

RESOLUTION NO. 14-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU ADOPTING THE FINDINGS OF FACT REQUIRED BY CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 09-001 AND ADOPTING A MITIGATION MONITORING AND REPORT PROGRAM FOR THE CRUMMER SITE SUBDIVISION, LOCATED AT 24120 PACIFIC COAST HIGHWAY, IN THE PLANNED DEVELOPMENT ZONING DESIGNATION (PCH PROJECT OWNER LLC)

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

- A. On December 6, 2007, Robert Gold, on behalf of PCH Project Owner LLC, submitted Coastal Development Permit (CDP) No. 07-144, Vesting Tentative Tract Map (VTTM) No. 07-033, Local Coastal Program Amendment (LCPA) No. 12-001, Zoning Text Amendment (ZTA) 12-001 to the Planning Department for review. The applications were routed for review to the City Biologist, City Geologist, City Environmental Health Administrator, City Public Works Department and the Los Angeles County Fire Department (LACFD) for Local Coastal Program (LCP) and Malibu Municipal Code (M.M.C.) conformance review.
- B. On June 2, 2008, a Notice of Coastal Development Permit was posted on the subject property.
- C. On July 28, 2008, the City Council approved a contract with The Planning Center to initiate work on the preparation of an Environmental Impact Report (EIR) for the proposed project.
- D. On September 30, 2008, the City published a Notice of Preparation (NOP) and Initial Study for the project. The 30-day circulation period was extended for two weeks and ran from September 30, 2008 through November 7, 2008. The initial study determined that an EIR would be the appropriate type of environmental document to address potential environmental impacts resulting from proposed project implementation.
- E. On October 2, 2008, the City held a public scoping meeting regarding the preparation of the EIR.
- F. From 2009 through 2010, the project was placed on hold at the applicant's request. In January 2012, the applicant informed staff that the project could resume.
- G. On April 16, 2012, story poles were placed on the project site to demonstrate the location, height, mass and bulk of the five proposed single-family residences and accessory structures. The placement of the story poles was certified by a professional land surveyor.
- H. On May 10, 2012, a Notice of Preparation and Initial Study (2012 Initial Study) for the project was published to reestablish baseline conditions due to the lapse in time. The 30-day circulation period ran from May 10, 2012 through June 11, 2012.

I. On June 7, 2012, due to the lapse in time, the City held a second public scoping meeting regarding the preparation of the EIR.

J. On March 20, 2013, story poles were repaired and re-installed due to damage from the winds. The placement of the story poles was re-certified by a professional land surveyor on April 3, 2013.

K. On April 3, 2013, the City and the Governor's Office of Planning and Research distributed the Draft EIR to interested parties and responsible agencies for a 45-day public review period, April 3, 2013 through May 20, 2013 (State Clearinghouse # 2008091155). The City received written responses to the NOP from the following agencies: Department of Fish and Wildlife, the Native American Heritage Commission, the Metropolitan Transportation Authority, County of Los Angeles Department of Public Works and the LACFD Land Development Unit.

L. On April 5, 2013, due to the lapse in time, a second Notice of Coastal Development Permit was posted on the subject property.

M. On April 23, 2013, the Environmental Review Board / Subdivision Review Committee reviewed the proposed project and made recommendations. All feasible recommendations have been incorporated into the final project.

N. From June 2013 through November 2013, the EIR consultant worked on responding to comments received during the 45-day public review period and prepared a Final EIR. The Final EIR responds to the comments received on the Draft EIR and proposes text revisions to the Draft EIR.

O. On November 7, 2013, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to owners and occupants within 1,000 feet radius of the project site and to interested parties, regional, state and federal agencies

P. On December 13, 2013, the Final EIR was made available.

Q. On December 20, 2013, an errata to the Final EIR was made available. Response to Comments on the Draft EIR was circulated to all of those who submitted comments as well as to interested parties.

R. On January 6, 2014, the Planning Commission held a duly noticed public hearing on the LCPA No. 12-001 and ZTA No. 12-001, reviewed and considered the Final EIR, agenda report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission adopted Planning Commission Resolution Nos. 14-01 and 14-02 but took no action on CDP Nos. 07-145 through 07-149 (Lots 1-5), requiring the applicant return to the Planning Commission once complete plans have been submitted for CDP Nos. 07-145 through 07-149 (Lots 1-5) and re-story pole the structures proposed in CDP Nos. 07-145 and 07-146 (Lots 1-2).

S. On January 6, 2014, a second errata to the Final EIR was made available.

T. On January 30, 2014, 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 1,000 foot radius of the subject property and to interested parties, regional, state and federal agencies

U. On February 24, 2014, the City Council held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

Section 2. Certification of the Environmental Impact Report.

A. The Final EIR has been presented to the City Council. All procedures have been duly followed as required by law. The City Council has reviewed and considered the information contained in the Final EIR and the record as a whole in conjunction with its deliberations, in accordance with the California Environmental Quality Act (CEQA) Guidelines and Procedures of the State of California and the City of Malibu. The Final EIR reflects the City's independent judgment and analysis.

B. CEQA requires decision makers to adopt a mitigation monitoring and reporting program (MMRP) for those mitigation measures identified in the Final EIR that would mitigate or avoid each significant effect identified in the EIR, and to incorporate the MMRP including all mitigation measures as conditions of project approval. The Final EIR includes an analysis of the extent to which the proposed project's direct and indirect impacts will commit nonrenewable resources to uses that future generations will probably be unable to reverse.

C. CEQA requires that the responses to comments in the Final EIR demonstrate good faith and a well-reasoned analysis and may not be conclusive. In response to several comments received, portions of the Draft EIR have been revised. Although new material has been added to the Draft EIR through preparation of the Final EIR, this new material provides clarification to points and information already included in the Draft EIR and is not considered to be significant new information or a substantial change to the Draft EIR that would necessitate recirculation.

D. The CEQA Guidelines note that "[t]he EIR is to inform other governmental agencies and the public generally of the environmental impact of a proposed project" and "CEQA does not require technical perfection in an EIR, but rather adequacy, completeness and a good-faith effort at full disclosure." (14 Cal. Code of Regs. § 15003(c) and (i))

E. The Final EIR includes an additional clarifying narrative and clarifying exhibits for the purposes of fully disclosing the information sources and reasoning by which levels of impact and mitigation measures were established in the Draft EIR. Further, the clarifying narrative and exhibits in the Final EIR serve the purpose of fully disclosing the information sources and reasoning used by various public and agency Draft EIR commentators who arrived at divergent conclusions. CEQA provides that disagreement among experts regarding conclusions in the EIR is acceptable, and perfection is not required.

F. There are no significant, unavoidable adverse environmental impacts caused by the project. As detailed in the Final EIR, the development of the Reduced Project Alternative would not result in potentially significant adverse impacts in the following environmental subject areas: Aesthetics, Greenhouse Gas Emissions, Land Use, Noise, Recreation, Agricultural Resources, Mineral Resources, Population and Housing, Public Services and Utilities and Service Systems. The EIR provides substantial evidence that the remaining environmental subject areas (Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials and Hydrology and Water Quality and Transportation and Traffic) are less than significant with the implementation of certain, specified mitigation measures.

G. In compliance with Public Resources Code Section 12081 and CEQA Guidelines Section 15093, the City Council has determined that no Statement of Overriding Considerations is required as there are no significant, unmitigable environmental impacts that result from the proposed project.

Section 3. Adoption of CEQA Findings of Fact.

The City Council does hereby find that the Final EIR for the Crummer Site Subdivision and associated entitlements identifies and discloses project specific impacts and cumulative project impacts. City Council has reviewed and considered the information contained in the EIR and in the Findings of Fact attached hereto as "Exhibit A." City Council determines that the Findings of Fact contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Crummer Site Subdivision. City Council further finds that the Findings of Fact have been completed in compliance with CEQA and the CEQA Guidelines. City Council hereby approves and adopts the Findings of Fact attached hereto as "Exhibit A."

Section 4. Alternatives Analyses.

Based upon the testimony and other evidence received, and upon studies and investigation made on its behalf, the City Council further finds that the Final EIR analyzes a reasonable range of project alternatives. The alternatives are included as Appendix E of the Final EIR and discussed in Section 7, Finding A3.

Section 5. CEQA Findings.

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

- A. The Final EIR for this project is adequate, complete, and has been prepared in accordance with CEQA.
- B. The City Council has reviewed and considered the Final EIR in reaching its conclusion.
- C. In accordance with CEQA Guidelines Sections 15091 and 15093, the EIR includes a

description of each potentially significant impact and rationale for finding that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as detailed in Section 3 of this Resolution. Alternatives to the Project that may eliminate or reduce significant environmental impacts are described in the findings attached hereto and incorporated herein by reference.

D. Public Resources Code Section 21081.6 requires the City to prepare and adopt a MMRP for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The MMRP is attached hereto as "Exhibit B". In accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091, changes and alterations have been required and incorporated into the Crummer Site Subdivision and related entitlements which avoid or substantially lessen the significant environmental effect because feasible mitigation measures included in the MMRP are made conditions of approval for this project.

E. The Final EIR reflects the City's independent judgment and analysis.

Section 6. Adoption of Mitigation Monitoring and Reporting Program.

City Council hereby adopts the MMRP, attached hereto as "Exhibit B" and made a part hereof.

Section 7. Severability.

If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

Section 8. Certification.

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 this 24th day of February 2014.



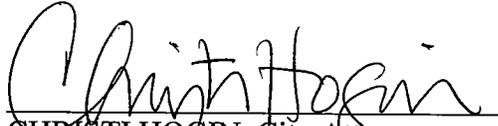
JOAN HOUSE, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

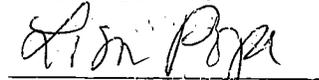
APPROVED AS TO FORM:


CHRISTI HOGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the M.M.C. and Code of Civil Procedure.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 14-11 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 24th day of February 2014 by the following vote:

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


LISA POPE, City Clerk
(seal)

**FINDINGS AND FACTS IN SUPPORT OF FINDINGS
FOR THE CRUMMER SITE SUBDIVISION
FINAL ENVIRONMENTAL IMPACT REPORT,
MALIBU, CALIFORNIA**

STATE CLEARINGHOUSE NO. 2008091155

1. INTRODUCTION

The California Environmental Quality Act, Public Resources Code Section 21081, and the State CEQA Guidelines, 14 California Code of Regulations, Section 15091 (collectively, CEQA) require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. The State CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

State CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Draft Environmental Impact Report (Draft EIR) and the Final Environmental Impact Report (Final EIR) for the Crummer Site Subdivision project, SCH No. 2008091155 (collectively, the EIR), as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (Findings) are hereby adopted by the City of Malibu (City) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for the development of the project. These actions include the approval and/or certification of the following:

- Environmental Impact Report No. 09-001
- Local Coastal Program Amendment No. 12-001
- Zoning Text Amendment No. 12-001
- Vesting Tentative Tract Map No. 07-033
- Coastal Development Permit Nos. 07-144 through 07-149
- Site Plan Review Nos. 07-139 and 07-141 through 07-143

The Coastal Development Permits relating to the residences (CDP Nos. 07-145 through 07-149) and Site Plan Review Nos. 07-139 and 07-141 through 07-143 will be considered by the Planning Commission at a later date and are not included in the actions considered by the City Council on February 24, 2014.

These actions are collectively referred to herein as the “project.”

A. DOCUMENT FORMAT

These Findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings.
- (2) Section 2 provides a summary of the project, overview of the discretionary actions required for approval of the project, and a statement of the project’s objectives.
- (3) Section 3 provides a summary of public participation in the environmental review for the project.
- (4) Section 4 sets forth findings regarding the environmental impacts that were determined to be—as a result of the Initial Study, consideration of comments received during the Notice of Preparation (NOP) comment period, and analysis in the EIR—either not relevant to the project or clearly not at levels that were deemed significant for consideration at the project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the EIR that the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of existing regulations and/or mitigation measures. In order to ensure compliance and implementation, all mitigation measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project and adopted as conditions of the project by the Lead Agency. Section 5 includes findings regarding those significant or potentially significant environmental impacts identified in the EIR that will or may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- (6) Section 6 sets forth findings regarding alternatives to the proposed project.
- (7) Section 7 sets for findings on Mitigation Monitoring and Reporting Program. This section provides a brief discussion of the project’s compliance with Section 15097 of the CEQA Guidelines regarding the adoption of a program for reporting and monitoring mitigation measures.

B. CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City’s actions related to the project are at the City of Malibu Community Development

Department, 23825 Stuart Ranch Road, Malibu CA, 90265, Malibu, California 90265.
The City of Malibu is the custodian of the Administrative Record for the project.

2. **PROJECT SUMMARY**

A. **PROJECT LOCATION**

The project site is approximately 24 acres, at 24120 Pacific Coast Highway (PCH), in the City of Malibu, County of Los Angeles. The Assessor's Parcel Numbers (APN) for the project site are 4458-018-019, 4458-018-018, and 4458-018-002. The project site is located atop a bluff with slopes descending to the south and east. Malibu Bluffs Park borders the project site to the west, PCH borders the project site to the north, and privately owned parcels border the site to the east and south. Winter Mesa, a small road connecting PCH to Malibu Bluffs Park, provides access to the project site.

B. **SUMMARY OF THE PROJECT**

The project consists of the subdivision of the project site into seven individual lots and the development of new single-family residences on five of the seven lots (Lots 1 through 5). One of the remaining two lots (Lot 6) would be maintained by a homeowners' association (HOA) and would include open space/landscaping, a private street, gatehouse, a wastewater dispersal area, and an onsite wastewater treatment system (OWTS) package plant to serve the five residences and the gatehouse. The remaining lot (Lot 7) would be dedicated to the City of Malibu for active and passive recreational use.

The Draft EIR analyzed five two-story, single-family residences with a maximum height of 28 feet. A "Reduced Project Alternative" was requested during the public review period for the Draft EIR. Section 7, *Alternatives to the Proposed Project*, of the Final EIR includes the Reduced Project Alternative and analyzes the impact of the originally proposed project when targeted reductions in height, massing, and visual bulk are applied to the five proposed homes (See Final EIR Appendix E). The Reduced Density Alternative has been selected as the proposed project.

As used herein, the terms "project," "proposed project" or "proposed project (Reduced Project Alternative)" refers to the Reduced Project Alternative set forth in the Final EIR. The term "originally proposed project" refers to the project originally proposed by the applicant and analyzed in the Draft EIR.

Residential Use

The proposed project assumes that the project site is developed with five single-family homes. Lots 1 through 5 would each be developed with a single-family residence. Each of Lots 1, 3, 4 and 5 would include a two-story, 28-foot-high structure, and swimming pool and spa. Lot 2 would include an 18-foot-high, single-story structure, and include a swimming pool and detached gym. Lots 1 and 4 would include a detached cabana and covered loggia. Lots 3 and 5 would include a detached cabana, guest house covered loggia. All of the residences would have a three-car garage, except Lot 3, which would have a two-car garage and one exterior parking space. Lots 1 through 5 would have basements. The project would physically develop 49,532 square feet, as broken down

in Table 1. Additionally, each residence would have a wastewater septic tank, which would route wastewater to the OWTS.

<i>Table 1</i>		
<i>Development Summary</i>		
Lot No.	Description	Development Square Footage
1	First Floor	6,255
	Second Floor	1,619
	Basement	0
	Garage/Cabana/Covered Loggia	2,178
	Total	10,052
2	First Floor	7,369
	Second Floor	0
	Basement	437
	Garage/Gym/Covered Loggia	1,836
	Total	9,642
3	First Floor	4,543
	Second Floor	3,271
	Basement	0
	Garage/Cabana/Covered Loggia	1,185
	Total	8,999
4	First Floor	4,789
	Second Floor	3,152
	Basement	0
	Garage/Cabana/Covered Loggia	1,595
	Total	9,536
5	First Floor	4,669
	Second Floor	3,655
	Basement	337
	Garage//Guest House/Covered Loggia	2,699
	Total	11,023
6	OS/HOA – Gatehouse	280
7	Recreation	0

Site preparation would require cut and fill within the general footprint of the building pads, which would minimize alteration to the existing site topography. Although the basic topography and landform of the project site would remain similar to existing conditions, project development on Lot 1 through 6 would result in a total disturbance of 129,819

cubic yards of soil. Project changes result in slightly less, but generally a similar amount of, soil export and import as the originally proposed project.

The architectural style of the proposed structures would be generally characterized as Mediterranean with some modern updates. Visible construction materials would include textured clay tile, cement plasters, natural stone, wood trellises, metal roofs, and decorative walls and arches and colonnades. The project site would be landscaped, and vegetation native to the area, including trees, would be planted throughout the site in accordance with a landscape plan prepared for the proposed project. The project includes some changes to the landscaping plan from that which was included in the originally proposed project in order to reduce the visual impacts of the project by removing some of the proposed plant materials to create additional gaps and the removal of some taller trees and provide better screening for residences.

The proposed private street providing access to the single-family homes (Lot 6) would include sufficient turnaround area in the event that vehicles intending to go to Bluffs Park inadvertently turn into the residential road. The private gated street would be 34 feet wide and terminate in a cul-de-sac, which would serve as a fire department turnaround and would be accessible from Winter Mesa Drive. The gatehouse would be approximately 280 square feet, 16 feet 6 inches in height at its highest point, and would include an office and bathroom. The gatehouse would include an approved Knox Box, which is a wall-mounted safe that holds entry gate keys to allow access for emergency personnel to the project site.

Onsite Wastewater Treatment System

An OWTS Package Plant is proposed for the northwestern corner of Lot 6. The proposed OWTS Package Plant would treat wastewater generated from each of the residences and the gatehouse. It would be installed in the northwest corner of the site near the intersection of Winter Mesa Drive and PCH. Clean effluent from the OWTS Package Plant would be discharged to seepage pits in the southernmost portion of Lot 7 along Winter Mesa Drive. The HOA would own and be responsible for the operation and maintenance of the OWTS and the seepage pits. The OWTS would be designed with a stub-out box and purple pipe to allow for connection to a municipal wastewater treatment in the Civic Center area in the future to process wastewater produced on the project site.

Water Line

The proposed project would require an extension of water service to the project site. A water line would be installed to connect the proposed project to an existing water line near the intersection of Malibu Canyon Road and Malibu Knolls Road, approximately 2,000 feet north of the project site. The proposed extension of the water line would be installed along Malibu Canyon Road. Due to the curvature of the roadway, this would require the installation of approximately 3,200 feet of water line. An existing 10-inch line underlies the site and is connected to a 12-inch crossing under PCH. This existing 10-inch line would be disconnected from the 12-inch crossing and connected to the proposed 12-inch line extension. A connection would be made to the existing 12-inch crossing, and approximately 140 feet of new 12-inch line would be installed in the south shoulder of PCH. An 8-inch reduced pressure detector assembly and a fire hydrant would be installed at the end of the main.

Dedication of Parkland

The project includes the dedication of Lot 7 to the City of Malibu to expand the portion of Malibu Bluffs Park owned by the City by 1.74 acres to the east and northeast. The City-owned portion of Malibu Bluffs Park currently has two baseball fields, a multipurpose field, the Michael Landon Center, picnic benches, viewing areas, and an 81-space parking lot. The proposed project will dedicate Lot 7 to the City. The City has not undertaken the planning process to determine how Lot 7 will be used and developed. Similarly, the City has not determined the budget for the development of Lot 7 or the feasibility of the development of Lot 7 with any particular recreational use. Thus, it is not possible for the City to decide the development requirements related to the recreational use of Lot 7 at this time, and it is not feasible to evaluate the impacts of all possible uses of Lot 7 for recreational uses at this time. In sum, the recreational area on Lot 7 has yet to be designed or planned, would not be developed as part of this project and is not a part of the project.

Although no recreational improvements would be permitted as part of the applicant's current proposal, the land dedication is intended to expand Malibu Bluffs Park. Furthermore, the LCPA and corollary zoning text amendment being requested—including language that specifies the type, density and intensity of development permitted in the PD zoning designation—applies to all seven lots.

The 2012 Parks and Recreation Master Plan found that Malibu Bluffs Park is heavily used and that onsite parking lot does not adequately serve park patrons during peak times. Once Lot 7 is dedicated to the City, active recreation areas, passive recreation areas, and an expanded parking lot are all foreseeable future uses¹. Based on the community's needs, the City believes that Lot 7 may be developed as a baseball field (expansion of existing organized sport uses) or a skate park.

In addition, a portion of Lot 7 may be developed with a parking lot for Bluffs Park open to the general public, a City-owned maintenance shed, and passive recreational uses such as public sitting areas and picnic tables. The new parking lot, when combined with a portion of parking provided on Winter Mesa Drive, could contain up to 94 parking spaces. The existing parking lot at Malibu Bluffs Park contains 81 spaces and an additional 40 vehicles can be parallel parked along both sides of Winter Mesa Drive. With implementation of the future recreational facilities, the 40 parallel parking spaces along both sides of Winter Mesa Drive would be eliminated and replaced with a new 94-space parking lot on the project site, resulting in a net increase of approximately 54 new parking spaces for Bluffs Park. Therefore, the total number of parking spaces to serve

¹ According to the CEQA Guidelines, "In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project" (CEQA Guidelines § 15064(d)). The CEQA Guidelines then further define the term "indirect physical change" as follows: "An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. The CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (Guidelines § 15355). The individual effects may be changes resulting from a single project or more than one project.

the existing Malibu Bluffs Park and any future recreational uses would be 175 spaces (81 existing spaces plus 94 proposed spaces).

Therefore, because these recreational uses are reasonably foreseeable, the Draft EIR evaluated the cumulative impacts of development of Lot 7, to the extent feasible at this time.

The new parking lot, proposed recreational facilities, and Bluffs Park would be accessed by Winter Mesa Drive via a Los Angeles County Fire Department approved turnaround at the southwestern portion of Lot 7 and Winter Mesa Drive. Because certain recreational uses are foreseeable for Lot 7, in addition to the proposed project, this Draft EIR analyzes two different development options throughout the document to identify potential impacts associated with future recreational uses. The first development option for Lot 7 is a baseball field. The second development option for Lot 7 is a skate park. The Draft EIR analyzed these two potential recreational uses for Lot 7 because they are reasonably foreseeable and are suitable for analysis because these recreational uses represent somewhat different levels of intensity of use.

Approximately 10 acres of Malibu Bluffs Park is owned by the City and approximately 83 acres is owned by the Santa Monica Mountains Conservancy (SMMC). The dedication of Lot 7 would contain a deed restriction providing that the new recreational and parking lot areas shall remain open to the public, similar to and consistent with the general operating rules and regulations established by M.M.C. Chapter 12.08, as amended from time to time. The deed restriction would ensure that public access to the entire park, the new recreational uses, and the parking lot (on a first-come, first-serve basis) is provided to members of the public and to the SMMC.

Dedication of Conservation Easement

In 2009, the applicant's predecessor in interest, AZ Winter Mesa, LLC, voluntarily agreed to dedicate to the Mountains Recreation and Conservation Authority (MRCA) a conservation easement totaling approximately 6.23 acres along the southern portion of the project site and the eastern property line of the adjacent property. MRCA agreed to accept the dedication of the conservation easement.

The project owner has agreed to voluntarily dedicate the conservation easement to the MRCA subject to the same terms and conditions and intends to enter into an agreement with the MRCA.

C. DISCRETIONARY ACTIONS

Since it is not the City's intent to relocate the existing athletic fields from Bluffs Park, LUP Policy 2.78 is now obsolete. Therefore, a local coastal program amendment (LCPA) and corollary zoning text amendment are being requested—including language that specifies the type, density and intensity of development permitted in the PD zoning designation. The LCPA (LCPA No. 12-001) and zoning text amendment (ZTA No. 12-001) propose to delete LUP Policy 2.78; amend LUP Chapter 6, Land Use Designations; and incorporate the Planned Development Ordinance in the Local Coastal Program and the M.M.C. The LCPA will be forwarded to the California Coastal Commission for certification. The proposed LCPA is intended to correct the inconsistency between the

policy and the zoning designation and to incorporate development standards for the proposed project.

Implementation of the project will require several actions by the City, including:

- Certification of the Final Environmental Impact Report (SCH#2008091155)
- Coastal Development Permit (CDP): In accordance with LIP Section 13.3, the project will require one CDP for the subdivision of the property and one CDP per proposed residence. The CDPs for the residences (CDP Nos. 07-145 through 07-149) will be considered by the Planning Commission at a later date and are not included in the actions considered by the City Council on February 24, 2014.
- Site Plan Review (SPR): In accordance with LIP Section 13.27.1, each residence will need a corresponding SPR for construction in excess of 18 feet in height, up to a maximum height of 28 feet for pitched roofs on Lots 1 and 3 through 5 (i.e., Site Plan Review Nos. 07-139, 07-141 through 07-143). Site Plan Review Nos. 07-139 and 07-141 through 07-143 will be considered by the Planning Commission at a later date and are not included in the actions considered by the City Council on February 24, 2014.
- Vesting Tentative Tract Map (VTTM): VTTM No. 07-003 must be approved to allow for the subdivision of the project site for development of five single-family residences.
- Local Coastal Program Amendment (LCPA) No. 12-001 and Zoning Text Amendment No. 12-001: The approval of a Local Coastal Program Amendment and Zoning Text Amendment is required to correct the inconsistency created between the LUP Policy and the zoning designation and to incorporate the Planned Development Ordinance in the LCP and Malibu Municipal Code.
- California Coastal Commission: Pursuant to LCP Section 3.3(Q), “[a]ny planned developments in such commercial areas would require an amendment to the Malibu Local Coastal Program in order to specify the permitted type, density, and intensity of development.” The Planned Development Ordinance will be processed as an LCPA and will be forwarded to the California Coastal Commission for certification. In addition, a portion of the site is depicted on the Post-LCP Permit and Appeal Jurisdiction Map (Map No. 3) and is therefore subject to appeal to the Coastal Commission. Other opportunities for appeal to the California Coastal Commission are set forth in the Coastal Act.

The Final EIR would also provide environmental information to responsible agencies, trustee agencies, and other public agencies that may be required to grant approvals and permits or coordinate with the City of Malibu as a part of project implementation. These agencies include, but are not limited to:

- California Coastal Commission
- California Department of Transportation (Caltrans)

- Los Angeles County Fire Department
- Los Angeles County Waterworks District 29
- Los Angeles Regional Water Quality Control Board
- State Water Resources Control Board

D. STATEMENT OF PROJECT OBJECTIVES

The City of Malibu has identified the following objectives for the Crummer Site Subdivision:

- Contribute to the range of housing choices in the City of Malibu.
- Dedicate land sufficient for the City of Malibu to expand Bluffs Park and design a recreational facility that meets the community's needs for active recreation.
- Provide additional public parking for Malibu Bluffs Park.
- Preserve view sheds, maximize open space, and maintain the area's rural character.
- Maintain residential privacy.
- Maximize separation of building areas from significant environmental resources.
- Preserve habitat connectivity and wildlife corridors.
- Develop a project consistent with codes, regulations, procedures, and consistent with the City's General Plan and Local Coastal Program.
- Preserve public bluewater ocean views.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

In conformance with CEQA, the City of Malibu conducted an extensive environmental review of the project. As part of the environmental review process, the following tasks were performed:

- On September 30 2008, a Notice of Preparation (NOP) and Initial Study for the project were published by the City. The 30-day circulation period was extended for two weeks and ran from September 30, 2008 through November 7, 2008. The Initial Study indicated that an EIR would be the appropriate type of environmental document to address potential environmental impacts resulting from proposed project implementation. On May 10, 2012, an NOP and Initial Study (2012 Initial Study) for the project were published in a newspaper of general circulation within the City of Malibu to reestablish baseline conditions due

to the lapse in time. The 30-day circulation period ran from May 10, 2012 through June 11, 2012.

- The general public and public agencies were invited by the City of Malibu to a scoping meeting for the Draft EIR. The meeting was held on June 7, 2012, at City Hall.
- The Draft EIR (entitled "Crummer Site Subdivision Environmental Impact Report" SCH No. 2008091155, April 2013) was released for public review on April 3, 2013. The document was circulated until May 20, 2013. Notice of the availability of the Draft EIR was sent to all interested persons and organization, and was published in a newspaper of general circulation within the City of Malibu and posted with the Los Angeles County Registrar-Recorder/County Clerk. The Draft EIR was available for public viewing at the City Hall, Malibu Library, Malibu Business and Shipping Center, and on the City website.
- A public meeting on the Draft EIR and proposed project was held with the Planning Commission on May 6, 2013.
- The Final EIR (entitled "Crummer Site Subdivision Final Environmental Impact Report" SCH No. 2008091155, November 2013), which included comments and responses on the Draft EIR, as well as revisions to the Draft EIR was sent to commenting entities and made available for public viewing on December 13, 2013 on the City's website.
- A public hearing on the Final EIR and proposed project was held by the Planning Commission on January 6, 2014 in the City Council Chambers. Notices of time, place, and purpose of the aforesaid meeting were provided in accordance with CEQA and the City's Municipal Code. The Draft EIR, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at these hearings. Notice for the January 6, 2014 meeting was published along with the NOA and notice for the meeting was published in a newspaper of general circulation within the City of Malibu and mailed to all interested persons, agencies and organizations consistent with the City's Municipal Code. Additionally, the item appeared on the agenda for these meetings, which was posted at City Hall and on the City website.
- In compliance with Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines), the City has met its obligation to provide written Responses to Comments to public agencies on December 16, 2013, at least 10 days prior to certifying the Final EIR.
- The City Council public hearing was held on February 24, 2014, in the City Hall Council Chambers. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the City's Municipal Code. The Final EIR, staff report, and evidence, both written and oral, were presented to and considered by the City Council at this hearing. Notice for the meeting was published in a newspaper of general circulation within the City of Malibu and mailed to all interested persons, agencies and organizations consistent with the City's Municipal Code. Additionally, the item appeared on the agenda for the meeting, which was posted at City Hall and on the City's website.

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Initial Study and NOP for the proposed project;
- All comments and correspondence submitted to the City of Malibu with respect to the proposed project;
- The Draft EIR for the proposed project;
- All comments submitted by agencies or members of the public during the Draft EIR's 45-day public review period;
- The Final EIR for the proposed project;
- The Mitigation Monitoring and Reporting Program for the project;
- All findings and resolutions adopted by the City of Malibu in connection with the project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed project prepared by the City of Malibu, consultants to the City of Malibu, or responsible or trustee agencies with respect to the City of Malibu's compliance with the requirements of CEQA and with respect to the City of Malibu's action on the project;
- All documents submitted to the City of Malibu by other public agencies or members of the public in connection with the proposed project and project, up through the completion of the Final EIR;
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City of Malibu in connection with the proposed project and project;
- Any documentary or other evidence submitted to the City of Malibu at information sessions, public meetings, and public hearings;
- Matters of common knowledge to the City of Malibu, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The documents and other material that constitute the record of proceedings on which these findings are based are located at the City of Malibu Department of Environmental and Community Development, at 23815 Stuart Ranch Road, Malibu. The custodian for these

documents is the City of Malibu, Department of Environmental and Community Development. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

4. ENVIRONMENTAL ISSUES THAT WERE DETERMINED TO BE LESS THAN SIGNIFICANT

A. IMPACTS DETERMINED LESS THAN SIGNIFICANT IN THE INITIAL STUDY

As a result of the Notice of Preparation and Initial Study circulated by the City on May 10, 2012, in connection with preparation of the EIR, the City determined, based upon the threshold criteria for significance (Appendix G of the CEQA Guidelines) and other evidence in the record that the project would have no impact or a less than significant impact on the following potential environmental issues, and therefore, determined that these potential environmental issues would not be addressed in the Draft EIR. For a full discussion of the below environmental categories, see Appendix E (Section 7.3.4) of the Final EIR, Chapter 5 of the Draft EIR and the Initial Study (contained Appendix A of the Draft EIR).

Based upon the environmental analysis presented in the EIR, and the comments received by the public on the Draft EIR, no substantial evidence was submitted or identified by the City which indicated that the project would have an impact on the following environmental areas:

1. *Agriculture and Forest Resources.*

- a. The project area does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- b. No portion of the project area conflicts with existing zoning for agricultural use or is covered by a Williamson Act Contract.
- c. The project area does not include forest land, timberland, or timberland zoned as Timberland Production.
- d. The project does not result in the loss of forest land or conversion of forest land to non-forest use.
- e. Nor does the project result in changes in the existing environment that could result in the conversion of Farmland to non-agricultural use or forest land to non-forest land use.

2. *Air Quality.*

- a. The project does not conflict with or obstruct implementation of the applicable air quality plan.
- b. The project does not create objectionable odors affecting a substantial number of people.

3. *Biological.*

- a. The project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- b. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- c. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4. Cultural.

- a. The project site is vacant and development of the project would not cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5.
- b. Conformance with existing regulations concerning the discovery of human remains would ensure that impacts related to human remains would be less than significant.

5. Geology and Soils.

- a. The project site does not lie within an Alquist-Priolo Earthquake Fault Zone listed by the US Geological Survey. The project would not expose people or structures to substantial adverse effects involving rupture of a known earthquake fault.
- b. The project would not expose people or structures to adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking the use of septic systems or alternative waste water disposal systems.
- c. Nor would the project expose people or structures to risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

6. Hazards and Hazardous Materials.

- a. Project construction and operation would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
- b. Construction and operation of the proposed project would not create significant hazards through accidental release of hazardous materials.
- c. Emissions and hazardous materials associated with the proposed project would not create a hazard to schools near the project site.
- d. The project site is not listed on any databases of hazardous materials sites compiled pursuant to Government code Section 65962.5, and the closest facilities are more than one-quarter mile north of the site. Therefore, the project would not create a significant hazard to the public or the environment.
- e. There are no public or public use airports within 10 miles of the project site, and the project site is not in an airport land use plan area. Therefore, the project would not result in a safety hazard for people residing or working in the project area.
- f. There are no airports or airstrips within the vicinity of the project site. No hazards associated with private airstrips would be created by the proposed project resulting in a safety hazard for people residing or working in the project area.
- g. The proposed project would not interfere with any adopted emergency response plans or evacuation plans.

7. Hydrology And Water Quality.

- a. Due to the project site's position on top of a bluff and its location in an area with a 500-year flood hazard or less, the project site would not be affected by flooding.
- b. The project site is not in a 100-year flood hazard area and would not place structures in a flood hazard area which would impede or redirect flood flows.
- c. Tsunamis and seiches occur rarely and are unlikely to impact the project site due to its elevation. Likewise, the proposed project would not be inundated by mudflows.

8. Land Use and Planning.

- a. Development of the vacant project site would not physically divide an established community.
- b. The project site is not covered by, and would not conflict with any, Habitat Conservation Plan, Natural Community Conservation Plan, or other habitat management plan.

9. Mineral Resources.

- a. The project would not impact mineral resources of regional or statewide importance.
- b. The project would not impact any locally important mineral resources.

10. Noise.

- a. There are no airports within 10 miles of the project site, and the project site is not in an airport land use plan area.
- b. There are no airports or airstrips within 10 miles of the project site. Noise generated by or airstrips would not impact the project site.

11. Population or Housing.

- a. This slight population increase of 12 people would not cause a significant strain on the infrastructure of the City of Malibu.
- b. The proposed project entails the development of a vacant property and housing would be displaced as a result of the proposed project
- c. The proposed project entails the development of a vacant property and no people would be displaced as result of the project necessitating the construction of replacement housing elsewhere.

12. Public Services.

- a. The project would not require the creation or expansion of fire department facilities, or the need to hire of additional personnel.
- b. The project would not create a need for new police facilities and impacts to police protection would be less than significant.
- c. The project would not create a need for new school facilities and impacts would be less than significant.

- d. The project would not result in a significant increase in demand for local and regional parks.
- e. This project would not require the creation or expansion of public facilities, such as libraries.

13. Transportation/Traffic.

- a. There are no public or private airports or airstrips within 10 miles of the project site. The project would not change in air traffic patterns or result in substantial safety risks.
- b. The project design would not inhibit emergency access.
- c. Public transportation is available in and around the project area. The proposed project would not conflict with any policies, plans, or programs supporting alternative transportation.

14. Utilities and Service Systems.

- a. Project-generated wastewater could be adequately treated. The proposed project would include sewage treatment facilities onsite. The facilities would require a waste discharge permit that would be issued by the Los Angeles Regional Water Quality Control Board (RWQCB). The application for the permit would require the project applicant to include a waste discharge report and plans of the treatment facilities. Compliance with the requirements and regulations of the RWQCB and receipt of a permit for operation of the facilities would reduce any potentially significant impact to a level below significance.
- b. Water supply and delivery systems are adequate to meet project requirements. Water service to the project site will require the design and construction of new water line mains on the proposed road and service connections to the residences. The proposed development would include an onsite wastewater treatment system (OWTS) plant to serve the proposed residences and gatehouse. With the implementation of the proposed OWTS in accordance with the existing regulations, impacts to wastewater treatment facilities would be less than significant.
- c. Existing and/or proposed storm drainage systems are adequate to serve the drainage requirements of the proposed project and there would be no significant impacts to stormwater drainage facilities.
- d. The increase in water demand would not be substantial and impacts on water supply would be less than significant.
- e. Existing and/or proposed facilities would be able to accommodate project-generated solid waste and comply with related solid waste regulations.

B. IMPACTS DETERMINED LESS THAN SIGNIFICANT IN THE DRAFT EIR

The City of Malibu finds, based upon the Final EIR and the record of proceedings, that with changes and alterations required in or incorporated into the project and implementation of regulatory requirements, project design standards, best management practices, and City of Malibu standard conditions of approvals, the proposed Crummer Site Subdivision would avoid or substantially lessen the below environmental categories to less than significant levels as identified in the Final EIR.

The Final EIR determined that the proposed project, when compared with the originally proposed project, would be environmentally similar with regard to impacts (Final EIR, Section 7.3.4, Appendix E). For a full discussion of the below environmental categories, see the Final EIR, Appendix E (Section 7.3.4, *Reduced Project Alternative*) of the Final EIR, and Chapter 5 of the Draft EIR.

Based upon the environmental analysis presented in the EIR, and the comments received by the public on the Draft EIR, no substantial evidence was submitted to or identified by the City indicating that the project would have a potentially significant impact on the following environmental areas:

1. Aesthetics.

- a. Project buildout would not substantially alter scenic vistas in Malibu. [Threshold AE-1]
 - i. The Final EIR determined that, as with the originally proposed project, the proposed project would not have a substantial adverse effect on a scenic vista (See Section 7.3.4 of the Final EIR and Section 5.1 of the Draft EIR). The EIR included technical reports entitled "Malibu Coast Estates Visual Simulations" by Scott A. Johnson dated November 29, 2012 and "Malibu Coast Estate: Visual Simulations, Supplemental Report" by Scott A. Johnson dated September 30, 2013. The reports included visual simulations from 26 different public and private viewpoints, which included a nearby property which is the site of the proposed Rancho Malibu hotel, private property within Malibu Country Estates, PCH, the beach near Malibu Colony Road, Bluffs Park, Malibu Road, Malibu Canyon Road, Malibu Knolls, Pepperdine University, Surfrider Beach, Malibu Colony Beach, Malibu Pier, Adamson House, Legacy Park and Malibu Library. Story poles had been erected on the project site showing the location and dimensions of the originally proposed project's single-family residential development. The story poles are placed on the project site in order to depict the precise outlines of the specific residences designed by the project architect. A professional land surveyor verified the accuracy of the location and height of the story poles and their conformance to the exhibit prepared by the architect and approved by the City.
 - ii. Based on the visual simulations, it was determined that the originally proposed project and the proposed project would not cause a significant obstruction to the views of the ocean or mountains from any of the viewpoints and the project would not result in a significant impact to scenic vistas.
- b. Project buildout would not substantially alter scenic resources within a state scenic highway. [Threshold AE-2]

- i. The Final EIR determined that, as with the originally proposed project, implementation of the proposed project would not damage scenic resources within a scenic highway (See Final EIR, Section 7.3.4, Appendix E). Section 5.1 of the EIR analyzed the impact of the proposed project on scenic resources. The EIR included technical reports entitled "Malibu Coast Estates Visual Simulations" by Scott A. Johnson dated November 29, 2012 and "Malibu Coast Estate: Visual Simulations, Supplemental Report" by Scott A. Johnson dated September 30, 2013. The reports included visual simulations from 26 different public and private viewpoints, which included PCH and Malibu Canyon Road. The EIR concluded that the proposed structures would not obscure a noticeable portion of the ocean view, and would not otherwise significantly alter the view from Malibu Canyon Road. With respect to PCH, although it has been officially designated an eligible scenic highway by the California Department of Transportation, it is considered scenic for its views of the ocean and mountains. The project would be visible from PCH and may alter the skyline of project site's bluff from certain portions of PCH, but it would not affect the primary visual resources of PCH, namely the views of the oceans to the south and mountains to the north. Furthermore, due to the site's existing topography which is higher than road grade, there are no public views of the ocean. Similarly, the modified landscaping plan of the project, particularly when compared to the originally proposed project, shields the residences somewhat more when viewed from this location. These changes to the proposed project result in a slightly reduced profile and somewhat less prominent appearance than the originally proposed project. As shown in the visual simulations, the project would not block any significant scenic resources from scenic highways
- c. Buildout in accordance with the proposed project would alter the visual appearance of Malibu, but would not substantially degrade its existing visual character or quality. [Threshold AE-3]
 - i. Project development would not degrade the visual appearance of the project site or its surroundings. The project area is characterized by a mix of uses, including residential, recreational, commercial, and institutional, and the project would be compatible with the project site and its surroundings. Thus, the project, when assessed within the context of the extensive and diverse surrounding residential and commercial uses, including single family residential development, condominium developments, office buildings, civic buildings, Pepperdine University and retail centers, would not substantially degrade visual character of the site or introduce any aesthetic elements incompatible with the project area
- d. The proposed project would not generate substantial light or glare that would affect views [Threshold AE-4]
 - i. Project implementation would not generate a significant amount of additional light and glare beyond existing conditions. Construction materials for the project would include textured clay tile, cement plasters, wood trellises, and decorative walls and arches and colonnades. Building roofs would be constructed from metal and clay tile or stone. In accordance with the City's standard conditions regarding building materials, the exterior of the proposed

buildings would be constructed of nonreflective building materials. Although the roofs would be metal, they would not be reflective. The project would therefore not create a significant amount of glare. The residential subdivision would introduce exterior lighting in the form of low intensity, downward facing road and security lighting, headlights of motor vehicles accessing the site, and interior lighting at each of the five new dwellings. The project would comply with light and glare requirements set forth in the M.M.C. and the LIP. Outdoor lighting would incorporate low-level lighting fixtures and would be designed and installed with directional shields so that the light source would not be seen from adjacent land uses and roadways. In accordance with the LIP, a deed restriction reflecting the lighting restrictions of the LIP would be executed and recorded. Lighting associated with the project would not cause a significant impact.

- e. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to aesthetics. Development of the project in conjunction with other projects would result in an intensification of existing, prevailing land uses in the City. Development of the related projects is expected to occur in accordance with adopted plans and regulations. While many of the related projects and the project would be visible from public and private properties, the related projects and project in combination would not obstruct existing public scenic views or create a substantial amount of glare or nighttime light.

2. *Air Quality.*

- a. The proposed project would be consistent with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP) [Threshold AQ-1].
 - i. The Final EIR concluded that because the proposed project would construct five homes, the proposed project is similar to the originally proposed project and would result in similar grading and construction-related impacts related to hauling soil off the project site (Final EIR, Section 7.3.4, Appendix E). As with the originally proposed project, project implementation would not conflict with or obstruct implementation of the South Coast Air Quality Management Plan. The project is consistent with the City of Malibu General Plan. Furthermore, long-term criteria air pollutants generated by the five homes would not exceed the SCAQMD's significance thresholds. These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the project would not exceed these thresholds, the project would not be considered by the SCAQMD to be a substantial emitter of criteria air pollutants. Therefore, the project would be consistent with SCAQMD's 2012 AQMP.
- b. Long-term operation of the project would not generate vehicle trips and associated emissions in exceedance of SCAQMD's regional threshold criteria [Thresholds AQ-2 and AQ-3].
- c. Construction of the proposed project would not expose sensitive receptors to substantial pollutant concentrations [Threshold AQ-4].

- i. Construction activities would not generate short-term emissions for PM₁₀, PM_{2.5}, VOC, SO_x, and CO concentrations that exceed the SCAQMD regional threshold criteria or significantly contribute to the nonattainment designations of the South Coast Air Basin (SoCAB).
- d. Operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-4]
 - i. Long-term operation of the project would not generate substantial mobile- or stationary-source emissions that would exceed the SCAQMD's regional threshold criteria or significantly contribute to the nonattainment designations of the SoCAB. Project operation-related emissions are shown in Table 5.2-9 of the Draft EIR. As shown in this table, operational emissions would not exceed the SCAQMD's thresholds. Therefore, criteria air pollutant emissions generated by the proposed project would not cumulatively contribute to nonattainment designations of the SoCAB
- e. Proximity to the Pacific Coast Highway would not expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-4]
 - i. Construction activities would not expose sensitive receptors in the vicinity of the project to substantial pollutant concentrations. Onsite construction emissions generated are shown in Table 5.2-10 of the Draft EIR. As shown in the table, maximum daily construction emissions would not exceed the SCAQMD localized significance thresholds for NO_x, CO, PM₁₀, and PM_{2.5}. Therefore, construction emissions would not exceed the CAAQS and the project construction would not expose sensitive receptors to substantial pollutant concentrations. Localized air quality impacts from construction activities would be less than significant.
- f. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to air quality. Operation of the project would not result in emissions in excess of the SCAQMD regional emissions thresholds for long-term operation for VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. Therefore, the project's contribution to cumulative air quality impacts would be less than significant.

3. Biological Resources.

- a. Development of the proposed project would not result in the loss of sensitive habitat. [Threshold B-1]
 - i. The Final EIR determined that, as with the originally proposed project, the proposed project would be environmentally similar to the proposed project with regard to biological impacts (See Final EIR, Section 7.3.4, Appendix E). In fact, the reduced size and bulk of homes in this alternative allows for more landscaping and open area on each of the five lots, and the required fuel modification zones could be smaller and the thinning activities would disturb less native grasslands. No wetlands or sensitive natural communities would be impacted by the project.
- b. The proposed project would not impact jurisdictional waters. [Threshold B-3]

- i. No wetlands or sensitive natural communities would be impacted by the project. Glenn Lukos Associates determined that there are no streams associated with the project site that would be subject to Army Corps jurisdiction, California Department of Fish and Wildlife jurisdiction. No riparian habitat occurs on the project site. None of the plant communities identified as occurring on the project site are listed as sensitive communities by the California Department of Fish and Wildlife or the US Fish and Wildlife Service. Therefore, no significant impacts to sensitive plant communities would occur as a result of the proposed project's implementation.
- c. The proposed project would not affect wildlife movement. [Threshold B-4]
 - i. No wildlife corridors are on the project site, and no wildlife corridors would be impacted by the project.
- d. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to biological resources. The development of the project site and related projects in the vicinity of the project site would have limited adverse effects on the diversity and abundance of native flora and fauna either locally or in the region because there are limited native communities and those present are chiefly avoided in project design features. Because development of the project site is confined to previously disturbed areas and has limited impact on surrounding native plant communities, and because the surrounding lands are either developed with urban uses or are adjacent to such uses, it is highly unlikely that implementation of the project would contribute considerably to cumulative adverse impacts to regional flora and fauna. Therefore, there would not be a cumulative loss of suitable habitat in the region for supporting sensitive biological resources (i.e., special status species) as a result of the development of the project site.

4. Greenhouse Gas Emissions.

- a. The proposed project would result in a nominal increase in Greenhouse Gas emissions and would not exceed the proposed South Coast Air Quality Management District screening threshold. [Threshold GHG-1].
 - i. The proposed project, as with the originally proposed project, would not conflict with plans adopted for the purpose of reducing greenhouse gas emissions (Final EIR, Section 7.3.4, Appendix E). The project would be operational by 2017 and annual emissions are based on use of the recreational facility and the five proposed single-family homes. As shown in Table 5.6-4 of the Draft EIR, operation of the project would generate a nominal amount of GHG emission and would not exceed SCAQMD's proposed screening thresholds.
- b. The proposed project would not conflict with plans adopted for the purpose of reducing greenhouse gas emissions. [Threshold GHG-2]
 - i. The project would not conflict with plans adopted for the purpose of reducing greenhouse gas emissions. The project is consistent with the General Plan land use designations for the site and therefore is consistent with the SCAG RTP/SCS. Consequently, the proposed project would not conflict with plans adopted for the purpose of reducing GHG emissions.

- c. At buildout the project would result in a nominal increase in GHG emissions. Therefore, project-related GHG emissions and their contribution to global climate change are not cumulatively considerable.

5. Hydrology and Water Quality.

- a. The proposed project would not violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise degrade water quality. [Thresholds HYD-1 and HYD-6]

- i. The Final EIR noted that due to the smaller structures and building footprints of the proposed project when compared with the originally proposed project, the proposed project would reduce sheet flow runoff, create less impervious areas, and allow greater flexibility in treating runoff (Final EIR, Section 7.3.4, Appendix E). Otherwise, the Final EIR determined that the construction and operation of the proposed project would be similar to the originally proposed project and that any impacts to hydrology and water quality would be the same. Neither the construction nor the operation of the project would result in a significant degradation of water quality or violate water quality standards. The site-design and source- and treatment-control project design features would address the anticipated and expected pollutants of concern from the operational phase of the proposed project. Additionally, the City would ensure that the project complies with various statutory requirements necessary to achieve regional water quality objectives and protect groundwater and surface waters from pollution by contaminated stormwater runoff. Stormwater runoff generated on the project site would be managed in accordance with all applicable federal, state, and local water quality rules and regulations in order to effectively minimize the project's impacts on water quality.

- b. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to hydrology and water quality. The impacts of the project with respect to surface runoff and groundwater are predicted to be minimal, but would incrementally contribute to the increase in stormwater runoff and pollutant loading to the nearby storm drains, the public drain system within Malibu Road and PCH, and the Pacific Ocean. As with the project, related future projects in the City of Malibu would be required to comply with drainage and grading regulations and ordinances that control runoff and regulate water quality at each development site. New projects would be required to demonstrate that stormwater volumes could be managed by downstream conveyance facilities and would not induce flooding. New projects in Malibu also would be required to comply with the City's standard conditions of approval, regulations, and ordinances regarding water quality and NPDES permitting requirements. In consideration of the preceding factors, cumulative water quality impacts would be rendered less than considerable, and therefore not cumulatively significant.

6. Land Use and Planning.

- a. Project implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. [Threshold LU-2]

- i. The Final EIR determined that the land use impacts under the proposed project would be similar to those of the originally proposed project (Final EIR,

Section 7.3.4, Appendix E). The proposed project would create five new homes and a private road on the eastern portion of the project site. There are residences with access to the beach to the west and south of the site, and rural estates with access from PCH just west of Malibu Bluffs Park. The proposed single-family residences are consistent with the surrounding residential uses, and their development would not separate nor physically divide an established communities.

- b. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to land use.

7. Noise.

- a. The proposed project would not result in a substantial permanent increase to the ambient noise environment. [Thresholds N-1 and N-3]
 - i. The Final EIR determined that impacts related to noise for the proposed project, as with the originally proposed project, would remain less than significant (Final EIR, Section 7.3.4, Appendix E). Operation of the project would not result in a substantial permanent increase in ambient noise. Project implementation would result in long-term operation-related noise that would not exceed local standards. According to the traffic impact analysis prepared for the project (Arch Beach 2012), the existing daily traffic volumes of PCH is approximately 29,000. Since the project would add 168 trips per day, 90 percent of which will be distributed to PCH, project-related traffic would be negligible compared to the existing traffic volumes on PCH and along other study area roadways. With implementation of the project, there would be negligible changes in traffic noise (i.e., less than 0.03 dB). Therefore, the project would not result in significant long-term, traffic-related noise impacts to offsite uses and no mitigation is required. Onsite stationary-source noise generated by the five new residential units and the OWTS would not exceed noise levels at the recreational park facility of Malibu Bluffs. Furthermore, all new uses onsite are required to abide by Chapter 8.24 of the City's municipal code, which prohibits noise that interferes with the peace and comfort of the adjacent residential uses. The recreational uses of Lot 7 are not part of this project. However, the Draft EIR analyzed the possible noise impacts from the use of Lot 7 for a ball field or skate park as foreseeable uses and concluded that noise generated by these potential uses would be less than significant.
- b. The proposed project would not result in significant exterior noise impacts that would exceed the land use compatibility criteria (for either exterior or interior noise). [Thresholds N-1 and N-3]
 - i. See discussion in 7(a)(i) above.
- c. Neither construction nor operation of the proposed project would result in significant vibration impacts. [Threshold N-2]
 - i. The Final EIR also determined that the overall duration of construction of activities for the proposed project, in comparison to the originally proposed project, would be similar (Final EIR, Section 7.3.4, Appendix E). Construction activities associated with the project would not generate significant levels of

groundborne vibration at nearby sensitive receptors and structures. Since the closest that large earthmoving equipment would potentially operate near existing, offsite residences is approximately 220 feet, these heavy earthmoving activities would be expected to produce groundborne vibration levels below no higher than 0.0034 PPV (approximately 43 percent of the threshold). Likewise, the closest that smaller earthmoving equipment would potentially operate near existing, offsite residences is approximately 100 feet, which would result in predicted groundborne vibration levels of 0.000375 PPV (approximately 5 percent of the threshold). Earthmoving activities at more distant project site locations, such as at Lot 4, would be considerably less than these results given the longer propagation distances. Since even the closest residential receptor locations to the proposed project's work area would be expected to experience groundborne vibration levels at least half of the annoyance impact threshold, no significant vibration impact would occur during project construction activities. Therefore, project development impacts related to vibration annoyance would not require mitigation measures. The nearest offsite residential structures to construction activities would be single-family residences over 100 feet away. Because vibration dissipates quickly with distance and because construction would mostly require the use of small earthmoving equipment that does not generate considerable amounts of vibration, the maximum construction-related vibration level would be well below the 0.2 PPV in/sec threshold for vibration-induced architectural damage at the nearby structures. Therefore, architectural-damage vibration impacts would be less than significant.

- d. Construction of the proposed project would not result in substantial short-term noise increases at noise-sensitive receptors. [Threshold N-4]
 - i. Noise associated with construction of the project would be short-term and limited to the least noise-sensitive portions of the day. Although the implementation of the project may result in a temporary short-term increase in ambient noise resulting from the use of construction equipment, any increase in noise levels would cease upon completion of construction. Because noise from construction activities would comply with the hours allowed by the City of Malibu and because the duration of the noisiest site preparation periods would be relatively short (limited to six to seven months), a significant noise impact would not occur during project construction.
- e. The proposed project would not cause people residing or working in the area to be exposed to excessive noise levels from public airports or private airstrips. [Thresholds N-5 and N-6]
 - i. The project is not in an airport land use plan or within two miles of a public airport, where it would expose people to excessive noise levels. The project is not in the vicinity of a private airstrip, where it would expose people to excessive noise levels.
- f. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to noise and vibration. The project would generate an inconsequential change in traffic volumes and the associated noise levels on

adjacent roadways. Because the project would result in a negligible increase in trips, the project would not result in an increase in traffic noise levels on roadways within the vicinity of the project site and therefore would not significantly contribute to cumulative traffic noise impacts. Stationary-source noise generated by the project would be limited to effects at noise-sensitive receptors adjacent to the project site (approximately seven residences). Since no significant stationary noise impacts from project implementation were identified and since the MMC restricts stationary noise generated on a property from creating a nuisance to other noise-sensitive receptors, cumulative stationary-source noise generation would also be less than significant. Cumulative construction noise and vibration impacts are confined to a localized area of impact. No significant construction noise or vibration impacts were identified, and therefore the project would not cumulatively contribute to impacts to noise and vibration.

8. Recreation.

- a. The proposed project would generate 14 additional residents that would increase the use of existing park and recreational facilities. [Threshold R-1]
 - i. The Final EIR determined that, as with the originally proposed project, the proposed project would not impact recreational resources (Final EIR, Section 7.3.4, Appendix E).
- b. Project implementation would result in environmental impacts to provide new and/or expanded recreational facilities. [Threshold R-2]
 - i. Project implementation would not result in the need to expand or create new recreational facilities. The project may result in a slight increase in use at nearby recreational facilities, including Malibu Bluffs Park, which is adjacent to the project site. The increase in use would not be substantial since the project would create only five new single-family residences and a population increase of 12 people. Nonetheless, the project would dedicate land to expand the adjacent Malibu Bluffs Park by approximately 1.74 acres to include a passive recreation area and a multipurpose active recreation area. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to recreational facilities.
- c. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to recreational facilities.

9. Transportation and Traffic.

- a. The proposed project would not result in any traffic hazards. [Threshold T-4]
 - i. The project would use the same access and circulation features that are already in place at the project site, which were designed in conformance with the City of Malibu, Los Angeles County, and Caltrans standards. The project would require a new intersection on Winter Mesa Road south of Pacific Coast Highway; this would be designed in conformance with the City of Malibu's standards. The project would not result in any sharp curves or dangerous

intersections. The project's residential units and recreation facilities are essentially an expansion or intensification of existing uses in the site vicinity, so the proposed uses would be compatible. The project would not, therefore, substantially increase hazards due to a design feature or incompatible uses, and no impacts would occur as a result of the project. The project would not change air traffic patterns or create safety risks. The design of the project would not create new hazards or incompatible uses. With the compliance with requirements of the Los Angeles County Fire Department, the design of the project would not result in inadequate emergency access.

- b. The proposed project would not exceed a level of service standard established by the county congestion management agency. [Threshold T-2]
 - i. Project implementation would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated nearby roads or highways. The only CMP arterial roadway in the vicinity of the project site is PCH (SR 1), which runs along the north edge of the project site. Because the intersection of Malibu Canyon Road/PCH is a CMP arterial monitoring location, this intersection was evaluated in the traffic impact analysis. Based on the assumed distribution of project-generated traffic, a maximum of 50 percent of the project traffic would travel through any of these intersections, which equates to less than 50 trips during the peak hours. Because the resulting project trip assignment would be below the CMP threshold of 50 peak hour trips, a CMP traffic analysis was not required for these other arterial monitoring intersections. With regard to freeways, there are no freeways in the project area. The project would not, therefore, add 150 or more trips to a freeway, and a CMP freeway analysis was not be required. The project's impacts are well below the CMP thresholds cited above, and the project would not exceed a level of service standard established by the county congestion management agency.
- c. The incremental effects of the project, when viewed in connection to the effects of past projects, other current projects, and probable future projects, would not have a cumulatively considerable impact to transportation and traffic. The traffic analysis in Section 5.11 of the EIR took into account traffic from cumulative (approved and/or pending) developments in the area and concluded that the project would not have a cumulatively considerable impact on intersections or roadway segments.

5. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS

The following potentially significant environmental impacts were analyzed in the Draft EIR and the Final EIR (Final EIR Section 7.3.4, Appendix E) and the effects of the project were considered.

Because of the environmental analysis of the project and implementation measures; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures, some potentially significant impacts have been determined by the City to be reduced to a level of less than significant, and the City has found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a) (1)—that “Changes or alterations have been

required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. The City Council has been presented with no evidence to contradict its conclusion in this regard. This is referred to herein as "Finding 1."

Where the City has determined—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2)—that "Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency," the City's finding is referred to herein as "Finding 2."

Where, as a result of the environmental analysis of the project, the City has determined that either: (1) even with the compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3) that "Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." This is referred to herein as "Finding 3."

A. AIR QUALITY

- (1) **Potential Impact:** Construction activities associated with the proposed project would generate short-term emissions in exceedance of SCAQMD's threshold criteria for NO_x and would therefore contribute to the ozone (O₃) and particulate matter (PM₁₀ and PM_{2.5}) nonattainment designations of the SoCAB [Threshold AQ-2 and AQ-3].

Finding: 1. The City makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measure.

Facts in Support of Finding

The Final EIR determined that, as with the originally proposed project, construction activities associated with the project would generate short-term emissions in exceedance of SCAQMD'S threshold criteria for NO_x and would, therefore, contribute to the ozone (O₃) and particulate matter (PM₁₀ and PM_{2.5}) nonattainment designations of the SoCAB (Final EIR, Section 7.3.4, Appendix E).

The impacts on air quality were analyzed in Section 5.2 of the Draft EIR, which relied on the guidance and methodologies recommended in SCAQMD's CEQA Air Quality Handbook and the significance thresholds on SCAQMD's website, the California Emissions Estimator Model (CalEEMod), Version 2011.1., as well as SCAQMD's documents, "Localized Significance Threshold Methodology for CEQA Evaluations" (2003) and "Particulate Matter (PM) 2.5 Significance Thresholds and Calculation Methodology" (2006).

Construction activities associated with new development occurring in the project area were studied based on a worst-case scenario, including the construction of five one-story single family homes. These activities would temporarily increase localized PM₁₀, PM_{2.5}, VOC, NO_x, SO_x, and CO concentrations in the project vicinity and

regional emissions within the SoCAB. The primary source of construction-related CO, SO_x, VOC, and NO_x emissions is gasoline- and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM₁₀ and PM_{2.5} emissions would be clearing and demolition activities, excavation and grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed earth surfaces.

Implementation of Mitigation Measure 2-1 would reduce criteria air pollutant emissions from construction-related activities. Mitigation Measure 2-1 caps the number of haul truck to no more than 38 trucks (76 truck trips) per day to minimize offsite emissions of NO_x from haul trucks. Mitigation Measure 2-1 also requires the construction contractor to use newer, USEPA-rated Tier 3 equipment to reduce onsite emissions from offroad construction equipment during grading activities. As shown in Draft EIR Table 5.2-11, the application of these two requirements would reduce construction-related regional NO_x emissions to below the SCAQMD regional NO_x threshold. Therefore, with implementation of mitigation, Draft EIR Impact 5.2-2 would be less than significant.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to air quality impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

- 2-1** The construction contractor shall implement the following measures to reduce construction exhaust emissions during grading and construction activities:
- The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions.
 - The construction contractor shall limit nonessential idling of construction equipment to no more than five consecutive minutes.
 - Where feasible, use haul trucks with engines that are 2010 or newer for soil import and export activities.
 - The construction contractor shall limit soil hauling activities associated with the site grading phase to a maximum of 38 trucks per day (76 one-way soil haul trips per day for haul trips).
 - The construction contractor shall use USEPA-rated Tier 3 construction engines for equipment rated at 50 horsepower or greater for general site grading activities. Tier 3 engines between 90 and 750 horsepower are available for 2006 to 2008 model years.

- A list of construction equipment by type and model year shall be maintained by the construction contractor onsite.

These requirements shall be noted on all construction management plans and verified by the City of Malibu during site grading activities.

B. BIOLOGICAL RESOURCES

- (1) **Potential Impact:** Implementation of the proposed project could result in the loss of special status plant species and an increase in nonnative plants.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

The Final EIR determined that the proposed project, when compared with the originally proposed project, would be environmentally similar with regard to biological impacts (Final EIR, Section 7.3.4, Appendix E). Although the project would not have a significant impact on or result in the loss of special status plant species, the below mitigation measures will be implemented in an abundance of caution to ensure that potential impacts to special status plant species will be less than significant. Implementation of the project would potentially result in an increase in nonnative plants. Although these impacts would be potentially significant, the City will impose Mitigation Measures 3-1(a), 3-1(b), and 3-1(c). Implementation of these measures will reduce these impacts to a level of less than significant.

The impacts on biological resources were analyzed in Section 5.3 of the Draft EIR and the Final EIR, both of which relied, in part, on the following technical studies: (1) *Biological Resource Study and Special Status Plant Survey Results, Crummer Project Site, City of Malibu, California*, Impact Sciences, Inc., July 2006; (2) *Jurisdictional Determination for the Approximately 25-Acre Property Located at 24600 Pacific Coast Highway, in the City of Malibu, Los Angeles County a/k/a The Crummer Trust Property*, Glenn Lukos Associates, August 5, 2008; (3) *Biological Resource Study, 24200 Pacific Coast Highway a.k.a. Crummer Site, City of Malibu, California*, Impact Sciences, Inc., January 2009; and (4) *Evaluation of Potential Biological Resource Impacts Associated with Construction of Pipeline in Malibu Canyon Road for Crummer Project, City of Malibu, Los Angeles County, California*, Glenn Lukos Associates, May 22, 2012. In addition, the Final EIR relied, in part, on the following technical studies: (5) *Biological Resources Responses to Comments on Draft Environmental Impact Report: Proposed Residential Development, "Crummer Site", 24108, 24120, 24134, 24150, 24174 Pacific Coast Highway, City of Malibu, California*, Glenn Lukos Associates, July 2013; and (6) *Responses to Comments* Glenn Lukos Associates, September 2013.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to biological impacts (Final EIR, Section 7.3.4). Impacts remain less than significant.

Mitigation Measures

- 3-1 (a) A focused survey for Braunton's milk-vetch shall occur prior to the issuance of a grading permit. The focused survey shall occur within on-site suitable habitat (i.e., mixed sage scrub and coastal sage chaparral scrub) that may be disturbed as a result of the proposed project implementation, during the typical blooming period (February through July). This survey shall be conducted in accordance with the methodologies used for performing focused plant surveys per the CDFG's 2000 *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Plant Communities (Guidelines)*, and the CNPS's 2001 Botanical Survey Guidelines of the California Native Plant Society. In the event that Braunton's milkvetch are discovered during focused preconstruction surveys, a translocation plan shall be developed by a biologist familiar with the ecology of the species and the plan would be approved by the U.S. Fish and Wildlife Service prior to issuance of grading permit.
- (b) Certain ornamental plants are known to escape from planted areas and invade into native plant communities. In order to protect established native plant communities located in the vicinity, the plants listed in Table 14 of the Biological Resource Study prepared by Impact Sciences, Inc., in 2008 for the proposed project shall not be planted within the project site. This list shall also be distributed to new homeowners and included within any covenants, conditions, and restrictions. The landscaping plans within common areas of the project shall be reviewed by a qualified botanist who shall recommend appropriate provisions to prevent other invasive plant species from colonizing remaining onsite or adjacent natural areas. These provisions may include the following: (a) review and screening of proposed plant palette and planting plans to identify and avoid the use of invasive species; (b) weed removal during the initial planting of landscaped areas; and (c) monitoring for and removal of weeds and other invasive plant species as part of ongoing landscape maintenance activities. The frequency and method of monitoring for invasive species shall be determined by a qualified botanist. In addition, the homeowner's association shall provide homeowners with the list entitled "City of Malibu Non-Native Invasive Plants Prohibited in Landscape Plans" which is maintained by the City of Malibu and can be found on the City's website.
- (c) Seeded areas shall be irrigated with temporary overhead irrigation until plants have established as determined by a qualified biologist.

- (2) Potential Impact:** The proposed project would require compliance with the City of Malibu Local Coastal Program and Native Tree Protection Ordinance.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

Pursuant to the City of Malibu's Native Tree Protection Ordinance, removal or damage to certain native oak, walnut, sycamore, alder, or toyon trees is prohibited except where no other feasible alternative exists. If impacts to protected trees cannot be avoided, mitigation is required for native tree removal or the loss of or worsened health of native trees resulting from encroachment into the protective zone of a tree. Although the six Southern California black walnut trees located within the project site boundary would not be removed or impacted by the grading or development of the project, a protected tree survey was conducted and a subsequent report was prepared, as required by the City of Malibu. It includes maintenance and monitoring measures for these six trees. Mitigation Measure 3-2 would ensure that the project would comply with the City of Malibu's Native Tree Protection Ordinance and that impacts to protected trees would be less than significant.

The impacts on biological resources were analyzed in Section 5.3 of the Draft EIR, and the Final EIR, both of which relied, in part, on the following technical studies: (1) *Biological Resource Study and Special Status Plant Survey Results, Crummer Project Site, City of Malibu, California*, Impact Sciences, Inc., July 2006; (2) *Jurisdictional Determination for the Approximately 25-Acre Property Located at 24600 Pacific Coast Highway, in the City of Malibu, Los Angeles County a/k/a The Crummer Trust Property*, Glenn Lukos Associates, August 5, 2008; (3) *Biological Resource Study, 24200 Pacific Coast Highway a.k.a. Crummer Site, City of Malibu, California*, Impact Sciences, Inc., January 2009; and (4) *Evaluation of Potential Biological Resource Impacts Associated with Construction of Pipeline in Malibu Canyon Road for Crummer Project, City of Malibu, Los Angeles County, California*, Glenn Lukos Associates, May 22, 2012. In addition, the Final EIR relied, in part, on the following technical studies: (5) *Biological Resources Responses to Comments on Draft Environmental Impact Report: Proposed Residential Development, "Crummer Site", 24108, 24120, 24134, 24150, 24174 Pacific Coast Highway, City of Malibu, California*, Glenn Lukos Associates, July 2013; and (6) *Responses to Comments* Glenn Lukos Associates, September 2013.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to biological impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

- 3-2** The City of Malibu Native Tree Protection Ordinance requires that mitigation and maintenance measures be developed to preserve the six Southern California black walnut trees located on the project site. The Protected Tree Report released in June 2008 by Impact Sciences, Inc., includes suggested mitigation measures. The proposed project shall comply with all mitigation measures

contained in the 2008 Protected Tree Report. These measures include the installation of protective fencing around the black walnut trees for the duration of construction and limits on grading activities which can be performed near the protected trees, among others. The mitigation measures included in the Protected Tree Report also require maintenance and monitoring of the trees. The report requires that many of the mitigation measures be approved by a City-approved arborist. After the completion of construction, a monitoring report would be required. Should the monitoring report determine that any protected trees were impacted, counter-measures, including the planting of replacement trees, would be required.

- (3) Potential Impact:** The proposed project would not substantially reduce the habitat of a fish or wildlife species, threaten to eliminate a plant or animal community, or cause a fish or wildlife population to drop below self-sustaining levels.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measure.

Facts in Support of Finding

The project would not have a significant impact due to a loss of habitat or wildlife because during construction and grading activities, most common wildlife species are expected to be displaced to adjacent areas, such as the ESHA to the southwest of the project site. Some species of low mobility (particularly burrowing mammals, amphibians, and reptiles) could be disturbed or lost during site preparation and construction; however, due to the disturbed nature of the habitat, the project site does not provide sufficient resources to support large populations. Therefore, wildlife species diversity as well as the total number of wildlife on the project site is currently low.

Several common bird species have the potential to nest on the ground, in shrubs, or in trees located on the project site in the future, and construction activities could result in the direct loss of active nests of common bird species (including raptors) or the abandonment of active nests by adult birds. The MBTA and the California Fish and Game Code consider the loss of active nests (nests with eggs or young) of all native bird species as unlawful. Consequently, the loss or abandonment of nests of common bird species as a result of construction-related activities is considered a potentially significant impact and would conflict with state and federal laws. The project site may also be used for nesting by birds protected by the MBTA, including common birds such as California horned lark, kill deer, and mourning dove. The loss of nesting opportunities if occupied vegetation is removed during nesting season may constitute an impact to special status and common bird species. Thus, to be cautious and ensure there are no significant impacts to nesting birds, Mitigation Measure 3-3(a) and Mitigation Measure 3-3(b), which provide for the avoidance of the loss or abandonment of any active nests found on the project site prior to grading and construction, would ensure that impacts would be less than significant.

The impacts on biological resources were analyzed in Section 5.3 of the Draft EIR, and the Final EIR, both of which relied, in part, on the following technical studies: (1) *Biological Resource Study and Special Status Plant Survey Results, Crummer Project Site, City of Malibu, California*, Impact Sciences, Inc., July 2006; (2) *Jurisdictional Determination for the Approximately 25-Acre Property Located at 24600 Pacific Coast Highway, in the City of Malibu, Los Angeles County a/k/a The Crummer Trust Property*, Glenn Lukos Associates, August 5, 2008; (3) *Biological Resource Study, 24200 Pacific Coast Highway a.k.a. Crummer Site, City of Malibu, California*, Impact Sciences, Inc., January 2009; and (4) *Evaluation of Potential Biological Resource Impacts Associated with Construction of Pipeline in Malibu Canyon Road for Crummer Project, City of Malibu, Los Angeles County, California*, Glenn Lukos Associates, May 22, 2012. In addition, the Final EIR relied, in part, on the following technical studies: (5) *Biological Resources Responses to Comments on Draft Environmental Impact Report: Proposed Residential Development, "Crummer Site", 24108, 24120, 24134, 24150, 24174 Pacific Coast Highway, City of Malibu, California*, Glenn Lukos Associates, July 2013; and (6) *Responses to Comments* Glenn Lukos Associates, September 2013.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to biological impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

- 3-3** (a) To avoid impacts to native nesting birds, the applicant and/or its contractors shall retain a qualified biologist (with selection to be reviewed by the City) to conduct nest surveys in potential nesting habitat within the project site prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code are present in the construction zone or within a distance determined by CDFG or the City of Malibu biologist. Because many birds known to use the project area (including Anna's hummingbird, Cooper's hawk, and loggerhead shrike) nest during the late winter, breeding bird surveys shall be carried out both during the typical nesting/breeding season (mid-March through September) and in January and February. The surveys shall continue on a weekly basis, with the last survey being conducted no more than three days prior to initiation of clearance or construction work. If ground disturbance activities are delayed, additional pre-construction surveys will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. Surveys shall include examination of trees, shrubs, and the ground within grassland for nesting birds, as several bird species known to occur in the area are shrub or

ground nesters, including (but not limited to) California horned lark, kill deer, and mourning dove.

(b) If active nests are found, clearing and construction activities within a buffer distance determined by CDFG or the City of Malibu biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during the same year. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the City of Malibu within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

C. CULTURAL RESOURCES

- (1) **Potential Impact:** Construction activities could disturb previously unidentified archaeological resources.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

Although no archaeological resources are known to exist on the project site, and the site has been previously developed, the project would entail ground-disturbing activities in a general area within the City that has yielded archaeological resources in the past. This may result in the unearthing of previously undiscovered resources. Moreover, due to the historic occupation of Chumash in the project vicinity, the City will require archaeological monitoring of all ground-disturbing activities as a condition of project approval, including but not limited to grading, excavation, and site preparation. A qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards would be retained to provide these services.

A Native American Monitor would also be retained should Native American artifacts or resources be uncovered. Any significant archaeological resources found would be preserved as determined necessary by the archaeologist and offered to a local museum or repository willing to accept the resource. In accordance with Section 11.4 of the LCP LIP, all reports and artifacts would be catalogued and curated in accordance with standards set by the US Secretary of the Interior at SCCIC-Fullerton, the designated repository for Los Angeles County. If human remains are uncovered, the Los Angeles Coroner, Native American Heritage Commission, local Native American representatives, and archaeological monitor would determine the

nature of further studies, as warranted and in accordance with Public Resources Code 5097.98.

The impacts on cultural resources were analyzed in the Final EIR and Section 5.4 of the Draft EIR, which analysis was based, in part, on (1) the *Phase 1 Archaeological Study For A 24-Acre parcel located at 24200 Pacific Coast Highway (APN No's 4458-018-002, 4458-018-018 and, 4458-018-019) City of Malibu, Los Angeles County, California, Heart, July 2007*; (2) *Vertebrate Paleontology Records Check for paleontological resources for the proposed 24 acres at 24120 Pacific Coast Highway Project, in the City of Malibu, Los Angeles County, Natural History Museum of Los Angeles County, Vertebrate Paleontology Section, March 2013*; and (3) the *Updated Phase 1 Archaeological Study and Cultural Resource Sensitivity Testing for A portion of a 24-Acre parcel located at 24200 Pacific Coast Highway (APN No's 4458-018-002, 4458-018-018 and, 4458-018-019) City of Malibu, Los Angeles County, California, HEART, June 2013*.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to cultural impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

4-1 For adequate coverage and the protection of potentially significant buried resources, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards (48 Federal Register 44738-39) shall be retained by the applicant to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The project archaeologist shall have the authority to halt any activities adversely impacting potentially significant resources. Any significant archaeological resources found shall be preserved as determined necessary by the project archaeologist and offered to the South Central Coastal Information Center at California State University, Fullerton or repository willing to accept the resource. Any resulting reports shall also be forwarded to the South Central Coastal Information Center at California State University, Fullerton.

Should paleontological soils be uncovered during grading, a paleontological monitor shall also be retained by the applicant, upon the archaeological monitor's request, to oversee ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant resources. Should fossil-bearing formations be uncovered, the monitor shall professionally collect any specimens without impeding development. Any paleontological artifacts recovered shall be preserved, as determined necessary by the project paleontologist, and offered to an accredited and

permanent scientific institution for the benefit of current and future generations. This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.

4-2

A Native American Monitor of Chumash descent shall be retained to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. Any artifacts recovered shall be curated at the South Central Coastal Information Center at California State University, Fullerton, the designated repository for Los Angeles, Ventura, and Orange Counties. The extent and duration of the archaeological monitoring program shall be determined in accordance with the proposed grading or demolition plans. If human remains are uncovered, the Los Angeles Coroner, Native American Heritage Commission, local Native American representatives, and archaeological monitor shall determine the nature of further studies, as warranted and in accordance with Public Resources Code 5097.98 and the City's standard conditions of approval. This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.

(2) Potential Impact: Project implementation could disturb previously unidentified fossils.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

There are no known paleontological resources or unique geologic features on the project site and portions of the site have been previously graded. However, fossils have been recovered from the same sedimentary units that occur in the project area. The project would involve ground-disturbing activities, which could affect previously undiscovered paleontological resources. Even relatively shallow excavations in the older Quaternary alluvial sediments exposed on top of the bluff may uncover significant fossil vertebrate remains. Any Monterey Formation deposits, either at depth in most of the project area or exposed toward the base of the bluff, also may encounter vertebrate fossils. Compliance with Section 17.54.040(D)(4)(b) of the City of Malibu Municipal Code and Section 11.5 of the LCP LIP, as provided above, would require earth-moving activities to halt in the event of a discovery of cultural resources and would reduce impacts to paleontological resources to a level below significance.

The impacts on cultural resources were analyzed in the Final EIR and Section 5.4 of the Draft EIR, which analysis was based, in part, on (1) the *Phase 1 Archaeological Study For A 24-Acre parcel located at 24200 Pacific Coast Highway (APN No's 4458-018-002, 4458-018-018 and, 4458-018-019) City of Malibu, Los Angeles County, California, Heart, July 2007*; (2) *Vertebrate Paleontology Records Check for*

paleontological resources for the proposed 24 acres at 24120 Pacific Coast Highway Project, in the City of Malibu, Los Angeles County, Natural History Museum of Los Angeles County, Vertebrate Paleontology Section, March 2013; and (3) the Updated Phase 1 Archaeological Study and Cultural Resource Sensitivity Testing for A portion of a 24-Acre parcel located at 24200 Pacific Coast Highway (APN No's 4458-018-002, 4458-018-018 and, 4458-018-019) City of Malibu, Los Angeles County, California, HEART, June 2013.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to cultural impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

Mitigation 4-1 and 4-1 above apply.

D. GEOLOGY AND SOILS

- (1) Potential Impact:** Slopes along the southern and eastern boundaries of the project site may not meet the City's requirement for the minimum factor of safety. [Thresholds G-1(IV) and G-3]

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

The project site is on a bluff, with steep slopes on the southern and eastern boundaries that have been identified in California's Seismic Hazards Zones map as having a potential for "permanent ground displacement." In their grading plan review and addendum, Leighton concluded that the slopes do not meet the City's requirements for the minimum factor of safety based on laboratory testing, shear strength data, and the historic retreat of the project site bluffs. Leighton concluded that structural setback zones are necessary to ensure that no people or structures are at risk of hazards due to slope instability. The grading plan has been modified and the setback zone incorporated as a project design feature. As the eastern margin of the proposed swimming pool on Lot 1 and a portion of the garage and single-family structure on Lot 2 would be located within the safety setback zone, the City Geologist would require specific stabilization recommendations for portions of the garage, residence, and pool to ensure long-term stability of the sites. Furthermore, City geotechnical staff will review complete sets of building (for all structures) and grading plans for each residential lot during the Building Plan Check stage once the projects are submitted to the Building and Safety Department to ensure that the project meets the requirements of the Building Code and that the stabilization recommendations for portions of any pools, buildings, or habitable structures within safety setback zone are implemented. The Feasibility-Level Grading Plan Review and related documents concluded that the proposed project is feasible from a geotechnical standpoint, provided that the geotechnical recommendations of the report are followed and incorporated in the design and construction of the project.

The mitigation measures identified would reduce potential impacts associated with geology and soils to a level that is less than significant.

The impacts on geology and soils were analyzed in Section 5.5 of the Draft EIR., which analysis was based in part on (1) the *Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site," APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California*, Leighton and Associates, Inc., December 5, 2007; (2) *Revised Addendum No. 1, Feasibility-Level Grading Plan Review Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site," APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California*, Leighton and Associates, Inc., October 29, 2008; (3) *Geotechnical Evaluation of Proposed Onsite Wastewater Treatment System, Proposed Residential Development "Crummer Site," 24200 Pacific Coast Highway, APN 4458-018-019, City of Malibu, California*, Leighton and Associates, Inc., September 21, 2009b; (4) the *Phase I Environmental Site Assessment, 24200 Pacific Coast Highway, Malibu, Los Angeles County, California*, Leighton and Associates, October 28, 2011; and (5) *Geotechnical Reports for Individual Lots*, Leighton and Associates May 16, 2012.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to geotechnical impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

- 5-1** The proposed project shall be constructed in accordance with the geotechnical engineering recommendations as presented in the Leighton and Associates, Inc., Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site", APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California, as well as any subsequent documents, including responses to City comments. These recommendations address site preparation, excavation, fill placement and compaction, foundation design, and site drainage, among other topics.
- 5-2** (a) The planned community's covenants, conditions, and restrictions (CC&Rs) shall include protocols for proper maintenance of the slopes and prompt restoration following heavy precipitation events and/or fires.
- (b) Excavating and cutting into the slopes or removal of slope failure debris by the tenants or one or more future property owners without prior approval from a geotechnical engineer shall be prohibited by the covenants, conditions and restrictions for the proposed development. This information shall also be recorded against the title of each residential property. The services of such a geotechnical engineer shall become necessary should a slope excavation be a desired, planned activity proposed by one or

more property owners, or in response to unforeseen slope failure, such as sloughing in the aftermath of heavy rain.

- (2) **Potential Impact:** Project development could result in substantial soil erosion or the loss of topsoil. [Threshold G-2]

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

Substantial soil erosion is not expected to occur during the operational phase of the project.; however, construction of the project would involve grading, excavation, and hauling of materials (dirt, demolition debris, etc.) off the site, which could result in the loss of topsoil or substantial erosion-related impacts to offsite areas, such as the Winter Canyon drainage and storm drains along Malibu Road. Slope maintenance would be required and is a part of the planned community's covenants, conditions, and restrictions, which would include protocols for proper maintenance of the slopes and prompt restoration following heavy precipitation events and/or fires. Other specific measures to help stabilize the slope include hydroseeding of the slope with native flora to maintain its stability, prohibition of excavating/cutting into the slopes or removal of slope failure debris without prior approval from a geotechnical engineer, controlled irrigation to avoid destabilizing the slope by overwatering, and regular maintenance of the slope and drainage infrastructure at the site. The Feasibility-Level Grading Plan Review and related documents concluded that the proposed project is feasible from a geotechnical standpoint, provided that the geotechnical recommendations of the report are followed and incorporated in the design and construction of the project. The mitigation measures identified would reduce potential impacts associated with geology and soils to a level that is less than significant.

The impacts on geology and soils were analyzed in Section 5.5 of the Draft EIR., which analysis was based in part on (1) the *Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site," APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California*, Leighton and Associates, Inc., December 5, 2007; (2) *Revised Addendum No. 1, Feasibility-Level Grading Plan Review Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site," APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California*, Leighton and Associates, Inc., October 29, 2008; (3) *Geotechnical Evaluation of Proposed Onsite Wastewater Treatment System, Proposed Residential Development "Crummer Site," 24200 Pacific Coast Highway, APN 4458-018-019, City of Malibu, California*, Leighton and Associates, Inc., September 21, 2009b; (4) the *Phase I Environmental Site Assessment, 24200 Pacific Coast Highway, Malibu, Los Angeles County, California*, Leighton and Associates, October 28, 2011; and (5) *Geotechnical Reports for Individual Lots*, Leighton and Associates May 16, 2012.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to geotechnical impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

Mitigation Measures 5-1 and 5-2 apply.

- (3) **Potential Impact:** The proposed project could place structures on potentially unstable soils. [Thresholds G-3 and G 4]

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

The project site is not within a State of California zone for potential liquefaction hazard. Based on the specific soil conditions and the current and historic high groundwater levels at the site, Leighton concluded that the potential for liquefaction occurring beneath the site is very low. In accordance with the recommendations of Leighton's report, the proposed project would overexcavate and replace the upper soils as compacted fill. This would ensure that no structures would be placed on soils that could be subject to lateral spreading, subsidence, liquefaction, collapse, or expansion. Slope maintenance would be required and is a part of the planned community's covenants, conditions, and restrictions, which would include protocols for proper maintenance of the slopes and prompt restoration following heavy precipitation events and/or fires. Other specific measures to help stabilize the slope include hydroseeding of the slope with native flora to maintain its stability, prohibition of excavating/cutting into the slopes or removal of slope failure debris without prior approval from a geotechnical engineer, controlled irrigation to avoid destabilizing the slope by overwatering, and regular maintenance of the slope and drainage infrastructure at the site. The Feasibility-Level Grading Plan Review and related documents concluded that the proposed project is feasible from a geotechnical standpoint, provided that the geotechnical recommendations of the report are followed and incorporated in the design and construction of the project. The mitigation measures identified would reduce potential impacts associated with geology and soils to a level that is less than significant.

Mitigation Measures

Mitigation Measures 5-1 and 5-2 apply.

- (4) **Potential Impact:** Site conditions may be inadequate to support the onsite wastewater treatment system. [Threshold G-5]

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

Potential geotechnical constraints associated with the installation of the OWTS Package Plant and wastewater dispersal system include percolation rates, slope instability, and depth to groundwater. Based on testing conducted at the site by Lawrence Young (2008) that concluded that the best location for the dispersal field

was the southern portion of Lot 7, the proposed plan is to install the OWTS in the northwest corner of the site near the intersection of Winter Mesa Drive and PCH and to discharge the treated effluent from the OWTS into seepage pits located in the southernmost portion of Lot 7 along Winter Mesa Drive. The water would percolate into the unoxidized zone of the Monterey Formation bedrock, which would meet the requirements of the LIP and the City of Malibu's Plumbing Code. In addition, a hydrogeologic/wastewater mounding study conducted by Earth Consultants International (ECI) concluded that even under extreme rainfall conditions and maximum discharge rates from adjacent facilities, the predicted groundwater mound in the vicinity of the seepage pits would not breach the required 10-foot separation distance between the bottom of the pits and the groundwater table. Impacts to groundwater levels or slope stability, both onsite and offsite, as a result of the operation of the OWTS Package Plant and associated seepage pit system would be avoided or reduced to a less than significant level.

The impacts on geology and soils were analyzed in Section 5.5 of the Draft EIR., which analysis was based in part on (1) the *Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site," APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California*, Leighton and Associates, Inc., December 5, 2007; (2) *Revised Addendum No. 1, Feasibility-Level Grading Plan Review Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site," APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California*, Leighton and Associates, Inc., October 29, 2008; (3) *Geotechnical Evaluation of Proposed Onsite Wastewater Treatment System, Proposed Residential Development "Crummer Site," 24200 Pacific Coast Highway, APN 4458-018-019, City of Malibu, California*, Leighton and Associates, Inc., September 21, 2009b; (4) the *Phase I Environmental Site Assessment, 24200 Pacific Coast Highway, Malibu, Los Angeles County, California*, Leighton and Associates, October 28, 2011; and (5) *Geotechnical Reports for Individual Lots*, Leighton and Associates May 16, 2012.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to geotechnical impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

- 5-4**
- (a) The proposed onsite wastewater treatment system shall be installed in accordance with the geotechnical engineering recommendations as presented in the *Geotechnical Evaluation of Proposed Onsite Wastewater Treatment System, Proposed Residential Development "Crummer Site", 24200 Pacific Coast Highway, APN 4458-018-019, City of Malibu, California*, as well as any subsequent documents, including responses to City comments. These recommendations address site preparation, excavation, fill placement and compaction, foundation design, and site drainage, among other topics.
 - (b) The Applicant shall obtain final construction plan approval for the proposed onsite wastewater treatment systems from the City

Environmental Health Administrator. The final design must be engineered to meet the effluent limits specified in waste discharge requirements, and requirements of the Regional Water Quality Control Board and the United States Environmental Protection Agency.

(c) The proposed onsite wastewater treatment system shall not be installed within the structural setback zone as presented in the Leighton and Associates, Inc., Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site", APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California.

E. HAZARDS AND HAZARDOUS MATERIALS

- (1) Potential Impact:** The project site is within a designated fire hazard zone (VHFHSZ) and could expose structures and/or residences to fire danger.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

The impacts related to hazards and hazardous materials were analyzed in Section 5.7 of the Draft EIR and the Final EIR, both of which are based, in part, on the Fire Protection Plan, Vesting Tentative Tract Map No. 070038, Dudek, January 2009, and the City of Malibu Fire Department Review Sheets, March 16, 2012.

The project would place homes and recreational uses in a setting that could be impacted by wildland fires. Malibu is at risk of severe fires due to highly flammable brushlands and variable weather conditions. The entire City is designated a VHFHSZ, and the majority of the City has experienced major brush fires in the past 30 years. Preventive measures, as required by City ordinances and regulations, will be taken to offset the risk of wildland fires, including the use of ignition-resistant construction methods and materials and the establishment of dedicated fuel modification and defensible space around each residence. A fuel modification zone is a strip of land where combustible native or ornamental vegetation has been modified, thinned, and/or partially or totally replaced with drought-tolerant, fire-resistant plants. Fuel modification reduces radiant and convective heat and provides fire suppression forces with defensible space. Los Angeles County Fire Department (LACFD) has reviewed and approved the preliminary fuel modification plan, which is based on the creation of three zones (Setback Zone, Irrigated Zone, and Native Brush Thinning Zone). A final fuel modification plan will need to be approved at the time of tentative map processing.

The long-term maintenance of the fuel modification zones would be addressed in the project's CC&Rs, and zones will be maintained by the HOA. The builder/developer would provide new property owners with recorded CC&Rs, which would include a statement that LACFD has the right to enforce fuel modification zone conditions.

Although the LACFD approved the preliminary fuel modification plan, a Fire Protection Plan was also prepared. The most common type of fire anticipated in the vicinity of the project site is a fire fanned by offshore Santa Ana winds burning downhill and spotting across Pacific Coast Highway from the adjacent Santa Monica Mountains to the north. Worst-case modeled flame lengths near the project site were calculated at 41.8 feet in coastal sage chaparral scrub vegetation types and up to 39.4 feet in mixed sage scrub cover types. Spread rates may exceed 7 mph under extreme weather and slope conditions. To address these risks, the fire protection plan includes recommendations for the design of the road, gate, and driveways that include planning and design elements such as fuel modification zones and permitted vegetation, roadway access, gates, and driveways, ignition-resistant structural requirements, and interior and exterior fire protection systems. Compliance with these recommendations would facilitate the fire department's mission by providing improved access for emergency personnel and apparatus; reducing the likelihood of "flashover" in case of a structure fire by providing interior sprinklers; and providing improved fire water capacity.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to hazards and hazardous materials impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

- 7-1** In addition to compliance with existing requirements and standards of the Los Angeles County Fire Department (LACFD), the project must comply with all requirements detailed in letters dated March 16, 2012, from the LACFD, included in Appendix L of the Draft EIR. Where the two letters differ, the more conservative approach shall be taken. The letters include the following requirements, among others:
- For Lot 1 and 5 the circular turnaround shall remain clear and unobstructed. No plantings, fountains, or other features shall be allowed;
 - For Lot 2 the circular turnaround drive aisle shall be maintained at a minimum 20 feet in width with 32 feet on centerline turning radius. If landscaping or other features are to be located in the center, they must not encroach into the drive aisle.
 - Provide evidence from a certified civil engineer that the "bridge" feature on Lot 5 shall support the minimum weight capacity of 75,000 pounds to accommodate fire apparatus. Once the "bridge" is installed, provide recertification prior to occupancy from a certified civil engineer that the "bridge" will support a minimum of 75,000 pounds. The width of 15 feet

shall be maintained clear and unobstructed for the "bridge" portion of the fire department access.

- Emergency access for firefighter pedestrian use shall be extended to all exterior walls of all proposed structures within the subdivision. Additional walking access shall be reviewed and approved by Fire Prevention Engineering prior to building permit issuance.
- Department access shall be extended to within 150 feet distance of any exterior portion of all structures.
- Access shall comply with Section 503 of the Fire Code, which requires all-weather access. All-weather access may require paving.
- Where driveways extend farther than 150 feet and are of single-access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed, and maintained to ensure their integrity for fire department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.
- Private driveways shall be indicated on the final map as "Private Driveway and Fire Lane," with the widths clearly depicted, and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested, and accepted prior to construction.
- Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
- Prior to occupancy, provide street signs and building access numbers as approved by the Fire Department or City.
- Provide water mains, fire hydrants, and fire flows as required by the County of Los Angeles Fire Department for all land shown on map which shall be recorded.
- The required fire flow for public fire hydrants at this location is 1,375 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

- Three private fire hydrants shall be installed onsite. The required fire flow for private onsite hydrants is 1,375 gallons per minute at 20 psi.
- The required fire hydrants shall be installed, tested, and accepted or bonded for prior to Final Map approval.
- Vehicular access must be provided and maintained serviceable throughout construction;
- Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.
- Per the County of Los Angeles Water Works 29, the Fire Flow Availability form dated March 30, 2012, indicates adequate flow from the existing public fire hydrant on Winter Mesa Drive. All required fire hydrants shall measure 6 inches x 4 inches x 2-1/2 inches, brass or bronze, conforming to current AWWA standard C503 or approved equal and meet the required fire flow requirements (1,375 gallons per minute at 20 psi).

7-2 The project shall comply with all recommendations contained in the fire protection plan and in the fuel modification plan prepared for the project. Compliance with the fire protection plan and fuel modification plan would reduce the vulnerability of the proposed structures and the project site to wildland fires. The recommendations would minimize the likelihood of ember (firebrand) penetration or direct flame impingement, ensure that fire sprinklers and fire alarms are installed in the proposed residences, that the infrastructure of the site and surrounding area allow emergency personnel and vehicles to access the project, and that the project site is landscaped in such a way that the proposed residences are not immediately adjacent to significant amounts of vegetation that could fuel wildfires.

7-3 The covenants, conditions, and restrictions for the proposed residences shall require the regular maintenance of the vegetation on the project site to ensure compliance with the fuel modification plan.

7-4 The applicant shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities that are required by residential development in an amount proportional to the demand created by this project. Currently, the developer fee is a set amount per square foot of building space, adjusted annually, and is due and payable at the time a building permit is issued. In the event that the developer fee is no longer in

effect at the time of building permit issuance, alternative mitigation measures may be required.

F. HYDROLOGY AND WATER QUALITY

- (1) **Potential Impact:** Development of the proposed project would alter the existing drainage pattern of the site and could result in erosion or siltation and flooding.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

Increased runoff from urban surfaces can increase the intensity of erosion, siltation and flooding. The majority of potential erosion and siltation impacts would occur during the construction phase of the project when the project site would be cleared of vegetation in preparation for grading, exposing loose soil to potential wind and water erosion. If not controlled, the transport of these materials to local waterways would temporarily increase suspended sediment concentrations and release pollutants attached to sediment particles into local waterways. The project would be required to submit an NOI and SWPPP prior to the commencement of construction activities, which would describe the BMPs to be implemented during the project's construction activities including velocity check dams in all unpaved street areas and unpaved graded channels, debris basins, and silt fences around the perimeter of the disturbed area. The operational phase of the project would also contain features to reduce the impact of erosion and siltation, including the use of pervious materials for private sidewalks, driveways, and interior roadway surfaces, the use of native or drought-tolerant vegetation and shrubs on slope areas, and a reduction in the amount of impervious cover by incorporating landscaped areas in the site design.

To reduce flooding impacts, the proposed onsite storm drain system for the project would include underground detention tanks to control onsite runoff, earthen berms along the south side of the property for protection of bluffs and offsite properties, and various storm drain catch basins and inlets. The underground detention tanks would be located within each residential lot and at the end of the private street. The detention tanks, storm drainage pipes, and earthen berms would ultimately route runoff into the canyons and public storm drain system, away from the existing homes below the bluffs.

The impacts on hydrology and water quality were analyzed in Section 5.8 of the Draft EIR, which analysis included findings from the *Hydrology Study for Malibu Bluffs Crummer Site*, Psomas, January 21, 2009; the *Geotechnical Evaluation of Proposed Onsite Wastewater Treatment System, Proposed Residential Development "Crummer Site", 24200 Pacific Coast Highway, APN 4458-018-019, City of Malibu, California, Leighton and Associates Inc., September 21, 2009; and the Hydrogeological/Treated Water Mounding Report for the Proposed Malibu Bluffs Residential Development at 24200 Pacific Coast Highway (aka Crummer Site), APN 4458-018-019, Malibu, California, Earth Consultants International, September 21, 2009.*

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to hydrology and water quality materials impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

- 8-1** The project shall include the construction and proper maintenance of onsite stormwater detention tanks underneath each residential lot and the private street to mitigate potential flooding and erosion impacts to downstream areas. The detention tanks shall be sized according to the City of Malibu's required detention volume for new residential development. In addition, the project shall comply with all site-design, source-control, and treatment-control best management practices outlined in the project's stormwater management plan, including design to reduce potential flooding and to reduce the potential for erosion and siltation.

G. TRANSPORTATION AND TRAFFIC

- (1) Potential Impact:** The proposed project if analyzed together with the potential development of dedicated Lot 7 as a baseball field would result in a substantial increase in traffic in Opening Year 2017 and Future Year 2030.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

The project would not cause any significant impacts with respect to traffic (in the Opening Year 2017 and Future Year 2030). As noted, Lot 7 would be dedicated to the City of Malibu for recreational uses. As discussed in Section 2.B (Dedication of Parkland) above, the recreational area has not been designed by the City and the improvement of Lot 7 is not a part of this project. Although the recreational uses have not been determined, active recreation areas, passive recreation areas and an expanded parking lot are all foreseeable future uses of Lot 7. For that reason, the EIR considered and analyzed the environmental impacts for the potential use of Lot 7 as a ball field or a skate park together with a portion of the area developed as a 94 space parking lot in order to take into account the possible environmental impacts associated with development of Lot 7 for active recreational uses. The EIR determined that the baseball field option would result in a substantial, cumulatively considerable, increase in traffic in Opening Year 2017 and Future Year 2030.

The impacts on transportation and traffic were analyzed in Section 5.11 of the Draft EIR, which relied on the *Traffic Impact Analysis, Crummer Site Subdivision City of Malibu, California*, Arch Beach Consulting, December 2012. The Final EIR relied on the *Revised Traffic Impact Analysis, Crummer Site Subdivision City of Malibu, California*, Arch Beach Consulting, September 2013. The project would allow for the development of five single-family homes. The development of Lot 7 would possibly include a baseball field, or a public skate park. Access to the residential units would

be provided by a private street that would intersect with Winter Mesa Drive, which is a continuation of Malibu Canyon Road south of PCH. This private street would be equipped with a security gate and kiosk. Access to the baseball field or skate park would be provided from Winter Mesa Drive.

To determine the project trip generation numbers, trip rates contained in the Institute of Transportation Engineers' (ITE) *Trip Generation* (8th ed.) were used. There are no ITE trip rates for a baseball field recreational land use; therefore, the trip generation estimates for the baseball field were determined using an "operational trip generation analysis" based on the following assumptions with patronage estimates for the baseball field obtained from the City.

Based on these assumptions, the baseball field option is forecast to generate 168 daily trips, with 4 trips (1 inbound, 3 outbound) produced in the AM peak hour and 65 trips (33 inbound, 32 outbound) produced in the PM peak hour. On Saturdays, the project would generate approximately 970 daily trips, and 97 midday peak hour trips (49 inbound and 48 outbound).

Opening Year 2017

Based on the Opening Year 2017 Baseline LOS analysis as explained in detail in the Draft EIR, Malibu Canyon Road/PCH is forecast to operate at LOS E during the Saturday midday peak hour. Malibu Canyon Road/Civic Center Way is forecast to operate at LOS E during the weekday p.m. peak hour. The project trip assignments for the weekday and Saturday peak hours for the ball field option were added to the Opening Year 2017 Baseline weekday and Saturday peak hour traffic volumes, which resulted in the Opening Year 2017 plus Project traffic volumes. Based on the Opening Year 2017 plus Project LOS analysis and the significance criteria of the City, the development of Lot 7 as a baseball field would create a significant impact at Malibu Canyon Road/PCH. Although these impacts would be potentially significant, the City will impose Mitigation Measure 11-1. Implementation of this measure will reduce these impacts to a level of less than significant.

Future Year 2030

In addition to assumed annual increase in traffic, traffic from cumulative (approved and/or pending) developments in the study area was added to this scenario. The ambient growth rate and trips from cumulative projects were applied to the existing traffic volumes to derive the Future Year 2030 Baseline traffic volumes. Based on the Future Year 2030 Baseline LOS analysis, Malibu Canyon Road/PCH is forecast to continue to operate at LOS E during the Saturday midday peak hour. Malibu Canyon Road/Civic Center Way is forecast to continue to operate at LOS E during the weekday p.m. peak hour. Based on the Future Year 2030 plus Project LOS analysis as explained in detail in the Draft EIR, and the significance criteria of the City, the potential development of Lot 7 as a baseball field would create a significant impact at Malibu Canyon Road/PCH. Although these impacts would be potentially significant, the City will impose Mitigation Measure 11-1. Implementation of this measure will reduce these impacts to a level of less than significant.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to traffic impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

MM 11-1 If Lot 7 is developed by the City as a ball field, the City shall construct the following improvements at the intersection of Malibu Canyon Road/PCH:

- Re-stripe the existing southbound through plus left-turn lane on Malibu Canyon Road (at its intersection with Pacific Coast Highway) to a through plus left- and right-turn lane.
- Either modify the existing traffic signal to remove the right-turn overlap phase to a standard right-turn-on-red (RTOR) permissive phase resulting in LOS E at 0.930 V/C OR;
- Keep right turn overlap phase for existing #2 (outside) dedicated right-turn lane on Malibu Canyon Road (at its intersection with Pacific Coast Highway) resulting in LOS E at 0.901 V/C.

(2) Potential Impact: Development of dedicated Lot 7 with recreational uses would increase the need for parking, which, in combination with special events at Malibu Bluffs Park, or times of peak park use, could result in inadequate parking at the site.

Finding: 1. The City hereby makes Finding 1 and determines that this impact is less than significant with the incorporation of the proposed mitigation measures.

Facts in Support of Finding

The impacts on transportation and traffic were analyzed in Section 5.11 of the Draft EIR, which relied on the Traffic Impact Analysis, Crummer Site Subdivision City of Malibu, California, Arch Beach Consulting, December 2012. The Final EIR relied on the Revised Traffic Impact Analysis, Crummer Site Subdivision City of Malibu, California, Arch Beach Consulting, September 2013. Parking for the proposed residential units would be provided in the driveways and garages and along the private access road that serves the five residential units. As noted above, Lot 7 would be dedicated to the City of Malibu for recreational uses. As discussed in Section 2.B (Dedication of Parkland) above, the recreational area has not been designed by the City and the improvement of Lot 7 is not a part of this project. Although the recreational uses have not been determined, active recreation areas, passive recreation areas and an expanded parking lot are all foreseeable future uses of Lot 7. For that reason, the EIR considered and analyzed the environmental impacts for the potential use of Lot 7 as a ball field or a skate park together with a portion of the area developed as a 94 space parking lot in order to take into account the possible environmental impacts associated with development of Lot 7 for active recreational uses. Parking for the ball field (or for the skate park alternative) would be provided in a new parking lot that is proposed to be constructed between the new ball field and Winter Mesa Drive. As currently envisioned, the new parking lot would

have 94 parking stalls (90 standard stalls and 4 handicapped spaces). In conjunction with the development of the project, the existing east-west segment of Winter Mesa Drive and the north-south segment of Winter Mesa Drive, which currently accommodate an estimated 40 parallel parking spaces. With 94 parking spaces provided in the proposed parking lot and 40 existing parallel spaces eliminated, the net increase in the overall number of parking spaces would be 54. The existing parking lot at Malibu Bluffs Park contains 81 spaces, with an additional 40 vehicles that can be parallel parked along both sides of Winter Mesa Drive. Thus, the total number of parking spaces to serve the existing Malibu Bluffs Park and any future recreational uses would be 175 spaces (81 existing spaces plus 94 proposed spaces).

According to staff at the City of Malibu, up to 250 people use the existing Malibu Bluffs Park at any given time, which results in a parking demand of 125 vehicles. This parking demand can be accommodated by the 125 existing parking spaces at the park. However, during special events or during times when the patronage at the park is particularly heavy, the parking demands cannot be accommodated onsite and vehicles are parked along both sides of Malibu Canyon Road, on empty parcels of land, at Webster Elementary School, and on the Crummer property. The project would result in a significant parking impact during some instances of peak park usage because it would eliminate the use of the Crummer property for overflow parking and it would generate additional parking demand during baseball games. To reduce this impact, Mitigation Measure 11-2 would require the implementation of a Parking Management Plan that would preclude the use of the baseball field when Malibu Bluffs Park would operate at over-capacity conditions, and would include dead-time between baseball games of at least 30 minutes so that parking demand from two games would not overlap. Although these impacts would be potentially significant, the City will impose Mitigation Measure 11-2. Implementation of this measure will reduce these impacts to a level of less than significant.

The Final EIR determined that the proposed project (Reduced Project Alternative), when compared with the originally proposed project, would be environmentally similar with regard to traffic impacts (Final EIR, Section 7.3.4, Appendix E). Impacts remain less than significant.

Mitigation Measures

- 11-2** After the City determines the recreational use for Lot 7 and completes construction of the facilities, the City Parks and Recreation Department shall prepare and implement a Parking Management Plan that demonstrates that adequate onsite and/or offsite parking shall be provided during special events and/or other times when it is anticipated that Malibu Bluffs Park would operate at over-capacity conditions relative to parking demand. If Lot 7 is developed as a ball field, the Parking Management Plan shall preclude or limit the use of the proposed ball field when Malibu Bluffs Park would operate at over-capacity conditions relative to parking demand. In addition, if Lot 7 is developed as a ball field, the Parking Management Plan will require the City Parks and Recreation Department to schedule games with at least a half-

hour to 45 minute interval between games so that the parking demand of two consecutive games would not overlap. To accommodate this longer interval between games, less than 10 games per day would be permitted.

6. FINDINGS REGARDING ALTERNATIVES

A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

The following is a discussion of the land use alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft EIR.

1. Other Development Areas Alternative

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (Guidelines Sec. 15126.6(B)). In general, any development of the size and type proposed by the proposed project would have substantially similar impacts on air quality, land use/planning, noise, population/housing, public services, recreation, transportation/traffic and utilities/service systems.

The project site and the towing site immediately east of the project site are owned by the same entity. An EIR for the subdivision of this site and the construction of four homes has been approved. The towing site is therefore not available as a development area for the Crummer Site Subdivision project. The project applicant does not own any other sites within the jurisdiction of the City of Malibu that are considered feasible alternatives to the proposed project. Since the project applicant cannot reasonably acquire, control, or otherwise access any other sites, and since the analysis of other sites would be speculative without site-specific data, no other sites will be further considered.

2. No Project, No Development Alternative

CEQA Guidelines require the analysis of a No Project Alternative. Under this alternative, the existing 24-acre project site would remain unchanged. The project site would not be subdivided, no new housing or recreational facilities would be constructed, and no improvements would be made. The site would remain vacant, in its current form, and would not be developed for other uses, including the proposed project. The No Project, No Development Alternative would avoid or reduce impacts associated with air quality, biological resources, cultural resources, geology and soils, fire hazards, hydrology and water quality, and traffic and transportation. However, this alternative has been rejected because it would not attain any of the primary objectives of the proposed project. While it would preserve the rural character of site and bluewater views, it is not reasonable to assume that the project applicant would never develop this site, a valuable economic

resource, and that it would remain in its current physical condition. Consequently, the No Project, No Development Alternative has been rejected from further analysis.

Finding: The City of Malibu finds that the No Project, No Development Alternative is less desirable than the project because legal, economic, social, and other considerations, as listed below, make this alternative infeasible (Public Resources Code § 21081[a][3], Guidelines § 15091[a][3]).

Facts in Support of Finding

- The No Project, No Development Alternative would result in the reduction of the City's range of housing choices. This alternative would result in fewer residences than the project.
- The No Project, No Development Alternative would not result in the dedication of additional land for the expansion of Bluffs Park. Consequently, no new recreational areas (passive or active) would be available for the public and no additional parking spaces would be provided to serve Bluffs Park.
- Similarly, no conservation easement would be provided across a portion of the project site to provide additional open space and wildlife habitat under this alternative.

B. ALTERNATIVES SELECTED FOR ANALYSIS

The following four alternatives have been determined to represent a reasonable range of alternatives that could potentially attain most of the basic objectives of the project and have the potential to avoid or substantially lessen one or more of the significant effects of the project. The alternatives could impede to some degree the attainment of project objectives, but still would enable the project to obtain its basic goals.

- Two Story Homes with Skate Park Only Alternative
- No Project, Foreseeable Development Alternative
- One Story Homes with Skate Park or Baseball Field Alternative
- Reduced Project Alternative

1. Two Story Homes with Skate Park Only Alternative

This alternative was selected primarily to demonstrate the difference between the impacts related to the ball field and the impacts related to skate park uses of the area of Lot 7 to be dedicated to the City of Malibu. Lot 7 would be dedicated to the City of Malibu for recreational uses. As discussed in Section 2.B (Dedication of Parkland) above, the use of the recreational area has not been determined by the City and the improvement of Lot 7 is not a part of this project. Although the recreational uses have not been determined, active recreation areas, passive recreation areas, and an expanded parking lot are all foreseeable future uses of Lot 7 based on the proposed Planned Development PD zoning designation, which applies to all seven lots. For that reason, the EIR

considered and analyzed the environmental impacts for the potential use of Lot 7 as a ball field or a skate park together with a portion of the area developed as a 94 space parking lot in order to take into account the possible environmental impacts associated with development of Lot 7 for active recreational uses. As discussed in Section 5.11, Transportation and Traffic, if Lot 7 was developed by the City with the baseball field development option, it would result in a substantial increase in traffic in Opening Year 2017 and Future Year 2030, but improvements to the intersection of PCH and Malibu Canyon Road/Winter Mesa Road would mitigate these impacts to less than significant. By contrast, the Two-Story Homes with Skate Park Only Alternative assumes that the project would be developed with 5 two-story homes and that Lot 7 would be improved with a skate park and new 94-stall parking lot. Under this alternative, Lot 7 would not be developed with a baseball field. This skate park alternative would generate 78 ADT, 4 AM and 15 PM weekday peak hour trips and 110 ADT and 25 Saturday peak hour. Weekday and Saturday ADT would be reduced by 54 percent and 89 percent, respectively, weekday PM peak hour trips would be reduced by 77 percent and Saturday midday peak hour trips would be reduced by 74 percent, in each case compared to the ball field option. The skate park would generate a parking demand of 10 vehicles, which is based on an assumption that up to 20 people would be using the skate park at any given time and that the average vehicle occupancy would be two-person per car. For this alternative, the impacts from the residential development are the same with respect to either option for the use of Lot 7. The development of Lot 7 with a skate park would involve more grading than its use as a ball field but the impacts from the additional grading would still be less than significant. For these reasons, the Two Story Homes with Skate Park Only Alternative would have the same impacts with respect to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, fire hazards, hydrology and water quality, noise, recreation and traffic and transportation compared to the development of Lot 7 as a ball field.

Finding: The City of Malibu finds that the Two Story Homes with Skate Park Only Alternative is less desirable than the proposed project because legal, economic, social, and other considerations, as listed below, make this alternative infeasible (Public Resources Code § 21081[a][3], Guidelines § 15091[a][3]).

Facts in Support of Finding

- The Two Story Homes with Skate Park Only Alternative would meet all of the project objectives to same extent as the proposed project.
- The Two Story Homes with Skate Park Only Alternative would result in reduced traffic impacts compared to the development of Lot 7 with a ball field, although either use would result in less than significant impacts after mitigation measures are employed with respect to ball field traffic impacts.

2. No Project, Foreseeable Development Alternative

If disapproval of the project would result in other predictable actions, such as the development of the site with the permitted maximum number of single-family residences, this No Project, Foreseeable Development consequence was analyzed in the Draft EIR. This alternative assumes that the project site would be fully developed based on a site

plan previously considered under a development agreement by the City and by the California Coastal Commission at the time of the Malibu LCP was being developed. Therefore, it is a reasonable foreseeable alternative that a subsequent developer may apply for similar development which includes eight homes and recreational facilities. As shown on Figure 7-15, No Project, Foreseeable Development Alternative Site Plan, the alternative would consist of eight single-family homes, each on a minimum two-acre lot. The western portion of the project site would be developed with a basketball court, a baseball field, and a 100-space parking lot for the recreational facilities. The site, under this alternative, would be graded to minimize impact to current landform on the relatively flat portions of the site. Therefore, earth would need to be imported to fill the canyons. It is assumed that approximately 65,000 cubic yards of cut, 100,000 cubic yards of fill, and 35,000 cubic yards of import would be required. The length of construction activities would be approximately 44 months, longer than the 38-month estimate for the proposed project. In addition, construction phasing and duration is only an estimate and could exceed the 44-month assumption given current market conditions. The No Project, Foreseeable Development Alternative would result in greater impacts with respect to aesthetics, construction air quality, biological resources, geology and soils, fire hazards, hydrology and water quality, and traffic. This alternative would not lessen any of the environmental effects compared to the project. In addition, the alternative would not meet the following objectives to the same degree as the project:

- Preserve view sheds, maximize open space, and maintain the area's rural character.
- Maintain residential privacy.
- Maximize separation of building areas from significant environmental resources.
- Preserve public bluewater ocean views.

Finding: The City of Malibu finds that the No Project, Foreseeable Development Alternative is less desirable than the proposed project because the considerations listed below makes this alternative infeasible (Public Resources Code § 21081[a][3], Guidelines § 15091[a][3]).

Facts in Support of Finding

- The No Project, Foreseeable Development Alternative would develop the project site with a higher density project and result in a more intense use of the site.
- Compared to the project, the No Project, Foreseeable Development Alternative would result in an incrementally greater consumption of limited building resources, such as lumber and other forest products, raw materials of steel and other metals, aggregate materials used in concrete and asphalt, and fossil fuels for construction vehicles and equipment.
- Compared to the project, operation of the No Project, Foreseeable Development Alternative would result in an incrementally greater consumption of limited renewable and nonrenewable resources, such as natural gas and electricity, petroleum-based fuels, fossil fuels, and water.

- The No Project, Foreseeable Development Alternative would result in an incrementally greater demand on public services such as fire and police protection services, park and recreation services, and public school services.
- Compared to the project, the No Project, Foreseeable Development Alternative would generate more construction-related emissions due to a larger project footprint as well as more operation-related emissions associated with more vehicle trips.
- The No Project, Foreseeable Development Alternative would result in a larger area of impervious surfaces than the project and would therefore result in more runoff and potential water quality impacts.
- Compared to the project, the No Project, Foreseeable Development Alternative would result in a longer duration of construction-related noise and create more operational noise.
- Compared to the project, the No Project, Foreseeable Development Alternative would generate more construction and operational traffic.
- Compared to the project, the No Project, Foreseeable Development Alternative would require a larger OWTS that would generate more wastewater discharge. It is possible that the project site might not feasibly be able to handle the additional discharge.

3. One-Story Homes with Skate Park or Baseball Field Alternative

The One-Story Homes Alternative assumes that the project site is developed with five single-family, single-story homes and a skate park or baseball field. This alternative would reduce the maximum building height of the residential structures from 28 feet to 18 feet. This alternative was selected primarily to demonstrate the difference between the proposed project (which includes two-story residences) and development limited to one-story residences not greater than 18 feet in height. For reasons discussed in Section 2.B (Dedication of Parkland) above, the EIR analyzed the potential impacts if Lot 7 were developed as a ball field or skate park. As such, this alternative was not intended to analyze the impacts from the development of Lot 7 as a skate park and ball field. The building square footages would remain approximately the same for each unit, as would the lot sizes. The two-story structures represent a more compact building form, which would result in less building mass and allow for more landscaping and open area on each of the five lots. As a result, there would be a reduction of space between the homes when compared to the project. The single-story alternative would almost double the building footprints for each of the five homes. This Alternative would require 24,511 cubic yards of soil export; 11,658 cubic yards of soil import, both of which are greater than the amounts estimated for the originally proposed project. As discussed in Draft EIR Section 3.3.4, Proposed Land Uses, the originally proposed project requests two-story homes on Lots 1 through 5. The length of construction activities would be approximately 39 months for this Alternative, slightly longer than the 38-month estimate for the proposed project. In addition, construction phasing and duration is only an estimate and could exceed the 39-month assumption given current market conditions.

The One-Story Homes Alternative would be environmentally similar to the project with respect to Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Fire Hazards, Hydrology and Water Quality, Land Use, Operational Noise Impacts, and Recreational and Traffic/Transportation impacts.

With respect to Aesthetic impacts, under this alternative, the single-story homes of a similar square footage would be substantially wider, but not as high. View simulations comparing the visual impacts of this alternative's one-story homes to the proposed project's two-story homes are presented as Figures 7-1 to 7-26. As a result, in general, the one story homes would preserve slightly more bluewater views for the surrounding community. However, because the homes are wider, some of the view corridors that permit blue water views would be diminished. Similarly, from certain viewpoints the One-Story Homes Alternative appears to have a slightly less prominent profile on the bluff. However, the one-story houses would have a larger footprint and would occupy a greater area on the site. Overall, the change in aesthetic impacts from the One-Story Homes Alternative would be limited. With respect to construction-related air quality, construction-related noise and geology and soils, this alternative would be environmentally equal to or of slightly more impactful than the project due to a longer construction period and more grading than the project.

Finding: The City of Malibu finds that the One Story Homes with Skate Park or Baseball Field Alternative is less desirable than the proposed project because legal, economic, social, and other considerations, as listed below, make this alternative infeasible (Public Resources Code § 21081[a][3], Guidelines § 15091[a][3]).

Facts in Support of Finding

- The One Story Homes Alternative would require slightly more grading and a slightly longer construction period compared to the project.
- Compared to the project, the One Story Homes Alternative would create larger building footprints, which would create more impervious area and result in slightly more sheet flow runoff.
- The One Story Homes Alternative would not meet the project objective of maximizing separation of building areas from significant environmental resources.
- The One Story Homes Alternative would not satisfy to the same degree the following project objectives: (i) preserve view sheds, maximize open space, and maintain the area's rural character; and (ii) maintain residential privacy.

4. Reduced Project Alternative (Proposed Project)

The Reduced Project Alternative was requested during the public review period for the Draft EIR and analyzed in Section 7 of the Final EIR (Appendix E in the Final EIR). This is now the proposed project. As discussed in Chapter 5.1, Aesthetics, the originally proposed project would not obstruct existing public scenic views or otherwise substantially impact scenic views or resources. Impacts would be less than significant without mitigation. However, the proposed residential buildings would appear to be

prominent when viewed from the low-lying portions of the City to the east. As requested by the public, the Reduced Project Impact analyzes the impact of the development of the project site when targeted reductions in height, massing, and visual bulk are applied to the five proposed homes.

The Reduced Project Alternative assumes that the project site is developed with five single-family homes. As noted previously, the project does not include the development of Lot 7. The Reduced Project Alternative would reduce overall floor area of the proposed homes by approximately 11 percent, as described above in *Summary of the Project*.

Finding: The City of Malibu finds that the Reduced Project Alternative is as desirable as the originally proposed project and economic and other considerations, as listed below, make this alternative feasible (Public Resources Code § 21081[a][3], Guidelines § 15091[a][3]).

Facts in Support of Finding

Aesthetics. Under the Reduced Project Alternative, the five homes proposed under the project would be reduced in size and bulk. By targeting reductions in height, floor area and massing, the Reduced Project Alternative attempts to lessen the aesthetic impacts of the project. In addition, this alternative includes a modified landscaping scheme that reduces the visual bulk of the overall project site when it is viewed from afar. View simulations comparing the visual impacts of this alternative's one-and two-story homes to the proposed project's larger all-two-story homes are presented as Figures 7-16 to 7-26. Additional view simulations of this alternative (and the proposed project) were provided in Appendix A of the Final EIR.

As discussed in Chapter 5.1, Aesthetics, the development of the project site would alter the horizon/skyline of the bluff and create buildings visible from various vantage points where no buildings currently exist. However, as shown in the Final EIR, there is little discernible difference between the amount of ocean obscured by the Reduced Project Alternative and the originally proposed project. Similar to the originally proposed project, the Reduced Project Alternative does not significantly impact the bluewater views from the viewpoints. From certain view points at elevations lower, the project can be seen against the background of the sky. At these viewpoints the Reduced Project Alternative shows a slightly lower profile for the residences on Lot 1 and Lot 2. Similarly, the modified landscaping plan of the Reduced Project Alternative, when seen from these viewpoints, shields the residences somewhat more than the originally proposed project when viewed from the same locations. These changes result in a slightly reduced profile and somewhat less prominent appearance than the originally proposed project. Thus, the Reduced Project Alternative reduces the visual impact compared to the originally proposed project's less than significant impacts.

The Reduced Project Alternative would not: (i) obstruct or otherwise substantially impact scenic views or resources; (ii) degrade the visual appearance of the project site or its surroundings; (iii) substantially degrade the visual character of the site or introduce any aesthetic elements incompatible with the project area; or (iv) block any significant scenic resources from public view sheds or from protected private view corridors. For these reasons, the Reduced Project Alternative would have a less than significant impact on

visual resources. As with the originally proposed project, the Reduced Project Alternative would not obstruct existing public scenic views or otherwise substantially impact scenic views or resources. As a result, this alternative would be of slightly less impact than the originally proposed project with regard to aesthetic impacts.

Air Quality. Compared to the originally proposed project, there would be slightly reduced short-term construction related impacts due to slightly reduced grading volumes. Impacts would remain less than significant with mitigation. This alternative would be environmentally equal to the originally proposed project with regard to air quality impacts.

Biological Resources. Compared to the originally proposed project, the building square footages in this alternative would be reduced. However, the amount of open area and fuel modification zones on each of the five lots would be similar with this alternative. The Reduced Project Alternative would be environmentally similar to the originally proposed project with regard to biological impacts.

Cultural Resources. This alternative would involve ground-disturbing activities throughout slightly reduced amount of the site, which would have a very small reduced likelihood of impacting archaeological or paleontological resources than the originally proposed project. As a result, this alternative would result in a similar likelihood of disturbing undiscovered cultural resources as the originally proposed project. Impacts are likely to remain less than significant, and the impacts of the Reduced Project Alternative would be similar to those of the originally proposed project.

Geology and Soils. With the exception of Lots 1 and 2, the Reduced Project Alternative's homes have slightly smaller footprints than those in the originally proposed project. As a result, this alternative would require slightly less grading and soil export. Smaller footprints would possibly reduce the need for retaining walls, grading, and similar landform alteration. However, for the originally proposed project, those impacts were found to be less than significant. The geology and soils impacts for the Reduced Project Alternative, while slightly less, would be generally similar to, those of the originally proposed project and the impacts would remain less than significant.

Greenhouse Gas Emissions. This alternative, like the originally proposed project, would generate a nominal increase in greenhouse (GHG) emissions onsite and would not exceed the SCAQMD's proposed GHG screening threshold. Impacts would remain less than significant. Therefore, this alternative has no impact on GHG impacts.

Hazards and Hazardous Materials. As with the originally proposed project, impacts related to fire hazards would remain less than significant with mitigation. The Reduced Project Alternative is therefore environmentally similar to the originally proposed project with regard to hazards and hazardous materials.

Hydrology and Water Quality. The Reduced Project Alternative would potentially reduce sheet flow runoff, provide larger open space areas for infiltration, and allow for greater flexibility in treating runoff, but only to a very small extent. As with the originally proposed project, new infrastructure, such as curbs, gutters, and drains, would minimize runoff. Therefore, the impacts to hydrology and water quality would be the same and, as with the originally proposed project, neither the construction nor the operation of the

Reduced Project Alternative would result in a significant degradation of water quality, or in a violation of any water quality standards.

Land Use. As noted, the property is specifically mentioned in both Malibu's Land Use Plan (LUP) and Local Implementation Plan (LIP). Neither the originally proposed project nor the Reduced Project Alternative exceeds the City's established limits on height allowed pursuant to site plan review, bulk, impervious area, and square footage. However, the residences in this alternative would have less bulk and square footage than those in the originally proposed project. As with the originally proposed project, the size proposed in this alternative are consistent with other developments in the vicinity of the property. Land use impacts of the Reduced Project Alternative would be similar to those associated with the originally proposed project.

Noise. The overall duration of construction activities for the Reduced Project Alternative would likely be similar to the originally proposed project. During the operational phase, this alternative would be equal to the proposed project. Impacts related to noise for the Reduced Project Alternative would be less than significant as with the originally proposed project.

Recreation. The Reduced Project Alternative would have no additional impact on recreation facilities since no additional residential units would be constructed and no new population would be introduced to the area compared to the originally proposed project. As with the originally proposed project, this alternative would result in the dedication to the City of Lot 7 for recreational uses and this alternative would not impact recreational resources.

Transportation and Traffic. Like the originally proposed project, the Reduced Project Alternative would have no impact on transportation or traffic since no additional residential units would be constructed. This alternative would therefore be environmentally similar to the originally proposed project with regard to transportation and traffic.

7. ADDITIONAL FINDINGS

A. **SIGNIFICANT IRREVERSIBLE IMPACTS**

CEQA Guidelines Section 15126.2(c) states that:

"[u]ses of nonrenewable resources during the initial and continued phases of the Project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the Project. Irreversible commitments of resources should be evaluated to assure that such current consumption is justified."

Finding: The project would necessarily consume limited, slowly renewable and non-renewable resources. This consumption would occur during the construction phase of the project and would continue throughout its operational lifetime. Project development

would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the project site. Project construction would require the consumption of resources that are non-replenishable or may renew so slowly as to be considered nonrenewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the project site.

Project operation would continue to expend nonrenewable resources that are currently consumed within the City of Malibu. These include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the project, and the existing, finite supplies of these natural resources would be incrementally reduced. The project would meet the California Green Building Code Standards, and would incorporate numerous conservation features that would limit the amount of energy consumed by the project. However, the energy requirements associated with the project would still represent a long-term commitment of essentially nonrenewable resources.

Continued use of such resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as state and local goals for reductions in the consumption of such resources. Further, the project would not affect access to existing resources, nor interfere with the production or delivery of such resources.

The commitment of resources required for the type and level of proposed development would limit the availability of these resources for future generations for other uses during the operation of the project. However, this resource consumption is not anticipated to be unusually wasteful or excessive in terms of construction materials and fossil fuel utilization, and would be consistent with regional urban design and development goals for the area. The project would incorporate a number of sustainability features, such as an energy efficient building envelope; efficient lighting and heating, ventilation, and air conditioning systems; use of low volatile organic compound emitting materials; optimal use of daylight for interior lighting; water conservation practices and recycling. In addition, building materials would be comprised of recycled and regional materials, within practical limits.

B. NO GROWTH INDUCING IMPACTS OF THE PROJECT

Section 15126.2(d) of the CEQA Guidelines requires an EIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment growth inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the

environment individually or cumulatively. In addition, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

Finding: The project is located within an already developed area and therefore would not cause a progression of growth. Furthermore, all access and parking improvements would be within the project's boundaries and no off-site improvements to existing utilities would be required. The Project would not generate any new public service facilities and would not substantially change existing activities. Therefore, the project would not contribute to population growth. Moreover, the project would not materially contribute to economic growth in the City of Malibu or the region. Since the project is located in a fully developed setting, infrastructure is already in place to support the project and no notable extension of infrastructure is needed, other than a water line to serve the residences. Consequently, the project would not spur additional growth in Malibu and would not eliminate impediments to growth by increasing the capacity of infrastructure. Public services such as police, fire, schools and libraries would not be expanded as a result of the project, and, therefore would not induce off-site population growth. Although the project includes the dedication of Lot 7 to the City for eventual use as a recreational facility, the City of Malibu has not determined how Lot 7 will be developed. Whether it is developed for active or passive recreational purposes, the development will be necessary to meet existing demand for such facilities and it will not induce population growth. Therefore, the project would not have material growth inducing impacts.

C. MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, the City of Malibu finds that implementation of the mitigation measures identified in this document, the Final EIR, and the Mitigation Monitoring and Reporting Program would substantially lessen the environmental effects of the project. Because of the nature of some of the mitigation measures, the City of Malibu may delegate duties and responsibilities to environmental monitors or other professionals, as warranted.

Finding: In accordance with Section 15091(d) and Section 15097 of the CEQA Guidelines, which requires a public agency to adopt a program for reporting or monitoring the required revisions to the project and the measures it has imposed to eliminate or reduce significant environmental effects, Attachment A is hereby adopted as the Mitigation Monitoring and Reporting Program for the project.

D. NO SIGNIFICANT NEW INFORMATION

CEQA Guidelines Section 15088.5 requires recirculation of an EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review ... but before certification."

Finding: The City finds that no significant new information has been added to the EIR after public notice was given of the availability for the draft EIR for public review. Accordingly, the City finds that the EIR for the proposed project does not need to be recirculated prior to its certification. The City has been presented with no evidence to contradict its conclusion in this regard.

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Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
5.2 AIR QUALITY				
2-1 The construction contractor shall implement the following measures to reduce construction exhaust emissions during grading and construction activities: <ul style="list-style-type: none"> ▪ The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions. ▪ The construction contractor shall limit nonessential idling of construction equipment to no more than five consecutive minutes. ▪ Where feasible, use haul trucks with engines that are 2010 or newer for soil import and export activities. ▪ The construction contractor shall limit soil hauling activities associated with the site grading phase to a maximum of 38 trucks per day (76 one-way soil haul trips per day for haul trips). ▪ The construction contractor shall use USEPA-rated Tier 3 construction engines for equipment rated at 50 horsepower or greater for general site grading activities. Tier 3 engines between 90 and 750 horsepower are available for 2006 to 2008 model years. ▪ A list of construction equipment by type and model year shall be maintained by the construction contractor onsite. <p>These requirements shall be noted on all construction management plans and verified by the City of Malibu during site grading activities.</p>	Construction Contractor	Prior to issuance of grading permits		
5.3 BIOLOGICAL RESOURCES				
3-1 (a) A focused survey for Braunton's milk-vetch shall occur prior to the issuance of a grading permit. The focused survey shall occur within on-site suitable habitat (i.e., mixed sage scrub and coastal sage chaparral scrub) that may be disturbed as a result of the proposed project implementation, during the typical blooming period (February through July). This survey shall be conducted in accordance with the methodologies used for performing focused plant surveys per the CDFG's 2000 <i>Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Plant Communities (Guidelines)</i> , and the CNPS's 2001 <i>Botanical Survey Guidelines of the California Native Plant Society</i> . In the event that Braunton's milkvetch are discovered during focused preconstruction surveys, a translocation plan shall be developed by a biologist familiar with the ecology of the species and the plan would be approved by the U.S. Fish and Wildlife Service prior to issuance of grading permit.	Project Applicant	Prior to issuance of grading permits	City Biologist	

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<p>(b) Certain ornamental plants are known to escape from planted areas and invade into native plant communities. In order to protect established native plant communities located in the vicinity, the plants listed in Table 14 of the Biological Resource Study prepared by Impact Sciences, Inc., in 2008 for the proposed project shall not be planted within the project site. This list shall also be distributed to new homeowners and included within any covenants, conditions, and restrictions. The landscaping plans within common areas of the project shall be reviewed by a qualified botanist who shall recommend appropriate provisions to prevent other invasive plant species from colonizing remaining onsite or adjacent natural areas. These provisions may include the following: (a) review and screening of proposed plant palette and planting plans to identify and avoid the use of invasive species; (b) weed removal during the initial planting of landscaped areas; and (c) monitoring for and removal of weeds and other invasive plant species as part of ongoing landscape maintenance activities. The frequency and method of monitoring for invasive species shall be determined by a qualified botanist. In addition, the homeowner's association shall provide homeowners with the list entitled "City of Malibu Non-Native Invasive Plants Prohibited in Landscape Plans" which is maintained by the City of Malibu and can be found on the City's website.</p> <p>(c) Seeded areas shall be irrigated with temporary overhead irrigation until plants have established as determined by a qualified biologist.</p>				
<p>3-2 The City of Malibu Native Tree Protection Ordinance requires that mitigation and maintenance measures be developed to preserve the six Southern California black walnut trees located on the project site. The Protected Tree Report released in June 2008 by Impact Sciences, Inc., includes suggested mitigation measures. The proposed project shall comply with all mitigation measures contained in the 2008 Protected Tree Report. These measures include the installation of protective fencing around the black walnut trees for the duration of construction and limits on grading activities which can be performed near the protected trees, among others. The mitigation measures included in the Protected Tree Report also require maintenance and monitoring of the trees. The report requires that many of the mitigation measures be approved by a City-approved arborist. After the completion of construction, a monitoring report would be required. Should the monitoring report determine that any protected trees were impacted, counter-measures, including the planting of replacement trees, would be required.</p>	Construction Contractor	Prior to issuance to of grading permits	City Biologist	

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<p>3-3 (a) To avoid impacts to native nesting birds, the applicant and/or its contractors shall retain a qualified biologist (with selection to be reviewed by the City) to conduct nest surveys in potential nesting habitat within the project site prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code are present in the construction zone or within a distance determined by CDFG or the City of Malibu biologist. Because many birds known to use the project area (including Anna's hummingbird, Cooper's hawk, and loggerhead shrike) nest during the late winter, breeding bird surveys shall be carried out both during the typical nesting/breeding season (mid-March through September) and in January and February. The surveys shall continue on a weekly basis, with the last survey being conducted no more than three days prior to initiation of clearance or construction work. If ground disturbance activities are delayed, additional pre-construction surveys will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. Surveys shall include examination of trees, shrubs, and the ground within grassland for nesting birds, as several bird species known to occur in the area are shrub or ground nesters, including (but not limited to) California horned lark, kill deer, and mourning dove.</p> <p>(b) If active nests are found, clearing and construction activities within a buffer distance determined by CDFG or the City of Malibu biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during the same year. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the City of Malibu within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.</p>	Construction Contractor	Prior to issuance to of grading permits	City Biologist	

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5.4 CULTURAL RESOURCES				
<p>4-1 For adequate coverage and the protection of potentially significant buried resources, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards (48 Federal Register 44738-39) shall be retained by the applicant to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The project archaeologist shall have the authority to halt any activities adversely impacting potentially significant resources. Any significant archaeological resources found shall be preserved as determined necessary by the project archaeologist and offered to the South Central Coastal Information Center at California State University, Fullerton or repository willing to accept the resource. Any resulting reports shall also be forwarded to the South Central Coastal Information Center at California State University, Fullerton.</p> <p>Should paleontological soils be uncovered during grading, a paleontological monitor shall also be retained by the applicant, upon the archaeological monitor's request, to oversee ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. The paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant resources. Should fossil-bearing formations be uncovered, the monitor shall professionally collect any specimens without impeding development. Any paleontological artifacts recovered shall be preserved, as determined necessary by the project paleontologist, and offered to an accredited and permanent scientific institution for the benefit of current and future generations. This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.</p>	Project Applicant	Prior to issuance of grading permits	City Planning Department	
<p>4-2 A Native American Monitor of Chumash descent shall be retained to monitor all ground-disturbing activities, including but not limited to all grading, excavation, and site preparation. Any artifacts recovered shall be curated at the South Central Coastal Information Center at California State University, Fullerton, the designated repository for Los Angeles, Ventura, and Orange Counties. The extent and duration of the archaeological monitoring program shall be determined in accordance with the proposed grading or demolition plans. If human remains are uncovered, the Los Angeles Coroner, Native American Heritage Commission, local Native American representatives, and archaeological monitor shall determine the nature of further studies, as warranted and in accordance with Public Resources Code 5097.98 and the City's standard conditions of approval. This mitigation measure shall also apply to trenching for</p>				

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Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
utilities, geological testing, and any other ground-disturbing activities associated with the proposed project.				
5.5 GEOLOGY AND SOILS				
5-1 The proposed project shall be constructed in accordance with the geotechnical engineering recommendations as presented in the Leighton and Associates, Inc., Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site", APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California, as well as any subsequent documents, including responses to City comments. These recommendations address site preparation, excavation, fill placement and compaction, foundation design, and site drainage, among other topics.	Project Applicant	Prior to issuance to of grading permits	City Geologist	
5-2 (a) The planned community's covenants, conditions, and restrictions (CC&Rs) shall include protocols for proper maintenance of the slopes and prompt restoration following heavy precipitation events and/or fires. (b) Excavating and cutting into the slopes or removal of slope failure debris by the tenants or one or more future property owners without prior approval from a geotechnical engineer shall be prohibited by the covenants, conditions and restrictions for the proposed development. This information shall also be recorded against the title of each residential property. The services of such a geotechnical engineer shall become necessary should a slope excavation be a desired, planned activity proposed by one or more property owners, or in response to unforeseen slope failure, such as sloughing in the aftermath of heavy rain.				
5-4 (a) The proposed onsite wastewater treatment system shall be installed in accordance with the geotechnical engineering recommendations as presented in the Geotechnical Evaluation of Proposed Onsite Wastewater Treatment System, Proposed Residential Development "Crummer Site", 24200 Pacific Coast Highway, APN 4458-018-019, City of Malibu, California, as well as any subsequent documents, including responses to City comments. These recommendations address site preparation, excavation, fill placement and compaction, foundation design, and site drainage, among other topics.	Project Applicant	Prior to issuance to of grading permits	City Environmental Health Administrator	

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<p>(b) The Applicant shall obtain final construction plan approval for the proposed onsite wastewater treatment systems from the City Environmental Health Administrator. The final design must be engineered to meet the effluent limits specified in waste discharge requirements, and requirements of the Regional Water Quality Control Board and the United States Environmental Protection Agency.</p> <p>(c) The proposed onsite wastewater treatment system shall not be installed within the structural setback zone as presented in the Leighton and Associates, Inc., Feasibility-Level Grading Plan Review, Proposed Malibu Bluffs Development: 5-Lot Subdivision, "The Crummer Site", APN 4458-018-019, 24200 Pacific Coast Highway, City of Malibu, California.</p>				
5.7 HAZARDS AND HAZARDOUS MATERIALS				
<p>7-1 In addition to compliance with existing requirements and standards of the Los Angeles County Fire Department (LACFD), the proposed project must comply with all requirements detailed in letters dated March 16, 2012, from the LACFD, included in Appendix L of the Draft EIR. Where the two letters differ, the more conservative approach shall be taken. The letters include the following requirements, among others:</p> <ul style="list-style-type: none"> ▪ For Lot 1 and 5 the circular turnaround shall remain clear and unobstructed. No plantings, fountains, or other features shall be allowed; ▪ For Lot 2 the circular turnaround drive aisle shall be maintained at a minimum 20 feet in width with 32 feet on centerline turning radius. If landscaping or other features are to be located in the center, they must not encroach into the drive aisle. ▪ Provide evidence from a certified civil engineer that the "bridge" feature on Lot 5 shall support the minimum weight capacity of 75,000 pounds to accommodate fire apparatus. Once the "bridge" is installed, provide recertification prior to occupancy from a certified civil engineer that the "bridge" will support a minimum of 75,000 pounds. The width of 15 feet shall be maintained clear and unobstructed for the "bridge" portion of the fire department access. ▪ Emergency access for firefighter pedestrian use shall be extended to all exterior walls of all proposed structures within the subdivision. Additional walking access shall be reviewed and approved by Fire Prevention Engineering prior to building permit issuance. ▪ Department access shall be extended to within 150 feet distance of any exterior portion of all structures. ▪ Access shall comply with Section 503 of the Fire Code, which requires all-weather access. 	Project Applicant	Prior to issuance to of grading permits	City Public Works Department and Los Angeles County Fire Department (LACFD)	

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<p>All-weather access may require paving.</p> <ul style="list-style-type: none"> ▪ Where driveways extend farther than 150 feet and are of single-access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed, and maintained to ensure their integrity for fire department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length. ▪ Private driveways shall be indicated on the final map as "Private Driveway and Fire Lane," with the widths clearly depicted, and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested, and accepted prior to construction. ▪ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction. ▪ Prior to occupancy, provide street signs and building access numbers as approved by the Fire Department or City. ▪ Provide water mains, fire hydrants, and fire flows as required by the County of Los Angeles Fire Department for all land shown on map which shall be recorded. ▪ The required fire flow for public fire hydrants at this location is 1,375 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. Hydrant(s) flowing simultaneously may be used to achieve the required fire flow. ▪ Three private fire hydrants shall be installed onsite. The required fire flow for private onsite hydrants is 1,375 gallons per minute at 20 psi. ▪ The required fire hydrants shall be installed, tested, and accepted or bonded for prior to Final Map approval. ▪ Vehicular access must be provided and maintained serviceable throughout construction; ▪ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process. ▪ Per the County of Los Angeles Water Works 29, the Fire Flow Availability form dated March 30, 2012, indicates adequate flow from the existing public fire hydrant on Winter Mesa Drive. All required fire hydrants shall measure 6 inches x 4 inches x 2-1/2 inches, brass or bronze, conforming to current AWWA standard C503 or approved equal and meet the required fire flow requirements (1,375 gallons per minute at 20 psi). <p>7-2 The proposed project shall comply with all recommendations contained in the fire protection plan and in the fuel modification plan prepared for the proposed project. Compliance with the fire protection plan and fuel modification plan would reduce the vulnerability of the proposed</p>				<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Resolution No. 14-11 Page 74 of 76</p>

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<p>structures and the project site to wildland fires. The recommendations would minimize the likelihood of ember (firebrand) penetration or direct flame impingement, ensure that fire sprinklers and fire alarms are installed in the proposed residences, that the infrastructure of the site and surrounding area allow emergency personnel and vehicles to access the proposed project, and that the project site is landscaped in such a way that the proposed residences are not immediately adjacent to significant amounts of vegetation that could fuel wildfires.</p> <p>7-3 The covenants, conditions, and restrictions for the proposed residences shall require the regular maintenance of the vegetation on the project site to ensure compliance with the fuel modification plan.</p> <p>7-4 The applicant shall participate in an appropriate financing mechanism, such as a developer fee or an in-kind consideration in lieu of developer fees, to provide funds for fire protection facilities that are required by residential development in an amount proportional to the demand created by this project. Currently, the developer fee is a set amount per square foot of building space, adjusted annually, and is due and payable at the time a building permit is issued. In the event that the developer fee is no longer in effect at the time of building permit issuance, alternative mitigation measures may be required.</p>				
5.8 HYDROLOGY AND WATER QUALITY				
<p>8-1 The project shall include the construction and proper maintenance of onsite stormwater detention tanks underneath each residential lot and the private street to mitigate potential flooding and erosion impacts to downstream areas. The detention tanks shall be sized according to the City of Malibu's required detention volume for new residential development. In addition, the project shall comply with all site-design, source-control, and treatment-control best management practices outlined in the project's stormwater management plan, including design to reduce potential flooding and to reduce the potential for erosion and siltation.</p>	Project Applicant	Prior to issuance to of grading permits	City Public Works Department	

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5.11 TRANSPORTATION/TRAFFIC				
11-1 Prior to obtaining the last Building Permit for the recreational facilities, the City Public Works Department shall construct the following improvements at the intersection of Malibu Canyon Road/PCH if a ballfield is proposed on Lot 7: <ul style="list-style-type: none"> ▪ Re-stripe the existing southbound through plus left-turn lane on Malibu Canyon Road (at its intersection with Pacific Coast Highway) to a through plus left- and right-turn lane. ▪ Either modify the existing traffic signal to remove the right-turn overlap phase to a standard right-turn-on-red (RTOR) permissive phase resulting in LOS E at 0.928 V/C OR; ▪ Keep right turn overlap phase for existing #2 (outside) dedicated right-turn lane on Malibu Canyon Road (at its intersection with Pacific Coast Highway) resulting in LOS E at 0.902 V/C. 	City Public Works Department	Prior to recordation of final map	City Public Works Department	
11-2 Prior to obtaining the last Building Permit for the recreational facilities, the City Parks and Recreation Department shall prepare and implement a Parking Management Plan that demonstrates that adequate onsite and/or offsite parking shall be provided during special events and/or other times when it is anticipated that Malibu Bluffs Park would operate at over-capacity conditions relative to parking demand. The Parking Management Plan shall preclude the use of the proposed baseball field when Malibu Bluffs Park would operate at over-capacity conditions relative to parking demand. In addition, the Parking Management Plan will require the City Parks and Recreation Department to schedule baseball games with at least a half-hour to 45 minute interval between games so that the parking demand of two consecutive games would not overlap. To accommodate this longer interval between games, less than 10 games per day would be permitted	Project Applicant	Prior to issuance of building permits	City Parks and Recreation Department	

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