. The state’s one and eight-hour standards of 20.0 ppm and 9.0 ppm, respectively, would not be exceeded at worst-case sidewalk receptor locations at the study intersections under “proposed project” conditions. Thus, less than significant impacts are anticipated.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of mitigation measures includes compliance with SCAQMD Rule 40 with policies to regulate construction activities and minimize the impacts of construction related dust and exhaust emissions. Implementation of the MMP mitigation measures B-1 through B-10 would ensure that the proposed project does not result in any significant air quality impacts.

3. CULTURAL RESOURCES

Significant Impact: Archaeological field surveys concluded that there are no observable cultural resources, including artifacts or altered soil, indicating the

presence of prehistoric archaeological remains on the project site. Archaeological records searches revealed that no archaeological or historic sites exist on the project site. Therefore, damage to, destruction, or disturbance of known important cultural, paleontological, or archaeological resources would not be expected to occur.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: As the proposed project would not result in significant impacts to archaeological and paleontological resources, no mitigation measures are necessary. However, implementation of the Mitigation Measures D-1 and D-2 would ensure that the proposed project does not result in any significant cultural resource impacts.

4. GEOLOGY AND SOILS

Significant Impact: Grading/Excavation - Construction of the proposed project would entail approximately 42,507 cubic yards (CY) of cut and 23,299 CY of fill. Of this amount, approximately 2,647 CY would involve remedial cut and 771 would involve remedial fill. The proposed project includes three subterranean parking structures. The subterranean parking structures will require shoring and construction dewatering at a minimum. Shoring and dewatering plans as well as geotechnical reports addressing these issues must be submitted for review to the City Geotechnical staff as part of the building plan check stage.

Geotechnical Hazards

The geotechnical engineering reports for the parcels have been reviewed from a geotechnical perspective and approved-in-concept by the City's consulting Geologist. Based upon the findings of the geotechnical investigation, supplemental response reports, and subsequent conditions imposed through the remarks noted on the City's approval-in-concept for said reports, the site is considered suitable for the planned development.

It is assumed that the Applicant and site developers will be required to comply with all existing local, city, county, state and federal laws, regulations, codes, and statutes applicable to the geology, soils seismicity, and proposed onsite wastewater treatment system (OWTS), conditions outlined in the project geotechnical engineering and investigation reports, and subsequent comments and conditions of the approval in concept granted by the City for each Parcel. Compliance and adherence to project design measures mentioned herein will reduce potentially significant impacts to less than significant levels.

Groundshaking-Seismicity

Property owners and the general public should be aware that any structure in the southern California region is subject to potentially significant damage as a result of a moderate or major earthquake. The project will increase the potential for human health hazards and destruction of property to occur on the project site during a sizable seismic event. The risks associated with seismic activity are unavoidable and inherent to any location throughout the southern California region. While it is impossible to totally prevent structural damage to buildings and loss of life as a result of seismic events, adherence to all applicable building codes and regulations and site-specific engineering specifications can reduce such impacts to less than significant levels.

If engineering studies using state-of-the-practice techniques are employed, the impacts from ground rupture can be accounted for with setbacks and foundation designs to accommodate several inches of movement. Surface rupture potential is considered low to moderate, and the impacts are considered significant but mitigatable.

Secondary Effects of the Proposed Onsite Wastewater Treatment System

The proposed OWTS would effectively treat and dispose wastewater generated by the Proposed project while minimizing impacts to the greatest degree feasible. The proposed OWTS includes a network of underground wastewater treatment tanks proposed to effectively remove solids and floatable oil and grease containing materials from the waste stream prior to discharging effluent on site. The effluent would be processed to meet the minimum requirements of the City of Malibu Uniform Plumbing Code and disposed into a system of leach fields and subsurface drip disposal areas.

The referenced geotechnical investigation and hydrogeological feasibility reports were reviewed by the City's consulting geologist and approved in concept for CDP approval, with conditions to be addressed during the building plan check stages. Based on this review, the project's secondary impacts from the proposed OWTS could be reduced to less than significant with the implementation of the stated mitigation measures.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measures E1-E9 will reduce the impact to geology and soils to a level less than significant.

5. HYDROLOGY AND WATER QUALITY

Significant Impact: Hydrology/Flooding - Based on the Federal Emergency Management Agency's (FEMA) flood plain elevations, Parcel A is predominately in

an area that is prone to flooding depths of two feet, and portions of Parcels B and C are in areas prone to flooding depths of one foot. The project design incorporates finished floor heights raised well above the flood levels determined by FEMA for the development areas and, as such, would not result in significant flooding impacts. Potential flooding impacts will therefore be avoided through site design and remedial grading planning.

Onsite Drainage

The onsite drainage system designed for the project site includes a 38-inch reinforced concrete pipe (RCP) along the east side of the project site and a 24-inch RCP along the west side of the project site. The storm drain system and the debris basin have been designed to accommodate water flow and debris from the watershed area north of the project site during a 50-year storm. The final drainage plan will be required to be reviewed and approved during approval of the proposed grading and drainage plans. Approval of these plans will ensure all flooding and drainage impacts are addressed on site. As such impacts associated with drainage and flooding will be reduced to less than significant levels.

Water Quality -Construction

During grading and construction activities, there will be a potential for surface water runoff to carry sediment and small quantities of pollutants into the storm water system. The National Pollution Discharge Elimination System (NPDES) requires that a Notice of Intent (NOI) be filed with the State Water Resources Control Board (SWRCB) for construction activities greater than one acre (effective March 1, 2003). A Water Quality Mitigation Plan (WQMP) will be required to be developed, reviewed and approved by the City of Malibu prior to any onsite grading activities. The WQMP will identify BMPs such as sandbag barriers, temporary desilting basins near inlets, gravel driveways, dust controls, employee training, and general good housekeeping practices that help prevent water quality contamination. With the implementation of the BMPs, short-term water quality impacts should be reduced to less than significant levels.

Operational Impacts

Post-development storm water runoff has the potential to contribute pollutants to the storm water conveyance system and ultimately to the ocean. Prior to development, the City will require an approved WQMP prior to the issuance of any building permits. Compliance with the SUSMP and City Ordinance 157 would ensure that the proposed projects would not result in any significant water quality impacts. In addition, the proposed man-made wetlands, which are proposed to control runoff from developed and paved surfaces, would also serve to minimize the introduction of pollutants of concern to offsite water bodies.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measures F1-F9 will reduce the impact to a level less than significant.

6. LAND USE AND PLANNING

Significant Impact: The proposed project involves the development of a vacant property with a total development of 19,117 square feet of commercial floor area, including commercial office and retail space on Parcels A and B. Parcel A occupies approximately 359,447 square feet of land area and is proposed to be developed with 53,917 square feet of commercial office and retail uses. The proposed FAR for Parcel A is approximately .15. Parcel B occupies approximately 301,358 square feet of land area and is proposed to be developed with 45,200 square feet of commercial office and retail uses. The proposed FAR for Parcel B is .15.

Based on the zoning code, the project would require a total of 466 parking spaces on Parcels A and B. The proposed project would include approximately 478 parking spaces, with 292 spaces on Parcel A, and 186 spaces on Parcel B. The project would meet the parking requirements and parking impacts would be less than significant.

The proposed project is substantially consistent with the Community Commercial land use designation of the General Plan Land Use Element. The proposed project is also substantially consistent with the allowable uses and development standards for Community Commercial zoning designation for the project site, including the minimum parking requirements. Several discretionary land use and entitlement actions (Coastal Development Permit, Lot Line Adjustment, and Conditional Use Permits) 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.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measures G1-G4 will reduce the impact to land use and planning to a level less than significant.

7. PUBLIC UTILITIES

Electricity

Significant Impact: The project site does not currently support any uses that consume electricity resources. Therefore the proposed project would result in an increase in the amount of electricity consumed on the project site. Upon completion, the proposed project is anticipated to consume approximately 4,773 kilowatt hours of electricity per day. The existing electricity infrastructure in the project vicinity is not experiencing any problems or deficiencies and the proposed project would not exceed infrastructure design capacities. According to the Southern California Edison Company, the existing infrastructure would be able to handle the electricity demand of the proposed project. The proposed project would therefore have a less than significant impact on electricity services.

However, temporary disruptions in service may occur during connection of electricity service to the proposed project. In the case that service disruption to adjacent properties is needed, a potentially significant impact would be created. Implementation of Mitigation Measures I-1 through I-17 will reduce the impact to electricity to a level less than significant.

Water Service

Significant Impacts: The proposed project is expected to generate a demand of approximately 43,370 gallons per day (gpd) of water. While adequate water supply in the project area exists, existing storage and distribution infrastructure cannot serve the proposed project. Water mains for the proposed project do not exist, and therefore would need to be constructed. Therefore, a potentially significant impact could occur and mitigation measures are required. Implementation of Mitigation Measures I-18 through I-22 will reduce the impact to water service to a level less than significant.

Wastewater Service

Significant Impact: The proposed project will be served by a proposed onsite wastewater treatment plant. As such the proposed project will be self-efficient with regard to wastewater treatment and will not result in any impacts upon local public wastewater treatment utility providers. Implementation of Mitigation Measures I-23 through I-26 will reduce the impact to wastewater to a level less than significant.

Solid Waste Service

Construction Impacts

Significant Impact: Much of the solid waste generated during the construction phase such as wood, metal scrap, and formed construction board (cement and dry wall board) would be recycled and salvaged to the maximum feasible extent. Materials not recycled would be disposed of at local landfills, and possibly a Class III landfill for any hazardous materials. With the recycling of most of the solid waste generated by

the construction phase of the proposed project, short-term construction impacts to landfills and solid waste service would be less than significant.

Operational Impacts

Upon full occupancy of the proposed project, daily solid waste associated with the proposed project would be approximately 794 pounds of solid waste per day. Solid waste generated onsite would be disposed of in accordance with all applicable federal, state, and local regulations related to solid waste. Correspondence with the G.I. Rubbish Company has suggested that the proposed project would utilize a waste pick up service three times a week, using three trash bins, each three cubic yards in size and a recycling pick up service two times a week, using two trash bins of the same size. This level of service is expected to accommodate the solid waste generated by the proposed project, and impacts would thus be less than significant. Although mitigation is not required, Mitigation Measures I-27 through I-29 will ensure impact to solid waste is a level less than significant.

8. PUBLIC SERVICES

Los Angeles County Fire Department (LACFD) Services

Significant Impact: The proposed project would increase the level of human occupancy and activity on the project site, and this level of activity could result in a likely increase in the percentage of emergency calls to the project site. According to the LACFD, additional service provisions, including staff, equipment, and stations are already needed. Therefore, development of the proposed project could create a potentially significant environmental impact by exacerbating already insufficient service ratios and standards. Mitigation measures are required.

Water Supply and Infrastructure

The project site is not currently served by water infrastructure such as water mains or fire hydrants. This lack of water services for fire protection on the project site would have a significant impact on fire protection services, necessitating the inclusion of mitigation measures to specifically address this impact.

Grading, Slope, and Associated Wildfire Risks

While most of the proposed project is located on land that has a less than ten percent grade, the north boundary is characterized by steeper slopes, which, without mitigation could pose a fire risk to developments located upslope. The development pads will be graded to comply with the LACFD requirements. A Fuel Modification Plan will need to be developed and submitted to the LACFD for approval to mitigate potential grading, slope and associated wildfire impacts within the northern areas of the project site.

Emergency Fire Access

The proposed site plan for .15 project identifies one primary driveway providing access to Parcels A and B. The access driveway will be developed in accordance with all applicable fire access codes and standards and the proposed development plans will be required to be submitted to and approved by the LACFD prior to construction. Thus, impacts associated with fire services and apparatus accessibility would be less than significant.

Police Protection Services

Construction Impacts

Significant Impact: Los Angeles County Sheriff Department (LACSD) service requirements would increase over the existing demands during the construction phase of the proposed project. The potential for vandalism and theft would increase due to the presence of construction equipment and building materials, increasing Sheriff's service demands for property protection. Therefore, potentially significant impacts would occur, and mitigation measures are required.

Operational Impacts

The proposed project consists of 99,117 square feet of commercial, retail, and City Hall space that would add incrementally to the existing demands on the LASD in the City of Malibu. According to the LASD, existing staff levels are adequate to meet the needs of the proposed project. Therefore, impacts would be less than significant.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measures J1-J10 will reduce the impacts to public services to level less than significant.

9. ENVIRONMENTAL HAZARDS

Construction Impacts

Public record research of the project site indicated that no potential environmental hazards which could be upset during construction activities are present on the project site. The site is not listed on any federal, state, or local databases compiled in accordance with Government Code Section 65962.5. Therefore, impacts with respect to this issue are considered less than significant.

Groundwater Impacts

An analysis of groundwater samples at the project site indicated that total petroleum hydrocarbons (TPH) was not detected (ND). Concentrations of benzene and ethylbenzene ranged from ND to microgram per liter (1 µg/l). Concentrations of toluene were detected at 1 µg/l and concentrations of xylenes ranged from ND to 4

µg/l. All of these concentrations are below the state drinking water standards and, therefore, are not considered to be significant. However, pumped groundwater could potentially draw higher concentrations of contaminants onto the project site, constituting a potentially significant impact and necessitating incorporation of mitigation measures that address the risk of accidental groundwater contamination during construction.

Asbestos Impacts

The structures on the project site may have been built prior to the federal banning of asbestos containing materials (ACMs). Therefore, the existing structures may have been constructed with building materials containing lead-based paint and/or ACMs. The potential release of ACMs is considered to be a significant impact. Mitigation measures are required.

Radon Impacts

Based on the location of the project site, elevated levels of radon are not expected to be of concern, and no impact would occur.

Lead Impacts

It is possible that the existing structures on the project site contain lead-based materials which could be released into the environment during demolition activities. Therefore, a potentially significant impact exists and mitigation measures are required.

Polychlorinated Biphenyl (PCB) Impacts

Within the existing onsite structures, fluorescent light ballasts manufactured prior to 1978 may contain small quantities of PCBs. It is possible that PCBs could be released into the environment during demolition activities. Therefore, a potentially significant impact exists and mitigation measures are required.

Operational Impacts

The proposed project does not involve any materials or activities that would entail the use of hazardous materials that could potentially pose a threat to individuals onsite or on immediately adjacent properties. Based on the proposed project's required compliance with applicable regulations, the risk of upset and accidental conditions involving the release of hazardous materials into the environment is considered to be less than significant.

Finding: Pursuant to CEQA Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Facts in Support of Finding: Implementation of Mitigation Measures L1-L4 will reduce the impact to a level less than significant.

Section 4. Alternatives Analyses.

Based upon the testimony and other evidence received, and upon studies and investigation made on its behalf, the City Council further finds that the FEIR analyzes a reasonable range of project alternatives. The alternatives in the FEIR are as follows:

- A. Commercial Buildings with Surface Level Parking only – This alternative was dismissed due to the requirement for 45 percent of the site to be landscaping, 25 percent to be open space, and that no parking could be provided in either the open space or landscaping area. There was no way to achieve the project’s objective of even a .15 FAR with surface level only parking. In addition, the amount of hardscape required for surface level parking was not an environmentally superior alternative.

The Council finds that the surface level parking only concept did not meet the project objectives nor required open space and landscaping requirements of the City’s land use regulatory documents.

- B. Big Box Alternative – Alternative was considered to construct a large building or a series of large buildings which could accommodate a large “big box” retail business or a large supermarket. The positive aspects of this alternative include 11 smaller buildings into one to three larger buildings which would allow locating the structures further to the south away from surrounding residential neighborhood to the north. This would provide for greater buffers from the adjacent residential neighborhoods and possibly allow a reduction in the number of onsite drive aisles and associated hardscaping. The “big box” alternative was rejected as infeasible because it would not be consistent with the City’s General Plan, Zoning and LCP which requires commercial structures be “small scale” or “low rise,” and to be subordinate to the setting, and consistent with the size and character of surrounding residential homes and other development. A “big box” store would be out of scale with surrounding residential homes and commercial development.

The Council finds that the Big Box alternative does not meet the project objectives and is inconsistent with the General Plan and Local Coastal Program Land Use Policies.

- C. The No Project Alternative – This alternative does not alter the site in any way, or increase traffic or site lighting. However, this alternative does not meet the project objectives of commercial development on a site designated for such use in all the City’s land use regulatory documents.

The alternative assumes nothing is proposed or approved on the sites and that the current condition on all sites remains. For example, no buildings or structures would be constructed on the site, no landscaping or hardscaping would occur. Any on-going maintenance that is currently occurring would continue, such as discing for the properties for fire suppression purposes. The No Project Alternative will have reduced environmental impacts when compared to the proposed project but will not meet the

project objectives La Paz Ranch, LLC regarding the future development of the large vacant parcels in the Malibu Civic Center.

The No Project Alternative would not allow for realization of the goal of developing residentially scaled garden offices and commercial spaces with shops and food establishments to serve customers and businesses within the City of Malibu. The No Project Alternative would thwart the project goal of developing a project on a currently underutilized site that is financially viable and which provide fiscal benefits, jobs and enhanced tax revenues to the City of Malibu and its residents. The No Project Alternative would thwart the project goal of providing residents with modern, full service retail/commercial with adequate parking which offers the quantity, quality and variety of merchandise and services to serve customers from the City of Malibu, thereby enhancing choice and opportunities for Malibu residents while simultaneously reducing the travel needs of those residents.

- D. Alternate locations on the site and varying degrees of commercial use (variations in the amount of retail to office space). A variety of site layouts have been considered over the years and the driving design force has been the development standards with the Zoning Code and subsequently, the LCP. The somewhat Z-shaped parcels represent design constraints given the setback requirements of 20 percent front yard, 25 percent cumulative side yard, and a 15 percent rear yard. The setbacks combined with the 40 percent landscaping and 25 percent open space create a very specific development envelope. The Applicant, as part of the Local Coastal Program Amendment, has requested development standards which primarily accommodate the addition of the City Hall complex. There are no large footprint changes to the Applicant's proposed commercial development as part of the DA .20 project. The ratio of retail space and office space is discussed in terms of traffic generation in the EIR. However, since any addition of commercial space in the area will require a statement of overriding considerations the ratio is more attributable to neighborhood compatibility. For example, the previous iteration of Buildings 10 and 11 were a mix of retail and office and are located closer to the eastern property line. Due to neighbor concerns, the buildings were relocated to the furthest point (respecting setbacks) west and the use limited to the less intensive office-use only.

The alternate locations on the site and varying degrees of commercial uses were studied by the Applicant and City staff. Both the .DA .20 project and the preferred alternative (.15 project) have the most intense uses (shopping center area) located as close as possible to the existing commercial development on Civic Center Way. The less intense use, primarily day time use of office space, is located closer to the more compatible existing residential development on Cross Creek Road.

The City Council finds that an alternate location on the site or percentage of use on the site will not meet the project objectives and that either the preferred alternative or the DA .20 project are a reasonable mix of uses sensitively sited to adjacent properties.

- E. The Preferred Alternative – This alternative is described in detail throughout the associated staff report as the .15 project. Implementation of this project would have reduced impacts compared to the proposed .20 DA project on noise, air quality, biological resources, cultural resources, hydrology/water quality, geology and soils, and hazard risks as identified throughout the EIR. The project does reduce significant impacts, but doesn't meet project objectives of commercial development. Development layouts would be similar to those of the DA .20 project but without the City Hall complex. The preferred alternative would have similar if not slightly less aesthetic impacts due to reduced massing on the sites. The .15 project is in compliance with the LCP commercial development standards and the required findings be made.
- F. The Proposed .20 DA Project Alternative - This alternative is described in detail throughout the associated staff report. Implementation of this project would have similar impacts as the .15 project, described above as the preferred alternative, the primary difference being that this alternative provides a public benefit.

This alternative is described in detail throughout the associated staff report, which is incorporated herein by reference. Implementation of this alternative would have impacts similar to those of the .15 project, described above as the Preferred Alternative. The primary difference is that the .20 DA alternative provides for the dedication of 2.3 acres to the City for certain public uses and provides for 12,941 square feet of additional development to the applicant.

The City Council finds that the .15 project meets the LCP development standards and provides needed office space, shopping and restaurants in the Civic Center Area, whereas the .20 DA Alternative, while more environmentally impactful, its public benefits would not be realized unless and until it receives approval from the California Coastal Commission.. In contrast, because it is in compliance with the LCP, the .15 Project can proceed without requiring discretionary Coastal Commission review.

Section 5. General Findings.

Based upon the testimony and other evidence received, and upon studies and investigation made on its behalf, the City Council finds:

- A. The Final Environmental Impact Report for this project is adequate, complete, and has been prepared in accordance with the California Environmental Quality Act (CEQA).
- B. The City Council has reviewed and considered the FEIR in reaching its conclusion.
- C. In accordance with CEQA Guidelines Sections 15091 and 15093, the EIR includes a description of each potentially significant impact and rationale for finding that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as detailed in Section 3.

- D. In accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091, changes and alterations have been required and incorporated into the La Paz Ranch, LLC .15 Project and related entitlements which avoid or substantially lessen the significant environmental effect because feasible mitigation measures included in the MMRP are made conditions of approval for this project.
- E. The FEIR reflects the City's independent judgment and analysis.

Section 6. Impacts Determined to be Significant and Unavoidable Requiring a Statement of Overriding Considerations.

Based upon the testimony and other evidence received, and upon studies and investigation made by the City Council and on its behalf, the City Council further finds that there is substantial evidence to support the finding that the La Paz Ranch .15 Project will have community benefits, including specific economic, legal, social, technological, and other benefits, that outweigh the significant effects on the environment that cannot be mitigated to a level less than significant. The benefits, which the City acknowledges are of fundamental value to the community, include, among others: 1) a pedestrian and bike path project connecting to Civic Center Way; 2) dedication of trail segment fronting along Civic Center Way; 3) providing fiscal benefits to the City's general fund; 4) providing both short-term construction employment and long-term permanent employment within the City; and 5) providing much needed retail/shopping opportunities.

The following Statement of Overriding Considerations (SOC) identifies and weighs the significant unavoidable impacts that cannot be mitigated to a level less than significant with the community benefits from this project.

STATEMENT OF OVERRIDING CONSIDERATIONS

The Statement of Overriding Consideration is organized into three sections: Section 1: Project Specific Effects that are Unavoidable Significant Effects which Cannot be Mitigated to a Level Less Than Significant; Section 2: Cumulative Project Effects that are Unavoidable Significant Effects which Cannot be Mitigated to a Level Less Than Significant; and Section 3: Specific Overriding Community Benefits of the Project that Outweigh the Significant Effects of the Environment.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, for those significant effects that cannot be mitigated to less than significant, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment based on substantial evidence in the record. In accordance with the provisions of CEQA and the CEQA Guidelines, this Statement of Overriding Considerations has been prepared to identify and weigh those unavoidable significant effects, which cannot be mitigated to a level less than significant.

SECTION 1 - PROJECT SPECIFIC EFFECTS - UNAVOIDABLE SIGNIFICANT EFFECTS WHICH CANNOT BE MITIGATED TO A LEVEL LESS THAN SIGNIFICANT

The City Council has determined that, although EIR mitigation measures and conditions of approval imposed on the project will provide substantial mitigation of the identified significant environmental effects; these environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with Section 15093 of the CEQA Guidelines, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the project.

This section sets forth the significant unavoidable effects of the project and, with respect to each significant impact, identifies one or more of the required CEQA findings, states facts in support of these findings and refers to the Statement of Overriding Considerations.

- A. The FEIR identifies "Unavoidable Significant Environmental Effects which Cannot Be Mitigated to a Level Less than Significant." They are as follows:

1. CONSTRUCTION NOISE

Significant Impact: Construction of the proposed project would result in temporary increases in ambient noise levels in the project area on an intermittent basis. The new ambient noise level during the construction phase of the proposed project (with the use of mufflers) would be at least 17 decibels (A-weighted) (dBA) greater than the existing ambient noise level at Receptor 1 and at least 9 dBA greater than existing ambient noise levels at Receptors 2 and 3 (see Figure V.H-1, Noise Monitoring Locations). At Receptor 4, an incremental increase of less than 1 dBA is anticipated during construction. The new ambient noise levels at Receptors 1, 2, and 3 would exceed the significance threshold of a 5 dBA. With the use of mufflers and the application of the prescribed Mitigation Measures listed above, a decrease of approximately 3 dBA in the new ambient sound level is anticipated at Receptor 1, and a decrease of approximately 2 dBA in the new ambient sound level is anticipated at Receptors 2 and 3. However, a significant and unavoidable temporary noise impact during construction would remain at Receptors 1, 2 and 3. In the event the proposed project is approved despite these significant noise impacts, a Statement of Overriding Considerations will be required to be adopted by the decision makers.

Finding: CEQA requires decision makers to balance the benefits of a proposed project against its unavoidable environmental impacts. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable" by adopting a Statement of Overriding Considerations. This statement sets forth the project benefits or reasons why the Lead Agency is in favor of approving and weighs these benefits against the project's environmental impacts identified in the FEIR that cannot be mitigated to a level less than significant.

Facts in Support of Finding: Implementation of Mitigation Measures H-1 through H-4 is required to address construction noise; however, this issue will remain significant and unavoidable during the construction phase of the project. The following facts or mitigation measures indicate that the identified significant effects of the project have been reduced or avoided to the extent feasible; however, those impacts cannot be feasibly mitigated to below a level of significance, and the remaining unavoidable effects are acceptable when balanced against the specific overriding economic, legal, social, technological or other considerations described in the Statement of Overriding Considerations (see discussion below).

- B. The FEIR identifies “Cumulative Impacts Associated with the Project which Remain Potentially Significant and Unavoidable.”

1. BIOLOGICAL RESOURCES

Significant Impact: Development of the proposed project would result in the grading (including remedial excavation and re-compaction) of the project site. These operations would remove all native hillside sage scrub habitat and sycamore woodland relic cells. Additionally, non-native Eucalyptus trees and the non-native annual grassland would also be permanently removed. The loss of coastal sage scrub is considered an adverse, but less than significant impact due to the disturbed and isolated nature of coastal sage scrub onsite. Therefore, no mitigation for loss of coastal sage scrub is required. The loss of onsite sycamore trees is considered to be potentially significant as their removal would conflict with the Malibu LIP Chapter 5. The loss of annual non-native grassland is considered to be a less than significant impact. Landscaping within the resulting undeveloped areas would offset any adverse impacts to non-native grasslands. Removal of Eucalyptus and other invasive, non-native trees and vegetation (e.g., castor bean, mustard, etc.) is considered to be a beneficial impact.

Based on a general biological assessment conducted on the project site, no sensitive flora are known to occur onsite. Further, no wetlands or other jurisdictional features are present. Therefore, no significant impacts to these resources are anticipated.

Impacts to Wildlife

Construction of the proposed project would disturb all wildlife species, which currently reside or utilize the project site through the displacement or killing of such species during grading operations. Most wildlife species present on the project site are common and urban adapted. Highly mobile wildlife would move off the project site during construction, but low mobility organisms (e.g., burrowing mammals, reptiles, etc.) risk destruction. Incidental injuries and kills can be reduced in number with implementation of the recommended mitigation measures.

Most wildlife species present on the project site are common and urban adapted. No endangered or threatened wildlife species are known to be present on the project site. Therefore, no impacts to any endangered, threatened or otherwise protected species would occur.

Finding: CEQA requires decision makers to balance the benefits of a proposed project against its unavoidable environmental impacts. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable" by adopting a Statement of Overriding Considerations. This statement sets forth the project benefits or reasons why the Lead Agency is in favor of approving and weighs these benefits against the project's environmental impacts identified in the FEIR that cannot be mitigated to a level less than significant.

Facts in Support of Finding: The following facts or mitigation measures indicate that the identified significant effects of the project have been reduced or avoided to the extent feasible; however, those impacts cannot be feasibly mitigated to below a level of significance, and the remaining unavoidable effects are acceptable when balanced against the specific overriding economic, legal, social, technological or other considerations described in the Statement of Overriding Considerations (see discussion below):

Implementation of Mitigation Measures C-1 through C-8 will reduce the impacts to a less than significant level; however, the cumulative impacts associated with the loss of open space remain significant and unavoidable.

2. TRANSPORTATION

Significant Impact: The project would generate a net increase of 2,863 weekday daily trips, 151 weekday morning peak hour trips and 248 weekday afternoon peak hour trips. For weekends, the project would generate a total of 2,241 daily trips and 197 mid-day peak hour trips. Traffic expected from other specific development projects within the area was considered in formulating a Cumulative Base condition for the analysis. Although most of the related projects are still in the planning stages, the Cumulative Base conditions conservatively assume that all of the related projects (see Table IV-C.1 in the EIR) are fully built in year 2007. The related projects are projected to generate 10,967 weekday daily trips, 714 weekday morning peak hour trips, and 1,249 weekday afternoon peak hour trips. For Saturday (weekends), the related projects are expected to generate a total of 8,202 daily trips and 1,083 mid-day peak hour trips.

Traffic studies conducted for the proposed project (KAKU Associates 2005 and Priority Engineering 2007) evaluated the potential traffic-related impacts at nine intersections throughout Malibu. The studies concluded that the proposed project would significantly impact five of the nine study intersections and one roadway section. The five intersections are:

- Webb Way at Pacific Coast Highway
- Cross Creek Road at Pacific Coast Highway
- Webb Way at Civic Center Way
- Cross Creek Road at Civic Center Way
- Malibu Canyon Road at Pacific Coast Highway

Of the five impacted intersections, only three intersections have proposed mitigation measures that will effectively mitigate project impacts. Those intersections are Webb Way at Pacific Coast Highway, Cross Creek Road at Pacific Coast Highway and Webb Way at Civic Center Way.

Implementation of the mitigation improvements would be effective in mitigating project impacts at three of the five intersection locations identified in the analysis for the weekday cumulative plus project conditions. However, significant and unavoidable traffic impacts would still remain at two intersection locations, namely: the intersection of Malibu Canyon Road and PCH during the weekday a.m. and p.m. periods, and the intersection of Cross Creek Road and Civic Center Way during the weekday p.m. period. There are no feasible mitigation measures for the intersections at Malibu Canyon Road and Pacific Coast Highway, or at Civic Center Way and Cross Creek Road. Additionally, for the roadway segment of Malibu Canyon Road between the Hughes Research Lab and Piuma Road, no feasible mitigation measures have been identified.

Finding: CEQA requires decision makers to balance the benefits of a proposed project against its unavoidable environmental impacts. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” by adopting a Statement of Overriding Considerations. This statement sets forth the project benefits or reasons why the Lead Agency is in favor of approving and weighs these benefits against the project’s environmental impacts identified in the FEIR that cannot be mitigated to a level less than significant.

Facts in Support of Finding: The following facts or mitigation measures indicate that the identified significant effects of the project have been reduced or avoided to the extent feasible; however, those impacts cannot be feasibly mitigated to below a level of significance, and the remaining unavoidable effects are acceptable when balanced against the specific overriding economic, legal, social, technological or other considerations described in the Statement of Overriding Considerations (see discussion below).

Implementation of Mitigation Measures K-1 through K-3 is required; however, impacts to transportation and circulation will remain significant and unavoidable.

**SPECIFIC OVERRIDING COMMUNITY BENEFITS OF THE PROJECT THAT
OUTWEIGH THE SIGNIFICANT EFFECTS ON THE ENVIRONMENT**

1. The project will provide the City with improvements to infrastructure including improvements to Pacific Coast Highway.
2. The project will fulfill long-term economic and social goals for the City and the community.
3. The project will help to establish a retail center that is geographically centrally located, that provides interdependent uses thereby minimizing trips and enhances the existing Civic Center uses.

Section 7. The City Council has reviewed and considered the environmental information contained in the FEIR (SCH No. 200311131) and determines that it is adequate and in compliance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.). In compliance with Public Resources Code Section 12081 and CEQA Guidelines Section 15093, the City Council has considered the project benefits as balanced against the unavoidable adverse environmental effects and hereby determines that any of the overriding considerations listed in the Statement of Overriding Considerations outweighs the unavoidable adverse environmental effects; therefore, the City Council determines that the adverse environmental effects are considered acceptable.

Section 8. The City Council adopts the above Statement of Overriding Considerations.

Section 9. The City Council adopts the Mitigation Monitoring Program attached hereto as "Exhibit A" and made a part hereof.

Section 10. Certification.

The City Clerk shall certify the adoption of this Resolution.

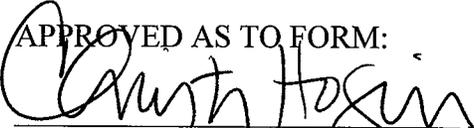
PASSED, APPROVED AND ADOPTED this 10th day of November, 2008.


PAMELA CONLEY ULICH, Mayor

ATTEST:


LISA POPE, City clerk
(seal)

APPROVED AS TO FORM:


CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 08-53 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 10th day of November, 2008, by the following vote:

AYES:	4	Councilmembers:	Barovsky, Sibert, Wagner, Stern
NOES:	1	Councilmember:	Conley Ulich
ABSTAIN:	0		
ABSENT:	0		



LISA POPE, City Clerk
(seal)

**La Paz Development Agreement Final EIR
Revised Mitigation Monitoring Program**

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
V.A Aesthetics/Views			
(A-1) All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the City Planning Department. The final Landscape Plan shall be in substantial compliance with the Landscaping Plan illustrated in Figure V.A-6, V.A-6A, V.A-6B, and V.A-6C and shall include a row of coast live oak trees, which shall be planted 15 feet apart trunk to trunk on center along the northeasterly property boundary and Australian willow and coast live oak around buildings 10 and 11, west of the road.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction. 	City of Malibu Environmental and Community Development Department
(A-2) Outdoor lighting shall incorporate low-level lighting fixtures and shall be designed and installed with directional shields so that the light source cannot be seen from adjacent land uses.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction. 	City of Malibu Environmental and Community Development Department
(A-3) The exterior of the proposed buildings shall be constructed of non-reflective building materials.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction 	City of Malibu Environmental and Community Development Department
V.B Air Quality			
(B-1) The construction area and vicinity (500-foot radius) shall be swept (preferably with water sweepers) and watered at least twice daily.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(B-2) All unpaved roads, parking and staging areas shall be watered at least once every two hours of active operations.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
			Services
(B-3) Site access points shall be swept/washed of visible dirt deposition at the end of each workday	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(B-4) On-site stockpiles of debris, dirt or rusty material shall be covered or watered at least twice daily.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(B-5) All haul trucks hauling soil, sand, and other loose materials shall either be covered or maintain two feet of freeboard.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(B-6) All haul trucks shall have a capacity of no less than twelve and three-quarter (12.75) cubic yard.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(B-7) At least 80 percent of all inactive disturbed surface areas shall be watered on a daily basis when there is evidence of wind-driven fugitive dust.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(B-8) Operations on any unpaved surfaces shall be suspended when winds exceed 25 mph.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(B-9) Traffic speeds on unpaved roads shall be limited to 15 miles per hour.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(B-10) Operations on any unpaved surfaces shall be suspended during first and second stage smog alerts.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
			Services
V.C Biological Resources			
(C-1) Nesting birds are protected by both the California Department of Fish and Game (CDFG) Code and the federal Migratory Bird Treaty Act (MBTA). Removal of, or encroachment into existing on-site vegetation, should be restricted to off-peak bird nesting season, which typically occurs between February 1 and August 30. Should vegetation/tree removal be required during this period, the Applicant shall obtain the services of a qualified biologist, approved by the City, to conduct a series of nesting bird surveys consistent with CDFG recommended nesting bird surveys protocol methods in effect at the time. Any active nests shall be marked and exclusionary fencing shall be placed at a 10-foot radius around the nest (300 feet for raptors). The exclusionary fencing shall remain in place until such time that the biologist determines that the nest is no longer active. All equipment and human activity shall be excluded from these areas during active nesting without exception. Should the actual construction of nests be observed by the project biologist, he/she may, with direction from the regional CDFG wildlife biologist, remove the nesting materials and/or dissuade further construction of the nest provided no egg-laying has begun	<ul style="list-style-type: none"> Grading permit approval 	<ul style="list-style-type: none"> Prior to site grading/tree removal 	City of Malibu Department of Environmental and Community Development
(C-2) All disturbed and non-vegetated areas of the site must be watered daily during vegetation clearance and grading to minimize the generation of fugitive dust	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During site preparation and grading 	City of Malibu Department of Engineering Services
(C-3) Prior to the initiation of vegetation clearance and grading, a qualified biologist or ecologist shall monitor the site and attempt to clear the proposed grading area of wildlife. The monitor	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> Prior to/during site preparation and grading 	City of Malibu Department of Environmental and Community

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
will be present while all vegetation is removed, and shall direct the equipment operator to avoid impacts to wildlife through normal minimization techniques.			Development
(C-4) Native vegetation shall be used in the landscaping pallet to the greatest extent feasible as required by the City of Malibu in the project's landscaping plan pursuant to mitigation measure A-1 at page V.A-14.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction 	City of Malibu Department of Environmental and Community Development
(C-5) The lighting plan should be designed in consultation with the City Biologist or a qualified ecologist familiar with best management building practices. All lighting should be of low luminescence, directed downward or toward structures, and shielded to the extent necessary to protect nocturnal biological resources, pursuant to mitigation measure A-2 at page V.A-15.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction 	City of Malibu Department of Environmental and Community Development
(C-6) Native protected tree species (i.e., sycamore) removed on-site shall be replaced in accordance with the Tree Mitigation Plan approved by the City Biologist. The approved plan includes the removal of 6 trees and a replacement on-site at a better than 10:1 ratio.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction 	City of Malibu Department of Environmental and Community Development
(C-7) Contribution to a restoration program for CSS in the Santa Monica Mountains to an established conservation organization or governmental agency on a 1:1 creation (2:1 enhancement) per/acre basis; or	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction 	City of Malibu Department of Environmental and Community Development
(C-8) Contribution to an established conservation organization or governmental agency in the Santa Monica Mountains to assist with purchase and set-aside of existing CSS habitat in the Santa Monica Mountains on a 2:1 per/acre basis.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction 	City of Malibu Department of Environmental and Community Development
V.D Cultural Resources			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
(D-1) In the event that archaeological resources are encountered during the course of grading or construction, all development must temporarily cease in these areas until the resources are properly assessed and subsequent recommendations are determined by a qualified consultant.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Environmental and Community Development
(D-2) In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the Project Site that are not reasonably suspected to overlie adjacent remains or cultural resources. If undiscovered evidence of prehistoric artifacts is discovered construction activities in the affected areas shall not proceed until written authorization is granted by the City of Malibu Planning Manager	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During site preparation, grading and soils excavation. 	City of Malibu Department of Environmental and Community Development
V.E Geology and Soils			
(E-1) The proposed project shall be constructed in accordance with the geotechnical engineering recommendations as presented in the Engineering Geological and Geotechnical Engineering Reports (and subsequent Responses to City Comments), for the Proposed Malibu-La Paz Ranch, LLC, Civic Center Way, City of Malibu California, by Gold Coast GeoServices, Inc.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services
(E-2) All uncertified fill material placed within the fault trenches shall be removed and replaced as 90 percent compacted fill	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During site preparation and grading. 	City of Malibu Department of

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
during the planned site preparations and rough grading.			Engineering Services
(E-3) Temporary dewatering and discharge activities shall be monitored by the dewatering contractor and conducted in strict accordance with the Los Angeles Regional Water Quality Control Board's Order No. R4-2003-0111 (Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (General Permit No. CAG994004).	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During grading, soils excavation and construction. 	City of Malibu Department of Engineering Services
(E-4) As recommended by the Project Geotechnical Engineer, all structures located within the "moderate and high" risk surface manifestation hazard areas that are not situated atop parking structures shall be provided with a minimum 10-foot thick 90% compacted fill blanket. It is recommended that the compacted fill blanket be reinforced with Tensar BX1200 geogrid or equivalent placed at two-foot vertical intervals up to two feet below the planned finish rough grade pad. Recommendations addressing over-excavation, installation of geogrid and backfilling of these areas shall be provided during the plan check approval process that addresses temporary stability of construction excavations and bottoms.	<ul style="list-style-type: none"> Plan approval; Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> Prior to construction; During construction. 	City of Malibu Department of Engineering Services
(E-5) The structural engineer shall provide a letter along with supporting information, prior to plan check approval, indicating that the proposed buildings can tolerate the anticipated total and differential movements, or that site-specific geotechnical recommendations will be required.	<ul style="list-style-type: none"> Plan approval. 	<ul style="list-style-type: none"> Prior to construction. 	City of Malibu Department of Engineering Services
(E-6) The proposed structures should be constructed utilizing post-tensioned foundation systems and post-tensioned slabs-on-grade designed by the project structural engineer.	<ul style="list-style-type: none"> Plan approval. 	<ul style="list-style-type: none"> Prior to construction. 	City of Malibu Department of Engineering

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
			Services
(E-7) The Project Geotechnical Consultant shall provide appropriate geotechnical recommendations for restrained walls and include recommendations for damp-proofing or waterproofing and means for removing any water collected (e.g., sump pump), in accordance with the City's Geotechnical Guidelines.	<ul style="list-style-type: none"> Plan approval. 	<ul style="list-style-type: none"> Prior to construction 	City of Malibu Department of Engineering Services
(E-8) 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, and grading cross-sections have been submitted to City Geotechnical staff for review. Remedial grading to mitigate liquefaction and other geotechnical hazards must be clearly defined in grading yardages, and illustrated on the Plans. Such plans submitted during final plan check shall reflect the concept plans in this EIR	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction. 	City of Malibu Department of Engineering Services
(E-9) The Applicant shall obtain final construction plan approval (CDP) for the proposed onsite wastewater treatment systems (OWTS) from the City Environmental Health Administrator. Final approval of construction plans is subject to the conditions enumerated in the July 16, 2008 Revised Conformance Review by the City's Environmental Health Administrator. The Environmental Health Administrator found that the OWTS is feasible and meets the City's requirements. The final design must be engineered to meet the effluent limits specified in waste discharge requirements (WDR), taking into account the Malibu Lagoon bacteria and nutrient total maximum daily load (TMDL) requirements of the Regional Water Quality Control Board (RWQCB) and the United States Environmental Protection Agency (US EPA)..	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Engineering Services

V.F Hydrology/Water Quality

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
(F-1) The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit.	<ul style="list-style-type: none">Plan approval; Field check to confirm measures are implemented.	<ul style="list-style-type: none">Prior to construction	City of Malibu Department of Engineering Services

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
(F-2) The contractor shall contact the local California State Water Resources Board with any questions concerning Resolution No 2001-046 and to determine if the Project Site will require storm water sampling during construction activities.	<ul style="list-style-type: none"> Contact WRB; Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> During construction. 	Applicant; City of Malibu Department of Engineering Services
(F-3) The Proposed Project shall conform to its WQMP as reviewed by the City of Malibu in concept and comply with the BMPs in the Jensen Design and Survey and the July 2008 approval of the City's Environmental Health Coordinator.	<ul style="list-style-type: none"> Field check to confirm measures are implemented. 	<ul style="list-style-type: none"> Prior to and during construction. 	City of Malibu Department of Engineering Services
(F-4) The Proposed Project shall meet the requirements of the City of Malibu's Flood Plain Management Ordinance, Ordinance No. 110.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Prior to construction. 	City of Malibu Department of Engineering Services
(F-5) A Water Quality Mitigation Plan is required to reduce pollutants from the sites. Best Management Practices (BMPs) are required and may include, but are not limited to, the following. Additionally BMPs can be found in the California Storm Water Best Management Practice Handbooks for Municipal and Commercial Activities, dated March 1993. <ul style="list-style-type: none"> a. Public education b. Good housekeeping practices c. Storm drain stenciling and signs d. Catch basin/storm drain cleaning e. Sweep/vacuum parking and drive areas 	<ul style="list-style-type: none"> Field check to confirm measures are implemented; Annual submittal of a maintenance covenant to the City of Malibu. 	<ul style="list-style-type: none"> Post-Construction. 	City of Malibu Department of Engineering Services

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
<p>f. Material storage control.</p> <p>The drainage plan in the WQMP shall substantially conform to the concept grading and drainage plan in Figures V.F-2 and V.F-3. The WQMP shall be implemented through a maintenance covenant and submitted to the City for review on an annual basis for the life of the project.</p>			
<p>(F-6) A detention basin shall be provided that is properly designed and maintained to meet both County SUSMP requirements and City Ordinance 157 to retain or filter initial rainfall.</p>	<ul style="list-style-type: none"> Plan approval. 	<ul style="list-style-type: none"> Prior to construction. 	<p>City of Malibu Department of Engineering Services</p>
<p>(F-7) Ongoing BMPs outlined in the approved Water Quality Mitigation Plan shall be implemented by owners and tenants.</p>	<ul style="list-style-type: none"> Notification to owners/tenants regarding obligation to implement BMP's. 	<ul style="list-style-type: none"> Post-construction. 	<p>City of Malibu Department of Engineering Services</p>
<p>(F-8) Long-term, regular maintenance of treatment wetlands shall be required indefinitely. Maintenance should include cleaning of pretreatment areas (dredging of sediment forebays, trash removal, backwashing of sand filters, etc.), harvesting of plant biomass, removal of exotic species and replanting of desired species. All maintenance work shall be scheduled to avoid critical breeding and nesting periods for wetlands species.</p>	<ul style="list-style-type: none"> Annual review of a maintenance covenant. 	<ul style="list-style-type: none"> Post-construction. 	<p>City of Malibu Department of Engineering Services</p>

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
(F-9) The Applicant has obtained final feasibility approval for the proposed onsite wastewater treatment systems (OWTS) for Parcel A, Parcel B, and the City Hall Projects from the City Environmental Health Specialist. In accordance with Chapter 18.4(D) of the City's Local Coastal Plan- Local Implementation Plan (LCP-LIP) the proposed OWTS shall be engineered to meet the effluent limits specified in WDRs, taking into account the Malibu Lagoon bacteria and total maximum daily load requirements (TDMLs) of the RQWCB and the USEPA.	<ul style="list-style-type: none"> Plan approval. 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Engineering Services
(F-10) The Applicant shall apply recycled wastewater for irrigation purposes within landscape areas consistent with the State Water Resources Control Board Draft Recycled Water Policy.	<ul style="list-style-type: none"> Field check to confirm measures are implemented; Annual submittal of a maintenance covenant to the City of Malibu. 	<ul style="list-style-type: none"> Post-Construction. 	City of Malibu Department of Engineering Services
(F-11) A salt management plan shall be prepared and approved as a part of the final wastewater system design consistent with the applicable requirements, guidelines and policies identified in Section 2.12 of the Wastewater Management System Master Plan prepared by Lombardo Associates, Inc., dated July 7, 2008.	<ul style="list-style-type: none"> Plan approval. 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Engineering Services
(F-12) The Applicant shall obtain a Waste Discharge Requirement (WDR) and a Water Reclamation Requirements (WRR) from the Los Angeles Regional Water Quality Control Board. Prior to reuse or discharge, the effluent shall be processed to meet the requirements of the City of Malibu Plumbing Code, and the WDR/WRR of the RWQCB.	<ul style="list-style-type: none"> Plan approval. 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Engineering Services

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
(F-13) Approval(s) to operate the proposed wastewater reuse system shall be obtained from the California Department of Public Health and the Los Angeles Regional Water Quality Control Board pursuant to the provisions of Title 22 of the California Code of Regulations. The required Engineering Report shall be prepared and submitted to the satisfaction of the California Department of Public Health, and the Los Angeles Regional Water Quality Control Board. Waste discharged into the wastewater treatment plant shall be limited to discharges from commercial and retail business, and City Hall. No water softener regeneration brines, industrial wastewaters, or volatile organic compounds shall be allowed to be discharged into the system.	<ul style="list-style-type: none"> Plan approval. 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Engineering Services
V.G Land Use and Planning			
(G-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 final building plans have been approved.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Environmental and Community Development
(G-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.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Engineering Services t
(G-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.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Engineering Services

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
(G-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.	<ul style="list-style-type: none"> CDP approval; Development Agreement certification. 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Environmental and Community Development
V.H Noise			
(H-1) Construction contracts shall specify that all construction equipment shall be equipped with mufflers and other suitable noise attenuation devices.	<ul style="list-style-type: none"> Include requirement for noise attenuation in all construction contracts. 	<ul style="list-style-type: none"> Pre-construction. 	Applicant
(H-2) All residential units located within 700 feet of the construction site shall be sent a notice regarding the construction schedule of the Proposed Project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.	<ul style="list-style-type: none"> Notification of construction schedule to adjacent residents. 	<ul style="list-style-type: none"> Pre-construction. 	City of Malibu Department of Environmental and Community Development
(H-3) The Project Developer shall designate a "noise disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 700 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.	<ul style="list-style-type: none"> Designation of a noise disturbance coordinator. 	<ul style="list-style-type: none"> Pre-construction. 	Applicant
(H-4) Consistent with the City of Malibu Noise Ordinance (Section 4204 G), construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays, and prohibited on Sundays and holidays. Special circumstances	<ul style="list-style-type: none"> Limit hours of construction 	<ul style="list-style-type: none"> During construction. 	City of Malibu Department of Environmental and Community Development

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
<p>may arise where construction activities are permitted during prohibited hours by expressed written permission of the City Manager, or if construction is necessary to preserve life or property when such necessity arises (Section 4205 D).</p>			
<p>V.I-1 Public Utilities (Electricity)</p>			
(I-1) If connection of electricity services will result in a service disruption to surrounding properties, this connection must be done at a time of day that is the least inconvenient	<ul style="list-style-type: none"> Schedule service disruptions 	<ul style="list-style-type: none"> During construction 	Applicant
(I-2) If a disruption to electricity services must occur, notice shall be provided to all affected properties of the service disruption	<ul style="list-style-type: none"> Provide notice 	<ul style="list-style-type: none"> During construction 	Applicant
(I-3) High-efficiency air conditioning controlled by a computerized energy-management system shall be installed	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-4) Built-in appliances and space-conditioning equipment should exceed the minimum efficiency levels mandated by Title 24.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-5) Air shall be cascade ventilated from high-priority areas before being exhausted, thereby decreasing the volume of ventilation air required.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-6) Lighting system heat shall be recycled for space heating during cool weather.	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	
(I-7) Low and medium static-pressure terminal units and ductwork shall be installed, and buildings shall be well sealed, to reduce energy consumption by air-distribution systems.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
(I-8) A performance check of the installed space conditioning system shall be completed prior to the issuance of a certificate of occupancy.	<ul style="list-style-type: none"> Building Inspector sign-off 	<ul style="list-style-type: none"> Construction 	City of Malibu Department of Engineering Services
(I-9) Exterior walls shall be finished with light-colored materials and high-emissivity characteristics to reduce cooling loads.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Environmental and Community Development
(I-10) White reflective roofing material shall be used to meet standards and reflect heat.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-11) Thermal installation shall be installed in walls and ceilings which exceeds Title 24 regulations.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-12) Window systems shall be designed to reduce thermal gain and loss, and shall be fitted with heat-rejecting window treatments, thus reducing cooling loads during warm weather and heating loads during cool weather.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-13) Fluorescent and high-intensity-discharge (HID) lamps shall be installed inside as well as outside.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-14) Photo sensitive controls and dimmable electronic ballasts shall be installed to maximize the use of natural daylight and thus reduce the artificial lighting load.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-15) Occupant controlled light switches and thermostats shall be installed.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
			Services
(I-16) Time controlled interior and exterior lighting shall be installed.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-17) Passive solar inset of windows or windowless walls shall be incorporated	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
V.I-2 Public Utilities (Natural Gas)			
No mitigation measures are required.	N/A	N/A	N/A
V.I-3 Public Utilities (Water)			
(I-18) The Applicant shall comply with the requirements of Water District 29 and the LACFD by providing the infrastructure needed to connect to the existing 12-inch water main located in the centerline of Civic Center Way, "T" off from that main and extend new water mains onto and within the project site to serve hydrants throughout the project in accordance with the provisions of the LACFD Code (Title 32) and the specifications listed in the Existing Fire Department Fire Flow/Hydrant Location and Access approvals (see Figure V.J-2 Fire Accessibility Site Plan) and any applicable regulations of the Water District 29.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services
(I-19) Subsequent to the Planning Commission's consideration of the FEIR, the District has formulated a fair share plan to pay for the construction of the cumulative water system projects (estimated to be \$4.5 million) to address the cumulative impacts for the Proposed Project and related projects within the Civic Center area. Pursuant to the fair	<ul style="list-style-type: none"> Payment of Fees/Written Agreement Signed by Water District and Applicant 	<ul style="list-style-type: none"> Grading Permit 	City of Malibu

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
share plan, the Applicant shall pay to Waterworks District No. 29, Malibu, when a grading permit is issued, the sum of \$834,625, provided that the District and Applicant have entered into a written agreement in which the District confirms that payment constitutes the entirety of the Applicant's fair share payment in mitigation of the project's cumulative impacts to the District's water system facilities.			
(I-20) The Project Applicant shall be responsible for any fees adopted by the City of Malibu and generally and uniformly imposed by the City of Malibu's Environmental and Building Safety Department for construction of new water supply and distribution facilities.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Engineering Services; Los Angeles County Waterworks District 29, and the Los Angeles County Fire Department.
(I-21) Automatic sprinkler systems shall be set to irrigate landscaping during early morning hours or during the evening to reduce water loss from evaporation. Care must be taken to reset sprinklers to water less often in cooler months and during the rainfall season to avoid wasting water by excessive landscape irrigation.	<ul style="list-style-type: none"> Irrigation management 	<ul style="list-style-type: none"> Operation 	Property Owner
(I-22) Selection of native, drought-tolerant, low water consuming plant varieties shall be used to reduce irrigation water consumption to the maximum extent feasible, as reflected in the project's landscape plan; Mitigation Measure A-1, at page V.A-14.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Environmental and Community Development
(I-23) Treated wastewater shall be used for irrigation of landscaping, as identified in the July 7, 2008 Malibu La Paz Development Wastewater Management System Management Plan (Appendix L), and consistent with the California Department of Public Health Title 22	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Environmental and Community Development

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
Disinfected Tertiary Treatment Standards.			
(I-24) Best Management Practices (BMP's) for water conservation shall be used within buildings to reduce wastewater generation/water use.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-Construction 	City of Malibu Department of Environmental and Community Development
V.I-4 Public Utilities (Wastewater)			
(I-25) Detailed plans for the OWTS shall be submitted to the City of Malibu Environmental and Building Safety Department for review and approval.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Environmental and Building Safety Department
(I-26) The project Applicant shall obtain a Waste Discharge Permit from the Los Angeles Regional Water Quality Control Board (LARWQCB) prior to building permit issuance.	<ul style="list-style-type: none"> Obtain permit 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles Regional Water Quality Control Board (LARWQCB)
(I-27) The project Applicant shall obtain an Operating Permit from the City of Malibu Environmental and Building Safety Department prior to construction.	<ul style="list-style-type: none"> Obtain permit 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Environmental and Building Safety Department
(I-28) Effluent for gray water/re-use irrigation in designated areas on-site shall at all times be a disinfected, high quality, filtered reclaimed water and shall not exceed the effluent quality limits of the RWQCB's Total Daily Maximum Load (TDML) requirements for the Malibu Creek Watershed.	<ul style="list-style-type: none"> Comply with requirements of RWQCB for reclaimed water 	<ul style="list-style-type: none"> Operation 	Los Angeles Regional Water Quality Control Board (LARWQCB)
V.I-5 Public Utilities (Solid Waste)			
(I-29) The Proposed Project shall recycle all construction debris in a practical, available, and accessible manner, to the maximum extent feasible, during the	<ul style="list-style-type: none"> Recycle 	<ul style="list-style-type: none"> Pre-construction and Construction 	City of Malibu Department of Environmental

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
demolition and construction phases.			and Community Development
(I-30) Where economically feasible, the Proposed Project shall incorporate the use of recycled materials in building materials, furnishing operations and building maintenance	<ul style="list-style-type: none"> Plan Approval; Permit Approval 	<ul style="list-style-type: none"> Construction and Operation 	City of Malibu Department of Environmental and Community Development
(I-31) The design of the Proposed Project shall allocate space for a recycling collection area for use by both on-site employees and visitors.	<ul style="list-style-type: none"> Plan Approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Environmental and Community Development
V.J-1 Public Services (Fire Protection)			
(J-1) The Project shall comply with all applicable code and ordinance requirements for construction, emergency access, water main fire flows and fire hydrants.	<ul style="list-style-type: none"> Plan Approval 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles County Fire Department
(J-2) The Applicant shall pay a uniformly applied developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities which are required by new commercial, industrial or residential development in an amount proportionate to the demand created by the Proposed Project. Currently, the developer fee is a set amount per square foot of building space, adjusted annually, and is due and payable at the time a building permit is issued.	<ul style="list-style-type: none"> Pay fee 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Environmental and Building Safety Department
(J-3) Development may require fire flows up to 2,625 gallons per minute at 20 pounds per square inch residual pressure for up to a two-hour duration, and as specified by the Los Angeles County Fire Department. Final fire flows will be based on the size of the buildings, their relationships to other structures, property lines, and types of construction used.	<ul style="list-style-type: none"> Plan Approval 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles County Fire Department

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
<p>(J-4) Fire hydrant spacing shall be 300 feet and shall meet the following requirements:</p> <p>a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.</p> <p>a) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant. Additional hydrants will be required if hydrant spacing exceeds specified distances.</p>	<ul style="list-style-type: none"> Plan Approval 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles County Fire Department
<p>(J-5) Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length and at the end of all cul-de-sacs. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. All on site driveways shall provide a minimum unobstructed width of 26 feet, clear-to-sky. The 26 foot width will be increased to:</p> <p>a) 34 feet in width when parallel parking is allowed on one side of the access roadway/driveway. Preference is that such parking is not adjacent to the structure.</p> <p>b) 42 feet in width when parallel parking is allowed on each side of the access roadway/driveway.</p>	<ul style="list-style-type: none"> Plan Approval 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles County Fire Department
<p>(J-6) "Fire Lanes" are any ingress/egress, roadway/driveway with paving less than 34 feet in width, and will be clear-to-sky. All "Fire Lanes" will be depicted on the final map.</p>	<ul style="list-style-type: none"> Plan Approval 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles County Fire Department
<p>(J-7) For streets and driveways with parking restrictions, the entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING – FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure Fire Department access.</p>	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Environmental and Building Safety Department

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
(J-8) All proposals for traffic calming measures (speed humps/bumps, traffic circles, roundabouts, etc.) shall be submitted to the Fire Department for review prior to implementation.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles County Fire Department
(J-9) As required by Section 1117.2.1 of the County Fire Code, a Fuel Modification Plan, a landscape plan and an irrigation plan shall be submitted to the LACFD prior to construction. Said plans shall be reviewed and approved by the Forestry Division of the County of Los Angeles Fire Department for reasonable fire safety	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles County Fire Department
V.J-2 Public Services (Police Protection)			
(J-10) During construction, the Proposed Project shall: (1) implement a security system; (2) hire private security personnel; and (3) erect perimeter fencing.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Environmental and Building Safety Department
(J-11) A 6-foot high wrought iron fence shall be constructed along the northern perimeter of the property sufficient to prevent or discourage pedestrians from accessing the Malibu Knolls neighborhood on foot via the hillside.	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	City of Malibu Department of Environmental and Community Development
V.K. Transportation and Circulation			
(K-1) Webb Way & PCH - Mitigating project impacts at the intersection of Webb Way & PCH would entail re-striping/widening Webb Way between PCH and Civic Center Way to provide a six-lane cross-section with three lanes in each direction. The northbound departure currently provides two travel lanes and widening along the east side of Webb Way north of PCH would be necessary to accommodate the additional northbound lane. The widening of Webb Way to provide a six-lane cross-section would increase the storage capacity on Webb Way in an	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	Los Angeles County Department of Transportation

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
<p>effort to minimize the potential for overflow conditions.</p> <p>The addition of dual left turn lanes to the eastbound approach on PCH is also recommended; this would entail narrowing the raised center median. The existing travel lanes on PCH at this intersection are substandard (i.e., less than 12 feet wide). This mitigation can fit within the existing traveled way with substandard lane widths (less than 12 feet); the resulting lane configuration would consist of a raised median, an 11- and 10-foot left turn lane, one 11-foot through lane, two 10-foot through lanes, and one 11-foot right-turn lane. Shifting the east and west legs of the intersection (approach and departure) several feet to the north would allow the standard width lanes with this mitigation.</p> <p>Additionally, a guide sign shall be posted facing the eastbound dual left turns from PCH onto Webb Way, so that motorists who wish to make a subsequent right turn onto east bound Civic Center Way would be directed to the "Number 2" left turn lane. The sign may have to be mounted overhead.</p>			
<p>(K-2) Cross Creek Road & PCH - The impact of project traffic on the intersection of Cross Creek Road & PCH could be mitigated by the addition of a right-turn lane westbound on PCH. This mitigation would improve the traffic movement along westbound PCH. If Caltrans does not approve of non-standard narrower lane widths, then roadway widening on the south side of PCH on the approach and departure legs would allow the standard width lanes for this mitigation measure.</p>	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	<p>Los Angeles County Department of Transportation; Caltrans</p>
<p>(K-3) Webb Way & Civic Center Way – Mitigating the project impact would entail installing a new traffic signal and widening Webb Way to a six-lane cross section south of the intersection of Civic</p>	<ul style="list-style-type: none"> Plan approval 	<ul style="list-style-type: none"> Pre-construction 	<p>Los Angeles County Department of</p>

Mitigation Measure/Condition of Approval	Action Required	Monitoring Phase	Responsible Agency or Party
<p>Center Way. The northbound approach and the eastbound approach would each be re-striped to include one left-turn lane, one through lane, and one right-turn lane. The southbound approach would be widened to provide one left-turn lane and one shared through/right lane. Widening the east side of Webb Way between PCH and Civic Center Way would be necessary for the proposed six-lane cross section. Results of this signal warrant are provided in the project traffic study (see Appendix G)..</p>			Transportation
V.L. Environmental Hazards			
(L-1) The Project Developer shall obtain all necessary permits from the RWQCB prior to the installation of any temporary and/or permanent dewatering systems. Procurement of all applicable RWQCB permits will ensure the water quality of groundwater discharge into the storm drain infrastructure.	<ul style="list-style-type: none"> Obtain permit 	<ul style="list-style-type: none"> Pre-construction 	RWQCB
(L-2) A demolition-level asbestos survey by a licensed contractor shall be conducted for the existing on-site structures. If the survey reveals that these structures contain ACMs, the structures shall be stabilized, removed, and disposed of in accordance with applicable regulations, including but not limited to, SCAQMD Rule 1403 and Cal/OSHA requirements.	<ul style="list-style-type: none"> Obtain permit 	<ul style="list-style-type: none"> Pre-demolition 	SCAQMD; City of Malibu Environmental and Building Safety Department
(L-3) During the demolition of existing structures, building materials shall be handled and disposed of in accordance with applicable local, State, and federal regulations regarding lead-containing materials.	<ul style="list-style-type: none"> Obtain permit 	<ul style="list-style-type: none"> Pre-demolition 	City of Malibu Environmental and Building Safety Department
(L-4) Fluorescent light ballasts not specifically labeled as not to contain PCBs shall be presumed to contain them and shall be disposed of in accordance with applicable regulations, including but not limited to, Cal/OSHA requirements.	<ul style="list-style-type: none"> Obtain permit 	<ul style="list-style-type: none"> Pre-demolition 	City of Malibu Environmental and Building Safety Department

