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(310) 452-6115

May 7, 2012

RECEIVED
MAY 10 2012
PLANNING DEPT.

Ms. Ha Ly
Associate Planner
Planning Department, City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

RE: Proposed Bluffs Park Multi Story Development Construction Tapes

Dear Ms. Ly:

My wife and I have owned and resided at the home located at 24605 Skyline View Drive in Malibu Country Estates since June 1988.

It is obvious from the "orange construction tapes" currently located on Bluffs Park that the proposed buildings represented by the tapes will interfere with our primary (and only) ocean view.

Please advise the City Council, City Attorney, Planning Commission and owner of the subject Bluff Parks property of our complete objection to the entire project and provide each with a copy of this letter.

If the project is approved by the City, I shall commence a lawsuit against the Bluffs Park property owner and the City for damages and equitable relief. I realize that public employees may be immune from liability under certain circumstances pursuant to the provisions of Government Code sections 821.2 and 820.2.

Ms. Ha Ly
Associate Planner
Planning Department, City of Malibu
RE: Proposed Bluffs Park Multi Story Development Construction Tapes
May 7, 2012
Page 2

It is my understanding that the City and the property owner are negotiating an agreement wherein the City agrees to defend and indemnify the owner from liability resulting from such a lawsuit. If the owner only is sued, the City will be obligated by the Indemnity Agreement to pay the owner's attorney fees and monetary judgment - - in essence, therefore, a suit against the owner will be a suit against the City.

Very truly yours,
KOHRS & FISKE

By 
CONRAD KOHRS

CK:ag

Ha Ly

RECEIVED

From: Anoush [anoush1@gmail.com]
Sent: Wednesday, May 02, 2012 10:24 PM
To: Ha Ly
Subject: Fw: Emailing: IMG_0685
Attachments: IMG_0685.jpg; IMG_0682.JPG; IMG_0683.JPG; IMG_0685.JPG; IMG_0684.JPG

MAY 02 2012

PLANNING DEPT.

Hello Ms. Ha Ly,

Please find pictures showing the obstruction of my white water view from the poles on the property adjacent to bluffs park, in particular the one nearer to PCH, shown on the left of these pictures..

I would like to strongly object to the building on the far left, near PCH. It will devalue my property and cause me to lose the view of the white water that I have enjoyed watching all these years.

Thank you for the consideration.

Mrs. Anoush Kotchounian

24600 Skyline view drive

Malibu, CA 90265

310-456-1801

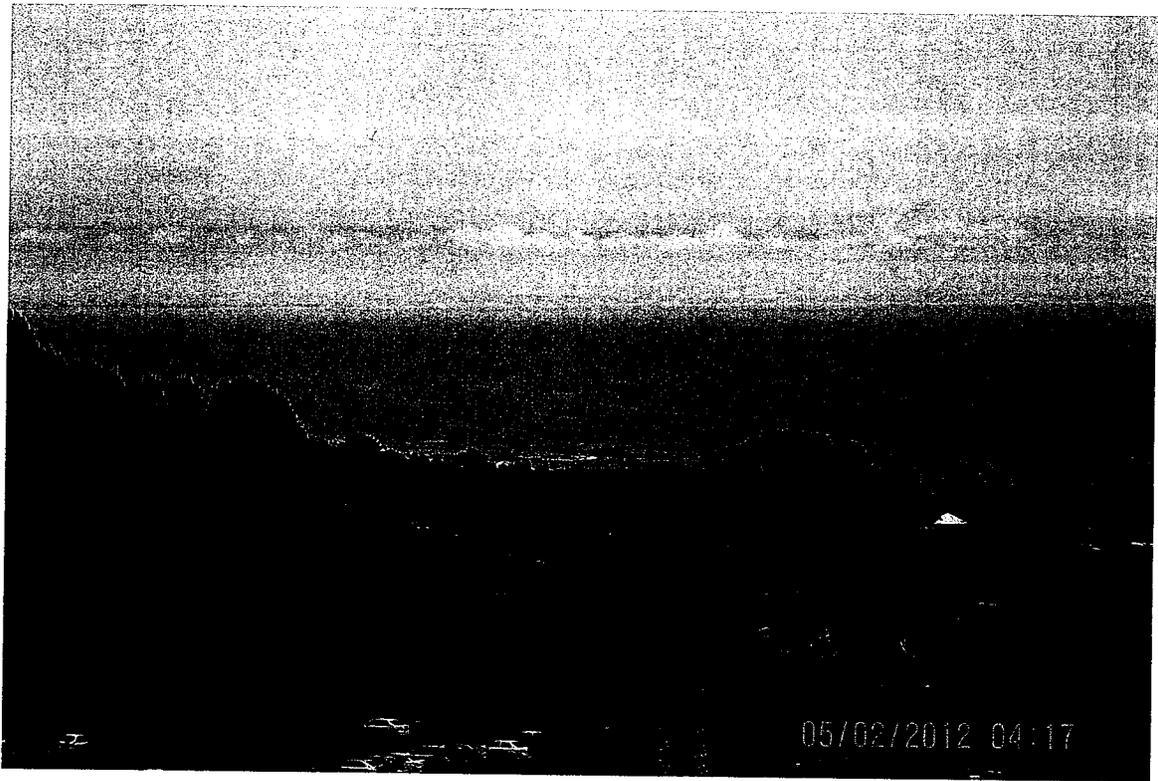
Your message is ready to be sent with the following file or link attachments:

IMG_0685

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

24600 Skyline View Drive

Image - 0685



June 5, 2012

Ha Ly
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

RECEIVED
JUN 05 2012
PLANNING DEPT.

RE: Crummer Site Subdivision – Notice of Preparation and Scoping Meeting for an Environmental Impact Report.

Dear Ms. Ly,

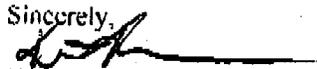
I am writing to you on behalf of concerned Malibu Road residents and property owners on Malibu Road beneath the southerly bluffs of the above referenced Crummer site. A number of the following issues have been presented (by Mr. Lyn Konheim, one of the adjacent property owners) to Mr. Robert Gold (of the Crummer property) and he has shown a willingness work toward resolving such issues and concerns.

We request that you address the following concerns and that they be added to the scope of work for completion under the EIR.

- 1) Wastewater needs to be addressed as a separate item. This should include the potential impact on lubrication of landslide properties to the south of the wastewater septic system.
- 2) Landscape irrigation needs to be addressed as a separate item. This should include the potential impact of lubrication of landslide properties to the south of the development site.
- 3) Site drainage and hydrology needs to be addressed as a separate item. This should include the potential impact of lubrication of landslide properties to the south of the development site.
- 4) Geology, grading & site stability needs to be addressed as a separate item. This should include the potential impact on both landslide and non-landslide properties to the south of the development site.
- 5) Traffic noise associated with the development needs to be addressed as a separate item regarding impact to properties to the south of the development site.
- 6) Lot 7 developed as a recreational park for the city needs to be addressed for noise impact to properties to the south of the development site. This park needs to be clearly delineated. The noise impact should be for both traffic and recreational uses. Since the city does not yet know what the recreational use might be, the impact studies must assume worse case scenario and also offer alternatives including quantitative impacts to properties south of the Crummer site.
- 7) City and Coastal Commission setback requirements from the edge of the bluff must be met or exceeded without any discretionary approvals that would allow for less. Such requirements must be clearly shown in both plan and section exhibits and clearly explained as consistent within the letter of the laws in place regulating such setback requirements.
- 8) The visual impact of the proposed most southerly residence at the bluff edge closest to Malibu Road should be addressed separately with "line of sight" cross section studies in order to result in no visual impact whatsoever from adjacent southerly properties.

We appreciate your attention to the above and look forward to the EIR addressing our concerns.

Sincerely,


Kari Kramer

Cc: Joyce Parker-Bozylinski

From the Desk of Joan C. Lavine

Attorney at Law
9000 Sunset Blvd., Suite 1001
Los Angeles, California 90069, U.S.A.
Office Phones: (213)627-3241; (310)652-2532
Fax Phone: (310)273-4924
E-mail address: JCLavine@aol.com; ADove@aol.com

June 7, 2012

Ms. Ha Ly, Assistant Planning Director, City of Malibu
Members, City of Malibu Planning Commission
City of Malibu City Hall
23825 Stuart Ranch Road
Malibu, Ca. 90265

Re: Property owner Joan Lavine's comments on Scoping and preparation of Environmental Impact Report on construction of five additional 8600 to 9000 square-foot homes on Malibu Bluffs at Crummer site, 24120/ 24134/ 24174 (and two other street numbers) Pacific Coast Highway, Malibu, Ca. 90265; EIR Report No. 09-001; Coastal Development Permit No. (CDP) 07-144; comment deadline June 11, 2012, 5:30 p.m.

Dear Ms. Ly and Members, City of Malibu Planning Commission:

These are my comments regarding the above described development proposal to the north of my residential property on Malibu Road.

I understand that developers propose to construct five additional 8600 to 9000 square-foot homes on Malibu Bluffs at Crummer site at street addresses starting with 24120 PCH, Malibu, Ca. 90265.

The architect group providing plans, the Landry Group, is the same one involved in a single-family residence remodel next door to my property on Malibu Road that which has been undergoing remodel construction in its third year and still is substantially incomplete.

Story poles are visible from Lavine property affecting the ridgeline view of the Malibu Bluffs. I can see the orange story pole netting from my north side of my property. Photos accompany the e-mailed version of this comment letter.

Geotechnical safety issues over slope stability: I have looked over the geotechnical report accompanying the developer's initial proposal. It shows three fault lines, F1, F2 and F3 running east-west at pages 23-24 of the Earth International

Report, dated March 7, 2012 (complete report). I remember that a proposed GE or GM facility was cancelled due to these fault lines and potential for catastrophic failure in an earthquake. What I believe to be a continuation of those fault areas runs a few feet from the surface and travels eastward to and under the area at PCH and Las Flores Canyon about four miles to the east of the subject site. Between 10 and 15 years ago, catastrophic slope failure of a Las Flores bluff onto PCH resulted in the collapse of at least two homes on the east side of the La Flores Canyon, even though at least one home had deep caissons designed by a prominent structural engineer and installed down into what was considered solid, unfractured bedrock.

Water utilities may not be available: I have read in a local Malibu newspaper that the Los Angeles County Waterworks, District 29, the Malibu area water utility, is turning down new residential water permits and lines due to lack of water supply. How will these proposed 8600-9000 square foot houses, with swimming pools, be supplied with water if none is available from the municipal water district?

Traffic gridlock and inadequate ingress and egress on PCH: Traffic congestion appears to be an unresolved chronic crisis on PCH, particularly because Malibu is a one main ingress-egress highway community. Despite chronic traffic impairment on PCH, officials appear to have resisted conducting studies of PCH's traffic flow, volume, timing, and impact on the community. I request that these be required.

Delays in construction in which Landry Group is architect: My experience with the Landry Group is that it has participated in a single-family remodel that has failed to be completed in between about four and five years of permit and construction activity. This has created a nuisance, endless construction noise, debris, dirt and dust for several years, with no end in sight. I believe this demonstrated lack of bringing a construction project to a finish demonstrates the need for imposing time limits, providing liquidated damages to cover lost rent and lost use payable to the surrounding residents and property owners for going over those time limits, and bonding or construction completion insurance to make sure the developers can afford what they propose and that the project will be completed timely.

Residents and occupants on Malibu Road have experienced continuous major remodeling by numerous neighbors for several years. This endless construction activity adversely affects the ability of owners to rent out their beach front properties that would otherwise be easily rentable during the late spring, summer and early fall months. I request that the city planners take into consideration the likely impairment of use of surrounding residential property by this Crummer site project, along with the several others proposed to take place simultaneously in the Malibu Civic Center.

I ask the City of Malibu's planners to consider the incredible over development being proposed with at least six major projects to be under construction

To: Malibu City Planner Ha Ly June 7, 2012
To Members, City of Malibu Planning Com.

Page 3

simultaneously in the near future for the Malibu Civic Center. Will the Civic Center become a huge impassible, inaccessible, unusable construction zone for several years, and then be just another urban commercial center mired in too much paved-over construction, too little parking and too little attendance to sustain it? Does this comport with our coastal plan for Malibu?

Specifically, I ask that the scoping and EIR consider the impact of up to 220 SMCC students and faculty being added to traffic in the Civic Center and on Civic Center Way, along with hundreds of shoppers daily at the proposed Gelson's Market on Civic Center Way, perhaps several hundred people a day added from a hotel at PCH, Pepperdine's construction of a game forum across from the Crummer Site, and proposed mansion-sized homes at PCH and Malibu Canyon. Gridlock on PCH most of the day appears to be a likely outcome. Gridlock is already an unsolved crisis on most of Malibu's 27-mile stretch of PCH. It is not only unpleasant. It may prevent safe evacuation from the coastal area in an emergency, and is responsible for more traffic accidents.

Thank you.

Very truly yours,

Joan Lavine
Property owner, 23900 Malibu Road
California State Bar No. 048169
Phone: 213-627-3241

6/7/2012 1:30 PM

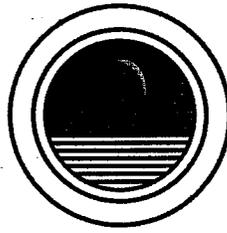


06-07-2012 11:16



06.07.2012 11:17

MALIBU COUNTRY ESTATES



HOMEOWNERS ASSOCIATION

City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265
Attn.: Joyce Parker Bozylinski, Planning Director

RECEIVED
MAY 03 2012
PLANNING DEPT.

Re: Proposed Residential Subdivision, known as the "Crummer Site Subdivision"

Dear Ms. Bozylinski:

On behalf of the Malibu Country Estates Homeowner's Association, we are communicating with you concerning the proposed housing development known as the "Crummer Site Subdivision."

The Malibu Country Estates Homeowner's Association opposes this new housing subdivision based among other reasons, that this proposed residential subdivision will block the ocean views of Malibu Country Estates' homeowners.

The Malibu Country Estates' homes were developed in the early 1970s based upon the premise that the Malibu Country Estates' single family homes would enjoy unimpeded ocean views. In regards to same, the Malibu Country Estates homeowners are subject to restrictions to preserve their views such as limiting the height of their houses and limiting the planting of trees and foliage within Malibu Country Estates. Malibu Country Estates' homeowners desire to continue to enjoy their views of the Pacific Ocean.

Unfortunately, the new proposed Crummer Site Subdivision and its "story poles" suggest that the Crummer Site Subdivision homes will be two stories tall which will

impede our homeowners' ocean views. As you know, it is quite common to restrict homes to one story and below a specified height so that such newly constructed homes will not impede the ocean views of their neighbors.

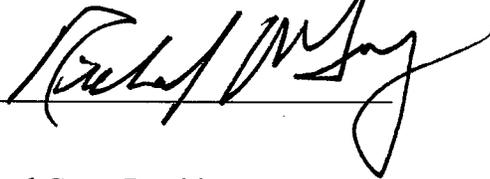
Additionally, each of these Crummer Site Subdivision homes will probably plant trees and other foliage which will grow over the years (even higher than these "story poles" and house roof lines) which will, in turn, further block Malibu Country Estates homeowners' views. This is especially true in light of the fact that there will be landscape irrigation of the Crummer Site Subdivision trees and foliage which will promote the rapid growth of such foliage and trees, further blocking Malibu Country Estates's homes and other neighbor's views.

In summary, we request that the City of Malibu oppose this Crummer Site Subdivision housing development. If you require further clarification of our position, then please free to contact

Very truly yours

MALIBU COUNTRY ESTATES

HOMEOWNERS ASSOCIATION

By: 

Richard Gary, President

cc: Robert A. Briskin

Ha Ly

From: candice marderosian [cmarderosian@gmail.com]
Sent: Thursday, June 14, 2012 12:58 PM
To: Ha Ly
Subject: Crummer Site Subdivision opposition

RECEIVED

JUN 14 2012

PLANNING DEPT.

To: Ha Ly, Associate Planner
City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Hello Ms. Ly-

I am writing in regards to the Crummer Site Subdivision project, and my opposition of the project. My family and I have owned our home in the Malibu Country Estates at 24727 Vantage Point Terrace since 2006. We chose the location because of the wonderful neighborhood, but mainly because of the incredible view that it offered us. Now, with the story poles for the Crummer Site Subdivision in clear view from our home, our view is in jeopardy. We in no way want to sound arrogant, but the reality is, when you spend the kind of money that we spent in purchasing our home you expect that everything that was offered to you will remain in tact throughout your years living there.

In addition, Student Overcrowding seems to be a big issue in Malibu, with Pepperdine students occupying most of the rental homes and apartments that are available. We have dealt with Student Rental issues in our neighborhood that were putting our children's safety in danger with all the traffic and reckless driving. With this subdivision being so close to Bluffs Park, which is constantly occupied with children, the thought of additional traffic from the subdivision being so close does not sit well with us at all.

We are not in favor of this project, and would hope that our point of view will be considered when the time comes to decide on whether or not this project will go through.

Thanks you for your time.

Best,

Candice Marderosian

Homeowner
24727 Vantage Point Terrace
Malibu, CA 90265
310-317-9821
cmarderosian@gmail.com

Crummer Site Subdivision
DEIR Study Issues
June 11, 2012

RECEIVED
JUN 11 2012
PLANNING DEPT.

1. AESTHETICS:

Scenic, Visual, and Hillside Resource Protection -

Proposed development requiring a Coastal Development Permit are subject to an on-site investigation to determine whether the proposed project has the potential to cause adverse impact upon Scenic Areas from or along Scenic Roads or Public Viewing Areas. This is relevant to the proposed development because existing views from Pacific Coast Highway and surrounding areas will need to be evaluated. Significant "Blue Water" vistas will be severely impacted from adjacent properties.

2. BIOLOGICAL RESOURCES

L.A. County Fire requires a fuel modification plan showing any proposed structure is 200' from natural vegetation. A separate fuel modification plan will be required for each of the proposed five residences, and individual residence review fees paid to Forestry.

3. GEOLOGY and SOILS

Setbacks -

Additional potential impacts on required setbacks should be determined by a Geotech, including a slope stability setback line and definition of a bluff edge. No structure with a foundation can be built within a 50' setback of a bluff edge. Structures and swimming pools on all lots are presently designed within this required setback.

Removal and Recompaction -

If the Coastal Commission interprets the slope as a bluff, the project slopes would be prohibited from grading.

Existing Constraints -

Because the LIP is very stringent on grading allowance, the following thresholds are shown before a variance will be required:

- Grading is limited to the sum of non-exempt cut plus fill not to exceed 1,000 CY.
- Export no more than 1,000 CY.
- Import no more than 500 CY.
- The maximum height of retaining walls is 6' for any one wall, or 12' for any combination of walls with a minimum 3' separation between the walls.
- New cut or fill slopes shall be 3:1 unless transitioning to any existing slope where the slopes may not exceed 2:1

Impermeable Coverage -

Impermeable surfaces are permitted for lot areas greater than 1/2 acre, with 30% coverage up to a maximum of 25,000 sf. This is relevant due to large home footprints along with very long driveways.

4. GREENHOUSE GAS EMISSIONS:

Per the Leighton Phase I Environmental Assessment -

Radon is not regulated within the State of California. Nonetheless, the California Department of Health Services (CDPH) and the United States Environmental Protection Agency (US EPA) both recommend that 4 picocuries per liter (pCi/L) be the level at which certain precautions be taken to mitigate the buildup of indoor radon. The California

Department of Health Services maintains a database of indoor radon levels that are sorted by zip code. For zip code 90265, the database shows that, out of 67 tests, 6 tests (or 0.09%) exceeded 4pCi/L. The State of California, Department of Conservation, California Geological Survey (2005) includes the site within a thin coastal strip that is in an area having a moderate potential for indoor radon levels above 4pCi/L.

The planned construction at the site will consist of planned basements, appropriate monitoring and mitigation measures should be considered to reduce the potential for radon accumulation. At a minimum, a radon monitoring system should be included in each structure. Radon monitoring and mitigation systems should be designed and implemented by appropriately licensed professionals.

5. HYDROLOGY and WATER QUALITY:

The OWTS will require extensive dispersal fields. The dispersal fields will contribute to the destabilization of existing slopes and could potentially result in severe slides if combined with heavy rainfall during the rainy season. Homes at the bottom of the slopes would be in potential danger of fragmented slope failures. Percolation testing should be cumulative to supplemental natural precipitation in order to fully gage the potential for soil saturation and potential destabilization.

6. LAND USE and PLANNING:

Shoreline and Bluff Development -

New development requiring a Coastal Development Permit on land that is located on coastal bluffs or on bluff-top fronting the ocean shall adhere to the Shoreline and Bluff Development Ordinance. This is relevant to the proposed development because it will require an increased setback from the bluff edge to allow for potential erosion over a 100 year period. A color slope exhibit would be required as part of the subdivision package to demonstrate any proposed structures and driveways are not shown with steep areas (exceeding 30% slopes).



Metro

May 23, 2012

Ms. Ha Ly
Associate Planner
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RECEIVED
MAY 24 2012
PLANNING DEPT.

Ms. Ly,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) and Scoping Meeting for the Crummer Site Subdivision. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (LACMTA) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hartwell", written in a cursive style.

Scott Hartwell
CEQA Review Coordinator, Long Range Planning

Attachment



GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

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

D.1 OBJECTIVE OF GUIDELINES

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

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

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

D.2 GENERAL PROVISIONS

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

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

D.3 PROJECTS SUBJECT TO ANALYSIS

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

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

D.4 STUDY AREA

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

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

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

D.5 BACKGROUND TRAFFIC CONDITIONS

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

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

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

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

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

D.6 PROPOSED PROJECT TRAFFIC GENERATION

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

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

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

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

D.7 TRIP DISTRIBUTION

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

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

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

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

D.8 IMPACT ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

D.9 IDENTIFICATION AND EVALUATION OF MITIGATION

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

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

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

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

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

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

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

D.10 REFERENCES

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



GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

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

D.1 OBJECTIVE OF GUIDELINES

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

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

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

D.2 GENERAL PROVISIONS

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

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

D.3 PROJECTS SUBJECT TO ANALYSIS

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

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

D.4 STUDY AREA

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

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

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

D.5 BACKGROUND TRAFFIC CONDITIONS

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

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

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

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

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

D.6 PROPOSED PROJECT TRAFFIC GENERATION

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

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

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

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

D.7 TRIP DISTRIBUTION

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

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

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

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

D.8 IMPACT ANALYSIS

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

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

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

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

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

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

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- Documentation of the assumption and analyses that were used to determine the number and percent of trips assigned to transit. Trips assigned to transit may be calculated along the following guidelines:
 - Multiply the total trips generated by 1.4 to convert vehicle trips to person trips;
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 - 7% primarily Commercial within 1/4 mile of a CMP transit corridor
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- Information on facilities and/or programs that will be incorporated in the development plan that will encourage public transit use. Include not only the jurisdiction’s TDM Ordinance measures, but other project specific measures.

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

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

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

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

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

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

D.10 REFERENCES

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



NATIVE AMERICAN HERITAGE COMMISSION

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RECEIVED

MAY 15 2012

PLANNING DEPT.

May 11, 2012

Ms. Ha Ly, Planner

City of Malibu

23215 Stuart Ranch Road
Malibu, CA 90265

Re: SCH#2008091155; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the "Crummer Site Subdivision Project;" located in the City of Malibu; Los Angeles, California.

Dear Ms. Ly:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE) with the following results: Native American cultural resources were not found within the APE. However, the absence of archaeological resources does not preclude their existence at the subsurface level and may be exposed during construction activity.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

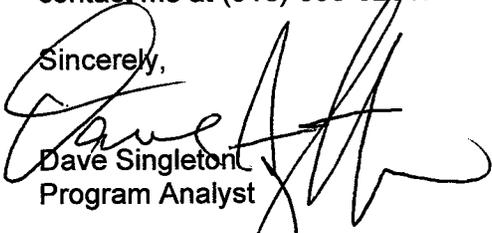
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6281.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", written over the typed name and title.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts

Los Angeles County

May 11, 2012

Beverly Salazar Folkes
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Thousand Oaks, CA 91362
folkes@msn.com
805 492-7255
(805) 558-1154 - cell

Chumash
Tataviam
Ferrnandefio

LA City/County Native American Indian Comm
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(213) 386-3995 FAX

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stennslie, Chairwoman
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jtumamait@sbcglobal.net
(805) 646-6214

Chumash

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(805) 835-2382 - CELL

Chumash

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(805) 216-1253 Cell

Chumash

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ndnRandy@yahoo.com
(805) 905-1675 - cell

Chumash
Fernandefio
Tataviam
Shoshone Paiute
Yaqui

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
(805) 481-2461
(805) 474-4729 - Fax

Chumash

Coastal Band of the Chumash Nation
Toni Cordero, Chairwoman
P.O. Box 4464
Santa Barbara CA 93140
cordero44@charter.net
805-964-3447

Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008091155; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Crummer Site Subdivision; located in the City of Malibu; Los Angeles County, California.

Native American Contacts

Los Angeles County

May 11, 2012

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Oak View , CA 93022
805-649-2743 (Home)

Aylisha Diane Marie Garcia Napoleone
33054 Decker School Road Chumash
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Barbareno/Ventureno Band of Mission Indians
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Barbareno/Ventureno Band of Mission Indians
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Camarillo , CA 93012
805-987-5314

Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Preservation Consint
P.O. Box 365 Chumash
Santa Ynez , CA 93460
freddyromero1959@yahoo.
805-688-7997, Ext 37

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SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
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FAX (310) 589-3207
WWW.SMMC.CA.GOV



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PLANNING DEPT.

June 11, 2012

Ha Ly, Associate Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265

**Comments on Notice of Preparation and Initial Study for Draft Environmental
Impact Report No. 09-001 and Coastal Development Permits for
Crummer Site Subdivision, 24120 Pacific Coast Highway**

Dear Ms. Ly:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Notice of Preparation (NOP) and Initial Study (IS) for a Draft Environmental Impact Report (DEIR) No. 09-001 and Coastal Development Permit Nos. 07-144, 07-145, 07-146, 07-147, 07-148, and 07-0149 for the Crummer Site Subdivision and five single family homes, 24120 Pacific Coast Highway (PCH). The City owns the approximately 10-acre Malibu Bluffs Park, including the baseball fields, the Michael Landon Community Center, turf and paths, and a large shared parking lot. The Conservancy owns an approximately 84-acre portion of Malibu Bluffs, largely consisting of native coastal bluff vegetation, adjacent to the subject 24-acre proposed development site. The Conservancy provided comments on earlier versions of projects on the subject site in letters dated October 20, 2008, September 6, 2001 and September 23, 1999. It is critical that the ecological, viewshed, and topographic constraints are considered when developing the project design.

The California Coastal Commission approved the Malibu Parks Public Access Enhancement Plan-Public Works Plan (PWP), which includes 35 campsites in four camp areas, two new parking areas adjacent to Pacific Coast Highway, new trails, and other support facilities at the Malibu Bluffs Conservancy Property, southwest of the project site. The PWP includes new campsites, trails, parking areas, other support facilities and programs, and habitat restoration at five of the Conservancy's and Mountains Recreation and Conservation Authority's (MRCA's) parks in the City of Malibu and unincorporated Los Angeles County. This is a multi-year, extensive planning effort, and the PWP is currently in litigation. The Conservancy and MRCA are invested in providing a high quality visitor experience at Malibu Bluffs. In particular, the Conservancy is concerned with potentially significant impacts (e.g., from lighting) to the proposed new campsites at the Malibu Bluffs

Conservancy Property. As stated in the Conservancy's previous letters, the Conservancy is concerned with maintaining the habitat connections from Malibu Bluffs, through the Crummer site and the Rancho Malibu Hotel property across PCH, to the greater Santa Monica Mountains; and maintaining scenic views from public viewing areas in the Santa Monica Mountains.

Through Conservancy staff's communications with the applicant and the California Coastal Commission's action (April 16, 2010; Item 12a) on a previously proposed project on the site, the applicant had cooperatively agreed to grant a conservation easement over the eastern and southern portions of the property, along with monitoring funding (\$25,000), to a public agency. The IS (p. 11) states that project may include a conservation easement in favor of the Conservancy along portions of the southern and eastern facing bluff. As described in more detail below, the Conservancy continues to agree that offering a conservation easement and monitoring funding is an appropriate and necessary mitigation measure, given the potential for significant impacts to ecological resources. That offer should be made in favor of MRCA.

Ecological Value of the Site

The Malibu bluffs in this area contain a unique assemblage of coastal sage scrub, chaparral, and coastal bluff vegetation elements that is rare in the Santa Monica Mountains. The vegetated area on the bluffs is highly accessible for public enjoyment (e.g., via trails and the other aesthetic benefits) and it is integral to the ecological viability of a unique component of the park system in the Malibu area of the Santa Monica Mountains. The property also contains a critical portion of the habitat linkage with the greatest long-term viability between the Malibu Bluffs Conservancy Property and the nearest large block of habitat located just northeast of the Malibu Canyon Road entrance of Pepperdine University.

The Conservancy's comment letters on the proposed hotel across PCH addressed this habitat linkage to Pepperdine-owned open space, and its alternative closer to Puerco Canyon. If a contiguous band of native habitat is not provided from just east of Pepperdine University's Malibu Canyon Road entrance, across PCH and around the eastern and southern boundaries of the subject property, all available science points to an inevitable substantial decline in both wildlife species and numbers on the Malibu Bluffs Conservancy Property.

Early morning (1:30 a.m. to 4:30 a.m.) traffic volumes on PCH and Malibu Canyon Road permit successful wildlife crossing of these roadways by mammals, bird species sensitive to

human presence, and possibly even reptiles. If future road construction occurs on either concerned section of these two roadways, small pipe culverts (24-36 inch) should be installed for reptiles and small mammals.

According to the IS (pp. 33-34), "...the project site is located in a largely developed area; therefore, the project site does not serve as a migration or movement corridor." The IS states that this issue will not be further examined in the EIR. We respectfully disagree with this conclusion and strongly recommend that the DEIR include a thorough analysis of impacts to wildlife movement for this project. The DEIR would be deficient if it does not acknowledge the ecological context on which the project sites lies. The site is situated adjacent and connected to protected parkland – the Malibu Bluffs Conservancy Property– and in the vicinity of the open space and coastal sage scrub of the proposed hotel site to the north, further connecting to the rest of the larger SMMNRA. The DEIR would also be deficient if it does not address how wildlife move in and out of the subject property. The IS fallaciously treats the subject property as if it is a biological vacuum.

Need for a Thorough Ecological Constraints Analysis

Any further project processing must be preceded by an ecological constraints analysis. This analysis must include a thorough study of the onsite coastal bluff vegetation and the potential for vegetation restoration on portions of the site. The analysis must also examine how the onsite coastal bluff vegetation contributes to, and is integral to, the habitat system on the adjoining Conservancy property. Likewise the analysis must examine how the onsite habitat contributes to the ecological viability of the entire Malibu Bluffs habitat block composed of both public and private land.

The DEIR biological analysis must also specifically identify the contribution of the project site to wildlife movement between the habitat northeast of Pepperdine and the Malibu Bluffs Conservancy Property. If the DEIR attempts to slough the issue off by saying that the Rancho Malibu Hotel will block all wildlife movement, it must justify that conclusion with a detailed mapped figure(s) that unequivocally demonstrates such a conclusion to decision-makers. Any relevant beneficial or detrimental conditions or mitigation measures for the hotel project, when and if available, must be disclosed in full in the DEIR.

Per the IS (p. 33), the project site is not designated as Environmentally Sensitive Habitat Area (ESHA) in the maps of ESHA in the Local Coastal Program (LCP), and this issue will not be examined further in the DEIR. We recommend that the City reconsider this determination in the EIR. Per the LCP (Local Implementation Plan [LIP], 4.3), any area not

designated on the ESHA Overlay Map that meets the “environmentally sensitive area” definition is ESHA, and this will be based on a site-specific biological study. The native bluff habitat onsite is similar quality to the ESHA designated on the Malibu Bluffs Conservancy Property, and it contributes to habitat connectivity to the north and west. If the eastern slope, two south-facing drainages, and southwest corner of the site are ultimately not considered ESHA by the City, the City would set a dangerous precedence on excluding high-quality habitat from ESHA consideration.

Need for Onsite Conservation Easement

As stated above, the site is valuable for wildlife movement and its coastal bluff vegetation, and it is adjacent to the Malibu Bluffs Conservancy Property. It appears that the currently proposed project would result in development or fuel modification over almost all but one third of an acre of the project site in the southwest corner. Because of potentially significant impacts to biological and park resources and viewshed resulting from the project, the DEIR must include in the project description or mitigation measures a direct grant of a conservation easement over the eastern, southern, and southwest portions of the site.

As part of our project review for the previously proposed project (2008-2010), the applicant worked cooperatively with the Conservancy and had agreed to grant a conservation easement and associated monitoring funding (\$25,000) to the MRCA. The IS (p. 11) states that a conservation easement is a possibility. The Conservancy continues to concur with that approach.

Regarding the exact location of the conservation easement, we support a conservation easement area that is similar to that 7-acre area as specified by the California Coastal Commission in their staff report for a part of the previously proposed project (Revised Findings, April 16, 2010 meeting, Item 12a). This includes a band along the eastern portion of the property, a band along the southern portion of the property, the southwest portion of the property including the western drainage, and the central drainage.

This conservation easement should be made in favor of both a public park agency and the City of Malibu. The MRCA is an appropriate agency to accept such conservation easement, with an overlapping easement to the City, if desired. To provide adequate permanent mitigation, this easement must be recorded prior to the issuance of any and all permits, vegetation removal, grading, or construction; or simultaneously with the recordation of any parcel or tract map for the site. These steps are fundamental to guarantee that future

impacts to biological resources are avoided, and it would preclude any perceived piecemealing of the analysis of environmental impacts.

The easements should prohibit all development and other uses, including grading, accessory structures, stables, equestrian facilities, grazing, vineyards, lighting, pet runs, overhead irrigation, and planting of non-native plants. Fencing should be prohibited except in one area as earlier requested by the applicant (for the previously proposed project). Fencing that contains at least 3.5-inch gaps between the vertical fence posts to allow for the passage of small animals and that is not closed at the bottom to allow for the passage of small animals and reptiles under the fence would be permitted with the conservation easement in a small area along the western side of Lot 5 above the 170-foot contour line. The easement(s) would allow Fire Department-required fuel modification and (non-overhead) irrigation. The DEIR should specify that the applicant will consult with MRCA and the Fire Department to minimize brush clearance of native habitat in the conservation easement. Limited infrastructure to support the proposed uses onsite, along with maintenance of that infrastructure, would be allowed. The accepting agency would also have the right to remove non-native plants, with seven days written notice to the homeowners' association. Although much of this conservation easement would contain fuel modification areas, with the identified permitted and prohibited uses, it could serve to support some wildlife.

To ensure timely transfer of the conservation easement funding to the agency that accepts the conservation easement, the DEIR should include a mitigation measure requiring that the applicant submit to the City of Malibu proof from the recipient agency (e.g., a signed letter) that the monitoring funding has been deposited into an escrow account, or that it has been transferred to the recipient agency.

As described above, the DEIR should include in the mitigation measures the grant of the conservation easement and monitoring funding in order to mitigate the adverse impacts to wildlife movement and habitat connectivity resulting from the project. To ensure the conservation easement is secured at no public cost, the full processing costs should be part of the easement package. The applicant had agreed in writing (in 2010) to provide \$1,000 to pay for conservation easement staff processing expenses for the previously proposed project.

Other Impacts to Biological Resources and Malibu Bluffs Park and Open Space Resources

The DEIR should explicitly address the extent of fuel modification necessary for the proposed development, and this must be included in the calculated acres of plant communities to be impacted. Fuel modification must not be allowed on public parkland (for example, by the proposed residence in Lot 5). The DEIR must address to what extent fuel modification will occur in the native coastal bluff vegetation occurring onsite (especially in the two southward-draining drainages) and offsite. A figure must be included in the DEIR depicting the site plan and fuel modification areas overlain on vegetation communities.

Hawks and other raptors are often observed along PCH in this area and the DEIR prepared for the Civic Center Malibu Bay Company project identified numerous sensitive raptors potentially occurring in this area. The DEIR must address the site's contribution to the network of open space in the downtown Malibu and Malibu Lagoon area and beyond. It must also identify the cumulative loss of foraging and nesting habitat for raptors in Malibu and surrounding Santa Monica Mountains.

The Conservancy is concerned with the anticipated edge effects on the native bluff community of the Malibu Bluffs Conservancy Property. Cats can wreak havoc on native bird communities. The DEIR should consider project elements such as including in the covenants, codes, and restrictions (CC&Rs) the prohibition of cats in the development or only allowing indoor cats, and installing cat impermeable fencing around the immediate development area. This fencing should only be allowed around the immediate development footprint, as it should not serve to impede native wildlife movement through the remaining open spaces onsite.

It is critical that the proposed development not contribute to weed problems at the Malibu Bluffs Conservancy Property. The CC&Rs should prohibit the use of invasive, non-native landscaping.

The Conservancy requests that the DEIR provide a thorough analysis of the night lighting that will result from the project, and its impacts on the biological resources at the undeveloped areas of Malibu Bluffs Conservancy Property. The DEIR should specify if any proposed recreation facilities (e.g., ballfield) will be lit at night; we prefer unlighted. Appropriate measures should be included in the DEIR to avoid and minimize night lighting impacts on the Malibu Bluffs Conservancy Property, particularly by the proposed

campsites, and to limit overall night glow (e.g., by limiting night lighting, screening with native vegetation, etc.). The results of this analysis should be included in the aesthetics and biological resources sections of the DEIR.

View Impacts

Development of the subject property also has the potential to substantially degrade the visual resource value of the Malibu Bluffs Conservancy Property. The DEIR should include a visual impacts analysis showing before and after views from trails in the Malibu Bluffs Conservancy Property and the City's Malibu Bluffs Park, as well as from PCH, and Malibu Canyon Road. As described above, lighting impacts should also be addressed. In particular, if any lighting would be directly visible from the proposed campsites on the Malibu Bluffs Conservancy Property, before and after night-time line-of-sight views should be included in the DEIR. The effects of increased overall night-time glow on campers should also be addressed in the DEIR. To minimize any potential adverse lighting impacts on campers at the Malibu Bluffs Conservancy Property, we prefer that the DEIR specify that lighting is prohibited for the proposed recreational uses (e.g., ballfield) on the Crummer site. For anticipated significant aesthetic impacts to these public viewing areas, avoidance and mitigation measures should be considered.

Other Comments

The California Coastal Commission previously took an action (April 16, 2010; Item 12a) on the modification of the Planned Development land use and zoning designation to allow for a mix of residential and recreational use instead of commercial visitor-serving at the site. The Commission had included several Suggested Modifications such as an in-lieu mitigation fee for the loss of the visitor-serving opportunity that would be used for affordable overnight accommodations elsewhere on the coast. The DEIR should include mitigation to address this land use impact of the loss of the visitor-serving opportunity.

The DEIR should clarify if the project includes any changes to development on another other property, particularly if the project site is linked with uses on public land. The IS states that there would be a new parking lot with 94 spaces, resulting in a net increase of 50 spaces for Bluffs Park. Is the intent that those 50 spaces be used for parking for the temporary skate park proposed at Malibu Bluffs, or is the intent that the temporary skate park (if built) would be dismantled once this housing project on the Crummer site is built? Would that parking be delegated for any permanent skate park that may be constructed at Malibu Bluffs, or would that parking be available for any members of the public?

City of Malibu Planning Department
NOP/IS for Crummer Site Subdivision
June 11, 2012
Page 8

The DEIR should address the project's consistency with policies and implementing measures in the Local Coastal Program pertaining to land division, including those for transfer of development credits (e.g., LIP, 15.2.B.).

Thank you for your consideration of these comments. Please maintain our agency on the mailing list for this project. If you have any questions, please contact me at the above address and by phone at (310) 589-3200, ext. 128.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Edelman', with a long horizontal flourish extending to the right.

PAUL EDELMAN
Deputy Director for
Natural Resources and Planning

Ha Ly

From: Marilyn Santman [marilynn90265@yahoo.com]
Sent: Wednesday, May 02, 2012 12:16 PM
To: Ha Ly
Subject: Re: The proposed project adjacent to Bluffs Park

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May 2, 2012
Dear Ha Ly:

Regarding the proposed project adjacent to Bluffs Park. Near the park you will notice some orange construction tapes. Those represent where the proposed buildings are going to be built. As I am located at 24633 Vantage Point Terrace in Malibu Country Estates and presently have my Ocean Views currently blocked by at least three-four neighbors and now as I sit adjacent to my kitchen window, I see my ocean view is again going to be blocked by this project. You must consider where the project will be built, the level is extremely high and it is going to be at least two story or 28 feet more. That will block my ocean view almost entirely.

The proposed project should be one story only being the Bluff site area is so high.

Nothing should, at this point interfere with Malibu Country Estates Ocean Views, due to the fact that this area was specially designed with views in mind from most of the over 100 lots in Malibu Country Estates.

Thereby, I am presently against this project and would like to be contacted when it comes before the Planning Commission and the City Council.

Thanks.

Marilynn Santman
Owner of 24633 Vantage Point Terrace
Malibu, Ca. 90265
phone 310 456 6535.



South Coast Air Quality Management District

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

Ha Ly, Associate Planner
City of Malibu – Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

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May 30, 2012

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Notice of Preparation of a CEQA Document for the Crummer Site Subdivision Project

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

Air Quality Analysis

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

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

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

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

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

Mitigation Measures

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

Data Sources

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

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

Sincerely,



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

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JUN 13 2012

Ha Ly

PLANNING DEPT.

From: Renee.Reid@sce.com
Sent: Wednesday, June 13, 2012 4:44 PM
To: Ha Ly
Cc: Mark.Olson@sce.com; Mary.A.Gochicoa@sce.com; Gabrielle.Degange@sce.com
Subject: SCE Revised Letter - Re: Crummer Site Subdivision Coastal Development Permit No. 07-144

Good afternoon Ha,
I mailed you out a letter from Mark Olson, Local Public Affairs Region Manager of Southern California Edison, on June 7 that incorrectly had the wrong project in the Re: area.

Please disregard that letter and use the one below that has been revised to show the correct project.

Sorry for any inconvenience.

Sincerely,

Renee Reid, Administrative Aide
Local Public Affairs
Santa Monica S/C
1721 22nd Street
Santa Monica, CA 90404
(310) 315-3295



As Edison, we're always on.

June 13, 2012

Ha Ly, Associate Planner
City of Malibu- Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

**Re: Crummer Site Subdivision
Environmental Impact Report No. 09-001
Coastal Development Permit (CDP) No. 07-144**

Dear Ha Ly:

Southern California Edison (SCE) appreciates the opportunity to provide comment on the above referenced project.

SCE Company right-of-ways and fee-owned properties are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. Any proposed use will be reviewed on a case-by-case basis by SCE's Operating Department. Approvals or denials will be in writing based upon review of the maps provided and compatibility with SCE right-of-way constraints and rights. In the event the project impacts SCE facilities or its land related rights, please forward six (6) sets of plans depicting SCE's facilities and associated land rights to the following location:

Real Properties Department
Southern California Edison Company

2131 Walnut Grove Avenue
G.O.3 – Second Floor
Rosemead, CA 91770

Please be advised if development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kV, the SCE construction may have environmental consequences subject to CEQA review as required by the California Public Utilities Commission (CPUC). If those environmental consequences are identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the CEQA review for the larger project, and the new facilities could result in significant environmental impacts, the required additional CEQA review at the CPUC could delay approval of the SCE power line portion of the project for two years or longer.

Once again, we appreciate the opportunity to comment on the project. If you have any questions regarding this letter, do not hesitate to contact me at (310) 315-3201.

Sincerely,

Mark Olson
Local Public Affairs Region Manager
Southern California Edison Company

Ha Ly

From: Swenson, Daniel P SPL [Daniel.P.Swenson@usace.army.mil]
Sent: Friday, June 08, 2012 6:04 PM
To: Ha Ly
Subject: Crummer Site Subdivision (Corps No. SPL-2012-403) (UNCLASSIFIED)

Follow Up Flag: Follow up
Flag Status: Flagged

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JUN 08 2012

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Classification: UNCLASSIFIED
Caveats: NONE

Dear Ha Ly:

It has come to our attention that you are evaluating the Crummer Site Subdivision project.

This activity may require a U.S. Army Corps of Engineers permit.

A Corps of Engineers permit is required for:

a) structures or work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899.

Examples include, but are not limited to,

1. constructing a pier, revetment, bulkhead, jetty, aid to navigation, artificial reef or island, and any structures to be placed under or over a navigable water;

2. dredging, dredge disposal, filling and excavation;

b) the discharge of dredged or fill material into, including any redeposit of dredged material other than incidental fallback within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;

2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;

3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;

4. placing pilings when such placement has or would have the effect of a discharge of fill material;

c) the transportation of dredged or fill material by vessel or other vehicle for the purpose of dumping the material into ocean waters pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972;

d) any combination of the above.

An application for a Department of the Army permit is available on our website: <http://www.usace.army.mil/Portals/2/docs/civilworks/permitapplication.pdf>. If you have any questions, please contact me (contact information below). Please refer to this letter and SPL-2012-403 in your reply.

sincerely,

Dan Swenson, D.Env.

Chief, Los Angeles & San Bernardino Section North Coast Branch Regulatory Division U.S. Army
Corps of Engineers
915 Wilshire Blvd.
Los Angeles, CA 90017
213-452-3414
213-452-4196 fax
<http://www.spl.usace.army.mil/regulatory>

Assist us in better serving you!

You are invited to complete our customer survey, located at the following link: <http://per2.nwp.usace.army.mil/survey.html>

Note: If the link is not active, copy and paste it into your internet browser.

Classification: UNCLASSIFIED

Caveats: NONE