

RESOLUTION NO. 15-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2015, FOR THE SUBMISSION OF A PROPOSED ORDINANCE APPROVING THE CIVIC CENTER NORTHEAST SPECIFIC PLAN

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. On July 20, 2015, the City Council considered the Whole Foods and the Park Shopping Center Project Application for the construction of a 38,425 square foot commercial shopping center and associated development at 23401 Civic Center Way submitted by The Park at Cross Creek, LLC.
- B. Pursuant to Malibu Municipal Code (MMC) Section 17.02.045, the commercial project requires the preparation of a specific plan, which, following adoption by the Council, shall be placed on the ballot for approval or rejection by the voters.
- C. As part of its approval, on July 20, 2015, the City Council introduced, on first reading, Ordinance No. 395 approving the Civic Center Northeast Specific Plan No. 15-001 subject to voter approval.
- D. The applicant has requested a special election and, in compliance with Measure R, the soonest available election is November 3, 2015.
- E. The City Council is authorized and directed by statute to submit the proposed Specific Plan to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MALIBU, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 2. Pursuant to the requirements of Elections Code Section 9222, there is called and ordered to be held in the City of Malibu, on Tuesday, November 3, 2015, a Special Municipal Election for the purpose of submitting the following proposition:

Shall an ordinance be adopted approving the Civic Center-Northeast Specific Plan for property located at the northwest corner of Cross Creek and Civic Center Way that regulates development and limits uses to allow construction of a commercial shopping center up to 38,425 square feet, proposed to include a grocery store, retail and recreational/educational uses?	YES
	NO

SECTION 3. The proposed text of the ordinance to be submitted to the voters is attached as Exhibit A.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The City Clerk is authorized, instructed and directed to coordinate with the

SECTION 5. The City Clerk is authorized, instructed and directed to coordinate with the County of Los Angeles Registrar-Recorder County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. The polls shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Elections Code Section 10242, except as provided in Elections Code Section 14401 of the State of California.

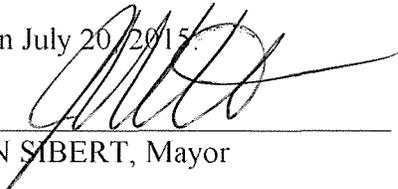
SECTION 7. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not exceeding 500 words, showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating the measure was placed on the ballot by the City Council.

SECTION 8. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

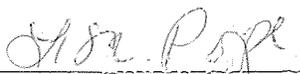
SECTION 10. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED on July 20, 2015



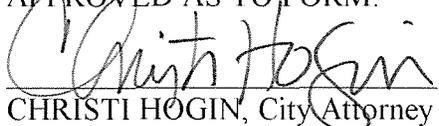
JOHN SIBERT, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 15-44 was passed and adopted by the City Council of the City of Malibu at the special meeting thereof held on the 20th day of July 2015 by the following vote:

AYES:	4	Councilmembers:	House, La Monte, Rosenthal, Sibert
NOES:	1	Councilmember:	Peak
ABSTAIN:	0		
ABSENT:	0		



LISA POPE, City Clerk
(seal)

ORDINANCE NO. 395

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING CIVIC CENTER NORTHEAST SPECIFIC PLAN FOR THE CONSTRUCTION OF A 38,425 SQUARE FOOT COMMERCIAL SHOPPING CENTER, INCLUDING 24,549 SQUARE FEET FOR A WHOLE FOODS MARKET AND 13,876 SQUARE FEET FOR ADDITIONAL COMMERCIAL RETAIL SPACE; 4,800 SQUARE FEET OF OUTDOOR SEATING; 103,341 SQUARE FEET OF ONSITE LANDSCAPING AND 4,514 SQUARE FEET OF OFFSITE LANDSCAPING; 220 PARKING SPACES; AND OTHER INFRASTRUCTURE IMPROVEMENTS SUBJECT TO APPROVAL BY THE REGISTERED VOTERS OF THE CITY OF MALIBU (THE PARK AT CROSS CREEK, LLC)

The City Council of the City of Malibu does hereby ordain as follows:

SECTION 1. Recitals.

A. On May 5, 2010, Marny Randall on behalf of DB Malibu Holdco LLC (which was changed to The Park at Cross Creek, LLC) submitted an application for Coastal Development Permit (CDP) No. 10-022 and related entitlements for the Whole Foods and the Park shopping center project. The applications were routed for review to the City Biologist, City Geologist, City Public Works Department, the Los Angeles County Sheriff's Department, the Los Angeles County Fire Department (LACFD), and Los Angeles County Waterworks District No. 29 for Local Coastal Program (LCP) and Malibu Municipal Code (M.M.C.) conformance review.

B. On September 12, 2011, the City Council approved an agreement with Impact Sciences to initiate work on the preparation of an Environmental Impact Report (EIR) for the proposed project.

C. On April 16, 2012, a Notice of Application for Coastal Development Permit was posted on the subject property.

D. On April 24, 2012, story poles were placed on the project site to demonstrate the location, height, mass and bulk of the proposed commercial structures. The placement of the story poles were certified by a professional land surveyor.

E. On April 25, 2012, the Environmental Review Board (ERB) reviewed the proposed project and made recommendations. All feasible recommendations have been incorporated into the final project.

F. On April 26, 2012, the City published a Notice of Preparation (NOP) and Scoping Meeting for the Draft EIR. The 30-day circulation period ran from April 26, 2012 through May 29, 2012. The NOP was also sent to the State Clearinghouse (SCH# 2012041087),

which distributed the document to state reviewing agencies for a 30-day public review period from April 26, 2012 through May 29, 2012.

G. On May 22, 2012, the City held a public scoping meeting regarding the preparation of the EIR.

H. Between May 22, 2012, and January 2015, the applicant chose to delay processing of the development applications until the Civic Center Wastewater Treatment Facility was further along in order to coordinate its application with that facility. In addition, Measure R created the additional requirement of a specific plan for the applications.

I. On January 5, 2015, the property owner's representative submitted a Draft Specific Plan for review by City staff in accordance with M.M.C. Section 17.02.045.

J. On January 29, 2015, story poles were re-installed on the proposed project site to depict the siting and bulk of the proposed commercial shopping center. The story pole installation was certified by a licensed surveyor.

K. On January 30, 2015, the Draft Specific Plan was updated and resubmitted by the applicant.

L. On February 5, 2015, a Notice of Availability for a Draft EIR and Planning Commission Hearing on the Whole Foods and the Park project, was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties, as well as property owners and occupants within a 500-foot radius.

M. On February 5, 2015, the City and the Governor's Office of Planning and Research distributed the Draft EIR, which identified and evaluated the potential environmental impacts of the proposed Specific Plan and associated entitlements to interested parties and responsible agencies (SCH #2012041087) for a 45-day public review period, February 5, 2015 through March 23, 2015.

N. On March 2, 2015, the Planning Commission held a public hearing to take comments on the Draft EIR.

O. From March 23, 2015 through May 14, 2015, the City worked with the EIR consultant to prepare the Final EIR. The Final EIR responds to the comments received on the Draft EIR and proposes minor text revisions to the Draft EIR.

P. On April 23, 2015, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties, as well as property owners and occupants within a 500-foot radius.

Q. On May 7, 2015, a Revised Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu to change the

public hearing date from May 18, 2015 to a Special Planning Commission meeting on June 11, 2015.

R. On May 14, 2015, the Final EIR was made available. The Response to Comments on the Draft EIR was circulated to all who submitted comments as well as to interested parties.

S. On May 14, 2015, a revised Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties, as well as property owners and occupants within a 500 foot radius to update the list of requested entitlements. This revised notice clarified the list of entitlements being requested for the proposed project.

T. Ordinarily, the Planning Commission is the decision-making body for CDP projects and certification of California Environmental Quality Act (CEQA) documents. However, for General Plan Amendments, Zoning Map Amendments, Specific Plans, and other legislative approvals, the Planning Commission acts exclusively as an advisory body, and the City Council is the decision-maker. Since the entitlements for the Whole Foods and the Park project depend upon the General Plan and Zoning Map amendments, adoption of the Specific Plan, and a public vote pursuant to Measure R on the Specific Plan, the Planning Commission acts in an advisory capacity on the amendments, the EIR and the entitlements, and the City Council will be the decision-maker for all. The project applicant has requested a special election and, in compliance with Measure R, the soonest available election is November 3, 2015.

U. On June 11, 2015, the Planning Commission held a duly noticed public hearing on the Final EIR No. 11-001, General Plan Amendment (GPA) No. 11-001, Zoning Map Amendment (ZMA) No. 11-001, CDP No. 10-22, Lot Merger No. 10-004, Civic Center Northeast Specific Plan and adopted Planning Commission Resolution No. 15-59 recommending approval of Civic Center Northeast Specific Plan.

V. On June 18, 2015, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property and to interested parties.

W. On July 10, 2015, the Draft Specific Plan was revised by City staff to include minor changes to the list of permitted land uses and minor changes to the list of "Tier-Three Amendments".

X. On July 13, 2015, the City Council continued the public hearing on the subject application to a Special City Council public hearing on July 20, 2015.

Y. On July 20, 2015, the City Council held a duly noticed public hearing on the

subject application and reviewed and considered Civic Center Northeast Specific Plan and the staff report, which addressed all of the items required in M.M.C Section 17.02.045. The City Council also reviewed and considered written reports, public testimony, and all other information in the record.

SECTION 2. Environmental Review.

The City Council considered the Environmental Impact Report (EIR No. 11-001) for the proposed Specific Plan, General Plan Amendment, Zoning Map Amendment, and the overall project and in doing so found that the project would not have significant adverse environmental impacts, except in one resource category (Construction Noise). In compliance with Public Resources Code Section 12081 and California Environmental Quality Act (CEQA) Guidelines Section 15093, and as detailed in the Final EIR, changes and alterations have been incorporated in the project and related entitlements which avoid or substantially lessen the significant environmental effect because feasible mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP) will be incorporated into the Coastal Development Permit conditions of approval. Nevertheless, the significant environmental effects cannot be feasibly mitigated to a level of insignificance. In accordance with Public Resources Code Section 21002 and 21002.2, the City Council has determined that there are specific overriding economic, legal, social, technological, or other benefits of the project which outweigh the significant effects on the environment and a statement of overriding considerations has been prepared. This ordinance incorporates by reference the findings, analysis and recommendations set forth in City Council Resolution No. 15-41, which certifies the Final EIR, makes findings of fact, and adopts a statement of overriding consideration for the overall project.

SECTION 3. Specific Plan Findings.

The City of Malibu Local Coastal Program (LCP) Land Use Plan (LUP) encourages the use of a specific plan or other comprehensive plan for the Civic Center Area. The Civic Center Northeast Specific Plan and the staff report have been prepared in accordance with the relevant provisions state law (Government Code §65451) and M.M.C. Section 17.02.045 (Measure R). The City Council finds that proposed Specific Plan, as amended, is consistent with the Malibu LCP and the Malibu General Plan; and more specifically finds as follows:

A. The project is one for which the applicant/property owner seeks discretionary approval in the commercial zone which proposes to develop in excess of 20,000 square feet of commercial gross floor area and requires a voter-approved specific plan pursuant to M.M.C. §17.02.045 (Measure R). The project site proposed for the Specific Plan includes the construction of 38,425 square feet (sf) of commercial retail space and 4,800 sf of outdoor dining space. The Specific Plan development proposes a total of five individual buildings, outdoor seating areas, landscaping, open space and recreational facilities, driveway and access road improvements, grading and drainage improvements, and vehicle

parking areas. The Specific Plan proposes a shopping center designed to be anchored by a Whole Foods Market (24,549 sf) with the remaining 13,876 sf of commercial retail space allocated among four smaller shopping center buildings, ranging in size from 3,015 sf to 4,183 sf along the eastern and western sides of the site. Up to 4,000 sf of this commercial retail space is available for restaurant uses.

B. The City staff used materials and a draft plan prepared by the landowner, which documents were made available to the public on the City's website and available at City Hall, as the basis for the plan; and the final plan has been prepared under the City's direction and in accordance with the requirements of M.M.C. §17.02.045 (Measure R).

C. The overall vision of the City's General Plan for the Civic Center area is to develop a "community village" atmosphere consistent with Malibu's rural residential character and in harmony with the natural environment. The General Plan envisions pedestrian-oriented, residential scale developments. The overall vision of the LUP is to protect coastal resources and promote public access. The specific plan meets all applicable goals, objectives, policies, and requirements of the Malibu General Plan and the Malibu LCP with its design, scale and specific amenities.

D. The specific development standards in the Specific Plan are compatible with the requirements of the Zoning Ordinance and the LCP, establishing standards that are either the same as the current standards or within the range of standards that could be permitted or justified using the existing provisions for modifications. The low-density distribution of the structures, low profile of building heights and design elements, and landscaping amongst undisturbed open space maintains a spacious and small-town feel in and around the project site. The project site proposed for the Specific Plan and the Civic Center area is surrounded by rural residential uses on hillsides to north, public open space along Malibu Creek and Lagoon on the east, multi-family and rural residential to the west, and the Pacific Coast Highway (PCH) to the south. Commercial, recreation, open space, and residential uses lie south of PCH.

E. The proposed Specific Plan area occupies 5.88 acres of vacant, nearly flat land in the Civic Center area of the City of Malibu. The project site consists of two vacant parcels identified as Assessor Parcel Numbers (APNs) 4458-022-001 and 4458-022-022, which comprise 2.33 and 3.55 acres, respectively. The Specific Plan area is located at the northwest corner of the intersection of Civic Center Way and Cross Creek Road. Adjacent uses include a vacant parcel to the west (La Paz Commercial site); commercial uses to the east (Malibu Hardware and Supply, Urban Outfitters, general commercial office space, and the Southern California Edison building); an equestrian facility (Sycamore Farm) to the north, and a commercial office and retail center to the south (Malibu Country Mart). A building housing a storm water treatment system operated by the City of Malibu adjoins the project site along its southern boundary.

F. The Specific Plan area would allow development with a floor area ratio (FAR) of 0.15. All buildings have pitched roofs up to 28 feet in height and they surround a central landscaped parking area. The Specific Plan's overall design intent is to extend the shopping experience that exists on Cross Creek Road across from the Civic Center Way into a similar low-scaled and pedestrian friendly shopping atmosphere. The Specific Plan's design concept clusters smaller-scale buildings around a central parking area. The cluster of buildings is connected by pedestrian walkways, decks and patio spaces for outdoor dining.

G. The Specific Plan would allow buildings designed at a scale similar to the existing Cross Creek commercial buildings. The building elevations are simple and contemporary in style. The proposed building materials include stucco, wood siding, heavy timber, metal roofs, with earth-tone colors that blend with the proposed native landscaping. The heavy timber trellises and standing seam metal roofs reflect Malibu's ranching history. The vertical "green" wall systems are integrated into the building walls along key elevations.

H. The commercial uses permitted in the Specific Plan would be consistent with the visitor serving commercial uses envisioned in the City's General Plan and LCP, and the buildings have been sited along the western and northern portions of the property. The proposed rear yard (northern) setback of approximately 86 feet, the eastern side setback of approximately 50 feet, the western side setback of approximately 42 feet and the front (north) setback of 88 feet combined with the proposed perimeter landscaping would visually screen the proposed commercial structures and would preserve views from Civic Center Way and the surrounding properties.

I. The project site can accommodate the required onsite parking, vehicle driveways, and loading areas for the shopping center and park uses. The project plans demonstrate the site's ability to meet all applicable parking requirements. A total of 220 vehicle parking spaces, seven accessible spaces, four golf cart spaces, five electric vehicle charging spaces, four loading spaces, two motorcycle spaces, and 16 bicycle spaces will be provided onsite.

J. The proposed commercial structures were determined to be located in a geologically feasible location and after establishment of the proposed building pad elevations, the commercial structures would be located outside the 100-year flood plain by at least three feet. The site is located within a Federal Emergency Management Administration (FEMA) designated flood zone. The Specific Plan allows a project that complies with FEMA development requirements by raising the finished floor between approximately one to three feet.

K. The proposed onsite drainage improvements will sufficiently convey, detain, and treat stormwater onsite pursuant to Los Angeles County Municipal Separate Stormwater System (MS4) standards. The proposed project has received conformance review and approval from the City Public Works Department, City Biologist, City Environmental Health Administrator, City Geologist and Los Angeles County Fire

Department. The site is physically suitable for the proposed development. The adequacy of public utilities and services has been analyzed in the EIR, Section 3.11 (Public Services) and 3.14 (Public Utilities). Impacts were considered less than significant.

L. The subject site is commercially zoned but currently vacant. The site is surrounded by a variety of uses including residential to the north and upslope. The project will result in noise impacts during construction, but these will be temporary and mitigated as much as feasible. The project will comply with the City's Noise Ordinance (M.M.C. Chapter 8.24) which limits construction hours to 7 a.m. to 7 p.m. on weekdays, 8 a.m. to 5 p.m. on Saturday, and prohibits construction on Sundays and City holidays. Construction traffic will be controlled by a construction management plan that will be required to be reviewed and approved by the City prior to permit issuance. The construction management plan will include, among other things, limits on construction delivery hours to avoid conflicts with existing commercial uses and provisions for maintaining pedestrian and bicycle safety.

M. The Specific Plan area limits hours of business operation to 7:00 AM and 11:00 PM, which contributes to the compatibility with nearby residential development. Overall site landscaping also softens the visual impact of new development. The proposed development and limited restaurant use will not interfere with the parking and circulation in the area as the site has adequate onsite parking and the daytime uses will offset the demand for later, evening restaurant uses, and overall the use is compatible with similar adjacent commercial uses in the surrounding neighborhood.

N. The proposed project will be compatible with the CV-1 zone, as the commercial shopping center will only permit or conditionally permit individual uses listed in Section 2.2 of the Specific Plan. Future tenants will also be required to comply with the M.M.C. Section 17.66.130 – Limits on Formula Retail. The underlying CV-1 zoning designation for the project site and the surrounding areas allows for a mix of retail, restaurants, community service businesses, financial institutions, government offices facilities, and visitor serving business. These uses exist in the area, and this project will be compatible in that it provides commercial spaces for many of these uses.

O. Emergency access would be provided in accordance with Fire Code requirements. A fire lane would be provided along the perimeter of the site, including behind the Whole Foods market. A secondary access would be provided on Cross Creek Road to facilitate emergency/fire service access if needed.

P. The project area is in a seismically active area of Southern California and may experience severe shaking in the future from the Malibu Coast Fault and other nearby faults. 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 less than significant. Geotechnical studies identified potentially liquefiable soils within the project site. Liquefaction on the project site can be mitigated by reinforcing the buildings' foundations and deriving support from the alluvial soils below the potentially liquefiable soils. Alternatively, removal or treatment of the liquefiable material could lead to denser sands which would reduce the project site's liquefaction potential. Liquefaction is addressed in the Final EIR in Section 3.5 – Geology and Soils; see Threshold 3.5-1. After compliance with Mitigation Measure 3.5-1, impacts will be less than significant and the project is not at risk from flooding or liquefaction.

Q. The entire Specific Plan area will be heavily landscaped, anchored by 80 western sycamore trees and 50 additional trees, which will create a heavily landscaped environment. All of the buildings will be landscaped and partially covered in green walls which will help blend the buildings with the surrounding landscaping. All roof-top mounted equipment will be screened from view with a combination of landscaping, roof elements, and walls and fencing. Outdoor lighting will be shielded and/or directed downward in order to comply with the relevant provisions of the M.M.C.

R. To address site planning and environmental constraints, such as onsite flooding, nearby noise sensitive receptors, and the unique characteristics of the Civic Center area to the maximum extent feasible, the Specific Plan proposes site-specific development standards which modify but are within the allowable discretionary range of the existing M.M.C. and LIP development standards for building height, setbacks, noise attenuating wall height, landscaping, and onsite remedial grading. The M.M.C. and LCP contemplate such modifications to the development standards to address site-specific conditions through a variance, site plan review and minor modification when the specified findings can be made. The proposed development standards included in the Specific Plan are within the range typically granted by a variance, site plan review, and minor modification when special circumstances exist and findings of General Plan and LCP consistency can be made. The project will result in development of desirable character that will be compatible with existing and proposed development in the Civic Center area of Malibu and thus will be consistent with the General Plan and LCP.

SECTION 4. Approval and Effective Date.

This ordinance approving Civic Center Northeast Specific Plan shall take effect when and if approved by the registered voters of the City of Malibu unless a final judgment of a court determines such approval is not required.

SECTION 5. Severability.

If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Certification

The City Clerk shall certify to the passage and adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this _____th day of _____ 2015.

JOHN SIBERT, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney



Whole Foods and the Park | SPECIFIC
P L A N

ACKNOWLEDGEMENTS

Developer/Owner

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Prepared for the City of Malibu.



Specific Plan prepared by RRM Design Group.



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Sources:

*Photos and simulations provided by Goldman Firth Rossi Architects, except where otherwise noted.

1. Goldman Firth Rossi Architects
2. RRM Design Group
3. City of Malibu
4. Goldman Firth Rossi Architects/RRM Design Group
5. City of Malibu/RRM Design Group
6. Goldman Firth Rossi Architects/ValleyCrest Design Group/RRM Design Group
7. City of Malibu Civic Center Wastewater Treatment Facility Project
8. Edwards Associates Illustration and Design



INTRODUCTION | 1

INTRODUCTION **1**

1.1 Introduction

The Whole Foods and the Park Specific Plan (WFPSP or Specific Plan) has been prepared for the development of a neighborhood shopping center in the Civic Center area of the City of Malibu. The Whole Foods and the Park project (Project) site is located at the northwest corner of Civic Center Way and Cross Creek Road. On November 4, 2014, City of Malibu voters approved Measure R. This measure requires voter-approved specific plans for commercial and commercial-residential projects over 20,000 square feet. As required by Measure R, this specific plan has been prepared to address the Project.

The WFPSP has been prepared in accordance with the Malibu Municipal Code (MMC), under the authority of Government Code Section 65450-65457, and consistent with State of California guidelines for the preparation of specific plans. Materials and information relied upon during the development of the Specific Plan included: the Malibu General Plan, Malibu Local Coastal Program, Malibu Municipal Code, Measure R, proposed development in the vicinity, and other publicly available materials. In addition, the City of Malibu recently initiated a process to develop design standards for the Civic Center area. To the extent guidance was available from this emerging process, information was reviewed and considered in the development of the WFPSP, including preliminary themes concerning connectivity, sustainability, eclectic/rural character, nature-inspired design, and emphasis on pedestrian amenities and gathering spaces.

The WFPSP contains sections that address the following: Introduction (including Project Summary), Elements (Land Use, Architecture and Site Planning, Sustainability and Resource Conservation, Views and Compatibility, Landscape and Open Space, Circulation and Parking, Infrastructure and Public Services, and Neighborhood Protections), Administration and Implementation, and Conformance.

1.2 Key Project Considerations

The Applicant's key considerations and objectives for the Specific Plan and Project include:

- Fulfill the City's General Plan and Local Coastal Program objectives for commercial development in the Civic Center area.
- Provide several compatible uses, meeting both local and visitor-serving needs within one shopping center, in a convenient location with shared parking.
- Establish a high-quality grocery store offering organic options.
- Extend the shopping experience that exists on Cross Creek Road and provide a physical and visual link to Legacy Park.
- Situate the Project in an area where it is clustered with other similar uses along the eastern portion of Civic Center Way.
- Increase pedestrian interaction among the business and public spaces along Civic Center Way and Cross Creek Road.
- Create a visually appealing and inviting project to add to the town center of Malibu.
- Revegetate the site with plantings that incorporate the plant species of both Malibu's and the Santa Monica Mountain's native coastal plant community.
- Provide aesthetic relationship with Santa Monica Mountains and Malibu Creek.
- Minimize and eliminate negative impacts to the surrounding properties and residential neighborhood.
- Comply with Measure R.

1 INTRODUCTION

1.3 Purpose and Applicability of the Specific Plan

The Specific Plan is a mechanism for ensuring that future development is consistent with the existing and desired character of downtown Malibu. The purpose of the WFPSP is to comply with Measure R to address development of the Whole Foods and the Park neighborhood shopping center project for which discretionary approvals have been sought. The Specific Plan relies on established City of Malibu land use and zoning regulations and procedures and provides development standards for the Project.

1.4 Project Summary

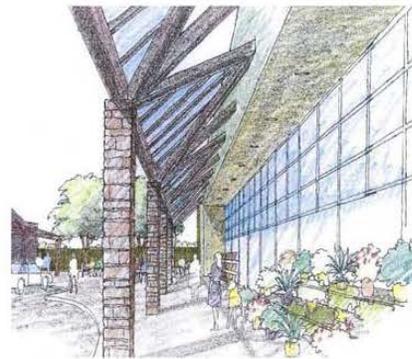
The WFPSP addresses a new 38,425 sf neighborhood shopping center in the Civic Center area of the City of Malibu. The shopping center is designed to be anchored by a Whole Foods Market. The floor area ratio (FAR) for the Project is 0.15, including the main market building and four smaller buildings. The buildings would have pitched roofs up to 28 feet in height and surround a central parking area with walkways, landscaping, and outdoor amenities integrated throughout. The Project is intended to provide a variety of community and visitor-serving goods and services, including up to 4,000 sf of restaurant use and additional space designed for outdoor dining.

The Whole Foods Market would be located at the rear of the property to maximize views of the Santa Monica Mountain hillsides behind the site, and to mask the loading and trash areas. The main 24,549 sf building would be set at the north end of the project site. The building height would range from 24 feet at the flat roof portion to 28 feet at the sloped roof portion. A pedestrian entrance to the Whole Foods Market would be provided from a primary entrance at the south end of the building. The front of the building (south elevation) would feature a heavy timber trellis with stone columns along the façade. The height of the roof at the north elevation would be 28 feet; the building

1-2

height would be 24 feet on the east elevation, 25 feet on the south elevation, and 24 feet on the west. Four detached smaller buildings, ranging in height between 16 to 28 feet high and consisting of 13,876 sf, would be located along the east and west sides of the project site. (Please note that building heights described above are measured from the existing grade, which will be raised approximately three feet to meet federal floodplain requirements.)

The Park at Cross Creek, LLC has proposed the Whole Foods and the Park project. Consistent with the regulations and procedures of the Malibu General Plan and LCP, the pending project application seeks several discretionary requests, which are described in Section 3.4, below. The Project is reflected in this Specific Plan.



Market Entrance and Plaza Sketch

The development standards contained within this Specific Plan eliminate the need for approval of a Site Plan Review, Minor Modification, Variance, or Conditional Use Permit within the Specific Plan. The exception is that a Conditional Use Permit would still need to be submitted for certain uses in the future, when specific tenants are known such as restaurants proposing on-site liquor.

INTRODUCTION **1**

1.5 Project Amenities

Whole Foods Markets are well known for high-quality, take-away food service. These facilities, along with the other proposed community and visitor-oriented businesses, will serve not only the local residents, but also visitors to the area's beaches and parks. The main Project objective is to provide several compatible uses, meeting local, and visitor needs within one shopping center in a convenient location with common parking.

The Project provides features and design in keeping with the goals of the City's General Plan:

- A landscaped area anchored by 80 California Sycamore trees, plus a number of additional trees, to create a heavily landscaped environment
- Living "green" walls on every structure
- Several separate open spaces, along with landscaped areas woven through the Project, providing seating and recreational areas and an area available for public art display
- A Shane's Inspiration Playground, a unique recreational feature with special needs facilities for children
- A sensory garden and a kitchen community learning garden
- A site layout that provides a gathering place for local residents during an emergency
- A second means of egress from Cross Creek Road for Serra Canyon residents in an emergency

The Applicant's design intent is to extend the shopping experience that exists on Cross Creek Road and provide a physical and visual link to Legacy Park. The pedestrian entrance is an extension of the Cross Creek pedestrian walkways. The market is located at the rear of the property to maximize the views of the Malibu hillsides behind the site. Combined with the market, smaller-scale buildings are grouped around a central parking area with trees and landscaped islands, walkways and benches. The smaller scale of the buildings oriented towards outdoor dining, walkways, Shane's Inspiration Playground, and the Kitchen Community Learning

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Garden are similar in scale and character to nearby shopping found at the existing Malibu Country Mart Center.

Shane's Inspiration Playground will provide an accessible play area along with a Sensory Garden playground for all children, including those with special needs. The proposed Kitchen Community Learning Garden will provide hands-on experience and a learning center for local children and adults interested in learning about growing their own food in a sustainable manner. The Kitchen Community is a nonprofit organization that facilitates education through local school programs and supports community learning activities.

The Project also integrates sustainability features to enhance environmental sensitivity. These features are described in Section 2.4 Sustainability and Resource Conservation.



Shane's Inspiration Playground

1.6 Access and Infrastructure

Primary vehicle access would be provided from a driveway on Civic Center Way, designed to align with the driveway serving the Malibu Country Mart across the street. Secondary access would be provided via a driveway on Cross Creek Road. The Project site plan provides for 220 parking stalls. The two smaller-scale buildings along Cross Creek Road would incorporate wood decks, designed to tie into the outdoor recreation

1-3

1 INTRODUCTION

amenity area (including Shane's Inspiration Playground, Sensory Garden, and Kitchen Community Learning Garden) that would be located between the buildings and the sidewalk. This outdoor area will also incorporate storm water management features such as bio-filtration. For wastewater disposal, the Project proposes to connect to the future Civic Center wastewater treatment system via points of connection to the projected Phase 1 pipelines in either Civic Center Way or Cross Creek Road. Therefore, no on-site wastewater treatment system is included as part of the proposed Project. The Project will improve the street and landscaping in the City's right-of-way, fronting the property in a manner that matches the existing street design on Cross Creek Road and Civic Center Way.

1.7 Project Location

The Project site occupies 5.88 acres of vacant, generally flat land in the Civic Center area in the City of Malibu, Los Angeles County, California (see Regional Vicinity Map). The Project site consists of two vacant parcels identified as Assessor Parcel Numbers (APNs) 4458-022-001 and 4458-022-022, consisting of 2.33 and 3.55 acres, respectively. The two parcels will be merged into one parcel that would total 5.88 acres with a depth of 717 feet and a width of 422.5 feet.

The Project site is located at the northwest corner of the intersection of Civic Center Way and Cross Creek Road (see Project Location and Surrounding Uses Map).



Regional Vicinity Map

INTRODUCTION **1**



Project Location and Surrounding Uses Map

1 INTRODUCTION

Adjacent uses include a vacant parcel to the west, commercial uses to the east (i.e., Malibu Hardware and Supply, Art Space Malibu, Urban Outfitters, general office space, and Southern California Edison building), an equestrian facility to the north (i.e., Sycamore Farm), and a commercial office and retail center to the south (i.e., Malibu Country Mart); a building housing a storm water treatment system, operated by the City of Malibu, adjoins the Project site along the southern boundary within the public right-of-way. The vacant northwest portions of the Project site have never been developed, while the small, paved portion of the site on the east side of the parcel, off Cross Creek Road, was once used as a skateboard park. Additional uses near the site include a GTE/Verizon Wireless maintenance facility, with a building and a surface parking lot located immediately adjacent to the northwest corner of the site (3705 Cross Creek Road). Single-family residential properties are located further to the north along Cross Creek Road. Immediately to the west, is the currently undeveloped parcel for the approved La Paz commercial development.

Legacy Park, a passive community park, which includes an element of the City's storm water treatment system, is located southwest of the site across Civic Center Way.

1.8 Existing Conditions

The Project site is flat with a gravel road running along the west side and a paved area located in the northeast portion along Cross Creek Road. Non-native weedy vegetation occupies the rest of the site. Three groups of California Sycamore trees, consisting mainly of second growth trees, are located in the central and northwestern portions of the site and will be removed. Non-native trees, including eucalyptus and jacaranda, were removed from the site in December of 2011. No streams, wetlands, or ESHA (Environmentally Sensitive Habitat Area) are present on the property. However, Malibu Creek is located approximately 600 feet to the east.



View of the Project site from the west



View of the Project site from the west

INTRODUCTION **1**

Development in the surrounding area consists of shopping centers, commercial, office and institutional uses, and a residential neighborhood to the north. Abutting properties are zoned for commercial use.

The adjacent, vacant property to the west is the site of the previously approved La Paz commercial development. The Los Angeles County Civic Center complex, which includes the Malibu Library, is located on the next parcel to the west. Immediately to the north is an equestrian facility and single-family residence. Buildings in the area are one and two stories.

1.9 Regulatory Setting

Development of the Project site is governed by several important City of Malibu policy documents, including the Malibu General Plan, Malibu Local Coastal Program, and Malibu Municipal Code. Section 2.2 – Land Use and Regulations of the WFPSP addresses land use regulations affecting development of the Project site.



ELEMENTS | 2

ELEMENTS **2**

INTRODUCTION TO ELEMENTS

This section of the WFSP describes the Project design, regulations, and the elements that make up the total project proposal. These include:

- Project Amenities
- Land Use
- Architecture and Site Planning
- Sustainability and Resource Conservation
- Views and Visual Compatibility
- Landscape and Open Space
- Circulation and Parking
- Infrastructure and Public Services
- Neighborhood Protections

The following elements provide detail of the specific attributes of the proposed Project, statistics, data, and design parameters that will need to be followed in subsequent entitlement steps toward project implementation.

The specific uses and development standards set forth herein, as part of the Specific Plan, do not require the approval of a Variance, Site Plan Review, Minor Modification, or Conditional Use Permit that would ordinarily be required under MMC Title 17 and LIP Chapter 13. The exception is that a Conditional Use Permit would still need to be submitted for certain uses in the future when specific tenants are known, such as restaurants proposing on-site liquor.



Kilchen Community Learning Garden located on-site.

2 ELEMENTS

2.1 PROJECT AMENITIES

The Project will provide a number of amenities to the community and is designed in keeping with the goals of the City's General Plan and Local Coastal Program:

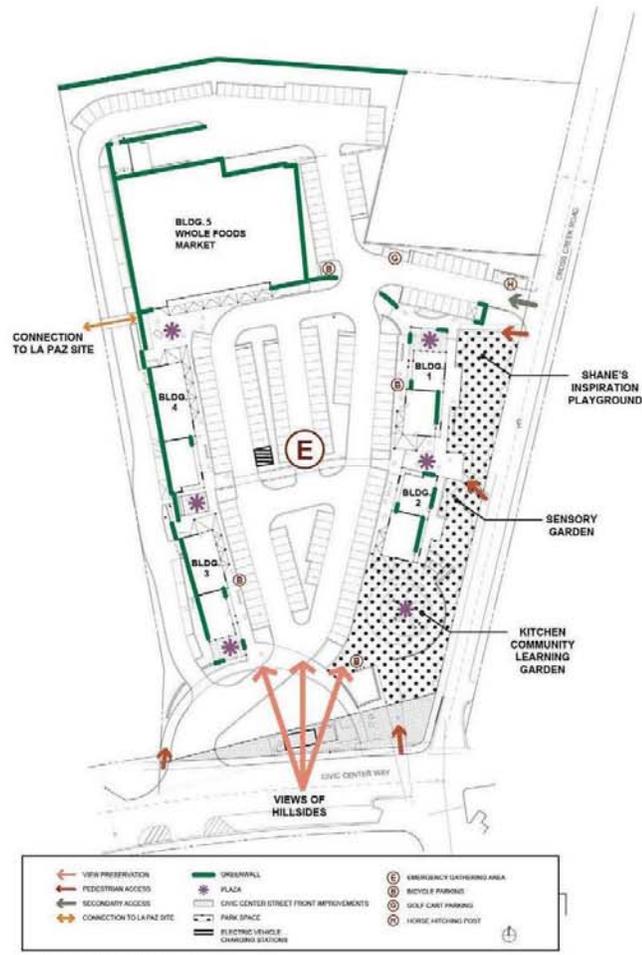
- Creation of a pedestrian-friendly environment
- The design theme of the Project is to provide a heavily landscaped environment anchored by 80 California Sycamore trees
- A 6,200 sf fully accessible Shane's Inspiration Playground, featuring facilities for children with special needs
- A 3,000 sf Sensory Garden for all children, including those with special needs
- A 2,500 sf Kitchen Community Learning Garden providing learning opportunities for children and adults interested in growing sustainable, organic food
- Pedestrian walkways, outdoor seating and dining, patios, decks, small parks, and gardens throughout the site
- Several separate open spaces, along with landscaped areas woven through the Project, providing seating, recreational areas, and an area available for public art display
- All of the low-scaled buildings will have living "green" walls
- An equestrian hitching post and tie-up area with water trough
- A site layout with a central open parking area that provides a gathering place for local residents during an emergency
- A second means of egress from Cross Creek Road to Civic Center Way in the event of an emergency
- Pedestrian connection to the proposed La Paz project to the west



Shane's Inspiration Playground.

- Orientation of the Whole Foods center toward the rear of the parcel in a way that preserves views of the surrounding hills, promotes open space, and promotes a heavily landscaped environment
- Low-scale buildings recessed on the property, at a height and design that maintains scenic views of the Malibu hills and Santa Monica Mountains from public places in the Civic Center
- Provide landscaping at the frontage to screen the City storm water treatment building

ELEMENTS **2**



Project Amenities and Benefits Map

2 ELEMENTS

2.2 LAND USE

The Project is a shopping center anchored by a Whole Foods Market that includes additional space for providers of goods and services that will complement the market use. The businesses and amenities will serve the local residents, but also visitors to the area's beaches and parks. In this section, the land use regulatory setting will be described. The Specific Plan will continue to rely on established regulations and procedures for land use and development of the site, including policies in the Malibu General Plan, Local Coastal Program, and Municipal Code.

Malibu General Plan

The Malibu General Plan is the City's governing document for decision making and outlines the City's vision and policies. Adopted in 1995 and subsequently amended, the General Plan includes the following elements: Land Use, Conservation, Open Space and Recreation, Circulation and Infrastructure, Safety and Health Element, Noise Element, and Housing Element. The General Plan land use designation for the Specific Plan area is Visitor-Serving Commercial.

Malibu Local Coastal Program

The City lies entirely within with the California Coastal Zone, as defined by the California Coastal Act. The Coastal Act requires that its goals and policies be implemented by local government through the Local Coastal Program (LCP) process. The LCP is composed of two parts: the Land Use Plan (LUP) and the Local Implementation Plan (LIP). Both plans were adopted by the California Coastal Commission on September 13, 2002. The property is not located in the appeal jurisdiction of the California Coastal Commission per the Post-LCP Certification Permit and Appeal Jurisdiction Map.

Land Use Plan

Policies of the LUP are designed to assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the State's and City's residents.

Local Implementation Plan

The LIP was adopted to implement the policies outlined in the LUP of the LCP by providing detailed guidance regarding development in the Coastal Zone. The LCP zoning for the Specific Plan area is Commercial Visitor Serving-1 (CV-1). The property is also located within the Civic Center Overlay as designated by the LCP; however, to date, no specific plan has been adopted or certified for this area.

Malibu Municipal Code/Zoning

The Project site is zoned CV-1 (Commercial Visitor-Serving District). MMC Section 17.26.010 Purpose states: "The CV-1 district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents which respect the rural character and natural environmental setting." Permitted and conditionally permitted uses are governed by MMC Section 17.26.020 and 17.26.030, respectively. Lot development criteria are provided in MMC Section 17.26.040 and in LIP Chapter 3, Sections 3.3(J), 3.5, 3.8, and 3.10.

Measure R

On November 4, 2014, City of Malibu voters approved Measure R. This measure (1) requires voter-approved specific plans for commercial and commercial-residential projects over 20,000 sf, and (2) imposes requirements (including 2,500 sf limit per business and limit of 30% of shopper center's tenants) on some formula retail businesses in any new shopping center. In conformance with Measure R, this specific plan has been prepared to address the Project. The Project also must be in conformance with Measure R formula retail limitations, as referenced below.

Limitations on Formula Retail

With the adoption of Measure R, formula retail regulations were revised and are reflected in Section 17.66.130 of the MMC. A Conditional Use Permit (CUP) is required for all new non-exempt formula retail establishments, and for existing formula retail

ELEMENTS **2**

establishments that desire to relocate to a new tenant space, expand by 200 sf, or increase service area by 50 sf or more. Certain uses are exempt from the CUP requirement including: grocery, drug stores/pharmacies, gas stations, banks and financial services, real estate offices, movie theaters, postal service offices, medical offices, low-cost overnight accommodations, and formula retail establishments in Civic Center commercial district shopping centers meeting specific criteria.

The proposed grocery use is exempt from the formula retail CUP requirements and the Project, as proposed, is in compliance with formula retail regulations. As specific businesses are proposed to locate in the shopping center, continuing conformance with the established regulations will be required over the life of the development.



LGP Zoning Map

Permitted Uses

The Project site is designated as CV-1, and permitted and conditionally permitted uses are prescribed below. In the list provided below, P indicates a permitted use while CUP indicates that a conditional use permit is required to be processed pursuant to MMC Section 17.66. Uses not listed below shall be prohibited unless the Planning Director determines that the use is similar to other listed uses.

- Grocery Stores (with or without off-site alcohol sales) (P)
- Equestrian and Hiking Trails (public or private) (P)
- Banks/Financial Institutions (P)
- Book Stores (P)
- Convenience Stores (CUP)
- Hardware, Garden Supply Stores (P)
- Prescription Pharmacies (P)
- Stationary Supplies (P)
- Visitor-Oriented Goods: recreational equipment, & clothing, souvenirs, local arts/crafts and similar uses (P)
- Bakeries (P)
- Barber Shops/Beauty Shops (P)
- Laundry, Dry Cleaners (P)
- Miscellaneous Services (travel agencies, photo processing, mailing services, etc.) (P)
- Medical, Dental, and Physical Therapy Offices (P)
- Bars (CUP)
- Live Entertainment (CUP)
- Refreshment Stands, Ice Cream Stands, and other fixed location food vending stands (CUP)
- Restaurants (no on-site alcohol sales) (P)
- Restaurants (on-site alcohol sales) (CUP)
- Cultural and Artistic Uses (CUP)
- Dance Studios (P)
- Recreation Facilities (e.g. swimming pools, sandboxes, slides, lawn bowling, playgrounds, gardens, & similar) (P)
- Day Care Facilities (CUP)
- Educational/Non-Profit Activities (P)
- Government Facilities (P)
- Temporary Special Events (P)*

*Provided the event does not include outdoor display/sales of merchandise and does not displace required parking or disrupt traffic circulation on the property. For temporary uses not meeting these criteria, MMC Section 17.68.040 (Temporary Use Permits) shall apply.

2 ELEMENTS

2.3 ARCHITECTURE AND SITE PLANNING

Architecture

The design intent of the Whole Foods and the Park project is to extend the low-scale shopping experience that exists on Cross Creek Road across Civic Center Way into a similar low-scaled shopping atmosphere. The Project has been designed with simple contemporary buildings, landscaping, multiple courtyards, and gathering areas.

The building materials consist of stucco, wood siding, heavy timber, and metal roofs with earth tone colors to complement the proposed native landscaping and Santa Monica Mountains. The design uses heavy timber trellises and standing seam metal roofs, which reference Malibu's ranching history. The living "green" wall systems minimize the scale and presence of buildings.



Courtyard between Buildings Sketch



Living "Green" Wall



Market Entrance and Plaza Sketch

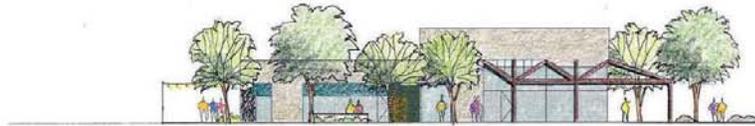
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WHOLE FOODS AND THE PARK SPECIFIC PLAN

ELEMENTS **2**



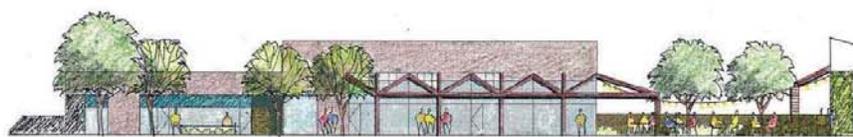
Building 1



Building 2



Building 3



Building 4



Building 5

2 ELEMENTS

Building Sizes and Heights

Buildings in the WFPSP will range in height between 16-28 feet, depending on building design and roof configuration. Building size will also vary in the Project, the largest being the Whole Foods Market with four smaller retail buildings.

Buildings	Square Feet	Heights
Building 1	3,015 sf	16-24 feet
Building 2	3,086 sf	16-24 feet
Building 3	3,592 sf	16-24 feet
Building 4	4,183 sf	16-24 feet
Building 5	24,549 sf	24-28 feet
Total	38,425 sf	

Portions of each of the proposed structures will be up to 24 feet above existing grade for flat roof areas, and up to 28 feet above existing grade for pitched roof areas. This height increase above 18 feet is due, in part, to the requirement that the building finish floors must be raised to meet FEMA requirements, and also is necessary to screen rooftop equipment required for commercial uses.

Site Planning

The site design concept is to create a cluster of small, low-scaled buildings surrounding a conveniently located parking area. The cluster of buildings will be connected with pedestrian walkways, deck and patios spaces for outdoor dining, and a series of park amenities. The design of five separate structures and the simple sculptural character of the buildings allow them to fit into the site rather than dominate it. The market is located at the rear of the property to maximize the views of the Malibu hillsides as well as to reduce the scale of the building as viewed from Civic Center Way. Combined with the market, a group of four smaller scale buildings surround a central parking area with its trees and landscaped islands, walkways, and benches. Courtyards between buildings offer outdoor seating areas for visitors. The proposed commercial buildings are designed at a scale similar to the existing Cross Creek commercial buildings, which carry out the pedestrian-friendly character of the Civic Center area.

For the Whole Foods Market, utilitarian functions, such as trash collection, deliveries, and loading areas are located behind the building and screened from view. For the smaller buildings, utilitarian functions are dispersed on-site, in proximity to the respective activity or business, and will be screened from view. In addition, the larger market building will provide noise and visual shielding for upslope residents.

Site Area and Dimensions

The Project area is composed of two lots:

- Lot 1 (APN 4458-022-001) is 2.33 acres or 101,495 sf in size.
- Lot 2 (APN 4458-022-022) is 3.55 acres or 154,690 sf in sizes.

The total site area is 5.88 acres or 256,168 sf.

Lot Merger

As specified in LCP Section 15.4, a lot merger of two lots, resulting in one lot of 5.88 acres will be part of the application. The resulting average lot width is 717 feet and the average lot depth is 422.5 feet.

Building Setbacks

Project setbacks include the following:

Front:	88 feet
West side:	42 feet
East side:	50 feet
Rear:	86 feet

Ancillary Structures

The Project also includes several site walls, fences and railings, and a sign program.

ELEMENTS **2**



Site Plan

2 ELEMENTS

Rear Wall Height

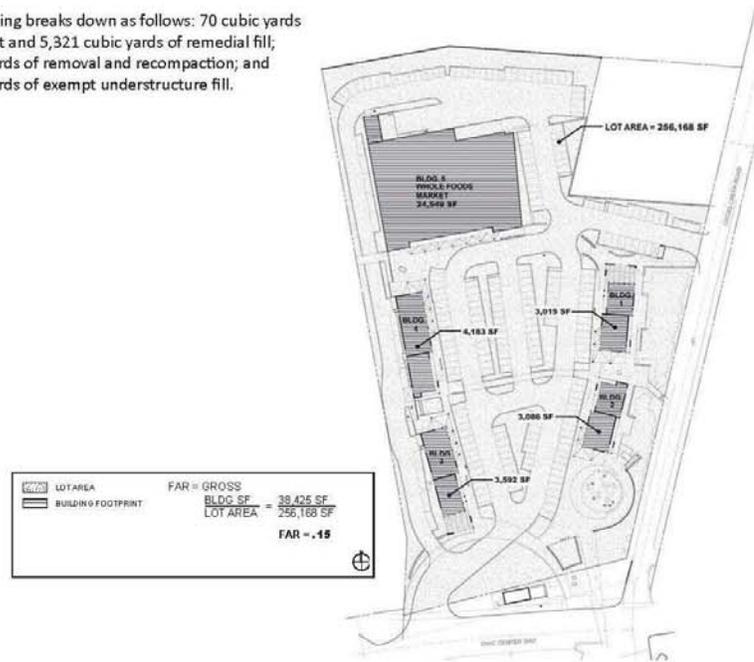
A 12-foot-high living, "green" screening wall is located along a portion of the property, adjacent to the existing off-site eucalyptus tree row. The purpose of the wall is to reduce noise generated by the Project that might have an effect on the equestrian training facility, which is located on the property immediately north of the subject property.

Grading

Proposed grading breaks down as follows: 70 cubic yards of remedial cut and 5,321 cubic yards of remedial fill; 7,612 cubic yards of removal and recompaction; and 4,516 cubic yards of exempt understructure fill.

Floor to Area Ratio

Section 3.8 Commercial Development Standards in the LCP Local Implementation Plan require that the gross square footage of all buildings on a given parcel shall be limited to a maximum floor area ratio (FAR) of 0.15, or 15% of the lot area (excluding any street right-of-ways). Pursuant to this requirement, the Project proposes a floor to area ratio (FAR) of 0.15 or 15% including the main market building and four smaller outbuildings, as shown below.



Floor Area Ratio Map

ELEMENTS **2**

2.4 SUSTAINABILITY AND RESOURCE CONSERVATION

Sustainability and resource conservation are key objectives for the Project. The Project will provide options for high-quality groceries and products, which have the potential to minimize out-of-area commuting, thus reducing greenhouse gas emissions. Sustainability strategies will be implemented in terms of site design and building orientation, building design and materials selection, high efficiency building envelopes, energy efficient HVAC equipment, and lighting and power design. These strategies will reduce resource consumption. Storm water will be treated on-site as described in Section 2.8 Infrastructure and Public Services. Substantial compliance will be demonstrated during building permit review prior to issuance.

- Use of Local Materials: To the extent possible, materials, including plants, soil amendments, natural stone, and irrigation equipment will be locally fabricated and sourced.
- Heat Island Reduction: The shade provided by trees in paved areas will reduce ambient temperatures and the need for air conditioning in adjacent buildings.
- Recycling: Provide areas for the depositing, storage, and collection of materials for recycling.

Site Design

The Project integrates the following sustainable site design features:

- Planting: Low water use and Santa Monica Mountain native plants comprise a majority of the plants in the landscape plan. Native plants will increase the habitat area and biodiversity of the site.
- Irrigation: The irrigation system will utilize highly efficient equipment, subsurface equipment, and weather-based sensors to determine the amount of watering needed to support the plantings, and provide water in the most efficient manner available.



Bioswales and Storm Water Filtration Map.

2 ELEMENTS

- Reduce heat island effect with roof solar reflectance.
- Storm Water Quality/Quantity: Storm water runoff will be filtered and cleansed through bio-filtration and other methods for treatment.
- Dark Sky Protection: Landscape lighting fixtures will be oriented downward to avoid light pollution.
- Vehicle Trip Reduction: The creation of comfortable and interesting walkways will encourage walking in the Civic Center area, reducing energy use and air pollution from vehicle trips.
- Bicycle Parking: Bicycle racks will be provided for a minimum 5% of motorized parking capacity.
- Equestrian Facilities: Four hitching posts and an area on 520 sf of soft surface will be provided for equestrian parking.
- Vehicle Pollution Reduction: Electric vehicle charging stations will be provided and a minimum of 8% of total spaces will be designated for low-emitting, fuel-efficient, and carpool/van pool vehicles.

Energy Efficiency and Indoor Air Quality

To enhance energy efficiency and improve indoor air quality, the Project building construction includes the following measures and equipment:

- High-efficiency air conditioning equipment
- High-efficiency heating, ventilation, and air conditioning (HVAC) systems, such as variable refrigerant flow
- CFC-free and HCFC-free air conditioning equipment
- Economizers on air conditioning equipment
- Energy recovery/enthalpy wheels (also known as



Electric Vehicle Charging Stations On-site

- a rotary heat exchanger to recover heat energy)
- High-efficiency electric motors
- Effective ventilation systems and proper air circulation
- Locate outside air intakes away from contaminant sources
- Carbon dioxide monitoring to control ventilation system
- Hot water solar heating where possible
- Use exposed concrete as finished floor where possible
- Cool roofs
- Install demonstrated long-term durability
- ENERGY STAR appliances and windows
- Efficient insulation for envelope, ducts, and piping
- High-efficiency filtration
- Provide for future installation of renewable energy systems, such as photovoltaic sources

ELEMENTS **2**

- Passive solar design
- Use building materials with recycled content to the extent possible
- Use rapidly renewable materials
- Provide narrow floor plates to enable natural ventilation
- Introduce daylight to indoor spaces and reduce artificial lighting
- Provide shading on south and west-facing windows
- Provide ceiling fans
- Provide outside air monitoring station
- Construction IAQ management (filtration, purging, etc)

Electrical/Lighting

Sustainable features relating to project electrical and lighting elements include:

- Metering of loads
- LED signs/lighting where possible
- Occupancy sensors for lighting, where appropriate
- Daylight/photo sensor controls
- Parking lot bi-level lighting controls

Water Efficiency

Project water-efficient fixtures and systems identified below will substantially reduce water consumption on-site:

- Ultra low-flow dual flush water closets
- Waterless or low-flow urinals
- Lavatories/sinks with metering faucets
- Tankless water heaters



Natural Ventilation and Lighting.

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2 ELEMENTS

2.5 VIEWS AND VISUAL COMPATIBILITY

Views of the Project site from the surrounding roadway system are relatively open and not obstructed by features such as intervening buildings, trees and topography. For example, the site is visible from Civic Center Way, as well as selected properties along Civic Center Way. Although minimally visible from Pacific Coast Highway, Webb Way, and from properties along these streets, trees, landscaping, and structures obstruct some views toward the site from these locations.

Views to the Project site from the distant hillside to the north are somewhat obscured due to the presence of large, mature eucalyptus and coast live oak trees along the northern property boundary. The Whole Foods building is located in the northwest portion of the property and is screened from views from Cross Creek Road, due to the presence of an existing former Verizon facility and a row of large, mature street trees along the Cross Creek Road frontage in this location.

The Project design concept is to create a cluster of smaller, low-scaled buildings in a heavily landscaped setting setback from the two primary street frontages of Cross Creek Road and Civic Center Way. The design of five separate structures and the simple sculptural character of the buildings allow them to fit into the site rather than dominate it. The market is the core of the development and is located at the rear of the property to minimize the visual impacts of the primary structure from the surrounding streets and neighbors. The smaller scale of the buildings reflects the scale of existing Cross Creek commercial buildings.



View of Southwest Corner of Proposed Project



View of Proposed Project from Cross Creek Road

ELEMENTS **2**

2.6 LANDSCAPE AND OPEN SPACE

The design intent is to create a visually appealing project in the town center of Malibu. Many of the landscaped and open areas on the site are designed for active as well as passive uses, and that possible intensity of use adds value to the open and landscaped areas as project amenities. The site will be landscaped with plant species of the Malibu and Santa Monica Mountain native coastal plant communities, providing a visual connection to the Santa Monica Mountains and Malibu Creek habitat. Site landscape features include:

- A natural landscape setting in which the buildings are blended with the native landscaping and site features
- Decorative paving materials include stone-washed natural concrete, decomposed granite, and unit pavers in subtle earth tones that tie all site pedestrian circulation together
- Outdoor wooden deck areas adjacent to buildings for dining, seating, and informal gathering
- Public art located throughout the site in both planted and paved areas
- Natural boulder sculptures located throughout the site, both within special paving areas and in landscape planter areas that express the rock formations of the Santa Monica Mountains

creating a common site element and informal seating areas

- Several separate open spaces, along with landscaped areas, woven through the Project, providing seating, recreational areas, and an area available for public art display
- Planted areas are located throughout the site to give definition to outdoor seating and circulation and well as to soften parking areas and screen utilitarian aspects of the Project
- Site furnishings, such as benches, low seat walls, lighting, bollards, potted plants, trash and recycling bins, and bike racks are located throughout the site to serve patrons and visitors
- All structures on-site will have portions of green wall planter systems. These vertical living "green" walls landscaped areas provide color, texture, reduce glare, cool building interiors, and provide habitat for flora and fauna
- Eighty California Sycamore trees, plus a number of additional trees, will provide shade for buildings, parking, and hardscape areas, and will provide habitat for a variety of flora and fauna



Kilchen Community Learning Garden Sketch

2 ELEMENTS

- Setbacks from property lines will be landscaped, providing a soft green edge at the street and surrounding properties.
- A 12-foot-high, decorative, living “green” wall along a portion of the rear property line will attenuate noise to the adjacent equestrian and residential uses.
- An equestrian hitching post and tie-up area with watering trough will be provided.
- The landscape and open space areas also include a number of publicly accessible features designed to provide a range of interactive experiences for both children and adults. These include:
 - Shane’s Inspiration Playground, a fully accessible playground for children with special needs.
 - A Sensory Garden for all children and those with special needs.
 - A Kitchen Community Learning Garden, providing learning opportunities for children and adults interested in growing sustainable, organic food.

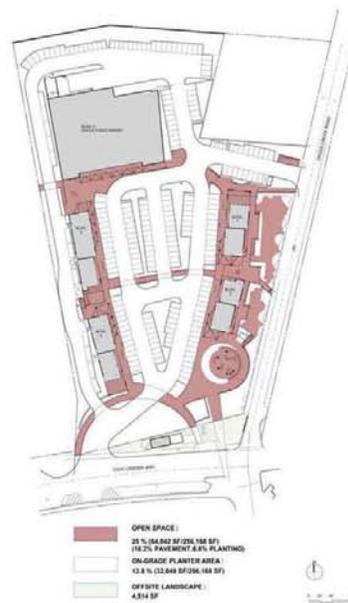
Open Space

The amount of open space required for the Project is 25% of the lot area. The lot area used to calculate open space is 256,168 sf, resulting in 64,042 sf of required open space. The Project provides open space in the amount of 64,042 sf, or 25% of the gross site area in the following areas:

- Landscaped area counted only in the open space calculations: 17,443 sf
- Walkways, courtyards, patios, decks, and other features: 46,599 sf

Total open space area: 64,042 sf

Open space is defined in the LCP as portions of the site devoted to open areas including courtyards, patios, natural open space and additional landscaped areas.



Open Space Area Map

ELEMENTS **2**

Landscaping

The California Sycamore has been selected as the City's signature tree in the Civic Center area. The creation of a Sycamore woodland on the site carries the theme of this iconic and locally and environmentally important tree into the Project. California Sycamores provide exceptional, naturalistic, canopy coverage compared to other urban trees, and this coverage is especially important to the character of this immediate area. Given the proximity of the Project to Malibu Creek, which is a major foraging area for bird life, native tree canopy is particularly valuable on this site.

The amount of landscaped area required for the Project is 40% of the lot area. The lot area used to calculate the landscaped area is 256,168 sf, resulting in 102,467 sf of required landscaped area. The Project shall provide 103,341 sf of landscape area, or 40.3% of the gross lot area in the following areas:

• On-grade landscape	32,849 sf
• Large tree canopies	48,492 sf
• Living "green" walls	22,000 sf
Total landscaped area:	103,341 sf

Landscaping is not clearly defined in the Local Coastal Plan. However, the definition of landscape area in the City's Landscape Water Conservation Ordinance does include walls and fences, which are part of landscape design features of the project per MMC Section 9.22.090 (A) (12). For purposes of the Specific Plan, the "functional landscaping areas" that can be counted toward the Project's on-site landscaping square footage and the percentage of on-site landscaping consists of three elements:

- On-grade planter area not counted in the open space calculation
- Large scale tree canopy not counted in the on-grade planter or open space calculations
- Living "green" walls



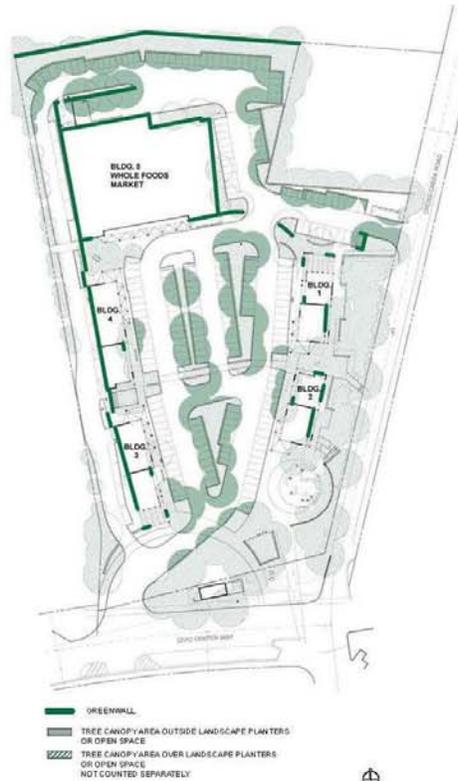
On-grade Landscaping

2 ELEMENTS

Living “green” walls will provide a vertical landscaping element that creates more vegetated surfaces that soften building façades, hardscape areas, and support nature-inspired design. Greater landscape area also contributes to heat gain reduction, more energy-efficient buildings, absorption of pollutants, and improvement of air quality. Vertical landscaping lends itself to greater visibility and creation of a heavily landscaped environment.

The proposed 103,341 sf of landscaping area, or 40.3% of the gross lot area shall constitute the site specific landscaping standard. The functional landscaping elements that shall be utilized to document compliance with this standard include: on-grade landscaping, tree canopy coverage (assuming a 50-ft diameter tree canopy), and the vertical and horizontal extent.

The Project will also install and maintain an additional 4,514 sf of landscaped area located at the Civic Center Way street frontage on the City’s storm water treatment site.



Landscaping Area Map with Green Walls and Tree Canopies

ELEMENTS **2**

Comparison with Other Projects

The Project is comparable with or exceeds landscape area, as compared with other developments approved by the City (or in some cases, by the County), on similarly situated properties. The table below provides statistics for nine properties ranked by percentage of landscaping. Numbers in bold indicate that requirements are met or exceeded, while figures in italics indicate requirements are not met.

As documented, the Project ranks highest in the level of proposed landscaping and open space. With the inclusion of living "green" walls including vertical planted surface

area and tree canopies, the Project would result in a total landscape area of 103,341 sf (40.30%), which exceeds landscaping for comparable projects. In addition, the provided aerial photograph shows a visual simulation in plan view of the Project's proposed landscaping with approximately 10 to 15 years of growth. As seen in context on the following exhibit, site landscaping and ratio of tree canopies to structure footprints will be comparable to the equestrian facility and large-scale residential/ equestrian properties to the north of the site. Further, site landscaping will exceed that provided by existing commercial developments in the area.

Project Comparison to Other Developments in the Malibu Civic Center

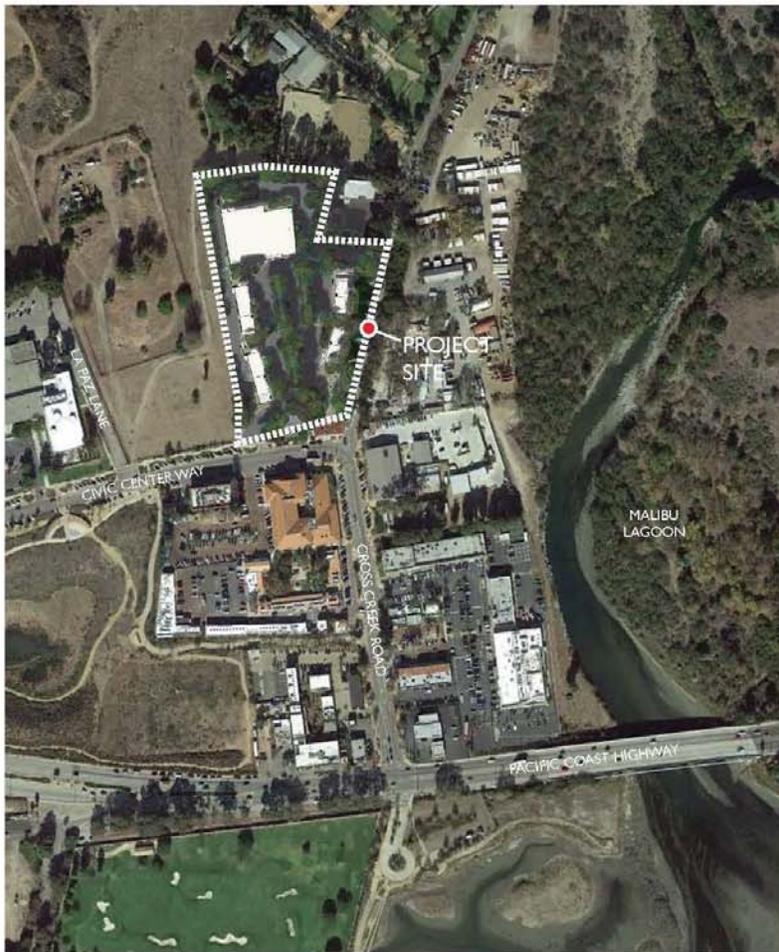
PROPERTY	SITE AREA	BUILDING AREA	F.A.R. ²	LANDSCAPE	%LANDSCAPE ⁴	OPEN SPACE	%OPEN SPACE ⁵
WHOLE FOODS AND THE PARK ³	256,168 SF	38,425 SF	0.15	32,849 SF*	12.8%*	64,042 SF	25%
MALIBU COUNTRY MART #1 (TRA DI NOI) 3835 CROSS CREEK	113,995 SF ⁷	30,453 SF ⁸	0.27	+/- 12,500 SF ⁹	+/- 10.9%	28,184 SF	25%
CROSS CREEK COURTYARD (URBAN OUTFITTERS) 3809 CROSS CREEK	104,108 SF ¹⁴	17,897 SF ¹⁴	0.17 ¹⁴	9,752 SF ¹⁴ (W/O MEADOW)	9.4%	11,645 SF ¹⁴	11% ¹⁴
MALIBU VILLAGE (THEATER, WELLS FARGO) 3900 CROSS CREEK/23359 PCH	201,683 SF ¹	51,889 SF ¹¹	.26	+/- 15,252 SF ¹¹	+/- 7.6%	22,429 SF ¹¹	11%
MALIBU HARDWARE (ANAWALT) 3730 CROSS CREEK	44,790 SF ¹² AREA W/ FENCE	5,460 SF ¹²	N/A	+/- 3,000SF ¹⁵	+/- 6.7%	NOT CALCULATED	
MALIBU COLONY PLAZA (RALPH'S) 23841 MALIBU RD	639,025 SF ¹	92,514 SF ¹	.15	+/- 38,795 SF ³ (W/O SLOPE)	+/- 6%	128,202 SF	20%
MALIBU LUMBER YARD 23641 Pacific Coast Highway	84,942 SF ¹³	30,316 SF ¹³	.36	5,030 SF ⁹	+/- 5.9%	12,773 SF ⁹	15%
MALIBU COUNTRY MART #3 (STARBUCK'S) 3900 CROSS CREEK	36,477 SF ¹⁰	12,031 SF ¹⁰	.33	+/- 1,734 SF ¹⁰	+/- 4.8%	8,995 SF ¹⁰	25%
MALIBU COUNTRY MART #2 (TAVERNA TONY) 23410 CIVIC CENTER WAY	94,630 SF ¹	44,500 SF	.47	+/- 4,000 SF ³	+/- 4%	16,250 SF	17%

* Without inclusion of living green walls and tree canopies. With these features, Project landscape area totals **103,341 SF (40.30%)**.

Footnotes

1. Site area and building area per L.A. County Assessor
2. Allowable Civic Center F.A.R. is .15 (without developer agreement)
3. Existing landscape calculated per Google Earth & Malibu GIS.
4. Required landscape per current City requirements is 40% of lot area.
5. Statistics per Whole Foods and the Park planning submittal.
6. Current code requires 25% open space
7. ALTA Survey (Ohana - 07.06.04)
8. Parking Lot Exhibit - 3835 Cross Creek (O.K.O. Engineering - 12.17.08)
9. Proposed Ground Plane Planting Plan (James Hyatt Studio - 10.29.07)
10. Parking Lot Exhibit - 3900 Cross Creek (O.K.O. Engineering - 12.17.08)
11. Landscape Plan - 3822 Cross Creek Rd./23359 PCH (Marmol Radziner - 09.14.10)
12. Site Plan - 3730 Cross Creek Rd.(Tomas Osinski - 03.20.11)
13. Planning Commission Agenda Report - CDP 06-127 (07.31.07)
14. Planning Commission Agenda Report - CDP 11-020,VAR 11-0202 (05.24.12)
15. Visual assessment

2 ELEMENTS



Aerial with Site Landscaping Simulation

ELEMENTS **2**

2.7 CIRCULATION AND PARKING

Circulation and Parking

The Project implements the circulation objectives of the Malibu General Plan and LCP. It is designed in a way that supports the domain of pedestrians primarily while providing convenient circulation for all other forms of transportation both within and around the site.

Pedestrians

The Project is designed to emphasize pedestrian mobility. This is accomplished by provision of clear pedestrian crossings at Civic Center Way and a strong system of walkways and pedestrian spaces within the Project area.

Equestrian

The Project will include 520 sf of equestrian parking, accommodating 4 hitching posts, a watering trough, and a soft surface tie-up area located just off the Cross Creek Road entrance.

Bicycle

Access to and from the Project via bicycle is prioritized and is suitable due to the flat topography. Bicycle parking is located conveniently in the Project. There will be a total of 16 bike spaces equally distributed throughout the site. Bikes may be secured to lockable racks attached to the pavement.

Transit

Local public transit is provided by LA Metro 534 Express bus service. The closest stops to the site are located on the south side of Civic Center Way at the east end of Legacy Park, and on the north side of Civic Center Way in front of the library.

Vehicles

Vehicles will access the Project site via two proposed driveways: one driveway is planned on Civic Center Way near the west end of the site opposite the Country Mart Shopping Center driveway and one driveway is planned on Cross Creek Road near the north end of the site. The Project is designed with a clockwise service access routing scheme, utilizing a one-way northbound service road along the westerly property line to the loading dock area. Stop signs, stop lines, and crosswalks added within the parking lot provide right-of-way control and guidance to motor vehicles and pedestrians. The Civic Center Way driveway will serve as the primary entrance and exit for the shopping center. The driveway exit will have a stop sign at the intersection with Civic Center Way.

The Cross Creek Road driveway will serve as the secondary vehicular entrance and exit for the shopping center per the recorded easement agreement. The Cross Creek Road driveway will accommodate vehicular access to all on-site parking. However, delivery trucks with three axles or more will not be permitted to use Cross Creek Road. The Project proposes to remove four on-street parallel parking spaces located on the north side of Civic Center Way, between the driveway and the Civic Center Way and Cross Creek Road intersection, to improve vehicle sight lines, truck access, and eliminate parallel parking maneuvers that block through traffic.

Emergency

Emergency access and circulation is provided in the Project plan. One point of access is from Civic Center Way; a second point of access is located on Cross Creek Road, and a third point of emergency access is located on the west side of the property with an all-weather surface connection to the La Paz property. The Project parking lot is available for use as a potential evacuation or emergency personnel staging area in the event of a wildfire or other emergencies.

2 ELEMENTS

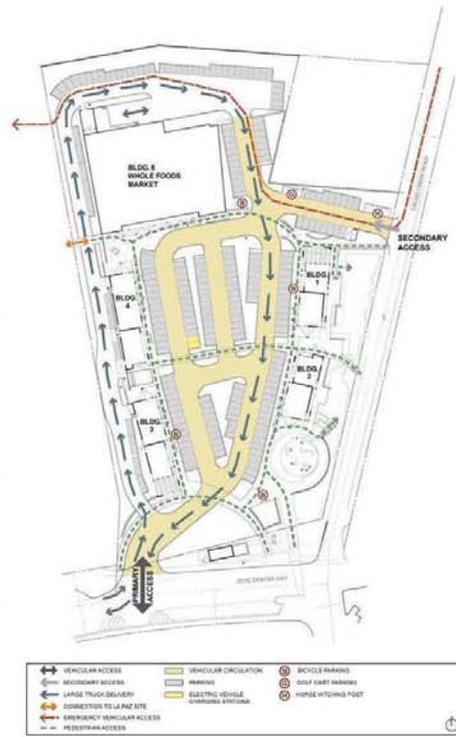
A vehicular access way, to be used in emergencies only, connecting Cross Creek Road to the property west of the subject site is shown on the Circulation and Parking Map. This access way will be controlled using a Fire Department-approved Knox Box entry, and will be made available to emergency response personnel and the residents of Serra Canyon, pending approval by the Los Angeles County Fire Department and a connecting vehicular access-way on the contiguous property to the west.

Deliveries

The one-way driveway loop behind Buildings 3 and 4 and the Whole Foods Market is designed to keep employee and delivery vehicles at the rear of the buildings to facilitate access and parking in the main parking lot for the Project patrons. Large truck deliveries to the supermarket will be at most twice a day and will occur during non-peak hours. Restaurant deliveries will also be kept to non-peak operating hours. All delivery trucks with three axles or more will be required to enter and exit the site through the primary entrance at Civic Center Way.

Parking

The Project is designed to provide parking pursuant to the Malibu LIP requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces, the Project's parking supply of 220 parking spaces will accommodate the estimated parking demand at the shopping center. The plan includes 220 parking spaces (182 standard and 38 compact), 16 bicycle spaces, 4 golf cart spaces, 2 loading spaces for the retail structures. For equestrian use, 4 hitching posts and 520 sf of soft surface are allocated. The Project also includes a minimum of 2 electric vehicle charging stations.



Circulation and Parking Map

ELEMENTS **2**

2.8 INFRASTRUCTURE AND PUBLIC SERVICES

Infrastructure

Wastewater

The Project will connect to the City's future Civic Center Wastewater Treatment Plant.

Water

The Project will be served by Los Angeles County Waterworks District No. 29.

Stormwater

According to the Public Works Department, the property is located in the AO flood zone as delineated on the Federal Emergency Management Agency (FEMA) flood map (06037C1541F), which is defined by FEMA as "Flood depths of 1 to 3 feet (usually sheet flow on sloping

terrain)..." and requires finished floor elevations (FFE) of new structures to be at least three feet above existing grade.

The proposed remedial grading raises finish floor levels to comply with FEMA minimum elevation requirements for new structures and LIP Chapter 9 (Hazards) requirements. The Project will avoid grading during the rainy season.

Regarding storm water quality, the Project is required to comply with all local, regional, federal, and state storm water quality regulations, including regulations under the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles County (Order No. R4-2012-



Sewer Plan Diagram (Source: City of Malibu Civic Center Wastewater Treatment Facility Project)

2 ELEMENTS

0175, NPDES Permit No. CAS004001) to control pollution from construction and post construction-related runoff. Considering site characteristics such as high water table conditions, Project storm water runoff will be filtered and cleansed through bio-filtration and other methods for treatment.

Dry Utilities

Electricity, cable, telephone, and natural gas utilities will be provided by utility companies serving the City of Malibu in this location. All utilities will be placed underground.

Public Services:

Police

Police services are provided by Los Angeles County Sheriff Department. The nearest Sheriff station serving the City of Malibu is located at 27050 Agoura Road in Agoura Hills (Lost Hills Station).

Fire

Fire protection services are provided by Los Angeles County Fire Department. The closest fire station is Station 88, located at 23720 Malibu Road.

The Project has been reviewed by the LACFD Land Development Unit - Fire Prevention Division for site access and fire flow requirements. Site access and circulation are designed to meet LACFD requirements. On November 22, 2011, the Project was approved subject to conditions for providing three on-site hydrants, one new off-site public hydrant, and meeting specified fire flow standards. Additionally, the Project received preliminary approval of the fuel modification plan on February 15, 2012 from the Fire Prevention Bureau - Fuel Modification Unit. The Project will be required to obtain final LACFD approvals prior to building and/or grading permit issuance.

Schools

Elementary school service is provided by the Santa Monica-Malibu Unified School District. Elementary school service for the Project is provided by Webster Elementary School for Kindergarten through grade 5 and is located at 3602 Winter Canyon. Junior high and high school service are provided by the Santa Monica-Malibu Unified School District. Junior high and high school service are provided by Malibu High School for grades 6 through 12 and is located at 30215 Morning View Drive.

Parks and Recreation

Parks and recreation services are provided by the City of Malibu Parks and Recreation Department. Malibu Legacy Park, located at 23500 Civic Center Way, is the closest City park providing recreational opportunities to the Project. Malibu Bluffs Park is located nearby, at 24250 Pacific Coast Highway and Malibu Lagoon State Beach provides the closest State park with access to the beach and is located at 23200 Pacific Coast Highway.

Library

Library service is provided by the County of Los Angeles Public Library. Library service for the Project will be provided by Malibu Public Library located at 23519 West Civic Center Way.

Solid Waste

Waste Management provides waste management and recycling services to this area of the City.

ELEMENTS **2**

2.9 NEIGHBORHOOD PROTECTIONS

The following is a summary of project design elements and programs that are intended to avoid and minimize any potential negative effects the Project may have on its neighbors and surrounding neighborhoods.

Visual

The entire site will be heavily landscaped, anchored by 80 California Sycamore trees, which create a heavily landscaped environment.

- Building heights for the Project are primarily designed as low-scale and single-story with a maximum height of 24 feet. Whole Foods Market that is located to the rear interior corner of the site will be 28 feet high. All of the structures will be heavily landscaped and covered in living “green” walls and will blend the buildings with the site landscaping.
- Living “green” walls will cover significant portions of every structure on the site including many site walls. The east facing walls of Buildings 1 and 2, located parallel to Cross Creek Road will be approximately 50% covered. The west-facing walls of Buildings 3 and 4, facing the proposed La Paz development will be entirely covered and the Whole Foods Market Building 5 will also almost entirely be covered in living “green” walls.
- All mechanical equipment, both roof-mounted and ground-mounted, will be screened with a combination of landscaping, roof elements, and walls and fencing.

Landscaping and Lighting

The proposed site landscape palette is composed of plant material native to the Santa Monica Mountains ecosystem. Over 80 California Sycamore trees will be planted on-site, reflecting the adjoining habitat of Malibu Creek and Cross Creek Road landscaping theme.

- All outdoor lighting shall be shielded and/or downward directed and will comply with the City of Malibu Municipal Code concerning Dark Sky

regulations. Substantial landscaping and mature tree canopies will further reduce views of site lighting.

- Living “green” walls will cover significant portions of every structure on the site including many site walls; see discussion above.
- The Cross Creek Road landscaping designed to visually screen the Project from views from the road and to reflect the existing Malibu Creek plant palette.

Noise

All features of the Project that can create noise are screened from view and attenuated by the placement of a dense barrier or wall between the source and a potentially sensitive receptor.

- All noise, including outdoor uses, shall strictly comply with and be enforced by the provisions of the Malibu Municipal Code Section 8.24 and the mitigation measures identified in the Noise Impact Analysis, prepared by Menlo Acoustical Consulting, dated July 3, 2013.
- Malibu Municipal Code specifies that construction may occur only from 7 a.m. until 7 p.m. on weekdays, and from 8 a.m. until 5 p.m. on Saturdays. Construction is not allowed on Sundays and holidays.
- All truck deliveries and all maintenance operations shall occur between the hours of 7 a.m. and 7 p.m.
- Rooftop noise barrier screens that surround all rooftop equipment shall be installed on Building 5.
- A 12-foot masonry sound wall shall be constructed along portions of the northern property line to shield the adjacent equestrian and residential uses.

2 ELEMENTS



Neighborhood Protection Map

WHOLE FOODS AND THE PARK SPECIFIC PLAN

ELEMENTS **2**

- All commercial trash and recycling bins shall be screened from view and enclosed within a masonry wall.
- All commercial trash and recycling bins shall be fitted with lid controls that prevent loud noises.

Traffic, Circulation, and Parking

The Project shall employ the following measures to require employees, tenants, and patrons to park on-site and minimize traffic on adjacent streets.

- Access for delivery trucks with three or more axles shall only be permitted from the Civic Center Way project entrance.
- Pedestrian access to Cross Creek Road shall be provided to allow neighborhood access.
- Convenient bicycle parking shall be located throughout the site.
- An additional means of emergency egress, west to Civic Center Complex via La Paz Lane, shall be provided for pedestrians and equestrians through the site in the event of wildland fire or flooding for the Serra Retreat neighborhood.
- A site layout with central open parking area shall include a gathering place for local residents during an emergency.
- An equestrian hitching post and tie-up area shall be provided for neighbors who may want to ride horses into the Civic Center area from the Serra Retreat neighborhood.
- Tenants are prohibited from loading/unloading from public right-of-ways.

Enforcement

Enforcement of the provisions of the Whole Foods and the Park Specific Plan and associated entitlements shall be subject to all of the following:

- The property owner, commercial tenants, and any future property management organizations or subsequent responsible organizational structure shall be responsible for maintaining the Project in compliance with the provisions of this Specific Plan, the Malibu Municipal Code, and the Local Implementation Plan and all other permits and entitlements for the Project.
- Lease agreements or similar arrangements shall require owners, tenants, and employees to comply with this Specific Plan, and all subsequent permits, approvals and entitlements, and enforceable actions adopted by the City of Malibu for the Project.



ADMINISTRATION AND IMPLEMENTATION | 3

ADMINISTRATION AND IMPLEMENTATION **3**

3.1 Specific Plan Adoption

The Whole Foods and the Park Specific Plan (WFSP) shall not be effective unless and until it is: 1) adopted by the City Council; and 2) approved by a majority of the registered voters of the City of Malibu voting to approve a ballot measure adopting the WFSP.

3.2 Specific Plan Amendments

As with any land use document, there may from time-to-time a reason for the City to pursue amendments to the content of the WFSP, either to modify a strategy or to clarify the meaning of language or exhibits included in the document. Additionally, there may be requests submitted by the property owner or other parties to amend the content of the WFSP.

This section describes the different categories of potential amendments to the WFSP and sets forth the processes for review and determinations on such requests for amendments. The review process for WFSP amendments varies, depending on the degree of modification proposed and the size of the geographic area to which the amendment would apply.

Amendments to the WFSP are categorized as Tier-One, Tier-Two, or Tier-Three Amendments, as described below.

Categories of Specific Plan Amendments

Tier-One Amendments:

- An increase in the allowable floor area ratio (FAR).
- A decrease in the specified area of open space and landscaping.
- A reduction in adopted mitigation requirements.

Tier-Two Amendments:

- An increase in the allowable building heights specified.
- A change to the geographic boundaries of the WFSP.

Please note that the categories listed under Tier-Two Amendments assume the proposed Specific Plan amendment does not implicate any of the elements specified in MMC Section 17.02.045(f).

Tier-Three Amendments:

- Modifications required to satisfy those changes to federal and/or state law that require a corresponding amendment to local ordinances.
- Modifications to clarify the intent or meaning of the narrative or exhibits contained in one or more sections of the WFSP
- Adjustments to landscape elements (such as on-grade landscape, tree canopies, and living "green" walls) that result in equal or greater total square footage of landscaped area

Approval Requirements for Amendments

To the fullest extent required by Measure R, approval of a Tier-One Amendment shall require City Council approval and voter ratification in the same manner set forth for approval of the WFSP.

The City Council may approve Tier-Two Amendments. The Planning Director may approve Tier-Three Amendments.

The Planning Commission shall review and make a written recommendation to the City Council on all Tier-One and Tier-Two Amendments to the WFSP.

Public Noticing for Amendments

All amendments to the WFSP shall be subject to the applicable noticing requirements of state law and the Malibu Municipal Code, in effect at the time of the amendment request.

Exemption from Amendment Requirements

Corrections of typographical or administrative errors found in the WFSP document shall not require an amendment to the WFSP.

3 ADMINISTRATION AND IMPLEMENTATION

3.3 Implementation

Consistency with Approved Specific Plan

Following voter approval of the Specific Plan, no discretionary or non-discretionary approval shall be granted or issued unless the same is consistent with the Specific Plan and the City body or individual exercising final approval authority makes a written finding to that effect supported by substantial evidence. Under no circumstances shall any subsequent permit or approval issued by a City department or official authorize, allow, or otherwise approve higher square footage, density, or intensities of uses or less landscaping, open space, or mitigation requirements.

Phasing and Infrastructure

The Project is planned to be constructed generally in one phase with infrastructure and amenities correlated with site development. Subsequent to Project approval, construction will commence and is estimated to take approximately 12 to 14 months to complete.

Infrastructure to support the Project is described in Section 2.8. Implementation methods for needed improvements are summarized below:

- **Wastewater Treatment Facility.** The Project owners are participating in a Design Level Community Facilities District for the Civic Center Wastewater Treatment Facility and will be participating in an Assessment District for the construction and operation of the facility.
- **Caltrans Improvement.** The Project owners will participate in the mitigation required due to project-specific impacts on a first-in-line basis, with the participants sharing costs among themselves on a pro-rata basis.
- **Water Service.** The Project will be served by Los Angeles County Waterworks District No. 29. The Project owners have paid the pro-rata share (\$342,810) toward the design and construction of off-site facilities including a +/- 800,000 gallon storage tank, water mains, and associated facilities.

- **Other Traffic Impact Mitigation.** The Project owners will participate in improvements required due to cumulative impacts on a fair share basis.

Other required infrastructure improvements will be financed and implemented directly by the Project.

Enforcement

The Planning Director shall have authority to review development proposals and activities for compliance with the WFPSP. The Planning Director shall also have authority to make a determination regarding an activity's consistency with the allowed use limitations set forth in Section 2.2 Land Use and Regulations of the WFPSP.

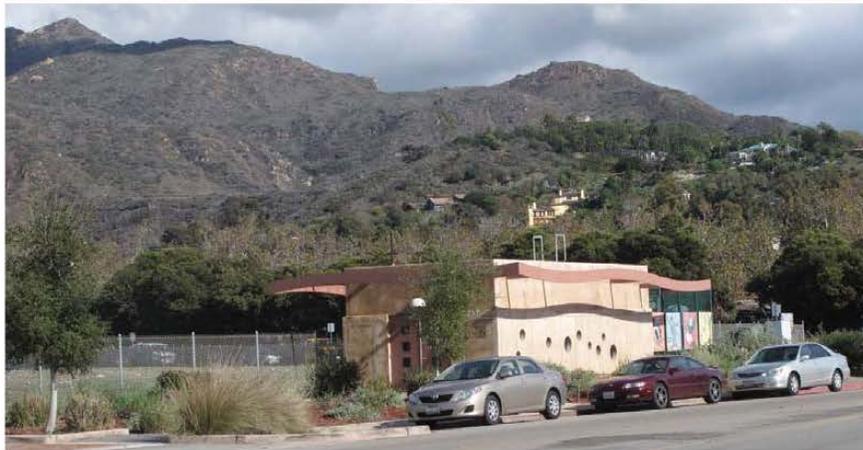
Enforcement of the WFPSP shall be in accordance with Chapter 17.04 Administration and Enforcement provisions of the MMC.

3.4 Project Discretionary Actions

Consistent with the regulations and procedures of the Malibu General Plan, LCP, and MMC, the Project application includes discretionary requests which are described below. Upon voter approval, the following requests, shall be enacted consistent with the Specific Plan.

- **A Lot Merger** of two lots, resulting in one lot of 5.88 acres, is part of the application.
- **A Coastal Development Permit** is proposed to address requirements of Project development consistent with LIP Chapter 13 Coastal Development Permits.

All development application components are consistent with General Plan, LCP, and MMC procedures, and are intended to create a tailored project design that is compatible with surrounding uses and the envisioned character for the Malibu town center.



CONFORMANCE 4

CONFORMANCE **4**

4.1 Specific Plan Conformance

As described in Section 2.2 Land Use and Regulation, the Whole Foods and the Park Specific Plan (WFSP) will continue to rely on and comply with established regulations, procedures, and policies in the Malibu General Plan, Local Coastal Program, and Municipal Code. The discussion below provides an analysis of Project conformance with the Malibu General Plan and the LCP Land Use Plan, the guiding documents for land use policy.

4.2 General Plan

The WFSP is consistent with and further promotes the goals and objectives of the City of Malibu General Plan, as described below.

Land Use Element

LU Policy 1.1.1: *The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.*

Project Conformance: The Project will conform to the natural topography of the project site. The landscape design will include native trees, shrubs, and plants, in addition to ornamental flowering trees.

LU Policy 1.1.2: *The City shall ensure that land uses avoid or minimize adverse impacts on water quality and other natural resources, such as undisturbed watershed and riparian areas.*

Project Conformance: Regarding storm water runoff, the Project is required to comply with all local, regional, state, and federal storm water regulations under the National Pollution Discharge Elimination System (NPDES) to control potential pollution from construction and post-construction runoff. Considering site

characteristics including high water table conditions, Project storm water runoff will be filtered and cleansed through bio-filtration and other methods for treatment. Filters are proposed on downspouts. Runoff will also be treated at the City's storm water treatment facility. The site does not contain undisturbed watershed and riparian areas.

LU Policy 1.1.3: *The City shall control surface runoff into coastal waters, wetlands, and riparian areas.*

Project Conformance: As described under LU Policy 1.1.2 above, the Project is required to comply with all applicable regulations for storm water runoff. In addition, mitigation measures and BMPs designed to control the release of runoff on the Project site are included in the Environmental Impact Report (EIR) for the Project.

LU Policy 1.1.5: *The City shall require careful site planning which blends development with the natural topography.*

Project Conformance: Careful site planning places the market, which is the core of the development, at the rear of the property to maximize the views of the Malibu hillside behind the Project, as well the landscaping proposed on-site, from the street and sidewalk on Civic Center Way, to reduce the scale of the building as viewed from Civic Center Way, and to mask views of the loading and trash areas. Combined with the market, a group of four smaller scale buildings create a village around a central parking area with its trees and landscaped islands, walkways and benches. The Project would not substantially alter the topography of the site as minor site grading is focused on-site remediation to meet Federal Emergency Management Agency (FEMA) floodplain requirements.

4 CONFORMANCE

LU Policy 1.3.1: *The City shall regulate development in floodways.*

Project Conformance: FEMA designates the Project site within Zone AO for potential flood hazard purposes (Flood Insurance Rate Map No. 0637C1541F, dated September 26, 2008). Zone AO is defined by FEMA as “flood depths of 1 to 3 feet (usually sheet flow on sloping terrain)...” and requires finished floor elevations of new structures to be at least three feet above existing grade. Site grading has been designed to meet FEMA requirements and raise building floors out of the floodplain.

LU Policy 1.3.2: *The City shall require proposed development to avoid geologic safety hazards created by development.*

Project Conformance: The main trace of the Malibu Coast fault is mapped along the south and southeastern portions of the property near Cross Creek and along the southern portion of the site near Civic Center Way. The geotechnical analysis prepared for the Project indicates that the fault is not active and that no significant geologic safety hazards would result from the project.

LU Policy 1.3.3: *The City shall require fire protection measures for development.*

Project Conformance: A Fuel Modification Plan has been developed and approved by to the Los Angeles County Fire Department (LACFD) to mitigate potential wildfire impacts.

LU Policy 1.4.3: *The City shall minimize the alteration of existing land forms and require design consistent with natural topography and processes of the site (i.e. geological, soils, hydrological, water percolation and runoff).*

Project Conformance: No unique landforms would be altered as a result of the Project. The Project is designed and would be constructed to blend in with the existing landscape and topography.

LU Policy 1.5.1: *The City shall scrutinize proposed development for any potential individual or cumulative adverse environmental impact, in addition to those impacts that are peculiar to development otherwise consistent with the General Plan.*

Project Conformance: The individual and cumulative effects of the Project are analyzed for each environmental topic addressed within the scope of the EIR for the Project.

LU Policy 2.1.1: *The City shall promote an aesthetically pleasing and visually stimulating environment whose architecture, common and open spaces inspire and uplift the human spirit.*

Project Conformance: As described in Section 2.3 Architecture and Site Planning, building design would be in keeping with the City’s preferred ‘rustic contemporary’ theme; building finishes would include natural wood siding, stone veneer and earth-toned stucco and/or paint. Overhead trellises and canopy structures would provide shade for outdoor walkways and seating areas.

LU Policy 2.1.4: *The City shall require development to be landscaped so that the project blends in with the environment and neighborhood.*

Project Conformance. As described in Section 2.6, Landscape and Open Space, the Project includes a landscaping plan that is consistent with the character of the surrounding area.

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LU Policy 2.1.5: *The City shall protect and preserve public and private ocean and mountain views, by striking an equitable balance between the right to reasonable use of one's property including the maintenance of privacy and the right to protection against unreasonable loss of views.*

Project Conformance: The Project has been designed to maximize views of the Santa Monica Mountain hillsides behind the Project site by locating the main market at the rear of the property.

LU Policy 2.1.6: *The City shall encourage pedestrian friendly design in concentrated commercial areas.*

Project Conformance. The Project will include internal walkways and a pedestrian connection to the adjacent La Paz site, as further described in Section 2.7 Circulation and Parking.

LU Policy 2.2.1: *The City shall require adequate infrastructure, including but not limited to roads, water, and wastewater disposal capacity, as a condition of proposed development.*

Project Conformance: The Project site is adequately served by the existing roadway system. Adequate water supply infrastructure would be extended to the Project site from existing water mains located beneath Civic Center Way and Cross Creek Road. No on-site wastewater discharge will occur. All wastewater generated by the Project would be treated by the new Civic Center Wastewater Treatment Facility (CCWTF).

LU Policy 2.2.4: *The City shall manage development in accordance with the efficient operation of the traffic system and service infrastructure.*

Project Conformance: Potential impacts relating to traffic and service infrastructure have been evaluated in the traffic analysis and EIR prepared for the Project. The
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Project will comply with adopted mitigation measures for improvements, including improvements for the following intersections: Malibu Canyon Road/Pacific Coast Highway, Pacific Coast Highway/Webb Way, and Pacific Coast Highway/Cross Creek Road. In addition, the Project will participate in applicable fair share traffic mitigation programs.

LU Policy 2.2.5: *The City shall evaluate the effect on road capacity of traffic impacts from all sources when determining the type and intensity of land use.*

Project Conformance. A traffic impact analysis for the Project has been prepared, and the Project will comply with adopted mitigation measures for recommended improvements.

LU Policy 2.2.8: *The City shall require adequate wastewater management for development.*

Project Conformance. The Project would connect to the new CCWTF for wastewater disposal.

LU Policy 3.1.1: *The City shall ensure visitor-serving and recreational uses are compatible with the natural resources and aesthetic values of the area.*

Project Conformance. Building design would be in keeping with the City's preferred 'rustic contemporary' theme and site development includes amenities such as a children's park, and outdoor seating areas landscaped to harmonize with the buildings.

LU Policy 4.1.6: *The City shall promote extensive landscaping in new projects while emphasizing low volume irrigation and the use of native, fire-resistant and drought-tolerant plant materials.*

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Project Conformance: The Project would utilize low-volume irrigation and include the use of native fire-resistant and drought-tolerant plant materials.

LU Policy 4.1.7: *The City shall require visually aesthetic screening of service areas and well landscaped parking lots.*

Project Conformance. All service areas associated with the Project structures would be screened by landscaping. Parking for the Project would be located in the interior of the Project site and would be screened by the proposed structures and extensive landscaping along the project's Civic Center Way and Cross Creek Road frontages.

LU Policy 4.3.2: *The City shall require buildings within the Civic Center Area to reflect (a) the uniqueness of this location as the City's town center, (b) its close proximity to the beach and ocean, and (c) a "community village" character with small scale, low-rise buildings. Development in the Civic Center will be guided by those policies and implementation measures in the Plan that are generally applicable to commercial development.*

Project Conformance: Building design is in keeping with the City's preferred 'rustic contemporary' theme, building finishes would include natural wood siding, stone veneer, and earth-toned stucco and/or paint. Site development includes amenities such as a children's park, and outdoor seating areas landscaped to harmonize with the buildings.

LU Policy 4.3.5: *The City shall develop the Civic Center Area so that it is pedestrian oriented.*

Project Conformance: The Project includes walkways and plazas with public seating areas designed to encourage pedestrian activity.

LU Policy 4.3.8: *The City shall encourage architectural design features such as towers, cupolas, roof parapets, kiosks, changes in roof elevations and roof monuments which do not add square footage, floor area or stories to the building.*

Project Conformance. The Project incorporates a design that provides for a range of building heights and sizes, and a "rustic contemporary" theme. A variety of design features are incorporated that include trellised walkways, outdoor seating, and project amenities including Shane's Inspiration Park, Sensory Garden, and Kitchen Community Learning Garden.

Conservation Element

CON Policy 1.1.1: *The City shall minimize disruption of natural systems and areas rich in biodiversity and avoid consumption of ecologically sensitive lands including ESHAs, significant watersheds, wildlife habitat linkages, disturbed sensitive resource areas, blueline streams and significant oak woodlands.*

Project Conformance: The project site supports upland non-native grasses and forbs, as well as native western sycamore trees. No ecologically sensitive lands such as environmentally sensitive habitat areas (ESHAs), blueline streams, wetlands, and oak woodlands are located on the Project site.

CON Policy 1.2.7: *The City shall reduce impacts resulting from night lighting so as not to disturb natural habitats.*

Project Conformance: Project design features, including shielded pedestrian walkway and parking lot lighting, dense landscaping, and mitigation proposed in the EIR prepared for the Project would reduce this impact to a less than significant level. Further, as required by the MMC, all outdoor lighting shall be shielded and/or downward directed to comply with Dark Sky regulations.

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Circulation and Infrastructure Element

C Policy 1.1.1 *Where level of service at signalized intersections and roadways is below LOS C, the City shall ensure that proposed development maintains the then current LOS. Where LOS at signalized intersections and roadways is at LOS C or above, the City shall ensure that proposed development (1) does not cause a degradation of LOS greater than or equal to two percent in the circumstances set forth in Land Use Implementation Measure 70 and (2) does not degrade LOS below LOS C.*

Project Conformance: The traffic study prepared for the Project, which was peer reviewed and approved by an independent transportation consultant, found that project-related impacts to area intersections can be successfully mitigated. The Project is required to comply with all adopted mitigation measures, and final plans would be reviewed and approved by the City.

C Policy 1.3.1: *The City shall require sufficient off-street parking.*

Project Conformance: The Project parking supply of 220 parking spaces will accommodate the estimated parking demand on-site. The plan includes 220 parking spaces (182 standard and 38 compact), 16 bicycle spaces, 4 golf cart spaces, and 2 loading spaces for the retail structures. The Project also includes 2 electric vehicle charging stations (at a minimum) and 4 equestrian hitching post areas.

Safety and Health Element

S Policy 1.2.1 *The City shall require development to provide for analyses of site safety related to potential hazards of fault rupture, earthquake ground shaking, liquefaction, and rockfalls.*

Project Conformance: The main trace of the Malibu Coast fault is mapped along the south and southeastern portions of the property near Cross Creek, and along

the southern portion of the site near Civic Center Way. The geotechnical analysis prepared for the Project indicates that the fault is not active and that no significant geologic safety hazards would result from the project.

S Policy 1.2.2: *The City shall require development to provide site safety analyses related to land sliding, debris flows, expansive soils, collapsible soils, erosion/sedimentation, and groundwater effects.*

Project Conformance: Soils on the project site are subject to liquefaction. However, mitigation measures proposed in the EIR prepared for the Project would reduce this impact to a less than significant level.

Noise Element

N Policy 1.1.2 *The City shall protect noise sensitive land uses from negative impacts of proximity to noise generating uses.*

Project Conformance: Section 2.9 Neighborhood Protections describes measures to minimize potential noise impacts of the Project including limitations on truck deliveries, a 12-foot masonry sound wall along the northern boundary, and rooftop equipment noise barrier screens. All on-site noise is required to comply with and be enforced by provisions of the Malibu Municipal Code Section 8.24. A noise impact analysis has been prepared for the Project by Menlo Acoustical Consulting, dated July 3, 2013. All adopted mitigation measures for potential noise impacts shall be implemented.

4.3 Local Coastal Program

The WFPSP is consistent with and further promotes the goals and objectives of the City of Malibu Local Coastal Program, including those that call for the provision of

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visitor-serving uses in the City and Civic Center area and those that call for visual compatibility with nearby resources such as the Santa Monica Mountains. This section demonstrates conformance with the City of Malibu LCP and the Coastal Act of 1976. The following policy citations are from the City of Malibu LCP, California Coastal Commission certified Land Use Plan. Policies relevant to the Project have been included for discussion below.

Public Access and Recreation

Policy 2.25 *New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.*

Project Conformance: The Project has been designed to provide parking pursuant to Malibu Local Implementation Plan (LIP) requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces, the Project parking supply of 220 parking spaces will accommodate the estimated parking demand on-site. The plan includes 220 parking spaces (182 standard and 38 compact), 16 bicycle spaces, 4 golf cart spaces, and 2 loading spaces for the retail structures. The Project also includes 2 electric vehicle charging stations (at a minimum) and 4 equestrian hitching post areas.

Policy 2.44 *Proposals to install bike racks, lockers, or other devices for securing bicycles in convenient locations at beach and mountain parks, parking lots throughout the City, trailheads and other staging areas shall be permitted. Funding shall be supported and provided where available.*

Project Conformance: Access to and from the Project via bicycle is suitable due to the relatively flat topography. Bicycle parking is located conveniently in the Project with a bike racks for a total 16 bike spaces

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equally distributed throughout the site. Bikes may be secured to lockable racks attached to the pavement.

Marine and Land Resources

Policy 3.36 *New development shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required.*

Project Conformance: A biological inventory was prepared for the property by Rachel Tierney on January 22, 2010. The inventory concluded no rare or sensitive plants were present or expected to be present on-site, and that no rare or sensitive animals were present on-site, although raptors may use the on-site trees for nesting. Pre-construction surveys are recommended prior to any construction during the nesting season. No resources meeting the definition of ESHA were identified on-site.

Because the site is located within the Civic Center Overlay per the LCP, per LIP 3.8.5(A)(5)(e)(5), the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination found that the site does not support or contain any wetland, streams, or aquatic features subject to United States Army Corps of Engineers jurisdiction, under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Game. Similarly, no wetlands or streams, as defined by the Malibu LCP, were found on site.

Policy 3.45 *All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water*

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percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody.

Project Conformance: The Project site is flat, with a gravel road running along the west side and a paved area located in the northeast portion along Cross Creek Road. Non-native weedy vegetation occupies the rest of the site. Three groups of California Sycamore trees, consisting mainly of second growth trees, are located in the central and northwestern portions of the site and will be removed to accommodate the development. Non-native trees, such as eucalyptus and jacaranda, were removed from the site in December of 2011. No streams, wetlands, or ESHA are present on the property. Tree removal and replacement are discussed under Policy 3.65. Grading is minimized with the intent to prepare the site for construction and raise building floors to meet FEMA requirements. In addition, site design will allow storm water runoff to be filtered and cleansed through bio-filtration and other methods for treatment.

Policy 3.46 *Grading or earthmoving exceeding 50 cubic yards shall require a grading permit. Grading plans shall meet the requirements of the local implementation plan with respect to maximum quantities, maximum cuts and fills, remedial grading, grading for safety purposes, and maximum heights of cut or fill. Grading proposed in or adjacent to an ESHA shall be minimized to the maximum extent feasible.*

Project Conformance: The Project site is relatively level; however, grading is needed to prepare the site for construction and elevate building floors out of the flood plain. As part of the Project application, a site plan review request for grading volumes in excess of 1,000 cubic yards is necessary in order to raise building floors above the required elevation to meet Federal Emergency Management Agency (FEMA) requirements. The grading plan is required to meet all LIP regulations.

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Policy 3.47 *Earthmoving during the rainy season (extending from November 1 to March 1) shall be prohibited for development that is 1) located within or adjacent to ESHA, or 2) that includes grading on slopes greater than 4:1. In such cases, approved grading shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 1, unless the City determines that completion of grading would be more protective of resources.*

Project Conformance: Grading for the Project must fully comply with LCP policies. Grading will not be conducted during the rainy season. The Project site is not located within or adjacent to an ESHA and does not include slopes greater than 4:1.

Policy 3.60 *As required by Policy 4.49, applications for new development shall include a fuel modification plan for the project site, approved by the County Fire Department. Additionally, applications shall include a site plan depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures.*

Project Conformance: A Fuel Modification Plan has been prepared for the Project and received Preliminary Approval by the County of Los Angeles Fire Department Prevention Services Bureau (on March 14, 2013). Brush clearance beyond the Project property boundary is not required. Final approval of the Fuel Modification Plan will require review and approval by the LACFD prior to issuance of building permits for the Project. This process involves adding the irrigation plans to the Fuel Modification Plan submittal, and providing the property owner's signature on the plans and on a covenant to be recorded agreeing to maintain the property in

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conformance with the approved plan for the life of the Project.

Policy 3.65 *Where the removal of native trees cannot be avoided through the implementation of project alternatives or where development encroachments into the protected zone of native trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every 1 tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be provided through planting replacement trees or by providing an in-lieu fee, based on the type, size and age of the tree(s) removed.*

Project Conformance: A Tree Report prepared by Christopher A. Joseph & Associates, Inc. in January 2009 was submitted to document the number and condition of any protected native trees on-site. The native tree protection standards found in LCP Local Implementation Plan (LIP) Chapter 5 set forth requirements for the preservation and protection of alder, California walnut, oak, toyon, and western sycamore trees. These species are protected when they have at least one trunk with a diameter measuring six inches or more or a combination of two trunks with diameters totaling eight inches or more as measured four and one-half feet above the natural grade. The report identified 12 trees on the site, some of which exhibit multiple trunks. An update report on the sycamore trees was prepared by registered arborist Robert Wallace of Tree Life Concern, Inc. on December 15, 2011. The report documents on-site investigation, including excavation around sycamore stems and trunks to determine the extent of individual trees versus natural "coppicing" in which multiple stems grow from the stump of a single-tree. The report concludes that due to coppicing, there are a total of eight trees, which require mitigation per LCP standards. These trees will be replaced on-site at a ratio

of 10 to 1 as part of the project landscape plan in accordance with LIP Section 5.5.1, for a total of 80 mitigation trees.

Hazards and Shoreline/Bluff Development

Policy 4.1 *The City of Malibu and the Santa Monica Mountains coastal zone contains areas subject to hazards that present substantial risks to life and property. These areas require additional development controls to minimize risks, and include, but shall not be limited to, the following: a) Low Slope Stability & Landslide/Rockfall Potential: hillside areas that have the potential to slide, fail, or collapse. b) Fault Rupture: the Malibu Coast-Santa Monica Fault Zone. c) Seismic Ground Shaking: shaking induced by seismic waves traveling through an area as a result of an earthquake on a regional geologic fault. d) Floodprone areas most likely to flood during major storms. e) Liquefaction: areas where water-saturated materials (including soil, sediment, and certain types of volcanic deposits) can potentially lose strength and fail during strong ground shaking. f) Liquefaction/Floodprone areas where saturated sediments lie in flood plains. g) Tsunami: shoreline areas subject to inundation by a sea wave generated by local or distant earthquake, submarine landslide, subsidence, or volcanic eruption. h) Wave action: shoreline areas subject to damage from wave activity during storms. i) Fire Hazard: areas subject to major wildfires classified in Fire Zone 4 or in the Very High Fire Hazard Severity Zone. (Resolution No. 07-04)*

Project Conformance: The Federal Emergency Management Agency (FEMA) designates the Project site within Zone AO for potential flood hazard purposes (Flood Insurance Rate Map No. 0637C1541F, dated September 26, 2008). Zone AO is defined by FEMA as "flood depths of 1 to 3 feet (usually sheet flow on sloping terrain)..." and requires finished floor elevations of new structures to be at least three feet above existing grade. Site grading has been designed to meet

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FEMA requirements and raise building floors out of the floodplain. Regarding potential fire hazards, a Fire Prevention Plan has been prepared for the Project and received preliminary approval from the Los Angeles County Fire Department as further described in Policy 3.60. Regarding seismic safety, geotechnical analyses have been conducted for the site, and as described under Policy 4.5, implementation of geotechnical report recommendations will be required for the Project.

Policy 4.2 *All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.*

Project Conformance: As discussed under Policy 4.1, the Project has been designed to minimize risks to life and property from geologic, flood, and fire hazard.

Policy 4.5 *Applications for new development, where applicable, shall include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such reports shall be signed by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE) and subject to review and approval by the City Geologist.*

Project Conformance: As documented in the April 25, 2014 Environmental Review Board staff report for the Project, the City Geologist has reviewed the Project architectural, grading, landscape and irrigation plans, along with the submitted geotechnical and hydrologic reports by GeoConcepts, Inc. (dated December 6, 2010, November 5, 2010, September 27, 2010 (revised October 5, 2010), and March 30, 2010 (revised April 22, 2010), and by EPD Consultants, Inc. (dated May 25, 2011). The City Geologist determined on June 22, 2011

that the Project, if constructed in accordance with the recommendations from the project's geotechnical and hydrologic consultants, is consistent with the LCP. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and/or the City Geologist shall be incorporated into all final design and construction including foundations, grading and drainage to be reviewed during building plan check. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.

Policy 4.9 *Buildings within floodprone areas subject to inundation or erosion shall be prohibited unless no alternative building site exists on the property and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard.*

Project Conformance: As described above under Policy 4.2, the Federal Emergency Management Agency (FEMA) designates the Project site within Zone AO for potential flood hazard purposes (Flood Insurance Rate Map No. 0637C1541F, dated September 26, 2008). Zone AO is defined by FEMA as "Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain)..." and requires finished floor elevations of new structures to be at least three feet above existing grade. Site grading has been designed to meet FEMA requirements and raise building floors out of the floodplain.

Policy 4.50 *New development shall provide for emergency vehicle access and fire-flow water supply in accordance with applicable fire safety regulations.*

Project Conformance: The Project has been reviewed by the LACFD Land Development Unit - Fire Prevention Division for site access and fire flow requirements. Site access and circulation has been designed to meet LACFD requirements (e.g., minimum 26 foot drive aisle widths clear to sky and unobstructed to within 150 feet of all portions of exterior walls). On November 22, 2011,

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the Project was approved subject to conditions for providing three on-site hydrants and one new off-site public hydrant and meeting specified fire flow standards. Additionally, preliminary approval of the fuel modification plan was received on February 15, 2012 from the Fire Prevention Bureau Fuel Modification Unit. The Project will be required to obtain final LACFD approvals prior to building and/or grading permit issuance.

Policy 4.51 All new development shall demonstrate the availability of an adequate water supply for fire protection, as required by applicable fire safety regulations.

Project Conformance: Water service for the Project will be provided by Los Angeles County Waterworks District No. 29. The Project is required to comply with applicable fire safety regulations and is in conformance as discussed above under Policy 4.50.

New Development

COMMERCIAL VISITOR SERVING (CV): The CV designation provides for visitor serving uses such as hotels and restaurants that are designed to be consistent with the rural character and natural environmental setting, as well as public open space and recreation uses. Uses allowed in the other commercial categories (Commercial Neighborhood, Community Commercial, and Commercial General) may be permitted as part of projects approved on parcels designated Commercial Visitor Serving, so long as at least 50 percent of the overall floor area of any individual project is devoted to visitor serving uses. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.25 where public benefits and amenities are provided as part of City of Malibu LCP Land Use Plan the project. CV designations are divided into two levels of density. Hotels are only

permitted in CV-2 designations, the highest density designation. Motels and bed and breakfast inns are allowed in the CV-1 designation.

Project Conformance: The Project must comply with CV-1 regulations and procedures including those for land uses and is in compliance with the maximum FAR of 0.15.

Policy 5.1 All development that requires a coastal development permit is subject to written findings by the City's decision making body for coastal development permits (Planning Manager, Planning Commission, or City Council, as appropriate) that it is consistent with all Land Use Plan (LUP) policies and Local Implementation Plan (LIP) provisions of the City's certified Local Coastal Program. (Resolution No. 07-04)

Project Conformance: A Coastal Development Permit is proposed as part of the entitlement request to address Project development components, including the merger of two lots into one lot totaling 5.88 acres. CDP findings pursuant to LCP policies are required to be met.

Policy 5.4 Off-street parking shall be provided for all new development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. A modification in the required parking standards through the variance process shall not be approved unless the City makes findings that the provision of fewer parking spaces will not result in adverse impacts to public access.

Project Conformance: The Project has been designed to provide parking pursuant to Malibu Local Implementation Plan (LIP) requirements for a shopping center. Based on the Malibu LIP calculation of 217 parking spaces required, the Project parking supply of 220 parking spaces will accommodate onsite the estimated parking demand. No parking variances are requested as part of the Project.

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Policy 5.60 *New development shall protect and preserve archaeological, historical and paleontological resources from destruction, and shall avoid and minimize impacts to such resources.*

Project Conformance: A Phase I Archaeological Study prepared by Robert J. Wlodarski in February 2010 concluded, "Any proposed improvements or modifications to the project property will have no adverse impacts to known cultural resources." Nevertheless, the Project will be subject to the City's standard cultural resource protection conditions which require that if important resources are found during geologic testing or construction, work shall immediately cease until the a qualified archaeologist can evaluate the resource and the Planning Director can review the information.

Policy 5.8 *Pedestrian and bicycle circulation shall be required as part of all new commercial development.*

Project Conformance: As described in Section 2.7 Circulation and Parking, facilities for pedestrian and bicycle circulation have been integrated into the Project design. The Project is designed to emphasize pedestrian mobility. This is accomplished by provision of clear pedestrian crossings at Civic Center Way and a strong system of walkways and pedestrian spaces within the project area itself. Regarding bicycle circulation, access to and from the project via bicycle has been accommodated. In addition, bicycle parking is located conveniently on-site. There are a total of 16 bike spaces equally distributed throughout the site. Dikes may be secured to lockable racks attached to the pavement.

Policy 5.12 *Visitor serving retail uses shall be permitted in all commercial zones in the City. Visitor serving retail uses shall fit the character and scale of the surrounding community.*

Project Conformance: Project uses are governed by Commercial Visitor Serving-1 (CV-1) zoning regulations and provide a Whole Foods Market with other community and visitor-oriented businesses. The center will serve not only local residents, but also visitors to the area's beaches and parks. The design intent is to provide a heavily landscaped environment that provides a physical and visual link to Legacy Park. The smaller scale of the buildings enhance the heavily landscaped character as further described in Section 2.3 Architecture and Site Planning and 2.6 Landscaping and Open Space.

Policy 5.14 *All new commercial and higher density residential development must be located and designed to facilitate provision or extension of transit service to the development and must provide nonautomobile circulation within the development to the extent feasible.*

Project Conformance: As described in Section 2.7 Circulation and Parking, local public transit is provided by Los Angeles Metro 534 Express bus service. The closest stop to the Project area is located at the intersection of Malibu Canyon Road and Civic Center Way.

Policy 5.15 *No development shall be approved on any parcel located within the Civic Center Overlay Area (LIP Zoning Map 5), other than improvements to existing uses, for a period of two (2) years commencing City of Malibu LCP Land Use Plan September 15, 2002, or until a Specific Plan, or other comprehensive plan encompassing all parcels located within the Civic Center Overlay Area is adopted by the City and certified by the Coastal Commission as an LCP amendment.*

Project Conformance: The Project is located within the Civic Center Overlay Area as shown in LIP Zoning Map 5. However, to date no specific plan has been adopted or

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certified for this area. On November 4, 2014, City of Malibu voters approved Measure R. This measure requires voter-approved specific plans for commercial and commercial-residential projects over 20,000 square feet. As required by Measure R, this specific plan has been prepared to address the Project.

Policy 5.18 *Other than as provided in 5.15 through 5.17 above, subsequent to September 15, 2004, if no Specific Plan, Development Agreement or other comprehensive plan has been approved by the Coastal Commission as an LCP amendment, Visitor-Serving Commercial, General Commercial, and Community Commercial uses shall be allowed on individual parcels located in the Civic Center Overlay area, as designated by the Land Use Map, consistent with all policies of the LCP. A maximum FAR of 0.15 is permitted, except that the project FAR may be increased to no greater than a maximum of 0.20 FAR if public benefits and amenities, including public open space and habitat restoration or enhancement, are provided and the project site is included as part of a planned development or development agreement for multiple parcels, approved under a LCP amendment certified by the California Coastal Commission. Any LCP amendment to provide for a planned development or development agreement shall be subject to a wetland delineation determination in accordance with the requirements of Policy 3.81(a) prior to approval.*

Project Conformance: The Project is located within the Civic Center Overlay Area, however, to date no specific plan has been adopted or certified for this area. The Project is governed by Visitor-Serving Commercial (CV-1) regulations and complies with the maximum FAR of 0.15. In addition, because the site is located within the Civic Center Overlay, the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination

found that the site does not support or contain any wetland, streams or aquatic features subject to United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Wildlife. Similarly, no wetlands or streams as defined by the Malibu LCP were found on site.

Policy 5.19 *Subsequent to September 15, 2004, if no Specific Plan or comprehensive plan is approved by the Coastal Commission as an LCP amendment, applications for new development, other than improvements to existing uses, on individual parcels located in the Civic Center Overlay area shall be subject to a wetland delineation determination in accordance with the requirements of Policy 3.81(a) prior to approval of any new development on the site.*

Project Conformance: The Project is located within the Civic Center Overlay Area, however, to date no specific plan has been adopted for this area. As noted above, the site is subject to a wetlands delineation determination. Glenn Lukos Associates prepared a jurisdictional determination for the subject property on February 21, 2011. This determination found that the site does not support or contain any wetland, streams or aquatic features subject to United States Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act, nor any drainage course or riparian habitat as defined by the California Department of Fish and Game. Similarly, no wetlands or streams as defined by the Malibu LCP were found on the site.

Policy 5.33 *Land divisions include subdivisions (through parcel map, tract map, grant deed, or any other method), lot line adjustments, redivisions, mergers, and certificates of compliance (except as provided in Policy 5.41). Land divisions are only permitted if they are approved in a Coastal Development Permit.*

WHOLE FOODS AND THE PARK SPECIFIC PLAN

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Project Conformance: A component of the Project entails a lot merger to combine two lots into one lot totaling 5.88 acres. A Coastal Development Permit is proposed as part of the entitlement request.

Policy 5.46 *All new development shall demonstrate that an adequate potable water supply is available to each parcel. An on-site water well shall provide water of potable quality and be able to provide a quantity of water sufficient to meet domestic supply requirements for the life of the development.*

Project Conformance: On February 26, 2012, Los Angeles County Waterworks District No. 29 approved a conditional will-serve letter for the Project. The District agrees to serve the Project with public water, subject to the applicant constructing required on-site water facilities and paying its pro-rata share toward design and construction of off-site facilities, including a +/- 800,000 gallon storage tank, water mains and associated facilities.

Policy 5.49 *All new development shall comply with the City's water conservation and wastewater regulations.*

Project Conformance: As described in Section 2.4 Sustainability and Resource Conservation, the Project proposes low water use and Santa Monica Mountains native plants comprise a majority of the plants in the landscape plan. Native plants will increase the habitat area and biodiversity of the site. The irrigation system will utilize highly efficient equipment, subsurface equipment and weather based sensors to determine the amount of watering needed to support the plantings and provide the water in the most efficient manner available. Site design will allow stormwater runoff to be filtered and cleansed through bio filtration and other methods of treatment. Further, all landscaping, irrigation and water use must comply with

MMC Sections 9.20 Water Conservation and 9.22 Landscape Water Conservation.

Scenic and Visual Resources

Policy 6.5 *New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend in to the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.*

Project Conformance: Whole Foods and the Park has been designed as a collection of simple, contemporary buildings scattered in the landscape. Straightforward design, heavy timber trellises and standing seam metal roofs reference Malibu's ranching history. Splitting the building area into five structures and the simple sculptural character of the buildings allow them to fit in to the site rather than dominate it. Views of the Santa Monica Mountains are preserved from surrounding public vantage points. Building materials are simple and unpretentious – stucco, wood siding, heavy timber and metal roofs with colors inspired by nature and chosen to complement the proposed native landscaping and Santa Monica Mountains.

Policy 6.7 *The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18*

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feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

Project Conformance: The market is located at the rear of the property to maximize the views of the Malibu hillside behind the Project, as well the landscaping proposed on-site, from the street and sidewalk on Civic Center Way, to reduce the scale of the building as viewed from Civic Center Way, and to mask views of the loading and trash areas. Combined with the market, four smaller scale buildings are grouped around a central parking area with its trees and landscaped islands, walkways and benches. Taller structures are located to the rear of the site to enhance views. Consistent with LIP regulations and procedures, a Site Plan Review for building heights over 18 feet is requested as component of the Project development application. Portions of each of the proposed structures will be up to 24 feet above existing grade for flat roof areas, and up to 28 feet above existing grade for pitched roof areas. This height increase above 18 feet is due, in part, to the fact that the building finish floors must be raised to meet FEMA requirements, and also is necessary to screen rooftop equipment required for commercial uses to provide for greater compatibility with surrounding uses.

Policy 6.9 *All new development shall be sited and designed to minimize alteration of the natural landforms by: a) Conforming to the natural topography. b) Preventing substantial grading or reconfiguration of the project sites. c) Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs. d) Requiring man-made contours mimic the natural contours. e) Ensuring that*

graded slopes blend with the existing terrain of the site and surrounding area. f) Minimizing grading permitted outside the building footprint. g) Clustering structures to minimize site disturbance and to minimize development area. h) Minimizing height and length of cut and fill slopes. i) Minimizing the height and length of retaining walls. j) Cut and fill operations may be balanced on-site, where grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography. (Resolution No. 07-04)

Project Conformance: As discussed under Policy 3.45, the Project site is generally flat, with a gravel road running along the west side and a paved area located in the northeast portion along Cross Creek Road. Grading is minimized with the intent to prepare the site for construction and raise building floors to meet FEMA requirements.

Policy 6.12 *All new structures shall be sited and designed to minimize impacts to visual resources by: a) Ensuring visual compatibility with the character of the surrounding areas. b) Avoiding large cantilevers or understories. c) Setting back higher elements of the structure toward the center or uphill portion of the building. (Resolution No. 07-04)*

Project Conformance: As described under Policies 6.5 and 6.7, the Project has been designed to minimize impacts to visual resources by locating taller structures to the rear of the property, retaining public views of the Santa Monica Mountains, scaling structures to be compatible with surrounding development, and integrating building materials, plantings, and a natural color palette. Cantilevers or understories are not proposed.

Policy 6.13 *New development in areas visible from scenic roads or public viewing areas, shall incorporate*

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colors and exterior materials that are compatible with the surrounding landscape. The use of highly reflective materials shall be prohibited.

Project Conformance: As described under Policy 6.5, the Project has been designed as a group of simple, contemporary buildings scattered in the landscape. Straightforward design, heavy timber trellises and standing seam metal roofs reference Malibu's ranching history. Splitting the building area into five structures and the simple sculptural character of the buildings allow them to fit in to the site rather than dominate it. Views of the Santa Monica Mountains are preserved from surrounding public vantage points. Building materials are simple and unpretentious – stucco, wood siding, heavy timber and metal roofs with colors inspired by nature and chosen to complement the proposed native landscaping and Santa Monica Mountains. Use of highly reflective materials are not proposed.

Policy 6.15 *Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.*

Project Conformance: Project frontages along Civic Center Way and Cross Creek Road provide an open design with views into the site and of the Santa Monica Mountains to the north. Fences, walls, and landscaping will not block scenic views.

Policy 6.21 *New commercial development within the Civic Center shall be sited and designed to minimize obstruction to the maximum feasible extent of public views of the ridgelines and natural features of the Santa Monica Mountains through measures such as clustering development, and restricting height and bulk of structures.*

Project Conformance: As described in Section 2.5 Views and Visual Compatibility, the Project design locates

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taller structures to the rear of the site to optimize views of the Santa Monica Mountains from public rights-of-way.

Policy 6.23 *Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited.*

Project Conformance: The Project lighting plan is required to adhere to all City lighting requirements and incorporates shielded lighting fixtures and low intensity lighting. Light sources will not be directly visible from public viewing areas.

Policy 6.27 *New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site, consistent with Policy 3.60.*

Project Conformance: The Project site is flat, with a gravel road running along the west side and a paved area located in the northeast portion along Cross Creek Road. Non-native weedy vegetation occupies the rest of the site. Three groups of native sycamore trees are located in the central and northwestern portions of the site and will be removed to accommodate the development. Non-native trees, such as eucalyptus and jacaranda, were removed from the site in December of 2011. No streams, wetlands or ESHA are present on the property. Removal of native trees will be mitigated in compliance with LCP Policy 3.65 discussed above.

Policy 6.30 *Signs shall be designed and located to minimize impacts to visual resources. Signs approved as part of commercial development shall be incorporated into the design of the project and shall be subject to*

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height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views.

Project Conformance: A sign program has been prepared for the Project that conforms to all City requirements and uses materials and theming compatible with proposed buildings and landscape elements. The signs are compatible with the character of surrounding areas and do not interfere with scenic views.

Public Works

Policy 7.4 *Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP.*

Project Conformance: A traffic impact analysis for the Project has been prepared, and the Project will comply with adopted mitigation measures for improvements to the following intersections: Malibu Canyon Road/Pacific Coast Highway, Pacific Coast Highway/Webb Way, and Pacific Coast Highway/Cross Creek Road. In addition, the Project will participate in applicable fair share traffic mitigation programs.

Policy 7.9 *Road improvements to provide legal access to or facilitate development of a legal parcel may be permitted provided such improvements are consistent with all policies of the LCP. Existing legal roads shall be utilized for access where feasible.*

Project Conformance: Primary vehicular access will come from a driveway on Civic Center Way that is designed to align with the driveway serving the existing commercial office complex across the street. Secondary access is provided by a driveway on Cross Creek Road, a

private street, per the recorded easement agreement. Both access points connect to existing legal roads.

Policy 7.21 *Any assessment district formed to finance construction of a public sewer system shall be considered a public works project pursuant to PRC Section 30114 and must be found consistent with all applicable policies of the LCP including the ultimate level of growth allowed by the LCP and shall not be effective until and unless the Coastal Commission has approved the proposed system as an LCP amendment.*

Project Conformance: For wastewater service, the Project will participate in the Malibu Civic Center Sewage Treatment Plant and upgrading of the Sweetwater Mesa Waterworks District 29 tank on a pro-rata basis.