

City of Malibu

2008-2014 Housing Element Update

Draft
**Environmental
Impact Report**
Volume II - Appendices



May 2013



Appendix A

Notice of Preparation and Responses

CITY OF MALIBU
NOTICE OF PREPARATION AND SCOPING MEETING
FOR AN ENVIRONMENTAL IMPACT REPORT

Pursuant to the California Environmental Quality Act (CEQA), the City of Malibu ("City") will be the Lead Agency and will prepare an environmental impact report (EIR) for the project identified below. The City has determined in its initial review that an EIR is required for the project.

Date of Meeting: May 25, 2011

Location and Time of Meeting: New City Hall – Zuma Room
23825 Stuart Ranch Rd. Malibu, CA 90265
7:00 p.m.

Project Title: General Plan Housing Element Update Environmental Impact Report (EIR)
Environmental Impact Report No. 11-002
General Plan Amendment No. 10-002

Applicant/Lead Agency: City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone: (310) 456-2489

Contact Person: Richard Mollica, AICP, Associate Planner
(310) 456-2489, extension 346
rmollica@malibucity.org

Address Where Documents Are Available for Review: City of Malibu City Hall
Planning Division
23825 Stuart Ranch Road
Malibu, CA 90265

Parcels Being Considered (APN): 4470-012-045 (6155 Trancas Canyon Road)
4470-012-064 (No address assigned)
4470-012-002 (No address assigned)
4467-013-022 (No address assigned)
4467-012-005 (28401 Pacific Coast Highway)
4458-021-003 (3542 Coast View Drive)
4458-021-005 (23833 Stuart Ranch Road)
4458-022-012 (23801 Stuart Ranch Road)
4458-022-019 (No address assigned)

Project Description: The State of California Housing Element law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected housing needs of the community in all economic levels. Included in this State law is the requirement that local governments adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. The State also requires that Housing Elements be updated and certified every five years to reflect the most recent trends in demographics and employment that may affect existing and future housing demand and supply.

The General Plan Housing Element Update will establish new policies, goals and programs for the entire city. A preliminary Draft Housing Element is available for review at the following website address: <http://www.malibucity.org/download/index.cfm/fuseaction/download/cid/16685/>

In addition, the City plans to develop a program to upzone a limited number of parcels to accommodate the City's required housing needs as determined by Southern California Association of Governments (SCAG). The City's assigned Regional Housing Needs Assessment (RHNA) number is 441 units. Based on RHNA, the City must accommodate 115 very low, 73 low, 79 moderate and 174 above moderate income households in addition to its current housing stock for the period from 2006 through 2014.

The City has identified nine candidate sites which could be upzoned to provide the additional units to meet the RHNA needs assessment.

The potential new densities for the candidate parcels under consideration are as follows:

List of Potential Parcels to be Considered for Upzoning

APN	Current Zoning	Potential Zoning	Gross Lot Size (Ac.)	Current Development Potential	Potential Number of Units
4470-012-045	RR-5	MF (6 du per acre)	30	6 SFR and 2nd Residential Units	48 units (only 8 acres is usable)
4470-012-046	RR-5	MF (6 du per acre)	10	2 SFR and 2nd Residential Units	60 units
4470-012-002	RR-5	MF (6 du per acre)	18	3 SFR and 2nd Residential Units	108 units
4467-013-022	MF	MF-High (20 du per acre)	5	30 Units	100 units
4467-012-005	MF	MF-High (20 du per acre)	5	18 Units	66 units
4458-021-003	CC	MF-High (20 du per acre)	7	45,672 sq. ft. Commercial	140 units
4458-021-005	CC	PD Mixed Use	10	66,777 sq. ft. Commercial	200 units + an undetermined F.A.R. for commercial
4458-022-012	CC	PD Mixed Use	6	42,144 sq. ft. Commercial	120 units + an undetermined F.A.R. for commercial
4458-022-019	CC	PD Mixed Use	8	55,408 sq. ft. Commercial	160 units + an undetermined F.A.R. for commercial

List of abbreviations: RR-5 = Rural Residential - Five Acre; MF = Multi-Family; CC = Community Commercial; du = Dwelling Units; PD = Planned Development; SFR = Single-Family Residence; and F.A.R. = Floor Area Ratio

Of the nine candidate parcels, only a subset will be selected to be studied in depth as a "project" pursuant to CEQA guidelines. A "project" is defined as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A second subset of parcels will be included as alternative sites in the event that project alternatives are required.

Purpose of Meeting: The City intends to prepare an EIR for the General Plan Housing Element Update. In accordance with Section 15082 of the CEQA Guidelines, the City has prepared this Notice of Preparation (NOP) to provide Responsible Agencies and other interested parties with information describing the proposal and its potential environmental effects. Environmental factors that would be potentially affected by the project include:

- a. **Aesthetics:** Potential visual impacts of increased densities and residential buildout, including possible modifications of development standards such as reduced common open space, reduced setbacks and parking.
- b. **Air Quality:** Potential impacts of increased residential buildout on the rezone sites related to vehicular traffic and construction dust emissions.
- c. **Biological Resources:** Potential impacts that development or subdivisions may have on Environmental Sensitive Habitat Areas (ESHA). Not all potential sites contain ESHA.
- d. **Cultural Resources:** Potential impacts that residential development may have on archeological resources.
- e. **Geology, Soils, and Seismicity:** Identify any impacts that site-based geological conditions may have on the future development of the sites listed.
- f. **Greenhouse Gas Emissions:** Potential impacts of increased residential buildout on the rezone sites related to temporary construction emissions and permanent residential operations and vehicular traffic emissions.
- g. **Hydrology & Water Quality:** Potential impacts of increased residential densities on onsite hydrology and water quality resources.
- h. **Land Use / Planning:** Review for consistency with Housing Element goals and policies as well as with SCAG requirements and compatibility of potential development with surrounding uses.
- i. **Noise:** Potential increase in ambient noise levels due to increased densities and from buildout and associated traffic.
- j. **Population / Housing:** Evaluate the changes resulting from rezoning and potential impacts on the City's population and housing stock.
- k. **Public Services:** Adequacy of public facilities and services for increased residential buildout.
- l. **Transportation & Traffic:** Potential impact of residential buildout on roadway and intersection facilities, levels of service, and traffic safety concerns that are related to the increased densities on the proposed rezone sites.
- m. **Utilities / Service Systems:** Adequacy of public services and utility systems for increased residential buildout.

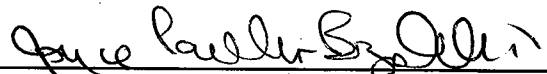
Purpose of Review: The purpose of this NOP is to solicit input from those public agencies and interested members of the public as to the scope and content of the environmental information to be included in the EIR (Ref: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375). As specified by the CEQA Guidelines, the NOP

will be circulated for a 30-day public review period. The City welcomes Responsible Agency and public input during this period regarding the scope and content of environmental information included and analyzed in the EIR. Agencies should comment on the elements of the environmental information that are relevant to their statutory responsibility in connection with the project.

Where to Send Comments: Responses to the NOP must be submitted, in writing, no later than **June 2, 2011 at 4:30 p.m.** Comments should reference EIR No. 11-002 and should be addressed to Richard Mollica, AICP, Associate Planner at the address below. Agency responses to this NOP should include the name, address, and telephone number of the person serving as the primary point of contact for this project within the commenting agency.

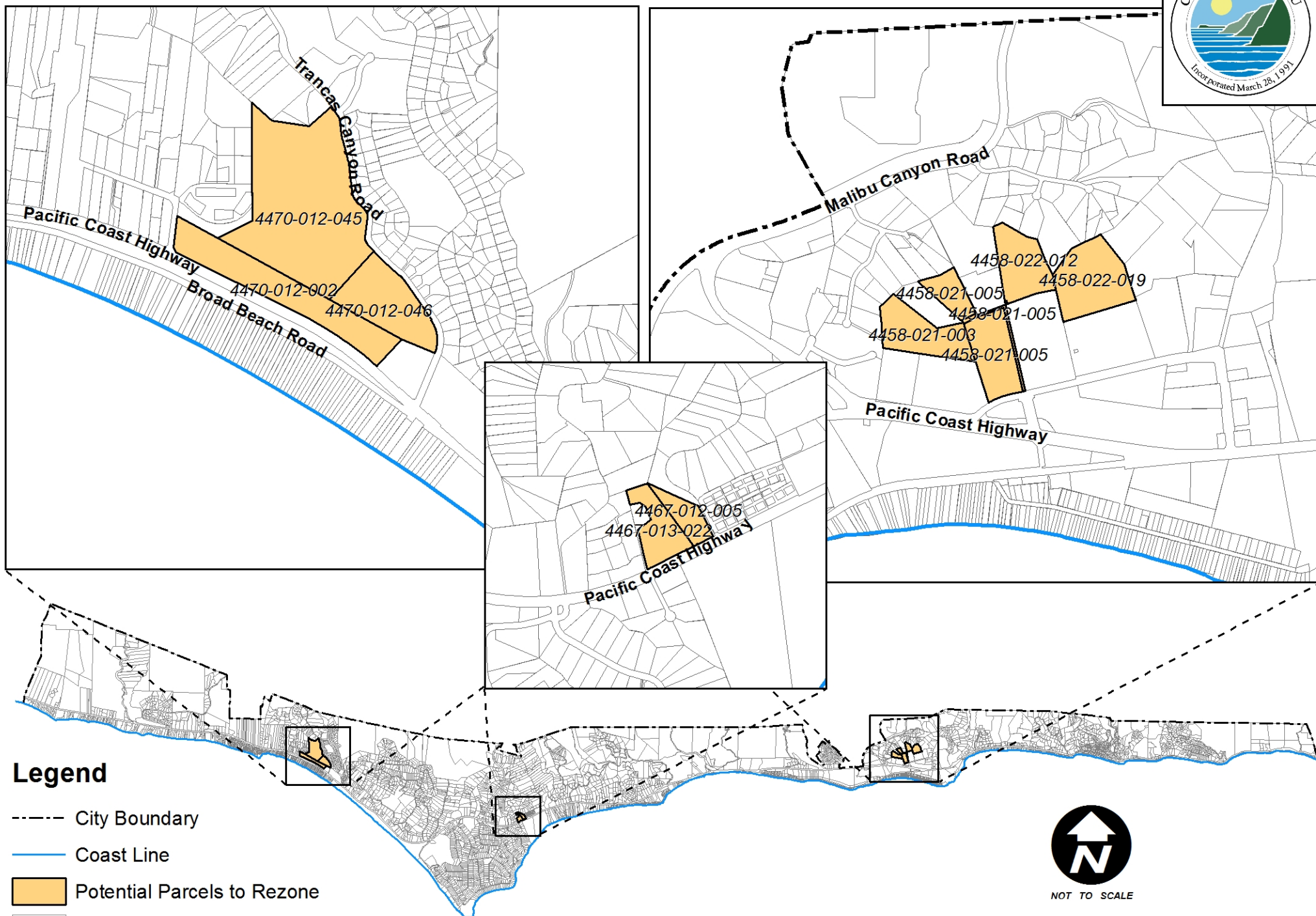
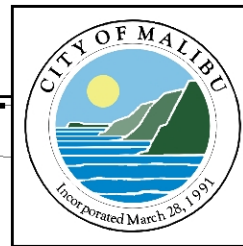
Public Scoping Meeting: The City is scheduled to hold a Public Scoping Meeting for the EIR to describe the proposed project, the environmental process, and to receive input on the scope and content of the EIR in conformance with Section 21083.9 of the Public Resources Code.. The Public Scoping Meeting is scheduled on Wednesday, May 25, 2011, at 7:00 p.m. in the Zuma Room, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA. The City encourages all interested individuals, organizations, and agencies to attend the meeting.

If there are any questions regarding this notice, please contact Richard Mollica, Associate Planner, at (310) 456-2489, extension 346.



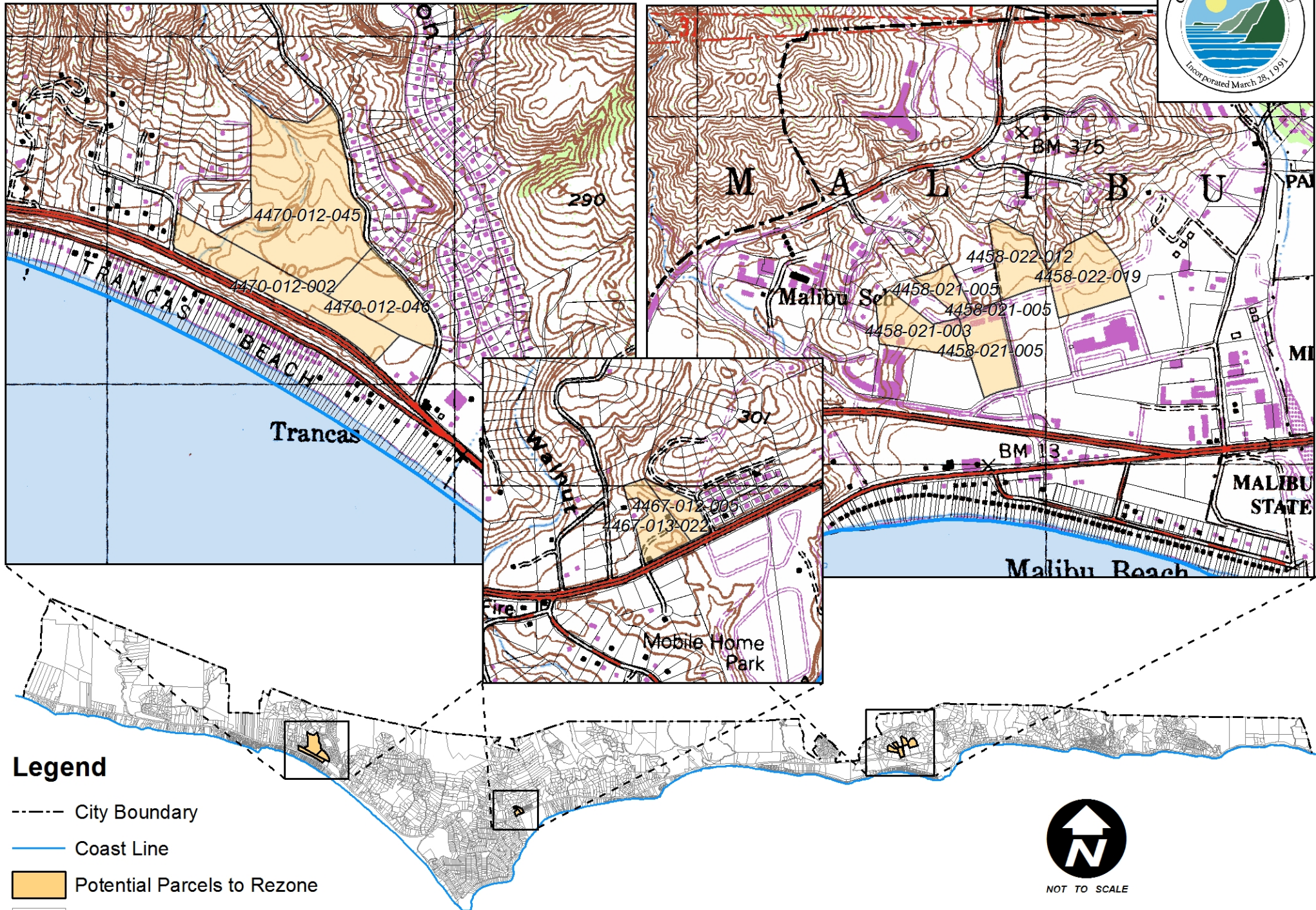
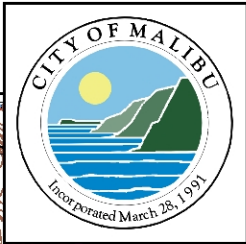
Joyce Parker-Bozylinski, AICP, Planning Manager

POTENTIAL PARCELS TO REZONE



Note: This map was prepared by the City of Malibu Planning Division on April 21, 2011.

POTENTIAL PARCELS TO REZONE



NOT TO SCALE

Note: This map was prepared by the City of Malibu Planning Division on April 21, 2011.

Housing Element EIR

2nd Scoping Meeting

March 22, 2012

Present: Joyce Parker-Bozylinski, Stephanie Danner, Richard Mollica, John Douglass, Joe Power and Rob Fitzroy of Rincon Consultants

Audience: John Mazza, Lucille Keller, Lynn Norton, Joan House, Missy Zietzer, Steve Uhring, Joan House, Hanz Laetz and Victor de la Cruz. At 7:26 Skylar Peak and Norm Haynie arrived at the meeting.

J. Power presented a powerpoint presentation (needs to be uploaded to the City Housing webpage) to discuss EIR process and the proposed project

EIR Scoping Comments

- The EIR should analyze impacts to each candidate site related to infrastructure (fire department, water service, septic systems and other utilities)
- The project will be growth inducing and may stimulate an expanded sewer system in the City.
- An alternative should be considered that only allows the removal of the MF development standards for those properties that are within the low and very-low income categories.
- The EIR should identify where the earthquake faults are located in relation to the candidate sites.
- Fire Department service to the sites should be analyzed.
- Lighting created by the project should be considered due to aesthetics to surrounding neighbors.
- Traffic
 - o Traffic counts should be taken now and the EIR should not rely on outdated information.
 - o Traffic counts should be taken using tub counts, rather than a human counter. The reports should note when the counts are taken and weather conditions.
 - o Traffic counts should not be taken during spring break, but rather be taken during the summer.
 - o Traffic counts should be taken on a week day (Friday) and a weekend day to get the maximum numbers.
 - o If an intersection is identified as an F and additional impacts are anticipated, the EIR should not just disregard the impact since the grade cannot get any worse.
- Can the EIR analyze a maximum size for the affordable units – 500 sq ft or something similar per unit? Would that decrease impacts?
- Can we look at restricting the affordable units to 99 year deed restrictions (Santa Barbara)



Metro

March 20, 2012

Mr. Richard Mollica, AICP
City of Malibu – Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RECEIVED

MAR 22 2012

PLANNING DEPT.

Dear Mr. Mollica:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) and Notice of Public Scoping Meeting for the City of Malibu 2008-2014 Housing Element Update. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (LACMTA) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

A Traffic Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the "2010 Congestion Management Program for Los Angeles County", Appendix D (attached). The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed project will add 50 or more trips during either the a.m. or p.m. weekday peak hour (of adjacent street traffic);
2. If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections;
3. Mainline freeway-monitoring locations where the project will add 150 or more trips, in either direction, during either the a.m. or p.m. weekday peak hour; and
4. Caltrans must also be consulted through the NOP process to identify other specific locations to be analyzed on the state highway system.

The CMP TIA requirement also contains two separate impact studies covering roadways and transit, as outlined in Sections D.8.1 – D.9.4. If the TIA identifies no facilities for study based on the criteria above, no further traffic analysis is required. However, projects must still consider transit impacts. For all CMP TIA requirements please see the attached guidelines.

MTA looks forward to reviewing the Draft EIR. If you have any questions regarding this response, please call Scott Hartwell at 213-922-2836 or by email at hartwells@metro.net. Please send the Draft EIR to the following address:

MTA CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Scott Hartwell

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hartwell", with a long horizontal flourish extending to the right.

Scott Hartwell
CEQA Review Coordinator, Long Range Planning

Attachment

GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

Important Notice to User: This section provides detailed travel statistics for the Los Angeles area which will be updated on an ongoing basis. Updates will be distributed to all local jurisdictions when available. In order to ensure that impact analyses reflect the best available information, lead agencies may also contact MTA at the time of study initiation. Please contact MTA staff to request the most recent release of "Baseline Travel Data for CMP TIAs."

D.1 OBJECTIVE OF GUIDELINES

The following guidelines are intended to assist local agencies in evaluating impacts of land use decisions on the Congestion Management Program (CMP) system, through preparation of a regional transportation impact analysis (TIA). The following are the basic objectives of these guidelines:

- ☐ Promote consistency in the studies conducted by different jurisdictions, while maintaining flexibility for the variety of project types which could be affected by these guidelines.
- ☐ Establish procedures which can be implemented within existing project review processes and without ongoing review by MTA.
- ☐ Provide guidelines which can be implemented immediately, with the full intention of subsequent review and possible revision.

These guidelines are based on specific requirements of the Congestion Management Program, and travel data sources available specifically for Los Angeles County. References are listed in Section D.10 which provide additional information on possible methodologies and available resources for conducting TIAs.

D.2 GENERAL PROVISIONS

Exhibit D-7 provides the model resolution that local jurisdictions adopted containing CMP TIA procedures in 1993. TIA requirements should be fulfilled within the existing environmental review process, extending local traffic impact studies to include impacts to the regional system. In order to monitor activities affected by these requirements, Notices of Preparation (NOPs) must be submitted to MTA as a responsible agency. Formal MTA approval of individual TIAs is not required.

The following sections describe CMP TIA requirements in detail. In general, the competing objectives of consistency & flexibility have been addressed by specifying standard, or minimum, requirements and requiring documentation when a TIA varies from these standards.

D.3 PROJECTS SUBJECT TO ANALYSIS

In general a CMP TIA is required for all projects required to prepare an Environmental Impact Report (EIR) based on local determination. A TIA is not required if the lead agency for the EIR finds that traffic is not a significant issue, and does not require local or regional traffic impact analysis in the EIR. Please refer to Chapter 5 for more detailed information.

CMP TIA guidelines, particularly intersection analyses, are largely geared toward analysis of projects where land use types and design details are known. Where likely land uses are not defined (such as where project descriptions are limited to zoning designation and parcel size with no information on access location), the level of detail in the TIA may be adjusted accordingly. This may apply, for example, to some redevelopment areas and citywide general plans, or community level specific plans. In such cases, where project definition is insufficient for meaningful intersection level of service analysis, CMP arterial segment analysis may substitute for intersection analysis.

D.4 STUDY AREA

The geographic area examined in the TIA must include the following, at a minimum:

- ☐ All CMP arterial monitoring intersections, including monitored freeway on- or off-ramp intersections, where the proposed project will add 50 or more trips during either the AM or PM weekday peak hours (of adjacent street traffic).
- ☐ If CMP arterial segments are being analyzed rather than intersections (see Section D.3), the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections.
- ☐ Mainline freeway monitoring locations where the project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.
- ☐ Caltrans must also be consulted through the Notice of Preparation (NOP) process to identify other specific locations to be analyzed on the state highway system.

If the TIA identifies no facilities for study based on these criteria, no further traffic analysis is required. However, projects must still consider transit impacts (Section D.8.4).

D.5 BACKGROUND TRAFFIC CONDITIONS

The following sections describe the procedures for documenting and estimating background, or non-project related traffic conditions. Note that for the purpose of a TIA, these background estimates must include traffic from all sources without regard to the exemptions specified in CMP statute (e.g., traffic generated by the provision of low and very low income housing, or trips originating outside Los Angeles County. Refer to Chapter 5, Section 5.2.3 for a complete list of exempted projects).

D.5.1 Existing Traffic Conditions. Existing traffic volumes and levels of service (LOS) on the CMP highway system within the study area must be documented. Traffic counts must

be less than one year old at the time the study is initiated, and collected in accordance with CMP highway monitoring requirements (see Appendix A). Section D.8.1 describes TIA LOS calculation requirements in greater detail. Freeway traffic volume and LOS data provided by Caltrans is also provided in Appendix A.

D.5.2 Selection of Horizon Year and Background Traffic Growth. Horizon year(s) selection is left to the lead agency, based on individual characteristics of the project being analyzed. In general, the horizon year should reflect a realistic estimate of the project completion date. For large developments phased over several years, review of intermediate milestones prior to buildout should also be considered.

At a minimum, horizon year background traffic growth estimates must use the generalized growth factors shown in Exhibit D-1. These growth factors are based on regional modeling efforts, and estimate the general effect of cumulative development and other socioeconomic changes on traffic throughout the region. Beyond this minimum, selection among the various methodologies available to estimate horizon year background traffic in greater detail is left to the lead agency. Suggested approaches include consultation with the jurisdiction in which the intersection under study is located, in order to obtain more detailed traffic estimates based on ongoing development in the vicinity.

D.6 PROPOSED PROJECT TRAFFIC GENERATION

Traffic generation estimates must conform to the procedures of the current edition of Trip Generation, by the Institute of Transportation Engineers (ITE). If an alternative methodology is used, the basis for this methodology must be fully documented.

Increases in site traffic generation may be reduced for existing land uses to be removed, if the existing use was operating during the year the traffic counts were collected. Current traffic generation should be substantiated by actual driveway counts; however, if infeasible, traffic may be estimated based on a methodology consistent with that used for the proposed use.

Regional transportation impact analysis also requires consideration of trip lengths. Total site traffic generation must therefore be divided into work and non-work-related trip purposes in order to reflect observed trip length differences. Exhibit D-2 provides factors which indicate trip purpose breakdowns for various land use types.

For lead agencies who also participate in CMP highway monitoring, it is recommended that any traffic counts on CMP facilities needed to prepare the TIA should be done in the manner outlined in Chapter 2 and Appendix A. If the TIA traffic counts are taken within one year of the deadline for submittal of CMP highway monitoring data, the local jurisdiction would save the cost of having to conduct the traffic counts twice.

D.7 TRIP DISTRIBUTION

For trip distribution by direct/manual assignment, generalized trip distribution factors are provided in Exhibit D-3, based on regional modeling efforts. These factors indicate Regional Statistical Area (RSA)-level tripmaking for work and non-work trip purposes.

(These RSAs are illustrated in Exhibit D-4.) For locations where it is difficult to determine the project site RSA, census tract/RSA correspondence tables are available from MTA.

Exhibit D-5 describes a general approach to applying the preceding factors. Project trip distribution must be consistent with these trip distribution and purpose factors; the basis for variation must be documented.

Local agency travel demand models disaggregated from the SCAG regional model are presumed to conform to this requirement, as long as the trip distribution functions are consistent with the regional distribution patterns. For retail commercial developments, alternative trip distribution factors may be appropriate based on the market area for the specific planned use. Such market area analysis must clearly identify the basis for the trip distribution pattern expected.

D.8 IMPACT ANALYSIS

CMP Transportation Impact Analyses contain two separate impact studies covering roadways and transit. Section Nos. D.8.1-D.8.3 cover required roadway analysis while Section No. D.8.4 covers the required transit impact analysis. Section Nos. D.9.1-D.9.4 define the requirement for discussion and evaluation of alternative mitigation measures.

D.8.1 Intersection Level of Service Analysis. The LA County CMP recognizes that individual jurisdictions have wide ranging experience with LOS analysis, reflecting the variety of community characteristics, traffic controls and street standards throughout the county. As a result, the CMP acknowledges the possibility that no single set of assumptions should be mandated for all TIAs within the county.

However, in order to promote consistency in the TIAs prepared by different jurisdictions, CMP TIAs must conduct intersection LOS calculations using either of the following methods:

- ☐ The Intersection Capacity Utilization (ICU) method as specified for CMP highway monitoring (see Appendix A); or
- ☐ The Critical Movement Analysis (CMA) / Circular 212 method.

Variation from the standard assumptions under either of these methods for circumstances at particular intersections must be fully documented.

TIAs using the 1985 or 1994 Highway Capacity Manual (HCM) operational analysis must provide converted volume-to-capacity based LOS values, as specified for CMP highway monitoring in Appendix A.

D.8.2 Arterial Segment Analysis. For TIAs involving arterial segment analysis, volume-to-capacity ratios must be calculated for each segment and LOS values assigned using the V/C-LOS equivalency specified for arterial intersections. A capacity of 800 vehicles per hour per through traffic lane must be used, unless localized conditions necessitate alternative values to approximate current intersection congestion levels.

D.8.3 Freeway Segment (Mainline) Analysis. For the purpose of CMP TIAs, a simplified analysis of freeway impacts is required. This analysis consists of a demand-to-capacity calculation for the affected segments, and is indicated in Exhibit D-6.

D.8.4 Transit Impact Review. CMP transit analysis requirements are met by completing and incorporating into an EIR the following transit impact analysis:

- ☐ Evidence that affected transit operators received the Notice of Preparation.
- ☐ A summary of existing transit services in the project area. Include local fixed-route services within a ¼ mile radius of the project; express bus routes within a 2 mile radius of the project, and; rail service within a 2 mile radius of the project.
- ☐ Information on trip generation and mode assignment for both AM and PM peak hour periods as well as for daily periods. Trips assigned to transit will also need to be calculated for the same peak hour and daily periods. Peak hours are defined as 7:30-8:30 AM and 4:30-5:30 PM. Both “peak hour” and “daily” refer to average weekdays, unless special seasonal variations are expected. If expected, seasonal variations should be described.
- ☐ Documentation of the assumption and analyses that were used to determine the number and percent of trips assigned to transit. Trips assigned to transit may be calculated along the following guidelines:
 - Multiply the total trips generated by 1.4 to convert vehicle trips to person trips;
 - For each time period, multiply the result by one of the following factors:
 - 3.5% of Total Person Trips Generated for most cases, except:
 - 10% primarily Residential within 1/4 mile of a CMP transit center
 - 15% primarily Commercial within 1/4 mile of a CMP transit center
 - 7% primarily Residential within 1/4 mile of a CMP multi-modal transportation center
 - 9% primarily Commercial within 1/4 mile of a CMP multi-modal transportation center
 - 5% primarily Residential within 1/4 mile of a CMP transit corridor
 - 7% primarily Commercial within 1/4 mile of a CMP transit corridor
 - 0% if no fixed route transit services operate within one mile of the project

To determine whether a project is primarily residential or commercial in nature, please refer to the CMP land use categories listed and defined in Appendix E, *Guidelines for New Development Activity Tracking and Self Certification*. For projects that are only partially within the above one-quarter mile radius, the base rate (3.5% of total trips generated) should be applied to all of the project buildings that touch the radius perimeter.

- ☐ Information on facilities and/or programs that will be incorporated in the development plan that will encourage public transit use. Include not only the jurisdiction’s TDM Ordinance measures, but other project specific measures.

- ☐ Analysis of expected project impacts on current and future transit services and proposed project mitigation measures; and;
- ☐ Selection of final mitigation measures remains at the discretion of the local jurisdiction/lead agency. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the existing mitigation monitoring requirements of CEQA.

D.9 IDENTIFICATION AND EVALUATION OF MITIGATION

D.9.1 Criteria for Determining a Significant Impact. For purposes of the CMP, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$), causing LOS F ($V/C > 1.00$); if the facility is already at LOS F, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$). The lead agency may apply a more stringent criteria if desired.

D.9.2 Identification of Mitigation. Once the project has been determined to cause a significant impact, the lead agency must investigate measures which will mitigate the impact of the project. Mitigation measures proposed must clearly indicate the following:

- ☐ Cost estimates, indicating the fair share costs to mitigate the impact of the proposed project. If the improvement from a proposed mitigation measure will exceed the impact of the project, the TIA must indicate the proportion of total mitigation costs which is attributable to the project. This fulfills the statutory requirement to exclude the costs of mitigating inter-regional trips.
- ☐ Implementation responsibilities. Where the agency responsible for implementing mitigation is not the lead agency, the TIA must document consultation with the implementing agency regarding project impacts, mitigation feasibility and responsibility.

Final selection of mitigation measures remains at the discretion of the lead agency. The TIA must, however, provide a summary of impacts and mitigation measures. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the mitigation monitoring requirements contained in CEQA.

D.9.3 Project Contribution to Planned Regional Improvements. If the TIA concludes that project impacts will be mitigated by anticipated regional transportation improvements, such as rail transit or high occupancy vehicle facilities, the TIA must document:

- ☐ Any project contribution to the improvement, and
- ☐ The means by which trips generated at the site will access the regional facility.

D.9.4 Transportation Demand Management (TDM). If the TIA concludes or assumes that project impacts will be reduced through the implementation of TDM measures, the TIA must document specific actions to be implemented by the project which substantiate these conclusions.

D.10 REFERENCES

1. *Traffic Access and Impact Studies for Site Development: A Recommended Practice*, Institute of Transportation Engineers, 1991.
2. *Trip Generation*, 5th Edition, Institute of Transportation Engineers, 1991.
3. *Travel Forecast Summary: 1987 Base Model - Los Angeles Regional Transportation Study (LARTS)*, California State Department of Transportation (Caltrans), February 1990.
4. *Traffic Study Guidelines*, City of Los Angeles Department of Transportation (LADOT), July 1991.
5. *Traffic/Access Guidelines*, County of Los Angeles Department of Public Works.
6. *Building Better Communities*, Sourcebook, Coordinating Land Use and Transit Planning, American Public Transit Association.
7. *Design Guidelines for Bus Facilities*, Orange County Transit District, 2nd Edition, November 1987.
8. *Coordination of Transit and Project Development*, Orange County Transit District, 1988.
9. *Encouraging Public Transportation Through Effective Land Use Actions*, Municipality of Metropolitan Seattle, May 1987.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

RECEIVED
APR 2 - 2012
PLANNING DEPT

March 27, 2012

Richard Mollica, AICP, Associate Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Notice of Preparation of a CEQA Document for the General Plan 2008-2014 Housing Element Update EIR No. 11-002 Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as URBEMIS 2007 or the recently released CalEEMod. These models are available on the SCAQMD Website at: <http://www.aqmd.gov/ceqa/models.html>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM_{2.5} emissions from construction and operational activities and processes. In connection with developing PM_{2.5} calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM_{2.5} emissions and compare the results to the recommended PM_{2.5} significance thresholds. Guidance for calculating PM_{2.5} emissions and PM_{2.5} significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,



Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM

LAC110325-01

Control Number



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

RECEIVED

SEP 19 2011

PLANNING DIV.

September 9, 2011

Richard Molica, Associate Planner
City of Malibu
Planning Division
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Mr. Molica:

**NOTICE OF PREPARATION, SCOPING MEETING FOR AN ENVIRONMENTAL IMPACT REPORT,
GENERAL PLAN HOUSING ELEMENT UPDATE EIR REPORT NO. 11-002 AND GENERAL
AMENDMENT NO. 10-002, NINE CANDIDATE SITES, MALIBU (FFER #201100069)**

The Notice of Preparation has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

IV. CONSTRAINTS

Governmental Constraints

Development Fees and Improvement Requirements

1. Paragraph five should be revised as follows: The City requires two impact fees: The Wildland Fire Developer Fee and the Quimby Act/Parkland Development Fee. ~~The Wildland Development fee was initiated by the Los Angeles County Fire Department and is the same fee charged by most of the cities and in the unincorporated areas of the County surrounding the City of Malibu. The fee is necessary to assure adequate fire equipment and services are available as Malibu is in a high risk fire zone. The fee is \$0.9276 per square foot for new construction. The Los Angeles County Fire Department's Developer Fee Program was~~

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	BRADBURY	CUDAHY	HAWTHORNE	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CARSON	DUARTE	HUNTINGTON PARK	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	CLAREMONT	GARDENA	INGLEWOOD	LAWDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COMMERCE	GLENDALE	IRVINDALE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA-FLINTRIDGE	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
		LA HABRA					WHITTIER

adopted by the city and is in effect in urban expansion areas (Malibu/Santa Monica Mountains area, including the cities of Calabasas and Agoura Hills, Santa Clarita Valley, and Antelope Valley). The fee is necessary to fund Fire Stations and equipment needed to deliver service to new development in these areas. The current fee for the City of Malibu is \$0.9296 per square foot of new construction, and is annually reviewed by the County. The Quimby Act/Parkland Development Fees are designed to ensure that new development meets local park space obligations. The Quimby Act fee is applied to new subdivisions while the Parkland Development Fee applies to new construction other than subdivisions. The Parkland Development Fees are \$3,425 per single family unit, \$2,714 per unit in a multifamily project containing less than five dwelling units per building, and \$2,178 per unit in a multi-family project containing five or more units per building. These fees are typical of other cities in environmentally constrained areas and are not considered to be a constraint to development.

LAND DEVELOPMENT UNIT:

1. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.
2. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Fire Prevention, Land Development Unit Inspector, Nancy Rodeheffer, at (323) 890-4243 or Nancy.Rodeheffer@fire.lacounty.gov
3. The statutory responsibilities of the County of Los Angeles Fire Department, Land Development Unit, are the review of, and comment on, all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for fire fighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within contract cities (cities that contract with the County of Los Angeles Fire Department for fire protection services).

We are responsible for all County facilities, located within non-contract cities. The County of Los Angeles Fire Department, Land Development Unit may also comment on conditions that may be imposed on a project by the Fire Prevention Division, which may create a potentially significant impact to the environment.

4. When involved with subdivision in a city contracting fire protection with the County of Los Angeles Fire Department, Fire Department requirements for access, fire flows and hydrants are addressed during the subdivision tentative map stage.
5. Portions of the proposed development may necessitate multiple ingress/egress access for the circulation of traffic, and emergency response issues.
6. This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met.

7. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
8. Access roads shall be maintained with a minimum of ten feet of brush clearance on each side. Fire access roads shall have an unobstructed vertical clearance clear-to-sky with the exception of protected tree species. Protected tree species overhanging fire access roads shall be maintained to provide a vertical clearance of 13 feet 6 inches.
9. The maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep within such grade. In such cases, an absolute maximum of 20% will be allowed for up to 150 feet in-distance. The average maximum allowed grade, including topographical difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in ten feet.
10. The City of Malibu requires fire sprinkler systems, per city ordinance.

COMMERCIAL FIRE FLOW

11. The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of buildings, its relationship to other structures, property lines, and types of construction used.

COMMERCIAL HYDRANT REQUIREMENTS

12. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
 - a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
 - b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.
 - c. Additional hydrants will be required if hydrant spacing exceeds specified distances.
 - d. When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.
 - e. A cul-de-sac shall not be more than 500 feet in-length, when serving land zoned for commercial use.

NON-RESIDENTIAL TURNING RADIUS

13. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.

NON-RESIDENTIAL ACCESS

14. All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure.

NON-RESIDENTIAL ACCESS WIDTHS

15. Driveway width for non-residential developments shall be increased when any of the following conditions will exist:
 - a. Provide 34 feet in-width, when parallel parking is allowed on one side of the access roadway/driveway. Preference is that such parking is not adjacent to the structure.
 - b. Provide 42 feet in-width, when parallel parking is allowed on each side of the access roadway/driveway.
 - c. Any access way less than 34 feet in-width shall be labeled "FIRE LANE" on the final recording map, and final building plans.
 - d. For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.

HIGH DENSITY (HD)/MULTI-FAMILY RESIDENTIAL FIRE FLOW

16. The development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of the buildings, their relationship to other structures, property lines, and types of construction used.

HD-RESIDENTIAL/MULTI-FAMILY HYDRANT REQUIREMENTS

17. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:
 - a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
 - b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced fire hydrant.
 - c. When cul-de-sac depth exceeds 200 feet, hydrants will be required at the corner and mid-block.
 - d. Additional hydrants will be required if the hydrant spacing exceeds specified distances.

HD RESIDENTIAL/MULTI-FAMILY TURNING RADIUS

18. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.

HD RESIDENTIAL/MULTI-FAMILY ACCESS REQUIREMENTS

19. All on-site driveways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The 28-foot width does not allow for parking, and shall be designated as a "FIRE LANE," and have appropriate signage. The centerline of the on-site driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building.

HD RESIDENTIAL/MULTI-FAMILY ACCESS WIDTHS

20. The 28 feet in-width shall be increased to:
 - a. Provide 34 feet in-width when parallel parking is allowed on one side of the access way.
 - b. Provide 36 feet in-width when parallel parking is allowed on both sides of the access way.
 - c. Any access way less than 34 feet in-width shall be labeled "FIRE LANE" on the final recording map and final building plans.
 - d. For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.

HD RESIDENTIAL/MULTI-FAMILY RESIDENTIAL NET ACRE

21. When serving land zoned for residential uses having a density of more than four units per net acre:
 - a. A cul-de-sac shall be a minimum of 34 feet in-width and shall not be more than 700 feet in-length.
 - b. The length of the cul-de-sac may be increased to 1000 feet if a minimum of 36 feet in-width is provided.
 - c. A Fire Department approved turning area shall be provided at the end of a cul-de-sac.

SINGLE FAMILY DWELLING FIRE FLOW

22. Single family detached homes shall require a minimum fire flow of 1,250 gallons per minute at 20 pounds per square inch residual pressure for a two-hour duration. Two family dwelling

units (duplexes) shall require a fire flow of 1,500 gallons per minute at 20 pounds per square inch residual pressure for a two-hour duration. When there are five or more units taking access on a single driveway, the minimum fire flow shall be increased to 1,500 gallons per minute at 20 pounds per square inch residual pressure for a two-hour duration.

SINGLE FAMILY DWELLING FIRE HYDRANT SPACING

23. Fire hydrant spacing shall be 600 feet and shall meet the following requirements:
- No portion of lot frontage shall be more than 450 feet via vehicular access from a public fire hydrant.
 - No portion of a structure should be placed on a lot where it exceeds 750 feet via vehicular access from a properly spaced public fire hydrant.
 - When cul-de-sac depth exceeds 450 feet on a residential street, hydrants shall be required at the corner and mid-block.
 - Additional hydrants will be required if hydrant spacing exceeds specified distances.

SINGLE FAMILY DWELLING TURNING RADIUS

24. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road.

SINGLE FAMILY DWELLING ACCESS

25. Fire Department access shall provide a minimum unobstructed width of 28 feet, clear-to-sky and be within 150 feet of all portions of the exterior walls of the first story of any single unit. If exceeding 150 feet, provide 20 feet minimum paved width "PRIVATE DRIVEWAY/FIRE LANE" clear-to-sky to within 150 feet of all portions of the exterior walls of the unit. Fire Lanes serving three or more units shall be increased to 26 feet.

SINGLE FAMILY DWELLING ACCESS WIDTHS

26. Streets or driveways within the development shall be provided with the following:
- Provide 36 feet in-width on all streets where parking is allowed on both sides.
 - Provide 34 feet in-width on cul-de-sacs up to 700 feet in-length. This allows parking on both sides of the street.
 - Provide 36 feet in-width on cul-de-sacs from 701 to 1,000 feet in-length. This allows parking on both sides of the street.
 - For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved

signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road.

27. All access devices and gates shall meet the following requirements:
 - a. Any single gated opening used for ingress and egress shall be a minimum of 26 feet in-width, clear-to-sky.
 - b. Any divided gate opening (when each gate is used for a single direction of travel, i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.
 - c. Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way, and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.
 - d. All limited access devices shall be of a type approved by the Fire Department.
 - e. Gate plans shall be submitted to the Fire Department, prior to installation. These plans shall show all locations, widths and details of the proposed gates.
28. Disruptions to water service shall be coordinated with the County of Los Angeles Fire Department and alternate water sources shall be provided for fire protection during such disruptions.
29. The County of Los Angeles Fire Department, Land Development Unit's comments are only general requirements. Specific fire and life safety requirements and conditions set during the environmental review process will be addressed and conditions set at the building and fire plan check phase. Once the official plans are submitted for review, there may be additional requirements.
30. When developing the infrastructure and when construction is proposed, all requirements as indicated on this report shall be incorporated into the proposed development plan submittals.
31. The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed in the Draft Environmental Impact Report.

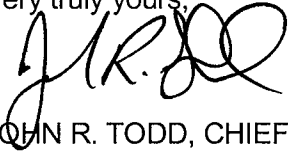
Richard Molica, Associate Planner
September 9, 2011
Page 8

HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division has no objection to the proposed project. However, it should be noted that any commercial/industrial zoned property with historical use of hazardous materials proposed for redevelopment must be assessed/mitigated under oversight of a State or local governmental agency.
2. Based on the submitted information, the Health Hazardous Materials Division has no objection to the proposed project.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

A handwritten signature in black ink, appearing to read "J.R. Todd", with a large, stylized flourish at the end.

JOHN R. TODD, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JRT:lj

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON
NANCI SESSIONS-STACEY
KIMBERLY A. RIBLE
ALICIA B. BARTLEY

* is professional corporation

LAW OFFICES OF
GAINES & STACEY LLP
16633 VENTURA BOULEVARD, SUITE 1220
ENCINO, CA 91436-1872

TELEPHONE (818) 933-0200
FACSIMILE (818) 933-0222
INTERNET: WWW.GAINESLAW.COM

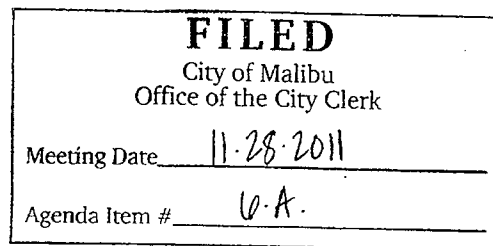
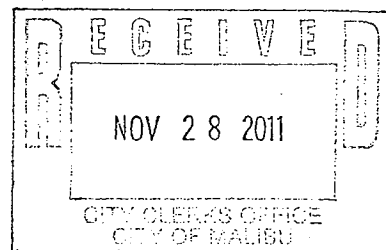
November 28, 2011

ORIGINAL BY HAND DELIVERY

VIA E-MAIL lpope@malibucity.org

Mayor Laura Zahn Rosenthal
City of Malibu
Malibu City Hall
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Re: Trancas PCH, LLC
Objection to Proposed City Housing Element
City Council Meeting Date: November 28, 2011
Agenda Item: 6.A



Dear Mayor Zahn Rosenthal and Honorable Council Members:

This law firm, along with co-counsel Manatt Phelps & Phillips LLP, represents Trancas/PCH, LLC, the owner of an approximately 35 acre property at 6155 Trancas Canyon Road and 30999 Pacific Coast Highway (the "Property") in the City of Malibu (the "City"). Specifically, our firm has been asked to assist in monitoring and enforcing the City's compliance with the requirements of the State of California Department of Housing and Community Development ("HCD"), the City's required Regional Housing Needs Assessment ("RHNA") allocation, and the California Environmental Quality Act ("CEQA") with regard to the City's proposed Housing Element.

We concur with the comments included in the November 28, 2011 correspondence to you from Victor S. Del la Cruz of Manatt Phelps & Phillips LLP. As explained in detail in that letter, the proposed Housing Element completely fails to meet State and regional requirements. More importantly, the proposed Housing Element will clearly not result in the creation of affordable housing in the City.

It is simply a mistake for the City to completely exclude our client's Property from consideration as a future site for affordable housing in the City and for study in the proposed Environmental Impact Report ("EIR"). Our client's Property meets all of the requirements set forth in the proposed Housing Element for consideration to provide additional capacity for affordable housing:

G&S1856-001

CC: Council; CM; CA; PL; Reference Binder; Original to 11-28-2011 Agenda File

Mayor Laura Zahn-Rosenthal

November 28, 2011

Page 2

1. The Property is the appropriate size - approximately 35 acres;
2. The Property is undeveloped and currently available for development;
3. Our client has shown a willingness, and in fact has proposed, the construction of privately funded affordable units at the Property; and
4. Our client's proposal for up to 18 affordable units at the Property represents by far the largest identified affordable project and up to 10% of the City's total RHNA allocation.

Given these facts, the failure of the City to include the Property in the proposed Housing Element and EIR is clearly in violation of HCD regulations, RHNA requirements, and CEQA. There is simply no justification for this blatant omission.

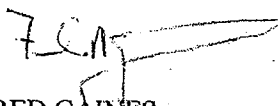
Trancas/PCH, LLC requests that the City Council reject the proposed Housing Element and direct City staff to amend the proposal to include its Property as a potential affordable housing site and in all future CEQA review. Our client stands ready to cooperate and work with the City in this regard.

Thank you for your attention to this matter. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By


FRED GAINES

cc: All City Council Members
Jim Thorsen, City Manager
Christi Hogin, City Attorney

My biggest concern is what Lucille Keller brought up at the meeting ...

Any development standards that will be reduced for the purpose of this Housing Element should *only* be reduced for Multi-Family parcels which are going to be designated for affordable housing – i.e. at this time only the 2 parcels which are MF and which are part of the "Project" for this Housing Element. This includes any change to the maximum total development square footage, revising the maximum grading allowance, revising the maximum total impermeable coverage, and removing the requirement that MF development be located within a 2-acre portion of the parcel.

Regarding the change from maximum total development square footage to maximum unit size:

The maximum unit size for a unit that is deed restricted for low-income, extreme-low income, or moderate income, should be similar to what the market would decide. For example, a two-person unit (one bedroom) should rent for no more than \$1366 according to my data (30% of income). Looking on the Internet right now, the Malibu Canyon Village on Civic Center Way has one bedroom units for \$2200 and they are 582 square feet. These people are not being subsidized and someone who pays only \$1366 should not be living in the same size unit as our other citizens who work hard to afford a 582 square foot unit for \$2200. A one-bedroom unit is certainly possible at 300 square feet since a studio is often done as 100 square feet – we should decide the maximum square footage in line with this thinking. There are two reasons to have the maximum square footage be as small as the free market would make it – one is because smaller square footage is more desirable in terms of impact on the land and beauty and the other is that it is better all-around to be in sync with the free market – more fair to the people who live here unsubsidized, and more likely we'll attract the kind of people who love Malibu and are willing to do what the rest of us do, which is to live in a more modest home here than we could afford elsewhere. Also, if a developer has any motive to want to build larger units despite the fact that his rent is restricted, there's something wrong going on such as the desire to un-restrict the unit in the future which will make it no longer helpful to lower income demographics that we need to house.

Here are some other comments which may relate to the EIR or to the Housing Element ...

- (1) I was concerned by the statement that the Alternatives could be adopted without further study. My understanding was that the choice was made not to fund a study that was sufficiently detailed on all the parcels that any of them could then be chosen and instead to take a less expensive route which was to fund a proposed selection of parcels called the "Project" and treat the others as alternatives for some comparison but with less depth of study. In my mind, saying that the Alternatives could simply be adopted makes the words Project and Alternatives meaningless.
- (2) Regarding Amnesty for Second Units – this may not be an EIR issue but I want to say on the record that any units we amnesty in the 2006-2014 timeframe enter our housing inventory at that time and thus should count as a RHNA unit regardless of whether they were built prior to 2006. They were not a legal unit prior to 2006. [Note that deed restriction for low-income usage also allows people to utilize these units to have people stay there for free such as family members or gardeners, etc.]
- (3) Please check into the possibility of deed restrictions that are 99 years and start over upon resale – please check with Santa Barbara on their policy.
- (4) I assume that regardless of what is *possible* to do – we are not going to do upzoning more than what is required to hit the 188 low-income housing number. It was stated several times in public meetings and before the City Council that we are okay in terms of our moderate-income housing.