

**CITY OF MALIBU
NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION**

Name of Project: Initial Study No. 13-001 and Negative Declaration No. 13-001 to Amend the Malibu Municipal Code (M.M.C.) to Conditionally Regulate Formula Retail Businesses in the Civic Center Commercial District

Project Applicant: City of Malibu

Location: Civic Center Commercial District

Zoning / Land Use: Community Commercial (CC), Commercial Visitor Serving (CV) and Commercial General (CG), Industrial/Research and Development (RD), Rural Residential One (RR-1), Single Family Medium (SFM), Institutional (I), and Planned Development (PD)

Project Description: The proposed project consists of an amendment to Title 17 (Zoning) of the M.M.C. to make formula retail establishments a conditionally-permitted use in the Civic Center commercial district of the City of Malibu. This district includes all commercially-zoned/used land generally located between the Pacific Ocean to the south, Malibu Canyon Road to the west, the City boundary to the north, and Malibu Creek to the east, including the parcels comprising Hughes Research Laboratory (HRL) and the Crummer site (APNs 4458-018-002, 4458-018-019, and 4458-018-019). Formula retail is considered any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with six (6) or more other existing, operational retail establishments located within Southern California (as defined by the counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial) is required to maintain two or more of the following features: 1) standardized color scheme; 2) standardized décor; 3) standardized façade; 4) standardized layout; 5) standardized signage, a servicemark, or a trademark; and 6) uniform apparel.

The proposed ordinance would require a conditional use permit (CUP) pursuant to M.M.C. Chapter 17.66 for all new formula retail establishments located within the district and for existing formula retail establishments located within the district that relocate to a new tenant space, expand by 200 square feet or more of gross floor area, or increase service area by 50 square feet or more. The proposed ordinance would not apply to existing formula retail uses that change ownership, exclusively, or existing and new formula retail uses considered grocery, gas stations, or banks and financial services.

The proposed ordinance is intended to regulate the location and operation of formula retail uses within the district in order to avoid the proliferation of elements that project a sense of sameness and familiarity. These elements conflict with and frustrate the City's goals of maintaining a unique community character while promoting a diverse retail base with correspondingly unique retail amenities within the Civic Center. Formula retail establishments are, by their nature, generally not unique in appearance or character.

Likewise, formula retail establishments generally do not offer goods and services that are not readily available at other establishments within a reasonable proximity, especially in the highly-urbanized areas of greater Los Angeles and Southern California, generally. To advance the City's goals, the proposed ordinance is intended to encourage retail elements that promote variety while, contributing to and maintaining the City's rural charm and small-town feel.

Currently, there is no requirement for conditional review of formula retail establishments in the City. While retail sales and service uses may currently be permitted within a particular commercial zone, either by-right or conditionally pursuant to the M.M.C. / Local Coastal Program (LCP), no distinction is made between retail uses generally and "formula" retail uses. Formula retail uses may be essential or desirable in the zone, but require individualized assessment and scrutiny to ensure compatibility and to guard against the potential for detrimental secondary effects. By making formula retail a conditionally permitted use in the zone, the ordinance ensures that such uses will be examined for compatibility and their consistency with the City's unique character. The purposes of the new regulations are to ensure adequate public review and input for businesses that may potentially impact the community; ensure that the proposed development does not impair the integrity of that district; and to provide the opportunity to impose reasonable and necessary conditions to assure compatibility. To serve and advance the general welfare, the City is considering the adoption of an ordinance to conditionally regulate formula retail establishments in the Civic Center commercial district.

Lead Agency: City of Malibu
Contact Person: Joseph Smith, AICP, Senior Planner
(310) 456-2489, extension 336
jsmith@malibucity.org

Review Period: Begins: **March 13, 2013** Ends: **April 11, 2013**

The Initial Study and Negative Declaration will be circulated for a 30-day review period. Written comments will be received by the City of Malibu Planning Department until 5:30 p.m. on the ending date of the public review period.

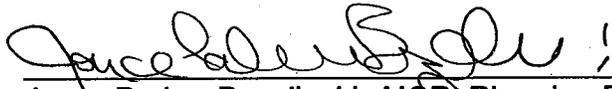
Purpose of Review: The purpose of this review is to allow public agencies and interested members of the public the opportunity to share expertise, disclose agency analysis, check for accuracy, detect omission, discover public concerns and solicit counter proposals pursuant to CEQA Section 15200 (Purposes of Review).

Where to Send Comments and Where Documents are Available for Review:

Post: City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Fax: (310) 456-7650
Email: jsmith@malibucity.org
Website: malibucity.org

Public Hearings Scheduled: At this time, a hearing date before the Planning Commission has not been scheduled. For more information, contact the City of Malibu Planning Department at (310) 456-2489 during City Hall regular business hours or consult the City's website for further information on scheduled hearing dates.



Joyce Parker-Bozylinski, AICP, Planning Director

Publish date: March 13, 2013



City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265-4861

INITIAL STUDY / NEGATIVE DECLARATION

An Amendment to the Malibu Municipal Code to Conditionally Regulate Formula Retail Businesses in the Civic Center Commercial District

**Initial Study No. 13-001
Negative Declaration No. 13-001**

Introduction

The City has analyzed the project proposal described herein and has determined that the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this instance there is no possibility the proposed amendment may have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

Without waiving its right to rely on the above-referenced exemption, the City nevertheless undertook the instant Initial Study to provide meaningful information to the City's decision-making body and to further its goal of providing the most informed decision-making process practicable. As detailed herein, the findings yielded by this Initial Study culminate in a Negative Declaration.

This Initial Study has been prepared in accordance with relevant provisions of CEQA of 1970, as amended, and the CEQA Guidelines as revised. Section 15063(c) of the CEQA Guidelines indicates that the purposes of an Initial Study are to:

1. Provide the Lead Agency (i.e., the City of Malibu) with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration;
2. Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;
3. Assist the preparation of an EIR, if one is required, by:
 - Focusing the EIR on the effects determined to be significant;
 - Identifying the effects determined not to be significant;
 - Explaining the reasons why potentially significant effects would not be significant; and

- Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects;
4. Facilitate environmental assessment early in the design of a project;
 5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
 6. Eliminate unnecessary EIRs; and
 7. Determine whether a previously prepared EIR could be used with the project.

CITY OF MALIBU

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Conditionally Regulate Formula Retail Establishments in the Civic Center Commercial District
2. Application: Initial Study (IS) No. 13-001
Negative Declaration (ND) No. 13-001
3. Lead Agency Name and Address: City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265-4861
4. Contact Person and Phone Number: Joseph Smith, AICP
Senior Planner
(310) 456-2489, extension 336
5. Project Location: Civic Center Commercial District
6. Project Applicant Name and Address: City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861
7. General Plan and Local Coastal Program (LCP) Land Use: Community Commercial (CC), Commercial Visitor Serving (CV) and Commercial General (CG), Industrial/Research and Development (RD), Rural Residential One (RR-1), Single Family Medium (SFM), Institutional (I), and Planned Development (PD)
8. Malibu Municipal Code (M.M.C.) and LCP Zoning: CC, CV-1, CV-2, CG, Town Center Overlay District, RD, RR-1, SFM, I, and PD
9. Description of Project:

The proposed project consists of an amendment to Title 17 (Zoning) of the M.M.C. to make formula retail establishments a conditionally-permitted use in the Civic Center commercial district of the City of Malibu (Exhibit A). This district includes all commercially-zoned/used land generally located between the Pacific Ocean to the south, Malibu Canyon Road to the west, the City boundary to the north, and Malibu Creek to the east, including the parcels comprising Hughes Research Laboratory (HRL) and the Crummer site (APNs 4458-018-002, 4458-018-019, and 4458-018-019). *Formula retail* is considered any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with 6 or more other existing, operational retail establishments located within Southern California (as defined by the counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial) is required to maintain two or

more of the following features: 1) standardized color scheme; 2) standardized décor; 3) standardized façade; 4) standardized layout; 5) standardized signage, a servicemark, or a trademark; and 6) uniform apparel.

The proposed ordinance would require a conditional use permit (CUP) pursuant to M.M.C. Chapter 17.66 for all new formula retail establishments located within the district and for existing formula retail establishments located within the district that relocate to a new tenant space, expand by 200 square feet or more of gross floor area, or increase service area by 50 square feet or more (Exhibit B). The proposed ordinance would not apply to existing formula retail uses that change ownership, exclusively, or existing and new formula retail uses considered grocery, gas stations, or banks and financial services.

The proposed ordinance is intended to regulate the location and operation of formula retail uses within the district in order to avoid the proliferation of elements that project a sense of sameness and familiarity. These elements conflict with and frustrate the City's goals of maintaining a unique community character while promoting a diverse retail base with correspondingly unique retail amenities within the Civic Center. Formula retail establishments are, by their nature, generally not unique in appearance or character. Likewise, formula retail establishments generally do not offer goods and services that are not readily available at other establishments within a reasonable proximity, especially in the highly-urbanized areas of greater Los Angeles and Southern California, generally. To advance the City's goals, the proposed ordinance is intended to encourage retail elements that promote variety while, contributing to and maintaining the City's rural charm and small-town feel.

Currently, there is no requirement for conditional review of formula retail establishments in the City. While retail sales and service uses may currently be permitted within a particular commercial zone, either by-right or conditionally pursuant to the M.M.C./LCP, no distinction is made between retail uses generally and "formula" retail uses. Formula retail uses may be essential or desirable in the zone, but require individualized assessment and scrutiny to ensure compatibility and to guard against the potential for detrimental secondary effects. By making formula retail a conditionally permitted use in the zone, the ordinance ensures that such uses will be examined for compatibility and their consistency with the City's unique character. The purposes of the new regulations are to ensure adequate public review and input for businesses that may potentially impact the community; ensure that the proposed development does not impair the integrity of that district; and to provide the opportunity to impose reasonable and necessary conditions to assure compatibility. To serve and advance the general welfare, the City is considering the adoption of an ordinance to conditionally regulate formula retail establishments in the Civic Center commercial district.

10. Project Setting:

The proposed ordinance would affect the Civic Center commercial district. The district is centrally located in the heart of the City and has historically served as the community's main commercial district with 43.5 percent of all commercially-zoned land in the City being located within the district. The district encompasses all existing commercial development in the Civic Center and proposed commercial projects on vacant land, including the proposed Rancho Malibu hotel development (APNs 4458-030-007, 4458-028-015, and 4458-028-019), the proposed Sycamore Village development (APN 4458-022-011), the proposed Whole Foods in the Park development (APNs 4458-022-001 and

4458-022-022), and the approved La Paz Ranch development (APNs 4458-022-023 and 4458-022-024). The proposed ordinance also encompasses the three parcels comprising Hughes Research Laboratory (HRL) APNs 4458-029-015, 4458-029-012, and 4458-029-016) given the changing nature of the site to more commercial in nature.¹ The proposed ordinance further encompasses the vacant Crummer development site (APNs 4458-018-002, 4458-018-019, and 4458-018-019) in the event the parcels were to include a future commercial component. At present, the Crummer site is only proposed for residential and open space; however, no approvals have been secured from the City establishing such use and the parcel remains under the Planned Development zoning and land use designations.

Citywide, 3.7 percent of the City's total land area of 12,000 acres is zoned for commercial use. Nearly half of all commercially-zoned land in the City, approximately 444 acres, is clustered in this commercial district² with the remaining distributed in other commercial areas along the City's 22 miles of coastline. The proposed ordinance would not affect other commercial areas of the City, including Las Flores and the commercial stretch east of Malibu Creek along Pacific Coast Highway (PCH), Kanan Dume at the PCH intersection, the commercial areas around Point Dume including Portshead Road and Busch Drive, or Trancas.

11. Surrounding Land Uses and Setting:

The Civic Center commercial district is set within the larger context of Malibu's relatively rural residential community set within the Santa Monica Mountains National Recreation Area and Santa Monica Bay. The district is bordered by residential communities to the north by Malibu Knolls, to the east by Serra Retreat, to the south by Malibu Colony, and to the west by Maison de Ville and Malibu Canyon Village. Malibu Creek, Malibu Lagoon, and the world-famous Surfrider Beach provide an east and southerly boundary to the district, with Legacy Park spanning across 15 acres of environmentally-restored land directly in the central core of the district. Other uses in the district include the Malibu City Hall, County of Los Angeles administrative center and maintenance yards, public and private educational facilities, religious institutions, and a Los Angeles County fire station.

12. Project Approvals:

The project requires the following City of Malibu approvals:

- a) Adoption of IS No. 13-001 and ND No. 13-001; and
- b) Adoption of the Proposed Ordinance (ZTA No. 08-003).

13. Other Agencies whose Approval is Required (e.g., permits, financing approval or participating agreement): None

¹Note that the three HRL parcels are mapped as within a "Research and Development" zone pursuant to the M.M.C. and LCP Zoning maps and designated as within "Industrial/Research and Development" on the General Plan and LCP Land Use Policy maps. However, these zoning and land use designations do not exist within General Plan Land Use Element Section 1.5 (Land Use Designations), LCP Land Use Plan (LUP) Chapter 5, Section C.2 (Land Use Designations), M.M.C. Section 17.06.010 (Zoning Districts), LCP Local Implementation Plan (LIP) Section 3.3 (Zoning District), or LIP Table B (Permitted Uses) which is an exhibit of LIP Chapter 3 (Zoning Designations and Permitted Uses). As a result, neither the M.M.C. nor LIP provide specific development standards or permitted uses within this zoning designation. In order to rectify this zoning and land use deficiency within the General Plan, M.M.C., and LCP, as well as reflect the changing commercial and office nature of HRL, staff is considering a possible zone and land use change to a commercial designation as part of a future amendment.

²The 444-acre figure does not include the land area comprising HRL (approximately 60.5 acres) or Crummer (approximately 24 acres).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

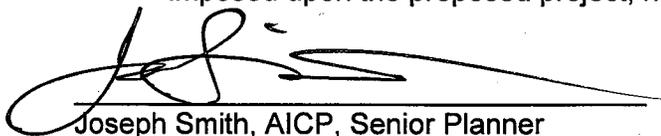
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- I find the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Joseph Smith, AICP, Senior Planner

March 13, 2013

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," cited in support of conclusions reached in other sections may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used: Identify and state where they are available for review.
 - b. Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures: For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., Comprehensive Plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify: a) The significance criteria or threshold, if any, used to evaluate each question; and b) The mitigation measure identified, if any, to reduce the impact to less than significant.
9. The LCP is a certified CEQA document. Therefore, if all LCP standard conditions designed to minimize impacts to environmental resources are incorporated, and those conditions mitigate potentially significant impacts to a level of less than significant, then no additional mitigation is

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required by law. For discussion purposes, standard conditions may be listed below the impact discussions but are not actual mitigation measures.

A. AESTHETICS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Create a source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Land Use Element; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan.

Impact Discussion:

- 1 – 2. Implementation of the proposed ordinance would not result in an adverse effect on a scenic vista or substantially damage scenic resources. No impacts would occur.

3. The proposed ordinance would add a new level of conditional review for formula retail establishments subject to the ordinance. As a result, the ordinance could add additional time and cost to the current regulatory entitlement process for certain commercial establishments subject to the ordinance and may result in tenant space vacancies during this time which would otherwise be avoided absent the requirements of the ordinance. By way of example only, a typical CUP may take about 1-2 months of processing time before the request is set for a public hearing. In some cases, this process is extended for several more months. For example, if an additional CUP is required for the proposed use to address potential impacts not addressed in the formula retail CUP (e.g., traffic circulation, parking, etc.), additional time would be necessary to process both requests. CUPs are approved or denied by the Planning Commission and appealable to the City Council. In the event a CUP is appealed, additional time is required to process the appeal and bring the item forward to the City Council for review. Given the nature and commercial history of the Civic Center, however, it is not anticipated that vacant tenant spaces associated with a proposed formula retail use would become a visual nuisance to the area or result in blight, deterioration or substantial diminishment of values.

The proposed ordinance is intended to regulate the location and operation of formula retail uses within the district in order to avoid the proliferation of elements that project a sense of sameness and familiarity, which conflict with and frustrate the City's goal of

maintaining a unique community character. These elements include visual features including uniform signage, color scheme, façade treatments, or trademarks/servicemarks. The City boasts unique environmental, coastal and cultural qualities, historical context to the original Chumash lands and subsequent Rancho Topanga Malibu Sequit, recreational opportunities, and a rural residential community set within the Santa Monica Mountains National Recreation Area and the Santa Monica Bay. The City desires its commercial uses to likewise promote variety and charm, embrace its relatively rural community, and not detract from its unique qualities. That said, the City has observed an increase in commercial leasing activity City-wide, with a specific increase in the number of formula retail establishments being introduced in the Civic Center. It is anticipated that additional formula retail establishments will, in the foreseeable future, continue to find their way into the Civic Center's rental/lease market. Formula retail establishments are, by their nature, generally not unique in appearance or character.

An over-abundance of these formulaic features is anticipated to distract from the City's goal of remaining unique. To advance this goal, the proposed ordinance is intended to encourage elements that promote variety and charm in its relatively rural community, its small-town feel, and its commercial character. The proposed ordinance includes findings to avoid over-concentration and evaluate compatibility and balance within the district. The proposed ordinance also regulates the maximum size of a formula retail establishment (i.e., not to exceed 2,500 square feet of gross floor area) and the maximum percentage a shopping center can be occupied with formula retail establishments (i.e., not to exceed 50 percent as determined by overall square footage or the number of leasable tenant spaces, whichever is greater).

4. Implementation of the proposed ordinance would not create a source of light or glare that could adversely affect views in the area at night or in the day. No impacts would occur.

Recommended Mitigation Measures:

No mitigation measures are necessary for aesthetics.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed ordinance is anticipated to have less than significant adverse impacts on aesthetics in the district and seeks to avoid the proliferation of elements that project a sense of sameness and familiarity. The Civic Center is a unique commercial center in the heart of the City; other commercial areas in the City are not equivalent in terms of their concentration of both local and visitor consumer traffic and their visibility. Therefore, the proposed ordinance is not expected to result in increased formula retail elsewhere in the City. The Civic Center is the City's main commercial district that has historically served the City's visitors and residents; the City has experienced an increase in the number of formula retail establishments clustering in this district. While other commercial areas of the City also provide retail and services to residents and visitors, the district is the City's main commercial area and contains nearly half of the City's commercially-zoned land. Maintaining the unique appeal of the City's main commercial district is vital to the ongoing preservation and enhancement of a unique community character, rural charm, and small-town feel. As a result, no residual impacts on aesthetics are anticipated to occur.

B. AGRICULTURE AND FORESTRY RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan; California Department of Conservation, Farmland Mapping and Monitoring Program; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan; California Public Resources Code; and California Government Code.

Impact Discussion:

- 1 – 5. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of the proposed ordinance would not result in the conversion of farm or forest land to non-agricultural or forestry uses. There is no land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Additionally, there are no lands under a Williamson Act contract, forest land

(as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) located on or near the district. Therefore, the proposed project will not have any impacts to agriculture and forestry resources.

Recommended Mitigation Measures:

No mitigation measures are required regarding agriculture and forestry resources.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed ordinance will have no impacts on agriculture and forestry resources in the district or in its vicinity. As a result, no residual impacts on agriculture and forestry resources will occur.

C. AIR QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed qualitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan; Air Quality Management Plan for the South Coast Air Quality Management District.

Impact Discussion:

1 – 5. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of the proposed ordinance would not

conflict or obstruct the implementation of the applicable air quality plan nor violate any air quality standards in the City. The proposed ordinance would not result in a cumulatively considerable net increase of any pollutant. The proposed ordinance would not conflict or obstruct the implementation of the applicable air quality plan nor violate any air quality standards in the City. The proposed ordinance would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors in the district or in its vicinity.

Recommended Mitigation Measures:

No mitigation measures are required regarding air quality.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth within the M.M.C. and LCP. The proposed ordinance will have no impacts on air quality in the district or in its vicinity. As a result, no residual impacts on air quality would occur.

D. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Interfere substantially with the movement of any native resident or migratory fish or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan; City of Malibu Local Coastal Program Environmentally Sensitive Habitat Area and Marine Resources Map; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan.

Impact Discussion:

1 – 6. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of the proposed ordinance will not directly or indirectly impact sensitive or special status species nor their habitats.

The proposed ordinance will not result in any impacts to federally protected wetlands and it will not result in the interference with the movement of any native resident or migratory fish or wildlife species. The proposed ordinance will not impact any native wildlife nursery sites or conflict with any biological or tree preservation policies and ordinances. The proposed project will not impact any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan in place.

Recommended Mitigation Measures:

No mitigation measures are required regarding biological resources.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth within the M.M.C. and LCP. The proposed ordinance will have no impacts on biological resources in the district or in its vicinity. As a result, no residual impacts on biological resources would occur.

E. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Malibu General Plan, Land Use Element; City of Malibu Municipal Code; City of Malibu Local Coastal Program Land Use Plan and Local Implementation Plan; City of Malibu Cultural Resource Sensitivity Map.

Impact Discussion:

1 – 5. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of the proposed ordinance will not impact any significant historical, archaeological, or paleontological resources or disturb any human remains.

Recommended Mitigation Measures:

No mitigation measures are required regarding cultural resources.

Residual Impacts:

New commercial use in the City must conform to the City’s standard conditions of approval, and the policies and standards set forth within the M.M.C. and LCP. The proposed ordinance will have no impacts on cultural resources in the district or in its vicinity. As a result, no residual impacts on cultural resources would occur.

F. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in substantial soil erosion, or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Land Use and Safety and Health Elements; City of Malibu Municipal Code; City of Malibu Plumbing Code; City of Malibu Local Coastal Program Land Use Plan and Local Implementation Plan.

Impact Discussion:

1 – 5. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of the proposed ordinance will not expose people or structures to adverse geologic or soil hazards including seismic-related events, landslides, liquefaction, instability, soil expansion, or inadequate acceptance of wastewater disposal generated from onsite water treatment systems.

Recommended Mitigation Measures:

No mitigation measures are required regarding geology and soils.

Residual Impacts:

New commercial use in the City must conform to the City’s standard conditions of approval, and the policies and standards set forth within the M.M.C. and LCP. New commercial use in the City that requires the disposal of wastewater into the soil are evaluated the City Environmental Health Administrator for consistency with the Malibu Plumbing Code, the M.M.C., and the LCP. The proposed ordinance will have no impacts on geology and soils in the district or in its vicinity. As a result, no residual impacts on geology and soils would occur.

G. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan; Air Quality Management Plan for the South Coast Air Quality Management District.

Impact Discussion:

1 – 5. The proposed ordinance would conditionally regulate the use of formula retail establishments in the Civic Center commercial district. Implementation of the proposed ordinance will not result in the generation of greenhouse gas (GHG) emissions that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Recommended Mitigation Measures:

No mitigation measures are required regarding GHG emissions.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed project will have less than significant adverse impacts on GHG emissions in the project area or in the vicinity. As a result, no residual impacts on GHG emissions would occur.

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. For a project within the vicinity of a private airstrip, would the project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

result in a safety hazard for people residing or working in the project area?				
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Safety and Health Element; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan; County of Los Angeles Very High Fire Hazard Severity Zone Map, Incorporated City of Malibu;

Impact Discussion:

1 – 8. The proposed ordinance would conditionally regulate the use of formula retail establishments in the Civic Center commercial district. Implementation of the proposed ordinance does not create an impact regarding the use or disposal of hazardous materials, create a public or safety hazard, or affect existing emergency response plans or routes. The Malibu City limits are not within an airport land use plan or within two miles of a public airport, and the project would not create or result in a safety hazard for people residing or working in the district. The proposed ordinance also would not result in the exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires.

Recommended Mitigation Measures:

No mitigation measures are required regarding hazards and hazardous materials.

Residual Impacts:

New commercial use in the City must conform to the City’s standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed project will have less than significant adverse impacts on hazards and hazardous materials in the project area or in the vicinity. As a result, no residual impacts on hazards and hazardous materials would occur.

I. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in substantial erosion or siltation on or off site?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>5. Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>6. Otherwise substantially degrade water quality?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>7. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>8. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Sources: City of Malibu General Plan, Land Use Element; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan; Federal Emergency Management Agency Flood Insurance Rate Map, Los Angeles County; City of Malibu, Emergency Response Plan for Tsunami Operations, Addendum to Malibu Standardized Emergency Management System; State Water Resources Control Board, Status Report Areas of Special Biological Significance.

Impact Discussion:

1 – 10. The proposed ordinance would conditionally regulate the use of formula retail establishments in the Civic Center commercial district. The proposed project does not involve development; therefore, the project would not violate water quality standards and water discharge requirements. Furthermore, implementation of the proposed ordinance would not impact groundwater resources, alter existing drainage patterns, increase the rate or amount of surface runoff resulting in erosion or siltation on or off site, create or contribute runoff water, or degrade water quality. The proposed ordinance does not result in the placement of structures within a 100-year flood hazard area, or impede and redirect flood flow. The project would not expose people or structures to a significant risk of loss, injury, or death involving flooding or inundation by a seiche, tsunami, or mudflow

Recommended Mitigation Measures:

No mitigation measures are required regarding hydrology and water quality.

Residual Impacts:

New commercial use in the City must conform to the City’s standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed project will have less than significant adverse impacts on hydrology and water quality in the project area or in the vicinity. As a result, no residual impacts on hydrology and water quality would occur.

J. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the Comprehensive Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Sources: City of Malibu General Plan, Land Use Element; City of Malibu Municipal Code; and City of Malibu, Local Coastal Program Land Use Plan and Local Implementation Plan.

Impact Discussion:

1. The proposed ordinance would conditionally regulate the use of formula retail establishments in the Civic Center commercial district. The proposed project does not involve development and would not physically divide an established community.

2. The proposed project consists of an amendment to Title 17 (Zoning) of the M.M.C. to conditionally regulate formula retail establishments in the Civic Center commercial district of the City of Malibu. Formula retail is considered any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with 6 or more other existing, operational retail establishments located within Southern California (as defined by the counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial) that is required to maintain two or more of the following features: 1) standardized color scheme; 2) standardized décor; 3) standardized façade; 4) standardized layout; 5) standardized signage, a servicemark, or a trademark; and 6) uniform apparel.

The proposed ordinance does not authorize a use other than that already designated in the LCP and MMC as a permitted or conditionally permitted use in the zone. The proposed ordinance is consistent with the Coastal Act and the LCP because it protects, maintains and enhances the overall quality of the coastal zone environment. The proposed ordinance will not alter the utilization or conservation of coastal zone resources, impede public access to and along the coastal zone, or interfere with the priorities established for coastal-dependent or coastal-related development. The proposed ordinance would conditionally regulate the use of formula retail establishments in the district regardless if the establishment’s commercial use is currently permitted, either by-right or conditionally within a particular commercial zone. No distinction is currently made between retail uses generally and “formula” retail uses. Formula retail uses may be essential or desirable in the zone, but require individualized assessment and scrutiny to ensure compatibility and to guard against the potential for detrimental secondary effects. By making formula retail a conditionally permitted use in the zone, the proposed ordinance ensures that such uses will be examined for compatibility and their consistency with the City’s unique character.³ The proposed ordinance does not apply to all commercial uses within the district, only those uses that are subject to the ordinance – of which many are already required to obtain conditional review (e.g., restaurants, coffee shops and bakeries (with seating), alcohol sales, health care facilities, and movie theaters). The purposes of the new regulations are to ensure adequate public review and input for businesses that may potentially impact the community; ensure that the proposed development does not impair the integrity of that district; and to provide the

³The proposed ordinance would require a CUP pursuant to M.M.C. Chapter 17.66 for all new formula retail establishments located within the district and for existing formula retail establishments located within the district that relocate to a new tenant space, expand by 200 square feet or more of gross floor area, or increase service area by 50 square feet or more. The proposed ordinance would not apply to existing formula retail uses that change ownership, exclusively, or existing and new formula retail uses considered grocery, gas stations, or banks and financial services.

opportunity to impose reasonable and necessary conditions to assure compatibility. In accordance with LCP Local Implementation Plan (LIP) Section 1.2(F), the proposed ordinance will serve and advance the general welfare of the City.

The proposed ordinance is intended to regulate the location and operation of formula retail uses within the district in order to avoid the proliferation of elements that project a sense of sameness and familiarity. These elements conflict with and frustrate the City's goals of maintaining a unique community character while promoting a diverse retail base with correspondingly unique retail amenities within the Civic Center. Formula retail establishments are, by their nature, generally not unique in appearance or character. Likewise, formula retail establishments generally do not offer goods and services that are not readily available at other establishments within a reasonable proximity, especially in the highly-urbanized areas of greater Los Angeles and Southern California, generally. To advance the City's goals, the proposed ordinance is intended to encourage retail elements that promote variety while, contributing to and maintaining the City's rural charm and small-town feel.

Malibu desires to remain unique, not just in its physical setting as evidenced by approximately 22 miles of scenic coastline nestled between the Santa Monica Mountains and Pacific Ocean, but in its relatively rural nature, its small-town feel, its commercial character, and its overall visitor and resident experience. With only 3.7 percent of its total land area zoned for commercial use, nearly half is clustered in the Civic Center neighborhood – the City's main commercial district that has historically served the City's visitors and residents alike with a variety of retail offerings. Maintaining the economic health and unique appeal of the City's main commercial district is vital to the ongoing preservation and enhancement of the City's unique, small-town feel, commercial character, and the needs of its visitors and residents.

To advance those goals, the City seeks to avoid the proliferation of elements that project an overwhelming sense of sameness and familiarity. Instead, the City desires to encourage elements that promote variety and charm while still leaving opportunities open for all. The City has bound itself to land use policies intended to maximize these principles. "Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations." [General Plan, Vision Statement].

With more than 23 percent of its nearly 12,000 acres zoned as public open space and more than 50 percent being designated as environmentally sensitive habitat area (ESHA) pursuant to the City's LCP, the City recognizes the importance land use plays in the planned distribution, location, and intensity of human activity in context to the relatively rural nature of the City. As previously noted, only 3.7 percent of its nearly 12,000 acres is zoned for commercial use, with nearly half of that, or 43.5 percent, being clustered in the Civic Center commercial neighborhood. The City recognizes that retail is the dominant commercial use in this district and maintaining a strong and diverse retail base is most critical to the success and ongoing preservation of its historic commercial core. The City believes this can be enhanced by a healthy blend of local, regional, and national-based businesses which provide diverse and unique retail opportunities for visitors and residents alike. The City is committed to "manage growth to preserve a rural community character" [General Plan Land Use (LU) Element, Section 1.4.2] and encouraging the "...establishment and continued operation of small neighborhood and

community serving businesses.” [General Plan LU Policy 4.4.1]. Further, the City must ensure that commercial “visitor serving retail uses...fit the character and scale of the surrounding community.” [LCP Land Use Plan (LUP) Policy 5.12, in part].

Commercial amenities aside, Malibu is a world-known destination that draws millions of visitors each year. The City boasts unique environmental, coastal and cultural qualities, historical context to the original Chumash lands and subsequent Rancho Topanga Malibu Sequit, recreational opportunities, and a rural residential community set within the Santa Monica Mountains National Recreation Area and the Santa Monica Bay. The City desires its commercial uses to likewise promote variety and charm, embrace its relatively rural community, and not detract from its unique qualities. That said, the City has observed an increase in commercial leasing activity City-wide, with a specific increase in the number of formula retail establishments being introduced in the Civic Center. It is anticipated that additional formula retail establishments will, in the foreseeable future, continue to find their way into the Civic Center’s rental/lease market.

Formula retail establishments are, by their nature, generally not unique in appearance or character. Likewise, formula retail establishments generally do not offer goods and services that are not readily available at other establishments within a reasonable proximity, especially in the highly-urbanized areas of greater Los Angeles and Southern California, generally. Consequently, the City finds that the proliferation of formula retail establishments in the Civic Center, if not regulated, will conflict with and frustrate the City’s goal of maintaining a unique community character and correspondingly unique retail amenities.

An over-abundance of formula retail establishments frustrates the City’s ability to promote a diverse retail base within the Civic Center. The City considers a diverse retail base to include a unique retailing personality that avoids shifting the City’s nature character toward familiarity and sameness. A diverse retail base should be comprised of a balanced mix of businesses ranging from small to medium to large and from local to regional to national. The City feels that an over-abundance of formula retail establishments will unduly limit or possibly eliminate the availability of smaller or medium sized businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of businesses towards national retailers in lieu of local or regional retailers.

The General Plan Mission Statement states, in part, that “Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.” Further, the overriding goals of the City shall be to: “(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; and (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.” [LCP LUP, Section 1(D)].

In light of the foregoing considerations and in accordance with LCP LIP Section 1.2(F), the City believes the public welfare will be advanced by regulating the establishment of formula retail establishments in the Civic Center commercial district. The City has experienced a rapid increase in the presence of formula retail establishments in its Civic Center, the over-abundance of which threatens to diminish the City’s unique character.

3. The proposed ordinance does not conflict with any habitat or natural community conservation plans, or other local or regional conservation plans. Therefore, no impacts to any conservation plans will occur as a result of implementing the proposed ordinance.

Recommended Mitigation Measures:

No mitigation measures are required for land use and planning.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed project will have less than significant adverse impacts on land use and planning in the project area or in the vicinity. As a result, no residual impacts on land use and planning would occur.

K. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local Comprehensive Plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Land Use and Conservation Elements; City of Malibu Municipal Code; and City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan.

Impact Discussion:

1-2. Sand and gravel resources are the only mineral resources that have been mapped in western Los Angeles County. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of the proposed ordinance would not result in the significant loss or availability of a known or locally important mineral resource, and no impacts to mineral resources are expected from the project.

Recommended Mitigation Measures:

No mitigation measures are required regarding mineral resources.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed ordinance will have no impacts on mineral resources in the district or in its vicinity. As a result, no residual impacts on mineral resources would occur.

L. NOISE

Would the proposed project result in:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Exposure of people to excessive ground borne vibration or noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Land Use and Noise Elements; City of Malibu Municipal Code; and City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan.

Impact Discussion:

1 – 5. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of proposed ordinance would not result in increased noise levels in excess of standards established in the General Plan Noise Element or the Malibu Noise Ordinance (M.M.C. Chapter 8.24). Implementation of the proposed ordinance would not expose people to excessive ground vibration or noise levels. The proposed ordinance seeks to avoid the proliferation of elements that project a sense of sameness and familiarity. There is no reasonable correlation that

implementation of the proposed ordinance in the district would lead to an increase in formula retail establishments in other commercial areas of the City and thus, generating an increase in pedestrian and vehicle traffic, and ambient noise within the district's vicinity. The Civic Center is the City's main commercial district that has historically served the City's visitors and residents; the City has experienced an increase in the number of formula retail establishments clustering in this district. While other commercial areas of the City also provide retail and services to residents and visitors, the district is the City's main commercial area and contains nearly half of the City's commercially-zoned land. Maintaining the unique appeal of the City's main commercial district is vital to the ongoing preservation and enhancement of a unique community character, rural charm, and small-town feel. As a result, no residual impacts on noise is anticipated to occur.

6. The Civic Center commercial district is not located within two miles of an airport or near an airstrip; therefore, no impacts will occur.

Recommended Mitigation Measures:

No mitigation measures are required regarding noise.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed ordinance will have no impacts on noise in the district or in its vicinity. As a result, no residual impacts on noise would occur.

M. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through an extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Land Use Element and Housing Element; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan; Los Angeles County Fire Code.

Impact Discussion:

1 – 3. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of proposed ordinance would not result in population growth, nor adversely affect the City's housing supply or cause housing displacement, because adoption of the new ordinance does not involve demolition or construction of any structures. Therefore, no adverse impacts to population or housing would occur as a result of the proposed ordinance.

Recommended Mitigation Measures:

No mitigation measures are required regarding population and housing.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. When applicable, new commercial use in the City is evaluated by the Los Angeles County Fire Department for consistency with the Los Angeles County Fire Code. The proposed ordinance will have no impacts on population and housing in the district or in its vicinity. As a result, no residual impacts on population and housing would occur.

N. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Other Public Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Land Use Element; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan.

Impact Discussion:

1 – 5. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of proposed ordinance would not

increase the demand for fire, school, park, or other public services, because the ordinance will not introduce new development nor induce substantial population growth. Therefore, new facilities are not necessary to adopt the proposed ordinance.

Recommended Mitigation Measures:

No mitigation measures are required regarding public services.

Residual Impacts:

New commercial use in the City must conform to the City’s standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed ordinance will have no impacts on public services in the district or in its vicinity. As a result, no residual impacts on public services would occur.

O. RECREATION

Would the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Include recreational facilities or require the construction of expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Land Use Element; City of Malibu Municipal Code; and City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan.

Impact Discussion:

1 – 2. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of proposed ordinance does not involve development of housing or induce population growth; therefore, implementation of the proposed ordinance would not increase the use of recreational facilities. Implementation of the proposed ordinance does not require the construction or expansion of recreational facilities or otherwise affect existing recreational facilities.

Recommended Mitigation Measures:

No mitigation measures are required regarding recreation.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed ordinance will have no impacts on recreation in the district or in its vicinity. As a result, no residual impacts on recreation would occur.

P. TRANSPORTATION / TRAFFIC

Would the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Exceed, either individually or cumulatively, a conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Conflict with adopted policies, plans, or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</p>				
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Sources: City of Malibu General Plan, Circulation Element and Land Use Element; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan; LCP Parklands Map; City of Malibu Trails System Maps; Los Angeles Metropolitan Transportation Authority (MTA), Congestion Management Plan (CMP), Levels of Service for the City of Malibu, 2011.

Impact Discussion:

1 – 7. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of proposed ordinance is not anticipated to result in an increase in vehicular or pedestrian traffic. The proposed ordinance seeks to avoid the proliferation of elements that project a sense of sameness and familiarity. There is no reasonable correlation that implementation of the proposed ordinance in the district would lead to an increase in formula retail establishments in other commercial areas of the City and thus, generating an increase in pedestrian and vehicle traffic in those areas. The Civic Center is the City’s main commercial district that has historically served the City’s visitors and residents; the City has experienced an increase in the number of formula retail establishments clustering in this district. While other commercial areas of the City also provide retail and services to residents and visitors, the district is the City’s main commercial area and contains nearly half of the City’s commercially-zoned land. Maintaining the unique appeal of the City’s main commercial district is vital to the ongoing preservation and enhancement of a unique community character, rural charm, and small-town feel. Implementation of the proposed ordinance is not anticipated to have an impact on established levels of service or result in changes to air and vehicle traffic patterns. Given that a CUP would be required for a qualifying formula retail establishment subject to the proposed ordinance, specific commercial use impacts will be evaluated at the time that a proposed commercial use subject to the proposed ordinance is submitted. Implementation of the proposed project does not involve development and therefore, will not result in an increase in traffic hazards, impacts to emergency access, or parking capacity. Implementation of the proposed ordinance would not conflict with adopted policies, plans, or programs supporting alternative transportation.

Recommended Mitigation Measures:

No mitigation measures are required regarding transportation / traffic.

Residual Impacts:

New commercial use in the City must conform to the City’s standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed ordinance is not anticipated to have any impacts on transportation / traffic in the district or in its vicinity. As noted under the impact discussion above, the Civic Center is a unique commercial center in the heart of the City; other commercial areas in the City are not equivalent in terms of their concentration of both local and visitor consumer traffic and their visibility. Therefore, the proposed ordinance is not expected to result in increased formula retail activity, including pedestrian and vehicle-related traffic, elsewhere in the City. New commercial use in the City is evaluated for use-

specific traffic, circulation, and parking impacts by the City Public Works Department and Planning Department for consistency with the M.M.C., and the LCP. As a result, no residual impacts on transportation / traffic are anticipated to occur.

Q. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Result in a determination by the wastewater treatment provider, which serves or may serve the projects that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: City of Malibu General Plan, Land Use Element; City of Malibu Municipal Code; City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan.

Impact Discussion:

1 – 7. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of proposed ordinance will not affect wastewater treatment requirements of the Regional Water Quality Control Board or result in construction of a new water or wastewater treatment facility or expansion of existing facilities. Implementation of the proposed project does not require any additional water supply or wastewater capacity. Implementation of the proposed project will not impact existing landfills or demand new landfill area, because new solid waste will not be generated as a result of the ordinance. Implementation of the ordinance will not conflict with federal, state, and local regulations relating to solid waste.

Recommended Mitigation Measures:

No mitigation measures are required regarding utilities and service systems.

Residual Impacts:

New commercial use in the City must conform to the City’s standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. New commercial use in the City that requires the disposal of wastewater are evaluated the City Environmental Health Administrator for consistency with the Malibu Plumbing Code, the M.M.C., and the LCP. The proposed ordinance will have no impacts on utilities and service systems in the district or in its vicinity. As a result, no residual impacts on utilities and service systems would occur.

R. MANDATORY FINDINGS OF SIGNIFICANCE

Does the proposed project:	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
1. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have impacts that are individually limited, but cumulatively considerable (<i>“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects</i>)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Sources: City of Malibu General Plan, Land Use Element; City of Malibu Municipal Code; and City of Malibu Local Coastal Program, Land Use Plan and Local Implementation Plan.

Impact Discussion:

1 – 3. The proposed ordinance would conditionally regulate formula retail establishments in the Civic Center commercial district. Implementation of proposed ordinance does not have the potential to degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop, or threaten to eliminate a plant or animal community. Implementation of the proposed ordinance would not eliminate important examples of the major periods of California history or prehistory. Implementation of the proposed ordinance would not have environmental effects or substantial adverse effects on human beings, either directly or indirectly.

Recommended Mitigation Measures:

No mitigation measures are required regarding mandatory findings of significance.

Residual Impacts:

New commercial use in the City must conform to the City's standard conditions of approval, and the policies and standards set forth in the M.M.C. and LCP. The proposed ordinance will have no impacts on mandatory findings of significance in the district or in its vicinity. As a result, no residual impacts would occur.

REFERENCES

These references and those previously cited within the text of this Initial Study are intended to provide a list of Supporting Information Sources and/or evidence staff has relied upon in completing this document and in reaching the conclusions contained herein.

If any person or entity reviewing this Initial Study has a question regarding the supporting information source and/or evidence, they may contact the staff planner at the address and telephone number noted on the front page of this document during the public review period.

Air Quality Management Plan (AQMP) for the South Coast Air Quality Management District (SCAQMD), 2007

California Department of Conservation, Farmland Mapping and Monitoring Program, 2002

California Public Resources Code, 2002

City of Malibu, Cultural Resource Sensitivity Map

City of Malibu, Emergency Response Plan for Tsunami Operations, Addendum to Malibu Standardized Emergency Management System, January 9, 2006

City of Malibu, General Plan, November 1995

City of Malibu, Geographic Information System (GIS)

City of Malibu, Local Coastal Program, Land Use Plan and Local Implementation Plan, September 2002, amended 2007

City of Malibu, Municipal Code, 2001

City of Malibu, Plumbing Code

Consulting Engineers and Land Surveyors of California. California Environmental Quality Act, and CEQA Guidelines, 2009

Federal Emergency Management Agency Flood Insurance Rate Map, Los Angeles County

Los Angeles County Fire Department, Very High Fire Hazard Severity Zone Maps, Incorporated City of Malibu and Fire Code

Los Angeles Metropolitan Transportation Authority, Congestion Management Plan, Levels of Service for the City of Malibu, 2011.

Southern California Air Quality Management District, Air Quality Mitigation Plan, 2007

State of California, California Code of Regulations

State of California, California Government Code

State Water Resources Control Board, Status Report Areas of Special Biological Significance, August 2006

City of Malibu
March 13, 2013

EXHIBIT A

Civic Center Commercial District

EXHIBIT B
Proposed Ordinance

ORDINANCE NO. xxx

AN ORDINANCE OF THE CITY OF MALIBU *[RECOMMENDING THE CITY COUNCIL APPROVE / APPROVING]* ZONING TEXT AMENDMENT NO. 08-003 TO AMEND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE TO CONDITIONALLY REGULATE FORMULA RETAIL ESTABLISHMENTS IN THE CIVIC CENTER COMMERCIAL DISTRICT

THE *[PLANNING COMMISSION / CITY COUNCIL]* OF THE CITY OF MALIBU DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

A. Malibu desires to remain unique, not just in its physical setting as evidenced by approximately 22 miles of scenic coastline nestled between the Santa Monica Mountains and Pacific Ocean, but in its relatively rural nature, its small-town feel, its commercial character, and its overall visitor and resident experience. With only 3.7 percent of its total land area zoned for commercial use, nearly half is clustered in the Civic Center neighborhood – the City’s main commercial district that has historically served the City’s visitors and residents alike with a variety of retail offerings. Maintaining the economic health and unique appeal of the City’s main commercial district is vital to the ongoing preservation and enhancement of the City’s unique, small-town feel, commercial character, and the needs of its visitors and residents.

B. To advance those goals, the City seeks to avoid the proliferation of elements that project an overwhelming sense of sameness and familiarity. Instead, the City desires to encourage elements that promote variety and charm while still leaving opportunities open for all. The City has bound itself to land use policies intended to maximize these principles. “Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area’s natural resources for present and future generations.” [General Plan, Vision Statement].

C. With more than 23 percent of its nearly 12,000 acres zoned as public open space and more than 50 percent being designated as environmentally sensitive habitat area (ESHA) pursuant to the City’s Local Coastal Program (LCP), the City recognizes the importance land use plays in the planned distribution, location, and intensity of human activity in context to the relatively rural nature of the City. As previously noted, only 3.7 percent of its nearly 12,000 acres is zoned for commercial use, with nearly half of that, or 43.5 percent, being clustered in the Civic Center commercial neighborhood. The City recognizes that retail is the dominant commercial use in this district and maintaining a strong and diverse retail base is most critical to the success and ongoing preservation of its historic commercial core. The City recognizes that this can be enhanced by a healthy blend of local, regional, and national-based businesses which provide diverse and unique retail opportunities for visitors and residents alike. The City is

committed to “manage growth to preserve a rural community character” [General Plan Land Use (LU) Element, Section 1.4.2] and encouraging the “...establishment and continued operation of small neighborhood and community serving businesses.” [General Plan LU Policy 4.4.1]. Further, the City must ensure that commercial “visitor serving retail uses...fit the character and scale of the surrounding community.” [LCP Land Use Plan (LUP) Policy 5.12, in part].

D. Commercial amenities aside, Malibu is a world-known destination that draws millions of visitors each year. The City boasts unique environmental, coastal and cultural qualities, historical context to the original Chumash lands and subsequent Rancho Topanga Malibu Sequit, recreational opportunities, and a rural residential community set within the Santa Monica Mountains National Recreation Area and the Santa Monica Bay. The City desires its commercial uses to likewise promote variety and charm, embrace its relatively rural community, and not detract from its unique qualities. That said, the City has observed an increase in commercial leasing activity City-wide, with a specific increase in the number of formula retail establishments being introduced in the Civic Center. It is anticipated that additional formula retail establishments will, in the foreseeable future, continue to find their way into the Civic Center’s rental/lease market. Formula retail establishments are, by their nature, generally not unique in appearance or character. Likewise, formula retail establishments generally do not offer goods and services that are not readily available at other establishments within a reasonable proximity, especially in the highly-urbanized areas of greater Los Angeles and Southern California, generally. Consequently, the City finds that the proliferation of formula retail establishments in the Civic Center, if not regulated, will conflict with and frustrate the City’s goal of maintaining a unique community character and correspondingly unique retail amenities.

E. An over-abundance of formula retail establishments frustrates the City’s ability to promote a diverse retail base within the Civic Center. The City considers a diverse retail base to include a unique retailing personality that avoids shifting the City’s character toward familiarity and sameness. A diverse retail base should be comprised of a balanced mix of businesses ranging from small to medium to large and from local to regional to national. The City feels that an over-abundance of formula retail establishments will unduly limit or possibly eliminate the availability of smaller or medium sized businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of businesses towards national retailers in lieu of local or regional retailers.

F. The General Plan Mission Statement states, in part, that “Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.” Further, the overriding goals of the City shall be to: “(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; and (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.” [LCP LUP, Section 1(D)].

G. In light of the foregoing considerations, the [Planning Commission / City Council] has determined that the public welfare will be served and advanced by regulating the

establishment of formula retail establishments in the Civic Center commercial district. The City has experienced a rapid increase in the presence of formula retail establishments in its Civic Center, the over-abundance of which threatens to diminish the City's unique character.

H. The *[Planning Commission / City Council]* finds that while formula retail sales and service uses may currently be permitted within a particular commercial zone, either by-right or conditionally pursuant to the M.M.C. or LCP, no distinction is made between retail uses generally and "formula" retail uses. Formula retail uses may be essential or desirable in the zone, but require individualized assessment and scrutiny to ensure compatibility and to guard against the potential for detrimental secondary effects. By making formula retail a conditionally permitted use in the zone, the ordinance ensures that such uses will be examined for compatibility and their consistency with the City's unique character. The purposes of the new regulations are to ensure adequate public review and input for businesses that may potentially impact the community; ensure that the proposed development does not impair the integrity of that district; and to provide the opportunity to impose reasonable and necessary conditions to assure compatibility.

I. On _____, 2013, a one-quarter page Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; property owners and occupants within the Civic Center commercial district; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the California Coastal Commission (CCC).

J. On _____, 2013, the Planning Commission held a duly noticed public hearing on ZTA No. 08-003, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. At that meeting, the Planning Commission adopted Planning Commission Resolution No. 13-xx recommending that the City Council approve the amendment to conditionally regulate formula retail establishments in the Civic Center commercial district.

K. On _____, 2013, pursuant to M.M.C. Section 17.74.040, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; property owners and occupants within the Civic Center commercial district; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

L. On _____, 2013, the City Council heard and considered the evidence and information provided in support of and in opposition to the application, public testimony of all interested persons and the recommendations of the Planning Commission.

Section 2. Environmental Review and Negative Declaration.

The [Planning Commission / City Council] has analyzed the project proposal described herein and has determined that the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The [Planning Commission / City Council] has determined that there is no possibility the proposed amendment may have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

Without waiving its right to rely on the above-referenced exemption, the City nevertheless undertook an Initial Study in the interest of providing meaningful information to the City's decision-making body and fostering the most informed decision-making process practicable. As detailed therein, the findings yielded by the Initial Study culminated in a Negative Declaration.

Pursuant to the authority and criteria contained in CEQA, the [Planning Commission / City Council] has exercised its independent judgment and analyzed the proposed zoning text amendment. After reviewing Initial Study No. 13-001, the [Planning Commission / City Council] has determined that the project will not have a significant effect on the environment. Accordingly, a project description, Initial Study and Negative Declaration No. 13-001 were circulated for a 30-day public review period from _____, 2013 to _____, 2013, and based on the entire record and comments received, the [Planning Commission / City Council] determined that (i) there is no substantial evidence that the request set forth in this ordinance will have a significant effect on the environment and (ii) the Negative Declaration prepared for this request reflects the City's independent judgment and analysis. The [Planning Commission / City Council] hereby [recommends adoption / adopts] Negative Declaration No. 13-001.

Section 3. Zoning Text Amendment No. 08-003.

The [Planning Commission / City Council] hereby finds that Zoning Text Amendment No. 08-003 is consistent with the General Plan and LCP. The ordinance would support the objectives and policies of the General Plan intended to preserve and enhance the City's unique, small-town feel, commercial character, and the needs of its visitors and residents. The ordinance will also ensure compatibility between land uses by reducing any potential negative indirect effects that have been associated with an over-abundance of formula retail establishments, such as shifting a community's commercial variety and charm to familiarity and sameness, which conflict with and frustrate the City's goals of remaining unique while promoting a diverse retail base within its main commercial district.

The ZTA advances the General Plan Vision Statement which reads, "Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that

environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations." The City is committed to "manage growth to preserve a rural community character" [General Plan LU Element, Section 1.4.2] and encouraging the "...establishment and continued operation of small neighborhood and community serving businesses." [General Plan LU Policy 4.4.1]. Further, the City must ensure that commercial "visitor serving retail uses ... fit the character and scale of the surrounding community." [LCP LUP Policy 5.12, in part]. The overriding goals of the City are to: "(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; and (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state." [LCP LUP, Section 1(D)].

In accordance with the LCP Local Implementation Plan (LIP), Chapter 1, Section 1.2, Purpose, (F), the proposed ordinance will promote the public welfare by regulating the establishment of formula retail establishments in the Civic Center commercial district. The proposed ordinance does not authorize a use other than that already designated in the LCP and MMC as a permitted or conditionally permitted use in the zone. The proposed ordinance is consistent with the Coastal Act and the LCP because it protects, maintains and enhances the overall quality of the coastal zone environment. The proposed ordinance will not alter the utilization or conservation of coastal zone resources, impede public access to and along the coastal zone, or interfere with the priorities established for coastal-dependent or coastal-related development.

Section 4. Zoning Text Amendments.

ZTA No. 08-003 includes amendments to Title 17 (Zoning) of the M.M.C. The City Council hereby amends the M.M.C. as follows.

A. Add a new definition to M.M.C. Section 17.02.060 (Definitions) to read as follows:

"Formula retail" means any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with 6 or more other existing, operational retail establishments located within Southern California (as defined by the counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial), is required to maintain two or more of the following features: 1) standardized color scheme; 2) standardized décor; 3) standardized façade; 4) standardized layout; 5) standardized signage, a servicemark, or a trademark; and 6) uniform apparel.

B. Amend M.M.C. Section 17.22.040 (Commercial Neighborhood Zone, Conditionally Permitted Uses) as follows:

Q. Formula retail, subject to the standards set forth in Section 17.66.130.

C. Amend M.M.C. Chapter 17.66 (Conditional Use Permits) to add the following section:

Section 17.66.130 Formula retail.

A. Purpose. The purpose of this Section is to regulate the location and operation of formula retail uses within the Civic Center commercial district in order to avoid the proliferation of elements that project a sense of sameness and familiarity and which conflict with and frustrate the City's goals of remaining unique while promoting a diverse retail base within the Civic Center. This Section is intended to encourage retail elements that promote variety while, contributing to and maintaining the City's rural charm and small-town feel.

B. Applicability. A conditional use permit under this Chapter shall be required for all new formula retail establishments located within the Civic Center commercial district and for existing formula retail establishments located within the Civic Center that relocate to a new tenant space, expand by 200 square feet or more of gross floor area, or increase service area by 50 square feet or more.

C. Applicable provisions. Formula Retail uses shall be subject to all provisions of this Chapter unless otherwise specified in this Section.

D. Definitions. For the purpose of this Section, the following definitions shall apply:

"Civic Center commercial district" means all commercially-zoned/used land generally located between the Pacific Ocean to the south, Malibu Canyon Road to the west, the City boundary to the north, and Malibu Creek to the east. The district also includes commercial use on the parcels comprising Hughes Research Laboratory (HRL) and the Crummer site.

"Formula retail" means any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with 6 or more other existing, operational retail establishments located within Southern California (as defined by the counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial), is required to maintain two or more of the following features: 1) standardized color scheme; 2) standardized décor; 3) standardized façade; 4) standardized layout; 5) standardized signage, a servicemark, or a trademark; and 6) uniform apparel.

i. "Color scheme" means the selection of colors used throughout, such as on the furnishings, wall coverings, or wall coverings, or as used on the façade. Standardized lighting is considered part of the color scheme.

ii. "Décor" means the style of interior finishes such as the style of furniture, wall coverings, or permanent fixtures.

iii. “Façade” means the face of the front of a building or tenant space oriented onto a street or public open space. Awnings are considered part of the façade.

iv. “Layout” means the interior arrangement of furniture, service area, or permanent fixtures.

v. “Servicemark” means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

vi. “Trademark” means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

vii. “Uniform apparel” means standardized items of clothing such as aprons, pants, shirts, dresses, hats, and pins (other than name tags), as well as standardized colors of clothing.

“Retail establishment” means a commercial establishment that provides goods and/or services directly or indirectly to the consumer such as eating and drinking places, beauty, personal services, lodging, finance, real estate and insurance, amusement and recreation services, health, fitness, educational and social services, museums, and galleries.

“Shopping center” means a group of retail, retail service, and other commercial establishments operating under common management and having at least 10,000 square feet of gross floor area. Shopping centers that occupy more than one legal parcel will be evaluated for conformance with this Section on a per-parcel basis even where the whole of the shopping center is under common management. No differentiation shall be made between centers that are product-orientated or service-oriented.

E. Findings. In lieu of the findings required by Section 17.66.080, the Planning Commission shall make all of the following findings of fact, in a positive manner, in order to approve a formula retail use within the Civic Center commercial district:

1. The nature of the formula retail use is an otherwise permitted or conditionally permitted use within the subject commercial zone and complies with the policies and standards of the General Plan and Local Coastal Program.

2. The formula retail establishment will not be incompatible with surrounding uses.

3. The formula retail establishment will not result in an unhealthy imbalance of local, regional, or national-based businesses within the Civic Center commercial district or impair the City’s unique, small-town community character by promoting a predominant sense of familiarity or sameness in the Civic Center.

5. The formula retail establishment will not exceed 2,500 square feet of gross floor area.

6. Approval of the formula retail establishment will not result in more than 50 percent of a shopping center, as determined by the percentage of overall square footage or the number of leasable tenant spaces, whichever is greater, from being occupied by formula retail establishments.

F. Exclusions. This Section does not apply to the following formula retail uses within the Civic Center commercial district.

1. Change of ownership of an existing formula retail establishment, exclusively; or

2. Formula retail uses classified as any of the following:

a. Grocery;

b. Gas stations; and

c. Banks and financial services.

G. Permit Validity. To assure continued compliance with the provisions of this Section, each approved conditional use permit shall run solely with the operation of the formula retail establishment for which it was approved and continue to be valid upon change of ownership of the formula retail establishment, the land, or any lawfully existing building or structure on the land. The conditional use permit shall expire in the event that a formula retail establishment ceases or suspends operation for a period of six consecutive calendar months, relocates to another tenant space, expands by 200 square feet or more of gross floor area, or increases service area by 50 square feet or more.

Section 5. Approval.

The *[Planning Commission / City Council]* hereby *[recommends the City Council adopt / adopts]* ZTA No. 08-003 amending the M.M.C.

Section 6. Effectiveness.

This Ordinance will become effective on the thirty-first day following its passage and adoption.

Section 7. Certification.

The *[Planning Commission / City Clerk]* shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this ___th day of ____, 2013.

_____, *Planning Commission Chair*
_____, *Mayor*

ATTEST:

LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney

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

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