

EXECUTIVE SUMMARY

PROJECT SYNOPSIS

Project Applicant

City of Malibu Planning Department
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Existing Conditions and Setting

The 2008-2014 General Plan Housing Element Update proposes the addition of an overlay zone on three parcels (Candidate Sites #1, #2, and #7) to allow for a residential density up to 25 units per acre. The three parcels are located near the eastern portion of the City of Malibu (City). Candidate Sites #1 and #2 are located adjacent to each other at 28517 Pacific Coast Highway (PCH)¹ and 28401 PCH, respectively. More specifically, they front PCH between Ramirez Mesa Road and Zuma View Place and the condominium complexes that are located off of those streets. These sites are surrounded by land uses primarily comprised of residential uses, including multi-family and rural residential. Candidate Site #7 is located at 23465 Civic Center Way in the City's Civic Center and is approximately 6.5 miles east of Candidate Sites #1 and #2. Candidate Site #7 is primarily surrounded by commercial, institutional, and residential uses.

Candidate Sites #1 and #2 are 5.8 acres and 3.25 acres respectively, and are currently zoned Multi-Family Residential (MF) at a density of six units/acre per the Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) and the Malibu Municipal Code (M.M.C.). These sites are primarily undeveloped with the exception of one single-family residence on each site. Candidate Site #7 encompasses 2.3 acres of a larger 15.2 acre site and is currently within the Town Center Overlay District (TCO). Candidate Site #7 is entirely undeveloped; however, the adjacent lot has been approved for commercial retail and office space development (known as the La Paz Project).

¹ Candidate Site #1 is comprised of two parcels: 28517 PCH and an unaddressed parcel (APN 4467-013-022).



Project Description

The proposed project involves an update to the Housing Element of the Malibu General Plan. The Housing Element Update establishes programs, policies and actions to generally further the goal of meeting the existing and projected housing needs of all family income levels of the community, and specifically to provide evidence of the City's ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation requirements through the year 2014, as established by the Southern California Association of Governments (SCAG). For the 2006-2014 planning period, the City received an allocation from SCAG totaling 441 units. Of these 441 units, 188 units are required to be affordable to very-low and low income families.

The Project would update the Housing Element to include a program to create a new "Affordable Housing Overlay" District (AHO) within the General Plan and LCP (see Housing Element Chapter V, Program 2.2.B). The AHO designation would allow multi-family residential development at a density of 25 units per acre when affordable housing units are included in the project as well as a density bonus up to 35%, consistent with State Density Bonus Law. Permitting any new development will be done via 1) a coastal development permit (CDP) or 2) an administrative plan review (APR) if it can be proven that the new project (e.g. addition to a house made possible through the changes to the MF development standards or for an improvement via reasonable accommodation, as discussed further later in this Summary) falls into the allowable exemptions from a CDP provided in LIP Section 13.4. Program 2.2.B also calls for the AHO to be applied to three parcels (Candidate Sites #1, #2, and #7) to accommodate the City's required housing needs allocation as determined by SCAG in the RHNA. Incentives for development on the three candidate sites include density bonuses up to 35%, priority permit processing, modified development standards, administrative support with funding applications, and/or fee waivers or deferrals.

Candidate Sites #1 and #2 would remain zoned MF and increase in density from 6 units per acre to 25 units per acre, accommodating up to 155 multi-family units. Candidate Site #7 would be rezoned to Planned Development (PD). Per LCP Local Implementation Plan (LIP) Section 3.3(Q), the PD zone is intended to provide for a mix of residential and recreational development of the Crummer Trust property located east of Malibu Bluffs State Park and south of PCH, and other commercial areas in order to encourage innovation in development concepts, land use mixes, and site design. Any planned developments in such commercial areas would require an amendment to the LCP in order to specify the permitted type, density, and intensity of development. The PD zone with AHO would permit multi-family residential development at a density of 25 units per acre in addition to allowing commercial development up to 15% floor area ratio (F.A.R.). With the PD zoning and AHO, Candidate Site #7 would accommodate up to 57 units.

The units that the three candidate sites would be able to accommodate under the Project is 212 units, which just exceeds the minimum number of affordable units required in the City's RHNA allocation.



The Housing Element Update also includes a number of programs and policies intended to encourage and facilitate the provision of adequate housing for the existing and projected needs of all economic segments of the community, as well as housing for persons with special needs. These proposed programs are summarized below.

- **Policy 1.1** Ensure compliance with existing codes to protect health, safety and community sustainability
- **Policy 1.2** Assist property owners in repairing or rebuilding damaged or deteriorated housing units, especially affordable housing
- **Policy 1.3** Preserve existing mobile home parks as an important source of affordable housing
- **Policy 1.4** Conserve affordable housing in the Coastal Zone
 - **Program 1.1 - Code Enforcement:** Ensure compliance with the City's codes and regulations. Particularly in the case of code violations in units that are occupied by lower-income persons or persons with special needs, direct property owners and renters to programs that are available to provide assistance. Offer amnesty and legalization for existing housing units where:
 - The unit is "livable" and meets basic health and safety requirements;
 - The unit existed at the time of the City's incorporation; and
 - The unit is restricted for owner-occupancy or rental by low- or moderate-income persons at an affordable rate.
 - **Program 1.2 - Rebuilding Assistance:** Expedite permit processing and provide special assistance to homeowners seeking to repair or rebuild homes that have been lost or damaged in a fire, flood or other disaster, especially units that accommodate low- and moderate-income households, elderly, disabled, large families, single heads of households, farm workers, individuals in need of emergency shelter, and other individuals or household types with special needs, unless those units are located in areas that are physically unsuitable for development.
 - **Program 1.3 - Housing Rehabilitation Assistance:** Provide incentives to rehabilitate existing housing units, such as permit fee waivers for units that are deed-restricted for low- and moderate-income families.
 - **Program 1.4 - Preserve Existing Mobile Home Parks:** Maintain the Mobile Home Park Rent Control Regulations Ordinance that regulates maximum allowable rents and limits rent increases. Pursuant to the provisions of *Government Code* Sec. 65863.7, require the submittal of a report detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the park owners.
 - **Program 1.5 - Conserve Affordable Housing in the Coastal Zone:** In accordance with *Government Code* Sec. 65590, amend the LCP and M.M.C. to require the replacement of low- or moderate-income units that have been removed from the coastal zone (either by demolition or conversion), whenever feasible.



- **Policy 2.1** Support a regional fair-share approach to meeting housing needs
- **Policy 2.2** Support a range of new housing development commensurate with the City's needs and consistent with environmental and public service limitations through all appropriate regulatory and administrative mechanisms
 - **Program 2.1 - Regional Housing Needs Identification:** Work with the Southern California Association of Governments (SCAG) and the Las Virgenes-Malibu Subregional Council of Governments (COG) to encourage an appropriate fair share allocation of future regional housing needs based on population need, existing supply/demand, ability to accommodate growth given the physical/environmental constraints and the jobs-to-housing ratio.
 - **Program 2.2 - Ensure Adequate Capacity to Accommodate the City's Regional Housing Needs Allocation:** The City's residential land inventory does not currently have adequate capacity to accommodate the lower-income portion of housing needs identified in the 2006-2014 RHNA (see Appendix B). In order to provide additional capacity for new housing commensurate with the RHNA the City will pursue a two-part strategy that includes: 1) expanded opportunities and incentives for second units; and 2) amending zoning regulations to facilitate affordable multi-family or mixed-use development in suitable locations.

A. Expand the Supply of Second Units: Second units represent an important source of affordable housing in Malibu (see Appendix B for further discussion of second unit production). Due to extraordinarily high land cost and environmental constraints, development of new affordable housing is very difficult. Since second units can be accommodated on developed sites at no additional land cost, they represent an excellent option for addressing the needs of seniors, university students, household employees, local service workers, and extended family members. In order to maximize the availability of additional second units, the City will implement the following actions:

1. **Promote the Development of Second Units:** Develop a brochure to provide information on the City's second unit standards and incentives to promote their development. The brochure will be distributed at City Hall, posted on the website, and provided to all applicants for new residential development.
2. **Amnesty Program for Second Units:** Adopt a Second Unit Amnesty Program for legalized second units that meet all health and safety requirements. The amnesty program may include the waiver of City fees and penalties and will allow the legal registration of both second units and converted guest houses. These newly-created affordable units can be counted towards meeting the City's RHNA requirements as allowed for in *Government Code* Section 65583.1(c).
3. **Financial Assistance for Second Units:** Contact local service providers, including the Water District and School District, to pursue reduced development impact fees on second units dedicated for occupancy by lower-income households. Evaluate mechanisms to subsidize impact fees using local, state, and nonprofit sources, including the City's Affordable Housing Trust Fund.



4. **Pre-Approved Second Unit Prototypes:** Make available pre-approved second unit prototype plans to assist applicants and streamline the approval process.

B. Facilitate New Affordable Housing Development: Existing development standards in the Multi-Family district limit density to 6 units/acre. In order to accommodate the City's lower-income regional housing need, the M.M.C. and LCP regulations will be amended on selected sites to allow multifamily or mixed-use development by-right at a minimum density of 20 units/acre for projects that include affordable housing. In order to qualify for the increased density increase incentive, all "bonus" units (i.e., additional units allowed above the base density) must be deed-restricted for low- and moderate-income households for a minimum of 30 years. In conformance with Government Code Sec. 65583.2(h) and (i), qualifying projects must accommodate at least 16 units per site, and at least 50% of the additional development potential must be remaining lower-income need will be accommodated on sites where only residential development (i.e., not mixed use) is allowed. Development standards will be established to encourage and facilitate such development. Any developer utilizing these incentives shall be required to screen tenants or buyers for compliance with income limits and establish a monitoring system to ensure the unit's continued affordability. This program will create a strong incentive for affordable housing development because of the additional units allowed at 20 units/acre compared to the base density of 6 units/acre. The allowable density of 20 units/acre does not include the state-mandated density bonus, and it is anticipated that all projects utilizing this option will also qualify for a density bonus of up to 35%.

This program does not represent an "inclusionary" requirement because property owners who do not wish to take advantage of the density incentive would be allowed to develop market-rate housing at the allowable base density of 6 units/acre.

Potential affordable housing sites are identified in Appendix B, Table B-5 [of the Housing Element Update]. Following the completion of an environmental review of the potential sites, zoning, and LCP amendments will be processed to facilitate development of affordable housing of the most appropriate sites.

As part of the environmental review and entitlement process, the City will contact potential affordable housing developers to solicit suggestions regarding development standards and other entitlement issues that could facilitate the provision of affordable housing, including family units (2-3 bedrooms) and extremely-low-income (ELI) units where feasible.

Amendments to the M.M.C. and LCP Local Implementation Plan (LIP) development standards will be processed as necessary to facilitate affordable multi-family development. These amendments could include revisions to current standards for total development square footage, grading quantities, impermeable coverage, building envelope, minimum unit size, or subterranean



parking. In addition, the current requirement to obtain a Conditional Use Permit (CUP) for multi-unit development in the Multi-Family (MF) and Multi-Family Beachfront (MFBF) zoning districts will be reevaluated since the LCP requires more stringent findings for all coastal development permits for new residential development.

Incentives and concessions for ELI units will include a variety of housing types such as SROs and supportive housing.

The zoning regulations will include a “no net loss” provision that requires the City to make the findings required by Government Code Sec. 65863 if a project were approved at lower density than assumed in the Housing Element land inventory.

In order to facilitate affordable housing development, the City will contact non-profit developers annually to implement a strategy for developing housing, including site identification, priority processing, density bonus and modified development standards, administrative support with funding applications, and fee waivers or deferrals if feasible.

- **Program 2.3 - Streamline Development Review and Assist Affordable Housing Developments:** Streamline the development review and permit process for all residential development by providing a series of informational handouts describing how to apply for housing development and summarizing the basic development criteria for different zones. When developers propose to include affordable units in a project, provide assistance through expedited processing, density bonus and other modified development standards, and administrative assistance with grant applications.
- **Program 2.4 - Density Bonus Ordinance:** In order to ensure consistency with state density bonus law, the LCP and M.M.C. will be amended in conformance with *Government Code* Section 65915.
- **Policy 3.1** Facilitate the provision of fair housing services.
- **Policy 3.2** Remove regulatory barriers to housing for all residents, including those with special needs.
- **Policy 3.3** Provide financial support, where feasible, and referral information to persons in need of housing assistance.
 - **Program 3.1 - Fair Housing:** Support fair housing efforts by contracting with the Los Angeles County Housing Authority, Westside Fair Housing Council, or other appropriate organization, to create a program that provides fair housing services, including investigation of discrimination complaints, research on housing discrimination-related issues, public information about the rights and responsibilities of landowners and tenants, and landlord/tenant dispute resolution. Promote the program each year through the use of pamphlets, public bulletin boards on community television; educational flyers distributed to property owners, apartment managers, and tenants; public service announcements on local radio stations and in local print media; and presentations at community groups.



- **Program 3.2 – Remove Regulatory Barriers to Affordable Housing and Housing for Persons with Special Needs:**
 - a. *Residential Care Facilities.* Amend the LCP and M.M.C. to permit small licensed residential care facilities (maximum six residents) by-right in all residential zones, and larger care facilities (more than six residents) and similar innovative alternative living projects in the Civic Center area subject to a CUP where such projects would be compatible with the surrounding uses.
 - b. *Reasonable Accommodation Ordinance.* Amend the LCP and M.M.C. to establish administrative procedures for reviewing and approving requests for modifications to zoning and land use regulations that are necessary to accommodate the needs of persons with disabilities, such as universal design features and reasonable accommodation procedures.
 - c. *Permanent Emergency Shelters.* Amend the LCP and M.M.C. to establish a definition and allow permanent emergency shelters as a permitted use by-right in the Commercial General (CG) and Institutional zoning districts subject to appropriate development standards consistent with Senate Bill (SB) 2.
 - d. *Temporary Emergency Shelters.* According to the City Emergency Service Coordinator, the City currently has the possibility of using Bluffs Park as a temporary emergency shelter. The American Red Cross has developed agreements with the school district to use any of its schools as disaster shelters if necessary. The City currently has emergency supplies and agreements to utilize Malibu High School as an emergency shelter. The City also has a memorandum of understanding with Beaches & Harbors to use Zuma Beach Parking Lot #12 as a temporary emergency evacuation area, with no provisions for feeding or sleeping, only congregating.
 - e. *Transitional and Supportive Housing.* Amend the LCP and M.M.C. to clarify that transitional and supportive housing are residential uses that are subject only to the same regulations and procedures as other residential uses of the same type in the same zone.
 - f. *Single Room Occupancy (SRO) Housing.* Amend the LCP and M.M.C. to identify appropriate locations and development standards to encourage and facilitate the production of SRO units, which can help to address the needs of seniors, college students, service workers and domestic employees with extremely-low incomes.
 - g. *Reduced Parking Requirements for Affordable Housing.* In order to enhance the feasibility of affordable housing development, amend the LCP and M.M.C. to allow reduced parking standards for qualifying affordable units pursuant to *Government Code Sec. 65915 et. seq.*
 - h. *Farmworker Housing.* Amend the LCP and M.M.C. in conformance with the Employee Housing Act (*Health and Safety Code Sec. 17021.5 and 17021.6*).
- **Program 3.3 – Provide Financial Support and Referral Information to Persons in Need of Assistance:** Malibu is a small jurisdiction without a redevelopment agency or housing department, and is not an entitlement jurisdiction for federal grants, such as Community Development Block Grants (CDBG) and the HOME



Investment Partnerships Program (HOME). Therefore, the City does not have any resources for direct financial housing assistance, other than a small proposed housing trust fund. The City will provide referral information to extremely-low-, very-low-, low-, and moderate-income persons and families, the elderly, and persons with disabilities regarding affordable and special needs housing, such as Section 8 Rental Assistance and the Mortgage Credit Certificate program. If feasible, the City will seek CDBG and HOME funds.

- a. *Affordable Housing Trust Fund.* Create an Affordable Housing Trust Fund and use the proceeds to leverage other sources of funding for affordable housing.
- b. *State and Federal Grants.* Where feasible, seek state and federal grant funds, such as CDBG and HOME, in order to provide support for affordable housing activities.
- c. *Section 8 Rental Assistance.* Provide referral information to low-income persons seeking rental assistance by publicizing the program in flyers posted at City Hall, the City's website and other public locations.
- d. *Mortgage Credit Certificates.* Provide referral information regarding the mortgage credit certificate program to homebuyers by publicizing the program in flyers posted at City Hall, the City website and other public locations.

- **Policy 4.1 Monitor housing program results and revise strategies as necessary**
 - **Program 4.1 - Monitor and Report Annually on Housing Program**

Accomplishments: The City will monitor accomplishments toward Housing Element objectives and report annually to the City Council and California Department of Housing and Community Development. If implementation measures are ineffective in achieving desired results, adjustments will be made to improve the efficacy of programs.

ALTERNATIVES

The following alternatives were evaluated:

- *Alternative 1: No Project*
- *Alternative 2: Candidate Sites #2 and #3 Only*
- *Alternative 3: Candidate Site #4 Only*
- *Alternative 4: Candidate Sites #5 and #6 Only*

Any of the above alternatives would reduce the proposed project's impacts in one or more issue areas, as discussed in Section 6.0 *Alternatives*. The "No Project" alternative would be superior in all issue areas, and thus the environmentally superior alternative. Aside from the "No Project" alternative, Alternative 2 would result in the least amount of development when compared to the other alternatives and the proposed project. Thus, Alternative 2 would result in the fewest overall impacts related to aesthetics, air quality, biological resources, geology, greenhouse gas emissions, noise, traffic and hydrology/water quality, and is considered the environmentally superior alternative among the development options. In addition, this Alternative would meet the



primary objective of the proposed project, which is to provide at least 188 units, consistent with the RHNA allocation for Malibu. However, the project site for Alternative 2 is less financially feasible due to existing development on the site.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table ES-1 includes a brief description of the environmental issues relative to the proposed project, the identified environmental impacts, proposed mitigation measures, and impacts after mitigation. Impacts are categorized by class. Class I impacts are defined as significant, unavoidable adverse impacts which require a statement of overriding considerations to be issued per Section 15093 of the *California Environmental Quality Act (CEQA) Guidelines* if the project is approved. Class II impacts are significant adverse impacts that can be feasibly mitigated to less than significant levels and which require findings to be made under Section 15091 of the *CEQA Guidelines*. Class III impacts are considered less than significant impacts.



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

AESTHETICS		
Impact	Mitigation Measures	Significance After Mitigation
Impact AES-1 Neither development facilitated by the implementation of an Affordable Housing Overlay District on Candidate Sites #1, #2, and #7, nor any proposed programs or policies of the Housing Element Update, would have an adverse effect on public and private scenic vista. Impacts would be Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.
Impact AES-2 Neither development facilitated by the implementation of an Affordable Housing Overlay District on Candidate Sites #1, #2, and #7, or any proposed programs or policies of the Housing Element Update, would have an adverse effect on designated scenic resources including but not limited to, trees, rock outcroppings, and historic buildings. Impacts would be Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.
Impact AES-3 Development facilitated by the implementation of an Affordable Housing Overlay District on Candidate Sites #1, #2, and #7 and programs or policies of the Housing Element Update would have the potential to alter the visual character of the candidate sites and other sites in the City. However, existing City regulations would minimize aesthetic impacts. Impacts would be Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.
Impact AES-4 Development facilitated by the Housing Element Update has the potential to create additional sources of light and glare. However, existing City regulations would minimize light and glare. Impacts would be Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

AIR QUALITY		
Impact	Mitigation Measures	Significance After Mitigation
<p>Impact AQ-1 Future construction activities facilitated by the Housing Element Update would generate temporary increases in emissions of ozone precursors ROG and NOx, as well as fugitive dust (PM). However, with mitigation, construction emissions would not exceed SCAQMD construction thresholds. Impacts would be Class II, significant but mitigable.</p>	<p>1(a) Dust Control Measures. The following shall be implemented during grading and construction to control dust.</p> <ol style="list-style-type: none"> 1. <i>All exposed, disturbed, and graded areas onsite shall be watered twice (2x) daily until completion of the project construction to minimize the entrainment of exposed soil.</i> 2. <i>The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.</i> 3. <i>Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavating activities. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.</i> 4. <i>Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:</i> <ol style="list-style-type: none"> a. <i>All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114.</i> b. <i>All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.</i> 5. <i>Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil</i> 	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p><i>stabilization methods shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, it shall be seeded and watered until vegetation growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.</i></p> <ol style="list-style-type: none"> 6. <i>Signs shall be posted onsite limiting construction traffic to 15 miles per hour or less.</i> 7. <i>During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to affect adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust from being an annoyance or hazard, either off-site or onsite.</i> 8. <i>Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.</i> 9. <i>Personnel involved in grading operations, including contractors and subcontractors, shall wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.</i> 10. <i>Shaker plates shall be installed at all truck exits from the site.</i> 11. <i>Dust control requirements shall be shown on all grading plans.</i> <p>1(b) Construction Equipment Controls. The following shall be implemented during construction to minimize emissions of PM2.5 associated with diesel construction equipment.</p> <ol style="list-style-type: none"> 1. <i>All diesel construction equipment shall meet Tier 4 EPA emission standards.</i> 2. <i>Construction contractors shall minimize equipment idling time throughout</i> 	
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Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p><i>construction. Engines shall be turned off if idling would be for more than five minutes.</i></p> <ol style="list-style-type: none"> 3. <i>Equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.</i> 4. <i>The number of pieces of equipment operating simultaneously shall be minimized.</i> 5. <i>Construction contractors shall use alternatively fueled construction equipment (such as compressed natural gas, liquefied natural gas, or electric) when feasible.</i> 6. <i>The engine size of construction equipment shall be the minimum practical size.</i> 7. <i>Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated clean diesel engines) shall be utilized wherever feasible.</i> 8. <i>During the smog season (May through October), the construction period should be lengthened so as to minimize the number of vehicles and equipment operating at the same time.</i> 	
<p>Impact AQ-2 Operation of future residential development facilitated by the Housing Element Update would generate criteria air pollutant emissions. However, emissions would not exceed SCAQMD operational significance thresholds. Therefore, operational impacts to regional air quality would be Class III, less than significant.</p>	None required.	Impacts would be less than significant without mitigation.
<p>Impact AQ-3 Development facilitated by the Housing Element Update would not result in objectionable odors that would affect a substantial number of people. Impacts would be Class III, less than significant.</p>	None required.	Impacts would be less than significant without mitigation.
<p>Impact AQ-4 Development facilitated by the Housing Element Update would be consistent with the AQMP. Impacts would be Class III, less than significant.</p>	None required.	Impacts would be less than significant without mitigation.
<p>Impact AQ-5 Vehicle traffic associated with development facilitated by the Housing Element Update could incrementally increase localized carbon monoxide (CO) levels. However, CO</p>	None required.	Impacts would be less than significant without mitigation.



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

<p>levels would not exceed federal or state ambient air quality standards. Impacts would be Class III, less than significant.</p>		
<p>BIOLOGICAL RESOURCES</p>		
<p>Impact</p>	<p>Mitigation Measures</p>	<p>Significance After Mitigation</p>
<p>Impact BIO-1 Development facilitated by the Housing Element Update, notably on Candidate Site #1, may have an adverse effect on sensitive habitat including mixed woodland, mixed scrub, mixed ruderal, ornamental, riparian habitat, and disturbed/developed plant communities, as well as an adverse effect on wetlands. However, after implementation of LCP development requirements, this is a Class III, less than significant impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact BIO-2 Development facilitated by the Housing Element Update, particularly on Candidate Sites #1 and #7, may adversely affect special-status plant species. This is a Class II, significant but mitigable, impact.</p>	<p>BIO-2 Special-Status Plant Surveys. Prior to any vegetation removal, grubbing, or other construction onsite, seasonally-timed special-status plant surveys shall be conducted by a City-approved biologist no more than two years before initial ground disturbance. The consulting biologist may coordinate with CDFW staff and surveys may be provided to CDFW for review. The purpose of these surveys is to document the location(s) and number(s) of special-status plant species within construction and mitigation areas so that mitigation can be accomplished. The surveys shall coincide with the bloom periods for each species listed above and all special-status plant species identified onsite shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with CDFW and USFWS protocols (California Department of Fish and Game 2009, United States Fish and Wildlife Service 2000). Areas containing special-status plant species shall be considered ESHA per the LCP.</p> <p>If special-status plant species are determined to be present onsite, the habitat within which said species are found shall be delineated as ESHA and all applicable LCP development standards</p>	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p>shall be adhered to. The policies include assessment of the biological resources onsite prior to project approval, development standards that avoid or minimize impacts to sensitive resources such as establishment of buffers between development and specific types of habitats and resources, and mitigation requirements, including mitigation plan requirements, for unavoidable impacts.</p>	
<p>BIO-3 Development facilitated by the Housing Element Update, including development on Candidate Sites #1, #2, and #7 would not conflict with the City of Malibu Native Tree Protection Ordinance. This is a Class III, less than significant, impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>BIO-4 Development facilitated by the Housing Element Update, including development on Candidate Sites #1, #2, and #7, may adversely affect special-status animals species, including nesting birds. This is a Class II, significant but mitigable, impact.</p>	<p>BIO-4(a) Coastal whiptail, San Bernardino Ringneck Snake, and Coast Horned Lizard Surveys, Capture, and Relocation. Prior to issuance of a building permit on Candidate Sites #1 and #7 and other MF sites that could be subject to the AHO, capture and relocation efforts shall be conducted where suitable habitat is present for the coastal whiptail, San Bernardino ringneck snake, and coast horned lizard. Surveys shall be conducted by a qualified biologist, approved by the City of Malibu, and shall include raking of leaf litter and sand under shrubs within suitable habitat in the area to be disturbed to a minimum depth of two inches. In addition to raking, coverboards shall be placed flat on the ground and checked regularly in the survey areas. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material used to survey for reptiles. Coverboards shall be placed in the survey area two weeks before surveys begin and shall be checked at least twice per week during raking surveys. Captured animals shall be placed immediately into containers containing sand or moist paper towels and released in designated release areas either onsite or at a City-approved off-site location no more than three hours after capture.</p>	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p>During all grading activities, a qualified biologist shall be onsite to recover any coastal whiptails, San Bernardino ringneck snakes, or coast horned lizards that may be excavated/unearthed. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the animals shall be released to a City-approved specialist until they are in a condition to be released into the designated release area.</p> <p>BIO-4(b) Monarch Butterfly Surveys and Avoidance. A qualified biologist with expertise in Monarch ecology, approved by the City of Malibu, shall survey the eucalyptus trees on Candidate Site #1 and other MF sites that would be subject to the AHO to determine if monarch butterflies are roosting onsite prior to issuance of building permits. The survey shall occur during the peak of the winter roosting period (December to February). If the biologist determines that the habitat onsite serves as a winter roost, no development shall occur within 100 feet and the roost site shall be mapped as ESHA. If avoidance is not feasible, the development design of that site will be re-evaluated and consultation with CDFW shall occur to determine if development may proceed with additional specific mitigation.</p> <p>BIO-4(c) Special-Status Bat Surveys and Impact Avoidance. A qualified biologist, approved by the City of Malibu, shall conduct presence/absence surveys for special-status bats where suitable roosting habitat is present on Candidate Site #1 and #2 and other MF sites that would be subject to the AHO prior to issuance of a building permit. Bat surveys shall be conducted in accordance with methods set forth by the CDFW. Survey methods shall include the use of both acoustic detectors and by physically searching tree cavities, crevices, and other areas where bats may roost. Surveys shall be conducted no more than 30 days prior to initiation of</p>	
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Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p>construction activities.</p> <p>Areas where bats are located shall be avoided where feasible. If impacts to bats cannot be avoided, with concurrence from CDFW, exclusionary devices, such as netting, shall be installed by a City-approved biologist around the roost(s) after the bats have left the roost in the evening and shall be monitored for a minimum of three days to ensure that no bats return to the roost. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately. Exclusion of bats must commence prior to establishment of maternity colonies, which varies by species. If a maternity colony is determined to be present, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Bat roosts shall be removed after the breeding season has ended but before the onset of winter when temperatures are too cold for bat movement.</p> <p>If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), installation of bat boxes near the impacted roost would be necessary to reduce the impact to the bat species present. Bat boxes shall be species-specific in design. Bat boxes shall be installed at a height that is appropriate for the bat species and anti-predator measures, such as small metal spikes on the top, shall be included to protect bats.</p> <p>BIO-4(d) Migratory Bird Treaty Act. To avoid the accidental take of any migratory bird species or raptors, construction activities at any of the three candidate sites and other MF sites that would be subject to the AHO shall be conducted between September 1 and March 1, outside of the typical breeding season. If avoidance of the nesting season is not feasible, a qualified biologist, approved by the City of Malibu, shall</p>	
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Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p>conduct focused nesting surveys weekly for 30 days, with the final survey occurring not more than three days prior to initiation of ground and vegetation disturbance activities. The results of the nest survey shall be submitted upon completion of the surveys to the City for review via a letter report prior to initiation of grading or other construction activity. In the event that a nesting migratory bird species or raptor is observed within 300 feet of the construction work areas (500 feet for raptors), the project biologist shall demarcate the buffer area. No construction or other project-related disturbance shall occur in these areas until the active nest(s) is vacated for the season and there is no evidence of further nesting attempts, as determined by the project biologist. Construction personnel shall be instructed on the ecological sensitivity of the area.</p> <p>BIO-4(e) Worker Education. Prior to initiation of any construction activities, a qualified biologist, approved by the City of Malibu, shall conduct a training session for all construction personnel on all candidate sites and other MF sites that could be subject to the AHO. At a minimum, the training shall include a description of all sensitive resource issues onsite as well as the general measures that are being implemented to protect these resources. A fact sheet shall be provided to all contractors, their employees, and any other personnel involved with the construction of the project, and shall include a description of the sensitive resources onsite, information on their occurrence onsite, a list of construction Best Management Practices (BMPs) outlined in Mitigation Measure BIO-4(f) and other applicable mitigation measures, instructions to follow when encountering sensitive resources, and all applicable City-required conditions of approval.</p> <p>BIO-4(f) Construction Best Management Practices. The following construction BMPs shall be incorporated into all grading and construction</p>	
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Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p>plans for any future development on the three candidate sites:</p> <p><i>Designation of a 15 mph speed limit in all construction areas.</i></p> <p><i>All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible. Development of new access and right-of-way (ROW) roads shall be minimized.</i></p> <p><i>Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 100 feet from waters, wetlands, or other sensitive resources as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site.</i></p> <p><i>Daily construction work schedules shall be limited to the hours between 7 AM and 7 PM and shall comply with Section 8.24.050(G) of the M.M.C.</i></p> <p><i>Mufflers shall be used on all construction equipment and light trucks shall be in good operating condition.</i></p> <p><i>Drip pans shall be placed under all stationary vehicles and mechanical equipment.</i></p> <p><i>All trash shall be placed in sealed containers and shall be removed from the candidate sites a minimum of once per week.</i></p> <p><i>No pets are permitted on candidate sites during construction.</i></p>	
CULTURAL RESOURCES		
<p style="text-align: center;">Impact</p>	<p style="text-align: center;">Mitigation Measures</p>	<p style="text-align: center;">Significance After Mitigation</p>
<p>Impact CR-1 Development pursuant to the Housing Element Update would not affect any known archaeological resources. Impacts to known archaeological resources are Class III, less than significant. However, both future development on the candidate sites, and</p>	<p>CR-1(a) Procedures for Discovery of Intact Cultural Resources. In the event that archaeological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find shall be temporarily suspended or redirected until the Planning</p>	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

<p>programs and policies under the proposed Housing Element Update have the potential to impact unknown archaeological resources. This is a Class II, significant but mitigable, impact.</p>	<p>Director has been notified and an archaeologist has evaluated the nature and significance of the find, pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) cultural resources regulations (LIP Section 11.5) and M.M.C. Section 17.54.060. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative shall monitor any mitigation work associated with Native American cultural material.</p> <p>CR-1(b) Procedures for Discovery of Human Remains. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC).</p>	
<p>Impact CR-2 Development on Candidate Sites #1, #2, and #7, and other programs and policies under the Housing Element Update would not affect historic resources. Impacts to historic resources are Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>GEOLOGY & SOILS</p>		
<p>Impact</p>	<p>Mitigation Measures</p>	<p>Significance After Mitigation</p>
<p>Impact GEO-1 Development facilitated by the Housing Element Update, notably on Candidate Site #7, may expose residents and property to seismically induced ground surface rupture. This would be a Class II, significant but mitigable, impact.</p>	<p>GEO-1 Fault Study and Mitigation. Because portions of the Malibu Coast Fault meet the definition of an active fault per the Alquist-Priolo legislation (passed in 1972), any future application for development within 500 feet of the Malibu Coast Fault shall require a fault study prepared by a certified engineering geologist for the project site, consistent with the requirements of the Alquist-Priolo legislation and City of Malibu Geotechnical Guidelines prior to issuance of a building permit. The study shall identify the precise location of the fault relative to proposed structures to ensure that the structure is located</p>	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p>at least 50 feet from the fault to avoid damage and risk from fault rupture. The applicant shall also conform to any other recommendations of the study relative to building positioning, structural design, foundation materials or other necessary earth work to minimize hazards associated with the Malibu Coast Fault. The fault study shall be submitted to the City of Malibu for review and approval prior to Planning Department approval.</p>	
<p>Impact GEO-2 Seismically induced ground shaking could potentially destroy or damage structures developed pursuant to the Housing Element Update, resulting in loss of property or risk to human health. However, provided that the design and construction of any proposed structures complies with all applicable provisions of the California Building Code, impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact GEO-3 Portions of each candidate site are underlain by artificial fill and alluvial materials that may be subject to seismic settlement, expansion, or liquefaction. Other properties on which the Housing Element Update may facilitate development may also be subject to such hazards. This is a Class II, significant but mitigable impact.</p>	<p>GEO-3 Geotechnical Study and Mitigation. Prior to Planning Department approval, a geotechnical study shall be prepared by a registered civil or geotechnical engineer and certified engineering geologist for any future project developed pursuant to the Housing Element Update. This study shall include an analysis of the settlement, expansion, and liquefaction potential of the underlying materials. If a particular development site is confirmed to be in an area prone to seismic settlement or expansion, appropriate techniques to comply with the requirements of the California Building Code shall be prescribed and implemented.</p> <p>Suitable measures to reduce impacts may include: removal of any undocumented fill or topsoil; specialized design of foundations by a structural engineer; removal or treatment of liquefiable soils to reduce the potential for liquefaction; drainage to lower the groundwater table to below the level of liquefiable soils, in-situ compaction of soils; or other alterations to the ground characteristics. In areas prone to settlement or liquefaction, current structural</p>	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	engineering methods for foundation design may not be sufficient to prevent a building's foundation from failing in a larger earthquake which would result in stronger and longer ground shaking.	
Impact GEO-4 Portions of Candidate Sites #1, #2, and #7 are located in areas of potential landslide hazard and contain slopes in excess of 30%, which could expose future residential development and people to landslide and erosion risks. Other properties on which the Housing Element Update may facilitate development may also be subject to landslide hazards. This is a Class II, significant but mitigable, impact.	<p>GEO-4 Landslide Study and Mitigation. The future applicant for development of residential structures pursuant to the Housing Element Update on sites with slopes above 30% shall have a geotechnical study prepared by a certified engineering geologist and geotechnical engineer for the project site prior to Planning Department approval. This study shall include an analysis of the erosion and landslide potential of portions of the sites with steep slopes. If a particular development site is confirmed to be in an area prone to erosion or landsliding, appropriate techniques to comply with the requirements of the California Building Code shall be prescribed and implemented.</p> <p>Suitable measures to reduce impacts may include the stabilization of the building site utilizing grading or structural solutions, deepened foundations, thickened slabs, or a combination of all of the above. Proper maintenance of the site (utilities, landscaping, irrigation, onsite wastewater treatment systems, etc.) after construction will be required. The landslide study and recommendations shall be submitted to the City of Malibu for review and approval prior to Planning Department approval.</p>	Less than significant with incorporated mitigation.
GREENHOUSE GAS EMISSIONS		
Impact	Mitigation Measures	Significance After Mitigation
Impact GHG-1 Development facilitated by the Housing Element Update would generate GHG emissions from both mobile and operational sources, as well as temporary GHG emissions from construction. However, emissions would not exceed the 3,500 metric tons/year threshold and the Housing Element Update would not conflict with any applicable plan, policy or regulation of an	None required.	Impacts would be less than significant without mitigation.



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

<p>agency adopted for the purpose of reducing the emissions of GHGs. Therefore, impacts would be Class III, less than significant.</p>		
<p>HAZARDS AND HAZARDOUS MATERIALS</p>		
<p>Impact</p>	<p>Mitigation Measures</p>	<p>Significance After Mitigation</p>
<p>Impact HAZ 1 Future development facilitated by the Housing Element Update could expose future residents to potentially harmful chemicals and materials resulting from accidents along Pacific Coast Highway. However, existing regulations pertaining to the transportation of hazardous materials would reduce these impacts to a Class III, less than significant level.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact HAZ-2 Surficial soil on Candidate Sites #1 and #2 adjacent to PCH could contain aerially-deposited lead (ADL). Exposure to ADL could result in human health hazards for construction workers or future residents of these candidate sites. This would be a Class II, significant but mitigable.</p>	<p>HAZ-2 Aerially-Deposited Lead (ADL) Study. Prior to issuance of grading permits on Candidate Sites #1 and #2 and other MF sites that could be subject to the AHO adjacent to PCH, an ADL study must be performed by a qualified consultant. The ADL study shall include soil sampling to determine the presence of onsite lead concentrations, as well as a remediation plan if lead levels are detected above the hazardous material thresholds. If soil removal is required, the soil shall be hauled and disposed of by a transportation company licensed to transport hazardous material. In addition, the hazardous material shall be taken to a landfill or receiving facility licensed to accept hazardous waste. Documentation of the appropriate sampling, transportation and disposal must be prepared and include the volume of soil removed, where the material was moved to, and include soil profiling, and transportation and disposal manifests. The soil removal documentation shall be prepared for the property owner or other responsible party, with a copy submitted to the City of Malibu.</p>	<p>Less than significant with incorporated mitigation.</p>
<p>Impact HAZ-3 Development facilitated by the Housing Element Update, notably on Candidate Sites #1 and #2, may require the demolition of existing residential structures that could contain</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

<p>asbestos or lead based paints. The release of these materials has the potential to adversely affect human health and safety. However, existing regulations pertaining asbestos and lead-based materials would reduce these impacts to a Class III, less than significant level.</p>		
<p>Impact HAZ-4 Candidate Site #7 in the Housing Element Update has the potential to contain onsite soil contamination due to the previous agricultural use of the site. Soil contaminated with pesticides could pose a health hazard to construction workers or future residents of the site. However, existing mitigation measures as prescribed by the La Paz EIR would reduce potential impacts to a Class III, less than significant level.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact HAZ-5 None of the candidate sites are identified on any public lists of hazardous materials sites subject to potential impacts associated with hazardous material release from nearby sites. Therefore, potential hazards resulting from hazardous material sites would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact HAZ-6 Future development facilitated by the Housing Element Update would not interfere with any adopted emergency response or evacuation plans. Furthermore, all new development pursuant to the Housing Element Update would be required to comply with LACFD access standards to provide adequate onsite access in the event of an emergency. Impacts related to emergency plans would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact HAZ-7 Future development facilitated by the Housing Element Update would be located in a wildland fire hazard area, which could create a potential safety hazard. New development located on the candidate sites and other multi-family housing sites would be required to comply with existing regulations intended to minimize the potential effects associated with wildfires. This is considered to be a Class III, less than significant impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

HYDROLOGY		
Impact	Mitigation Measures	Significance After Mitigation
<p>Impact HWQ-1 Construction activities associated with future development facilitated by the Housing Element Update would potentially expose soils to erosion. As a result, the downstream watershed could be subject to temporary sedimentation and discharge of various pollutants. However, future development would be subject to state and local regulations, which would ensure that significant impacts do not occur. This would be a Class III, less than significant, impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact HWQ-2 Future development facilitated by the Housing Element Update would increase the amount of impermeable surfaces onsite, thereby increasing storm water runoff flows. An increase in storm water runoff flows could increase flows into nearby creeks and drainages, exceed drainage infrastructure capacity, or alter wetlands. However, existing City of Malibu policies and regulations would ensure that significant impacts do not occur. Impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact HWQ-3 Future development facilitated by the Housing Element Update could adversely affect surface water quality due to increased storm water runoff, which can include pollutants such as oil, pesticides, herbicides, and effluent. However, existing City of Malibu regulations would ensure that significant impacts do not occur. Impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact HWQ-4 Future development facilitated by the Housing Element Update could adversely affect surface water quality due to the use of onsite wastewater treatment systems. However, existing City of Malibu regulations would ensure that significant impacts do not occur. Impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

<p>Impact HWQ-5 Future development facilitated by the Housing Element Update, specifically on Candidate Site #7, would place housing and structures within a FEMA-designated flood zone and could impede or redirect flood flows. However, compliance with existing City of Malibu regulations regarding construction in flood zones would reduce impacts to a Class III, less than significant, level.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact HWQ-6 The candidate sites are located at elevations above the run-up heights for tsunamis or seiches and proposed programs and policies of the Housing Element Update would not increase exposure to such hazards. Potential impacts due to inundation from a tsunami or seiche event would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>LAND USE</p>		
<p style="text-align: center;">Impact</p>	<p style="text-align: center;">Mitigation Measures</p>	<p style="text-align: center;">Significance After Mitigation</p>
<p>Impact LU-1 Development facilitated by the Housing Element Update would be consistent with General Plan land use policies. This would be a Class III, less than significant, impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact LU-2 Development facilitated by the Housing Element Update would be compatible with existing adjacent land uses. This is considered a Class III, less than significant, impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>NOISE</p>		
<p style="text-align: center;">Impact</p>	<p style="text-align: center;">Mitigation Measures</p>	<p style="text-align: center;">Significance After Mitigation</p>
<p>Impact N-1 Future development facilitated by the Housing Element Update would intermittently generate high noise levels during construction in excess of City noise standards. This would affect nearby sensitive receptors. This is a Class II, significant but mitigable, impact.</p>	<p>N-1(a) Diesel Equipment Mufflers. All future project sponsors on Candidate Sites #1, #2, and #7 and all other MF sites to which the AHO is applied shall ensure that all diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers during construction.</p>	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

	<p>N-1(b) Electrically-Powered Tools. All future project sponsors on Candidate Sites #1, #2, and #7 and all other MF sites to which the AHO is applied shall ensure that electrical power is used to run air compressors and similar power tools during construction.</p>	
<p>Impact N-2 Development facilitated by the Housing Element Update including the candidate sites has the potential to increase operational traffic-related noise on study area roadway segments under existing plus project conditions. However, the change in noise levels would not exceed thresholds. Impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact N-3 Development facilitated by the Housing Element Update has the potential to increase traffic-related noise under opening year (2014) plus project conditions. However, the change in noise levels would not exceed thresholds. Impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact N-4 Development facilitated by the Housing Element Update has the potential to increase traffic-related noise under cumulative plus project conditions. However, the change in noise levels would not exceed thresholds. Impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact N-5 Operational noise generated by existing traffic, commercial, and institutional uses near the candidate sites could expose future residential units facilitated by the Housing Element Update to noise levels that exceed City standards. Potential impacts would be Class II, significant but mitigable.</p>	<p>N-5 Interior Noise. All residential structures within the 65 dB(A) noise contour shall include the following or equivalent to achieve an acceptable interior noise level of 45 CNEL:</p> <ul style="list-style-type: none"> • Windows shall be dual pane, laminated, or similar with a Sound Transmission Class rating of at least 30 for all residential units with direct exposure to PCH; • Exterior doors facing PCH shall have a sound insulating design with an STC rating of at least 35; • Solid core exterior doors with perimeter weather stripping and threshold seals shall be used; • Roof and attic vents shall face away from PCH. 	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

POPULATION AND HOUSING		
Impact	Mitigation Measures	Significance After Mitigation
Impact PH-1 Implementation of the Housing Element Update would not result in the displacement of substantial numbers of people or housing. Impacts would be Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.
Impact PH-2 Growth facilitated by the Housing Element Update would be within SCAG regional growth forecasts for Malibu. As a result, the Housing Element Update would not induce substantial population growth beyond that currently anticipated within the City and impacts would be Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.
PUBLIC SERVICES		
Impact	Mitigation Measures	Significance After Mitigation
Impact PS-1 Development facilitated by the Housing Element Update would place additional demand on fire protection services, but would not create the need for new or expanded fire protection facilities. Impacts would therefore be Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.
Impact PS-2 Development facilitated by the Housing Element Update would increase the City's population, which would incrementally increase demand for police protection service. However, the increase would not substantially affect the personnel, equipment, or organization of the LACSD or require the expansion of existing facilities or construction of new facilities. Therefore, impacts to police service are considered Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.
Impact PS-3 Residential development facilitated by the Housing Element Update would generate new students and increase the demand for school facilities. However, adequate capacity exists at public schools that would serve Candidate Sites #1, #2, and #7. Therefore, impacts are considered Class III, less than significant.	None required.	Impacts would be less than significant without mitigation.



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

TRAFFIC		
Impact	Mitigation Measures	Significance After Mitigation
<p>Impact T-1 The project would add new traffic to study area intersections under existing plus project conditions. Project-generated trips would result in significant impacts at one of nine study intersections based on City of Malibu thresholds. Impacts would be Class II, significant but mitigable.</p>	<p>T-1 Cross Creek Road & PCH. Future applicants of Candidate Sites #1, #2, and #7 shall contribute their fair share of payment to for construction of a westbound right-turn lane on PCH at Cross Creek Road. Sufficient right-of-way exists to accommodate this right-turn lane; however, the existing roadway is not centered within the existing right-of-way. In order to implement a new westbound right-turn lane at this location, the roadway centerline must be shifted to the south as PCH passes through the Cross Creek Road intersection. This improvement would result in the loss of approximately 12 on-street parking spaces on the shoulder of the south side of PCH west of Cross Creek Road. It would also result in a substandard 11-foot left-turn lane on PCH east of Cross Creek Road, which would require Caltrans approval. If Caltrans does not approve of non-standard narrower lane widths, then roadway widening on the south side of PCH on the approach and departure legs would allow the standard width lanes for this improvement.</p>	<p>Less than significant with incorporated mitigation.</p>
<p>Impact T-2 The project would add new traffic to study area intersections under opening year plus project conditions. Project-generated trips would result in significant impacts at two of nine study area intersections based on City of Malibu thresholds. Impacts would be Class II, significant but mitigable.</p>	<p>T-1 Cross Creek Road & PCH. Discussed under Impact T-1 above.</p> <p>T-2 Malibu Canyon Road & PCH. Future applicants of Candidate Sites #1, #2 and #7 shall contribute their fair share of payment to ensure that a southbound left-turn/through lane is modified to a left-turn/through/right-turn lane. Sufficient right-of-way exists on PCH to allow for a second receiving lane on this roadway.</p>	<p>Less than significant with incorporated mitigation.</p>
<p>Impact T-3 The project would add new traffic to study area intersections under cumulative plus project conditions. Project-generated trips would result in significant impacts at two of nine study intersections based on City of Malibu thresholds. Cumulative impacts would thus be Class II, significant but mitigable.</p>	<p>T-1 Cross Creek Road & PCH. Discussed under Impact T-1 above.</p> <p>T-2 Malibu Canyon Road & PCH. Discussed under Impact T-2 above.</p>	<p>Less than significant with incorporated mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

<p>Impact T-4 The project would not result in impacts at any of the analyzed Congestion Management Plan facilities, including regional transit facilities, under existing, opening year, or future conditions. This is a Class III, less than significant, impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact T-5 The proposed project would add new traffic to study area roadway segments under existing plus project, opening year plus project and cumulative plus project conditions. However, based on City of Malibu thresholds, impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact T-6 The proposed project would not disrupt existing or planned transit facilities or conflict with applicable transit plans or policies. Further, the project would not create demand for transit services above capacity. Impacts to transit systems are Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact T-7 The proposed project would not disrupt existing or planned bicycle or pedestrian facilities or conflict with applicable bicycle or pedestrian plans or policies. This is a Class III, less than significant, impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact T-8. The proposed development on Candidate Sites #1, #2, and #7 would not create hazards related to on-site circulation and would not impede emergency access. This is a Class III, less than significant, impact.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>UTILITIES AND SERVICE SYSTEMS</p>		
<p> </p>		
<p>Impact</p>	<p>Mitigation Measures</p>	<p>Significance After Mitigation</p>
<p>Impact U-1 Development facilitated by the Housing Element Update would generate demand for an estimated 188 acre-feet per year of water. The existing agreement with WBMWD would ensure that adequate water supplies are available to serve future development under the Housing Element Update and no new entitlements are required. No addition or expansion of off-site infrastructure would be required. Impacts associated with increased water demand would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>



Table ES-1. Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

<p>Impact U-2 Development facilitated by the Housing Element Update would generate an estimated 33,072 gallons of wastewater per day. Each candidate site would be required to install a new onsite wastewater treatment system (OWTS) with capacity specific to the development size based on existing City requirements set forth in LIP Chapter 18 and Appendix K of the Plumbing Code. Each OWTS would be required to obtain an operating permit from the City of Malibu, which would ensure the proper design, operation, and maintenance of each system. Thus, impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact U-3 Development facilitated by the Housing Element Update would generate approximately 1.35 tons of solid waste per day. Area landfills have sufficient permitted capacity to process an additional 6,500 tons of solid waste per day. Therefore, area landfills have sufficient capacity to serve potential development on the proposed candidate sites. Solid waste service and capacity impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact U-4 Area landfills serving future development of the candidate sites are subject to oversight and inspection by local enforcement agencies that ensure compliance with existing federal, state, and local regulations regarding solid waste. Local solid waste haulers are required to obtain operating permits from the City of Malibu, which ensures compliance with existing federal, state, and local regulations regarding solid waste. Therefore, all area landfills and haulers would be in compliance with federal, state, and local laws regarding solid waste disposal. Impacts would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>
<p>Impact U-5 Development facilitated by the Housing Element Update would be subject to the LCP and M.M.C. storm water management requirements, which stipulate that post-development runoff flows do not exceed pre-development runoff flows. Therefore, storm water flows would be managed on each candidate site such that peak flows to off-site storm water drainage facilities would not change. Impacts to storm water drainage facilities would be Class III, less than significant.</p>	<p>None required.</p>	<p>Impacts would be less than significant without mitigation.</p>



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1.0 INTRODUCTION

This document is a Final Environmental Impact Report (EIR) for the proposed City of Malibu 2008-2014 Housing Element Update. The primary goal of the 2008-2014 Housing Element Update is to establish specific goals, policies, and objectives relative to the provision of housing for all income levels consistent with all applicable state housing element laws (ie: Article 10.6 of the Government Code) and to adopt an implementation program. This section describes: (1) the general background of the project's EIR process; (2) the purpose and legal authority of the EIR (3) the scope and content of the EIR; (4) lead, responsible, and trustee agencies; and (5) the environmental review process required under the California Environmental Quality Act (CEQA).

This Final EIR includes responses to comments on the Draft EIR, as required by CEQA (see Section 8.0). In certain instances, the text of the EIR has been modified slightly in response to comments received. However, in no case did any of the changes made identify new significant impacts or significant impacts of increased severity as compared to what was identified in the Draft EIR.

In addition to responding to specific comments on the Draft EIR, the City performed additional analysis of a number of issues subsequent to completion of the analyses included in the Draft EIR. Based on this additional analysis, certain impact discussions have been modified as compared to the impact discussions in the Draft EIR. However, in no case did any of the additional analysis identify any new significant impacts beyond those identified in the Draft EIR or any significant impacts of increased severity as compared to what was identified in the Draft EIR. In fact, for a number of issue areas, the additional analysis determined that impacts would be less severe than was reported in the Draft EIR. The additional analysis is included to clarify and amplify the previously circulated Draft EIR (Pub. Res. Code § 21092.1; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447; *Silverado Modjeska Recreation & Parks Dist. v. Cnty. of Orange* (2011) 197 Cal.App.4th 282, 302-03).

The following are the specific impacts that were determined to be less severe than was determined in the Draft EIR:

- Impact HAZ-4 (on-site soil contamination) in Section 4.7, *Hazards and Hazardous Materials* – identified as “significant but mitigable” in the Draft EIR, but is now identified as “less than significant” with implementation of standard requirements and mitigation measures identified in the La Paz EIR
- Impact LU-1 (consistency with General Plan policies) in Section 4.9, *Land Use and Planning* – identified as “significant and unavoidable” in the Draft EIR due to potential inconsistencies with policies related to traffic levels, but is now identified as “less than significant” since traffic impacts have been determined to be mitigable (as discussed below)
- Impacts T-1, T-2, and T-3 (intersection impacts under various analysis scenarios) in Section 4.13, *Transportation and Traffic* – identified as “significant and unavoidable” in the Draft EIR, but based on additional analysis conducted in accordance with the City’s newly adopted analysis methodology and assumptions regarding project and cumulative traffic

