CITY OF MALIBU
NOTICE OF INTENT TO ADOPT
A MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Malibu has completed an Initial Study for the following project in accordance with California Environmental Quality Act (CEQA):

Project Title Malibu Inn Motel

Application Nos. Initial Study No. 20-003, Mitigated Negative Declaration No. 20-003, Coastal Development Permit No. 09-067, Variance Nos. 18-029, 18-030 and 18-031, Site Plan Review No. 18-025, Conditional Use Permit No. 18-002, and Joint Use Parking Agreement No. 18-001

Location 22959 Pacific Coast Highway
Assessor's Parcel Number 4452-019-005

Zoning Commercial Visitor Serving-1 (CV-1)

Project Applicant Burge and Associates Architects, Inc.

Property Owner Surfrider Plaza, LLC

Project Description: An application for the construction of a new 7,693 square foot motel above a new subterranean parking garage, surface parking lot, grading, retaining walls, landscaping and a new onsite wastewater treatment system; including variances for non-exempt grading in excess of 1,000 cubic yards per acre of commercial development, construction on slopes steeper than 2.5 to 1, surface parking within the required front yard setback, and retaining walls in excess of six feet in height, a site plan review for a building height in excess of 18 feet, not to exceed 28 feet for a pitched roof, a conditional use permit for a new commercial development over 500 square feet and a motel in the CV-1 zoning district, and for a Joint Use Parking Agreement to share parking spaces with the adjacent lot to the east (Malibu Inn)

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

The Initial Study and Mitigated Negative Declaration will be circulated for a 30-day review period. Written comments will be received by the City of Malibu Planning Department until 4:30 p.m. on the ending date of the public review period.

Review Period: Begins: **February 18, 2021** Ends: **March 18, 2021**

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

Post: City of Malibu Fax: (310) 456-3356

Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Email: afernandez@malibucity.org

City of Malibu Website: malibucity.org/ceqa

Public Hearing: A public hearing for the City of Malibu Planning Commission to receive comments on the document and to adopt the Initial Study / Mitigated Negative Declaration will be scheduled and noticed at a later date.

Contact: For more information regarding this notice, please contact the following staff member:

Adrian Fernandez, Principal Planner
(310) 456-2489, extension 482
afernandez@malibucity.org

Digitally signed by Adrian Fernandez
Date: 2021.02.17 13:32:20 -08'00'

_____
Richard Mollica, Planning Director

Date: February 18, 2020

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

DRAFT INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

Malibu Inn Motel Project
22959 Pacific Coast Highway

1 INTRODUCTION

This *Initial Study and Mitigated Negative Declaration* (IS/MND) has been prepared in accordance with the *California Environmental Quality Act (CEQA) of 1970*, as amended, and the CEQA *Guidelines* as revised. *Section 15063(c)* of the CEQA *Guidelines* indicates that the purposes of an Initial Study are to:

1. Provide the Lead Agency (i.e., the City of Malibu) with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration;
2. Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;
3. Assist the preparation of an EIR, if one is required, by:
   - Focusing the EIR on the effects determined to be significant;
   - Identifying the effects determined not to be significant;
   - Explaining the reasons why potentially significant effects would not be significant; and
   - Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.
4. Facilitate environmental assessment early in the design of a project.
5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
6. Eliminate unnecessary EIRs; and
7. Determine whether a previously prepared EIR could be applicable to the project.

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

LIST OF APPENDICES

CITY OF MALIBU

INITIAL STUDY ENVIRONMENTAL CHECKLIST

1.	Project Title:	Malibu Inn Motel
2.	Project Location:	22959 Pacific Coast Highway Malibu, CA 90265
3.	Application:	Conditional Use Permit No. 18-002 Coastal Development Permit No. 09-067 Variance No. 18-029 Variance No. 18-030 Variance No. 18-031 Variance No. 20-035 Site Plan Review No. 18-025 Joint Use Parking Agreement No. 18-001 Initial Study No. 20-003 Mitigated Negative Declaration No. 20-003
4.	Lead Agency Name and Address:	City of Malibu Planning Department 23825 Stuart Ranch Road Malibu, CA 90265-4861
5.	Contact Person and Phone Number:	Adrian Fernandez Principal Planner (310) 456-2489, ext. 482
6.	Project Applicant Name and Address:	Burge and Associates Architects, Inc. 24911 Pacific Coast Highway Malibu, CA 90265
7.	Property Owner:	Hakim Holdings 9350 Wilshire Blvd, Suite 300 Beverly Hills, CA 90212
8.	Malibu Municipal Code (MMC) Zoning:	Commercial Visitor Serving – 1 (CV-1)
9.	General Plan Land Use Designation:	CV-1
10.	Local Coastal Program (LCP) Zoning:	CV-1
11.	LCP Land Use Designation:	CV-1

1.1 Project Site and Existing Uses

The project site consists of a single 51,352 square foot (sf) (1.18-acre) parcel (APN 4452-019-005) addressed as 22959 Pacific Coast Highway (PCH). The project site is located adjacent to the north (inland) side of PCH, approximately 90 feet east of the intersection of PCH and the Malibu Pier (Figure 1, Regional Setting and Project Location).

The southern 30 percent of the project site is currently improved with a level privately operated surface parking lot which provides 40 parking spaces for beach visitors and overflow parking for the adjacent Aviation Nation Dreamland (formally Casa Escobar) and Aviator Nation of the Malibu Inn building (hereafter referred to as "Malibu Inn"). Aviation Nation Dreamland is a new restaurant and venue business and Aviator Nation is the existing retail store. A total of 31 parking spaces are dedicated as donor spaces to the Malibu Inn under a Joint Use Parking Agreement (JUPA) between the two properties.

The northern 70 percent of the project site consists of a steep slope that rises approximately 190 feet above PCH, with the parking lot situated at the base of this slope. The slope face is sparsely vegetated, supporting primarily non-native grassland, weedy vegetation, and three bushes. No landscaping exists along the project site's PCH frontage.

The City of Malibu General Plan, Land Use Element, Exhibit LU-1C, designates the project site with the Commercial Visitor Serving (CV) land use designation and a corresponding zoning of Commercial Visitor Serving – 1 (CV-1) in the Malibu Municipal Code (MMC). Section 1.5.4 of the General Plan establishes design guidelines for the CV land use designation. Per MMC Chapter 17, the CV designation provides for visitor serving uses that serve visitors and residents, which also respect the rural character and natural environmental setting. Allowable Floor-to-Area Ratio (FAR)[1] may not exceed 0.15. Vehicle and pedestrian access to the project site is currently provided from the Malibu Inn parking lot, which has both a signalized driveway at the intersection of PCH with the Malibu Pier and an uncontrolled driveway on PCH located approximately 85 feet west of this intersection. Parking is currently addressed under a JUPA with the Malibu Inn. The project site does not currently have a curb cut on PCH, and pedestrian access is restricted by a 6-foot tall chain-link fence along the project site's southern boundary adjacent to the sidewalk.

There is a covenant recorded on the project site for the future expansion of the existing Malibu Inn septic system leachfield (which comprises 1,200 sf of leachfield drain lines), with associated requirements on the existing and future systems. The project site is located in Phase 3 of the Civic Center Prohibition Area, which is subject to deadlines by which properties must cease discharging from individual septic systems and connect to the Civic Center Wastewater Treatment Facility (CCWTF) project. The CCWTF project was recently constructed approximately 1.3 miles west of the project site in Winter Canyon off of Civic Center Way. Phase 2 is currently under design, expanding the area being converted from onsite wastewater treatment systems (OWTS) to public sewer. Wastewater flows from the project site would eventually be accommodated by Phase 3 buildout of CCWTF project estimated to occur in 2028, after which individual septic systems would no longer be allowed.

The entire City of Malibu is located in the Coastal Zone. The project site is located within the appeal jurisdiction of the California Coastal Commission (CCC) as depicted on the City of Malibu Local Coastal Program (LCP) Post-Certification Permit and Appeal Jurisdiction Map. Pursuant to the LCP Environmentally Sensitive Habitat Area (ESHA) Overlay Map, there is no designated ESHA on or adjacent to the project site.

[1] "FAR" is a building's "floor area ratio", which is the ratio of a building's total floor area to the size of the parcel.

wood.

Regional Setting and Project Location

FIGURE 1

1.2 Surrounding Land Uses

The project site is bordered on the west and east by commercial land uses, including the Malibu Inn to the west, and a single-story commercial building containing Chabad of Malibu preschool and the Traveler Surf Club and Coastal Outpost to the east. The Malibu Plaza, a contemporary three-story commercial mixed-use building, is located 175 feet east of the project site, adjacent to the north side of PCH and east of the Malibu Surf Shack.

The project site is bordered to the north by a single-family home located on Sweetwater Mesa Road on the blufftop overlooking the site. The residential property is located atop a slope which rises approximately 190 feet above the existing parking lot on PCH. The project site is bordered on the south by PCH. A public parking lot is located across PCH from the project site, adjacent to the Malibu Pier, the beach, and the Pacific Ocean (see Figure 1).

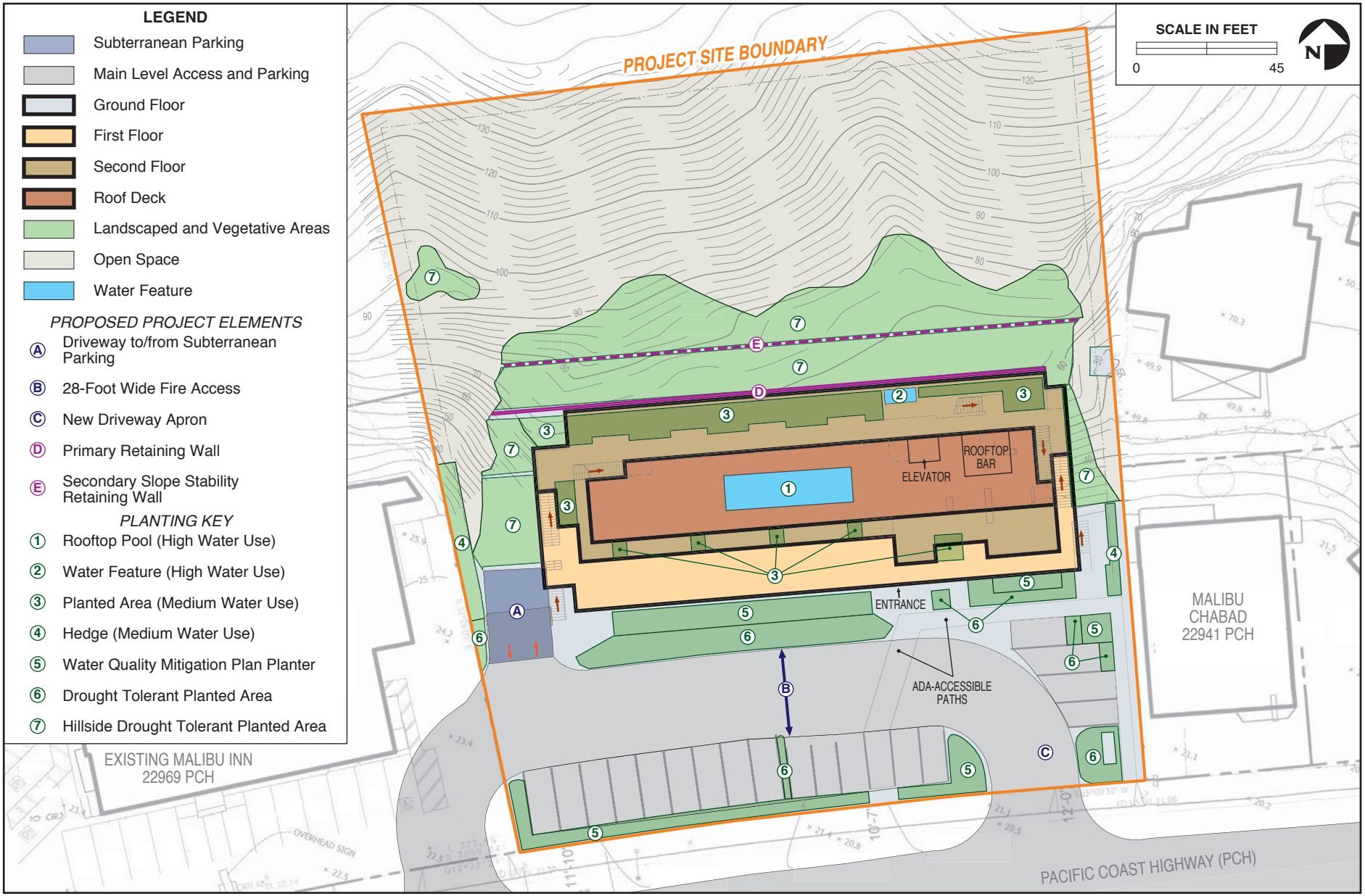
PCH bordering the project site is approximately 85 feet wide from curb to curb and supports four lanes, including two travel lanes in both directions and a center left-turn lane. Curbside parallel parking is available along the project site frontage with more limited available curbside parking located across PCH. Complete sidewalks are present on both sides of the roadway. The nearest signalized intersection along PCH at its intersection with the Malibu Pier approximately 150 feet west of the site supports a pedestrian crosswalk and access to the Malibu Pier and driveway access to the Malibu Inn. This intersection provides eastbound left turn access to the Malibu Inn and westbound U-turns only. No side street is available to PCH at this traffic signal, as the primary uses of the signal is to ensure safety for crossing pedestrians, automobiles turning around, and automobiles entering or exiting the Malibu Inn property parking lot via a right-in and right-out only driveway. Additional signalized PCH roadway intersections proximate to the project site include Cross Creek Road approximately 0.6 mile west and Carbon Canyon Road 1.5 miles east, though multiple unsignalized driveways also intersect with PCH along this reach.

1.3 Project Description

The Malibu Inn Motel Project (Project) is proposed to redevelop approximately 66 percent of the 1.18-acre project site with a two-story motel providing 7,693 gross sf of floor area with 20 lodging units and 47 compliant surface and subterranean parking spaces, which may be supplemented with stacked parking to provide spaces over and above MMC requirements (see Table 1, *Proposed Development Program*). The Project would result in a site-wide FAR of 0.15. Access off PCH would be provided via an altered driveway layout, which would include removing one of the three existing driveways at the adjacent Malibu Inn property to the west and constructing a new driveway at the eastern edge of the project site (Figure 2, Conceptual Site Plan).

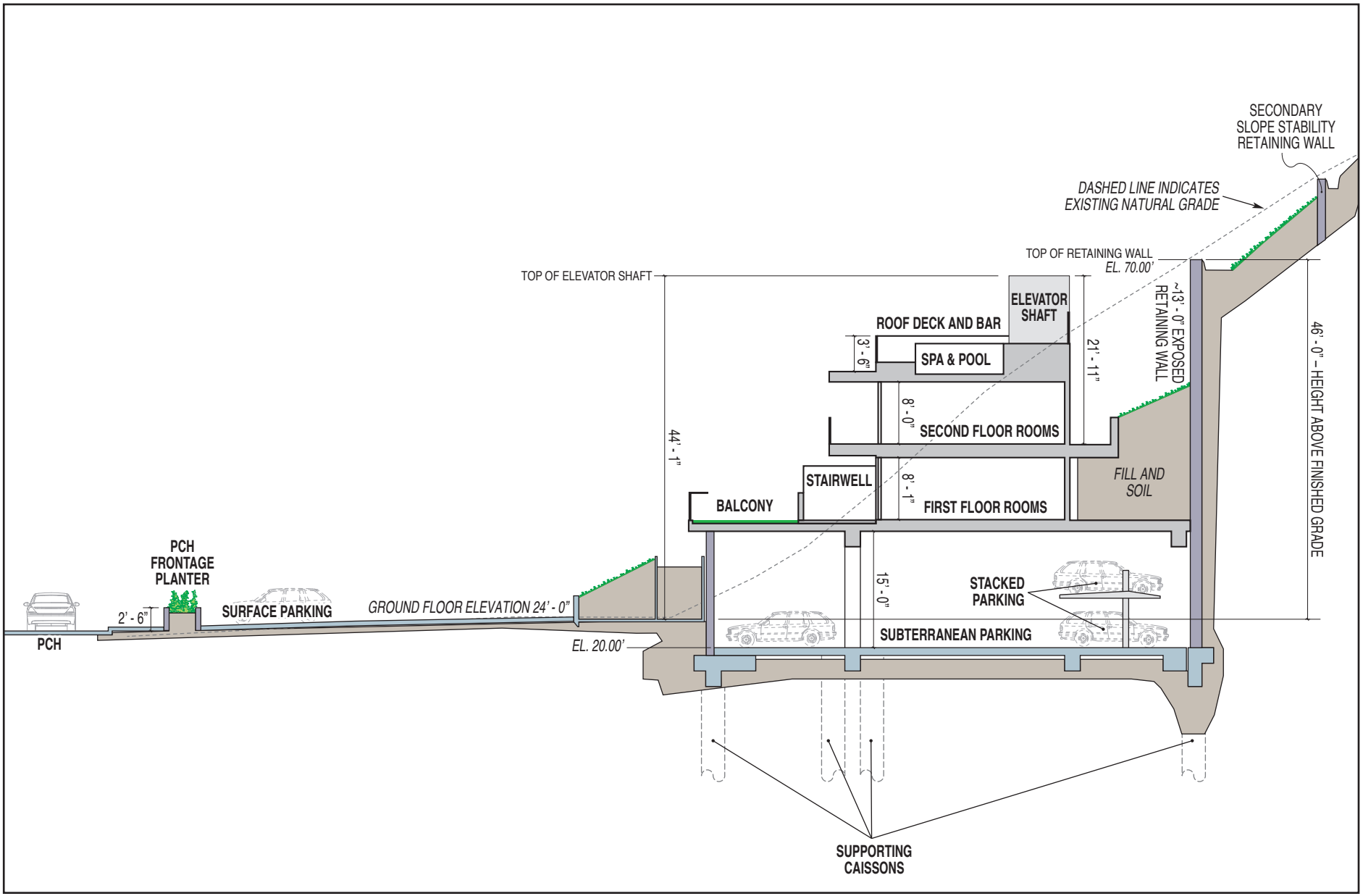
Project development would require grading and excavation of approximately 0.77 acre of the existing slope adjacent to the parking lot to provide an expanded level area for development of the motel. A proposed retaining wall would be installed at the north side of the motel structure along to retain the graded slope and would extend up to 46 feet in height above finished grade (with a total height of 50 feet above the bottom of the subterranean parking level), constructed to secure the slope following excavation. (Figure 3, Representative Cross Section). The motel would reach a height of two stories or nearly 36 feet above finished grade, with an elevator shaft protruding just over 44 feet from finished grade. The remaining 34 percent of the project site closest to the top of the slope would be maintained as undeveloped open space.

Improvements on the Malibu Inn parcel (APN 4452-019-004), which is not part of the project site, would include the removal of an existing monument sign along the western site boundary, driveway and parking lot striping, and paving improvements required to facilitate vehicle and pedestrian circulation. The two properties would continue to be subject to a modified JUPA and wastewater covenant.



Proposed Site Plan

FIGURE 2



Proposed Project
Representative Cross Section – Facing West

FIGURE
3

Table 1. Proposed Development Plan

Land Use	Area
Existing Use	
Surface Parking Lot *(To Be Removed)*	40 spaces, ~14,000 sf
Proposed Uses	
Motel (Occupied Space[1])	**7,693 sf[1]**
Roof Deck (Unoccupied Space[2])	3,139 sf
Subterranean Parking Garage (Unoccupied Space)	9,881 sf
Site Area	**51,352 sf**
Proposed FAR[3]	**0.15**
Total Onsite Parking	**47 spaces[4]**
At Grade Surface Parking	18 spaces
Subterranean Parking	29 spaces
Open Space Area	27,652 sf
Landscaped Area	29,173 sf

Note: sf = square feet

[1] "Occupied Space" comprises the structure's *Total Floor Area*, which includes the square footage that is used to calculate estimated water use, sewer rates, trip generation, and associated considerations.

[2] "Unoccupied Space" includes areas that are considered in addition to the Project's total Occupied Space, used for the purposes such as fire department considerations, construction equipment assumptions, air quality analysis.

[3] "FAR" is a building's "floor area ratio", which is the ratio of a building's total floor area to the size of the piece of land upon which it is built.

[4] Proposed stacked parking may be utilized to provide additional parking above MMC requirements. Table 2 includes MCC detailed parking requirements.

A. Project Design

The motel would consist of a single building oriented parallel to PCH and separated from PCH by a surface parking lot and driveway aisle. The building would be set back approximately 61 feet from PCH and provide 7,693 sf of occupied motel space in the two-story building (see Figures 2 and 3). The building would include 20 lodging units, a roof top deck with a pool, spa and bar area, and a single level of subterranean parking with a stacked parking system (i.e., auto lifts) to provide added spaces beyond those required under the MMC. The Project's proposed setbacks are designed to be compliant with the City's LCP development standards. The Project design includes consideration for MMC Title 17 and the Malibu LCP Local Implementation Plan (LIP) Chapter 6.5, *Development Standards*. Specifically, the Project's architectural design incorporates the following items intended to minimize visual impacts:

- Earth-tone colors similar to the surrounding environment;
- Limited height to not exceed that of nearby buildings;
- Perimeter and internal drought resistant landscaping.
- Retaining wall with textured materials, partially screened by the structure and landscaping;
- Parking partially screened from public view through the use of frontage landscaping and building design (subterranean); and

The building would consist of tiered floors, ascending away from PCH at approximately the natural grade of the nearby slope. The building's exterior architectural finishes fronting PCH would be comprised of non-glare windows, glass paneled railings, and wood siding and paneling.

The project site (sparsely vegetated slope in middle background) is presently improved with a surface parking lot to accommodate overflow parking for the Malibu Inn property and the Malibu Pier.

The project would include replacement of a 40 space existing parking lot with a 28-foot tall, two-story motel building fronting PCH with 20 lodging units, a rooftop deck and pool, and subterranean parking. Full site development would be enabled by construction of a 50 foot retaining wall, of which a total of 13 feet of exposed wall face would be behind the motel building, and 4 feet would extend below finished grade. The use of earth-tones, faux-rock, and landscaping would be implemented to soften the wall's appearance (applicant prepared photo simulation).

B. Access and Parking

Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site's southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site. Americans with Disabilities Act (ADA)-compliant access would be available throughout the site, including a 2 to 3 percent grade ramp from the sidewalk abutting PCH to the building, and an elevator with access to all four structure levels.

The Project would continue to be subject to the existing JUPA with the Malibu Inn, under which the project site is required to provide enough parking spaces to support land uses on both properties. The Project would provide 47 parking spaces, as detailed in Table 2, *Proposed Parking Program*. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant floor area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – one parking space for each lodging unit (keyed room) is required, totaling 20 spaces, in addition to one space for the average, per-shift number of employees, totaling 3 spaces. As a result, the Project is required to provide a minimum of 47 parking spaces to be consistent with MMC requirements. Vehicle driveway ramps from the western edge of the surface parking lot would provide access to 29 parking spaces located in the proposed subterranean parking level, and the remaining 18 spaces would be provided in the at-grade surface parking lot. Stacked parking space numbers have not been enumerated but would be additive to the minimum surface parking requirements of the MMC.

Table 2. Proposed Parking Program

Type of Parking	Number of Spaces
Supplied Project Site Parking	
Regular Parking Spaces	35
ADA Parking Spaces	3
Compact Parking Spaces	9
Total Parking	**47**
MMC Required Parking	
Lodging Units (20 units)	20
Average, per-shift number of employees	3
Carry-over parking from adjacent Malibu Inn property	24
Total Parking	**47**

Source: Burdge & Associates, February 25, 2020

C. Onsite Wastewater Treatment System

The Project would include an OWTS in the western and southern portions of the project site for use until the parcel is connected to improvements anticipated by Phase 3 of the CCWTF project. The Project's wastewater system requires compliance with all applicable standards and issuance of associated local and state operating permits. Specifically, the septic system would be designed to accommodate the Project's estimated demand generated by the motel's 20 rooms, 229 fixture units, and associated communal areas for the motel's kitchen, employee areas, and communal uses. The associated estimated wastewater discharge rate for the proposed motel uses is

approximately 4,056 gallons per day, and includes consideration for the expansion capacity required under the existing covenant with the adjacent Malibu Inn property. The proposed septic system would comprise a series of subterranean treatment tanks, a secondary treatment (disinfection) system with ultraviolet (UV) disinfection, a leach field and dispersal area beneath the proposed surface parking lot, and the system designed to nitrify wastewater to meet California Ocean Plan standards. The proposed system is subject to review by the City Environmental Health Administrator to meet the minimum requirements of the Malibu Plumbing Code, the MMC, and the LCP. In addition, the Los Angeles Regional Water Quality Control Board (LARWQCB) would review the proposed development under a waste discharge permit (WDR) for the proposed system. The entire septic system would be contained within the project site.

D. Landscaping and Hardscapes

LIP Section 3.8.5(b) requires at least 25 percent of the project site to be open space and at least 40 percent to be landscape area. For the project site, this equates to approximately 27,652 sf of open space (54 percent) and 20,541 sf of landscaped area. The Project would include 29,173 sf of natural open space area (57 percent) and 15,540 sf of planted area (30 percent), totaling 44,713 sf, or 87 percent, of the project site dedicated to landscaping, open space, and similar permeable area. Landscaped planter strips would be installed along pedestrian walkways and roadways throughout the project site.

The design requirements outlined in MMC 17.53.090 for commercial properties also apply. The proposed Project includes eight distinct planting areas based on irrigation demand, ranging from drought tolerant to more water intensive (or “hydrozones”) distributed throughout the project site (see Figure 2). The planting areas include: planted areas with medium water use surrounding the building; hedge with medium water use along the project site’s western boundary; Water Quality Mitigation Plan (WQMP)-compliant planters along the front of the building; drought tolerant plant areas with low water use; hillside drought tolerant planted areas with low water use along the sides and rear of the building; and undisturbed hillside open space with no water use. The Project would also support a rooftop pool and a water feature (i.e. fountain) with high water use.

The Project includes a rear retaining wall, which would be visually obstructed by the motel building and elevator shaft. A portion of the retaining wall would be exposed to the building’s back wall, which would be partially screened from view by proposed landscaping and roof deck elements (Figure 3). Specifically, an approximately 180-foot-wide terrace would obstruct approximately half of the retaining wall (with 2 to 10 feet visible above). Trees with broad canopies would be planted in the terrace and behind the retaining wall with the intent of visually screening the portions of the retaining wall above the roofline of the motel building. Proposed vegetation includes two species of strawberry tree (Arbutus Marina and Arbutus Unedo), which are non-native trees that grow up to 25 to 30 feet in height and support a dense canopy. Drought tolerant shrub and ground cover species such as toyon (Heteromeles arbutifolia) would also provide screening. The retaining wall would be cladded with earth-tone, faux-rock to mimic and blend with the natural hillside where visible through the proposed vegetation.

Non-landscaped areas would be comprised of decorative concrete, the building’s footprint, exterior stairs, and other impervious surfaces. In total, 22,179 sf, or approximately 43 percent, of the project site would be comprised of impervious surfaces. At the completion of final grading, all cut and fill slopes would be stabilized with landscaping.

E. Grading

The Project would require grading and excavation of the lower portion of the slope within the site boundary and adjacent to the existing parking lot to provide a level building area for the motel building and subterranean parking level. The Project would include excavation of approximately 12,649 cubic yards (cy) of soil from the lower portion of the slope to provide a level building pad and accommodate the two-story motel building (with a single level of subterranean parking). Approximately 394 cy of the excavated soil would be used as fill material onsite, while the remaining material (approximately 12,255 cy) would be exported from the project site via roughly 600 to 875 heavy haul trucks, depending on the size of trucks utilized (see Section J, below). The total area of ground disturbance would be 0.77 acre, or approximately 33,541 sf. As detailed in Table 3, *Grading Plan Summary in Cubic Yards*, the Project requires a total of 13,043 cy of grading. Of the 13,043 cy of total grading, 11,693 is understructure grading, which is an LIP-exempt category from the total allowable. The total amount of non-exempt grading is 1,348 cy. Since proposed non-exempt grading exceeds 1,000 cy per acre, the Project requires a variance (Grading Variance No. 18-029).

Table 3. Grading Plan Summary in Cubic Yards

Action	Total (cy)
Cut	12,649
Fill	394
Total	**13,043**
Import	0
Export	12,255

Source: GeoWorks, March 4, 2020

F. Retaining Wall

Project development would require the construction of a retaining wall at the northern edge of the proposed motel building. The retaining wall would rise to a height of 46 feet above finished grade (and 52.5 feet above the finished floor elevation of the subterranean parking level). The retaining wall would extend approximately 4 feet below finished grade to accommodate the subterranean parking level and provide for an adequate foundation. The retaining wall would be secured by tying it back into the slope through a series of tie backs and soldier piles. While the lower portion of the retaining wall would be visually obstructed by the motel building, approximately 13.2 feet of the wall would Project above the building (see Figure 3). However, as the retaining is behind the proposed two-story motel building, the motel building will obstruct most of the retaining wall from a line-of-sight perspective taken from PCH. As discussed above in Section D, a portion of the retaining wall would include a planter that would include screening landscaping and the wall would be cladded with an earth tone, faux rock aesthetic. A variance would be required for the proposed installation of a retaining wall taller than 6 feet (Retaining Wall Variance No. 18-031) and building on slopes steeper than a 2.5 (horizontal) to 1 (vertical) slopes (Slopes Variance No. 18-030).

G. Site Lighting

In accordance with the requirements set forth in LIP Sections 4.6.2 and 6.5.G, the Project would include installation of low intensity, shielded light fixtures. Sources of lighting would include interior lighting, exterior wayfinding, and security lighting. Open public areas, such as parking lots, would be lit by both wall-mounted and free-standing path lights. Pathways immediately adjacent to buildings would generally be lit with free standing, downward facing LED light fixtures. Recessed, wall-mounted LED lighting would be used for step lighting and some narrower publicly accessible

walkways and to enhance security. Certain areas (i.e. water features and the lobby entrance) would be accented with low wattage, shielded flood light fixtures.

H. Signage

The Project's signage must be consistent with Malibu LIP Section 6.30, in which the Project's proposed signage is required to be designed and located to minimize impacts to visual resources. Signage would be subject to City review to ensure adherence to height and width limitations that ensure that signs are visually compatible with surrounding areas and protect scenic views.

I. Construction and Staging

Construction would occur for a period of 14 months, with Project start anticipated to occur in May 2021, Construction activities would utilize construction equipment, haul trucks, and light-duty vehicles to facilitate concrete demolition, grading activities, building construction, and architectural finishing.

Site preparation, grading and excavation of the lower half of the existing slope would require use of excavators, backhoes, bulldozers and heavy haul trucks. Export of approximately 12,255 cubic yards of excavated soil would require use of approximately 600 to 875 heavy haul truck trips, assuming 14 to 20 cubic yard haul trucks. Traffic control for trucks entering and leaving the site along PCH would be implemented through use of flaggers.

Construction activities would be limited to the hours permitted by the City of Malibu Noise Ordinance (MMC Chapter 8.24), occurring between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 8:00 a.m. and 5:00 p.m. on Saturdays. Additionally, no construction activities would occur on Sundays or City designated holidays.

With regard to staging, work would initially commence on the northern (back) portion of the project site, which would include the grading, shoring, and subterranean parking, and the construction of structures on the rear portion of project site. In this manner, Project construction would be able to maintain onsite parking within the row of parking closest to PCH and enable the Project to retain an excess of the parking required under the JUPA. If additional parking becomes needed, valet services of buildings within approximately 100 feet of the project site would be utilized, some of which are owned by the applicant of the Project. The adjacent Malibu Inn property may operate under limited hours during Project construction.

1.4 Project Approvals

The proposed Project requires the following City of Malibu approvals:

i. Approval of Coastal Development Permit (CDP) No. 09-067
ii. Approval of Variance No. 18-029 for non-exempt grading in excess of 1,000 cubic yards per acre of commercial development
iii. Approval of Variance No. 18-030 for construction on slopes steeper than 2.5 to 1
iv. Approval of Variance No. 18-031 for and retaining walls in excess of six feet in height
v. Approval of Variance No. 20-035 for surface parking within the required front yard setback
vi. Approval of Site Plan Review (SPR) No. 18-025 for a building height in excess of 18 feet not to exceed 28 feet for a pitched roof
vii. Approval of Conditional Use Permit (CUP) No. 18-002 for a new commercial development over 500 square feet and a motel in the CV-1 zoning district
viii. Approval of JUPA No. 18-001 to share the parking spaces with the adjacent lot to the east (Malibu Inn)

ix. Adoption of Initial Study (IS) No. 20-003
x. Adoption of Mitigated Negative Declaration (MND) No. 20-003

Other agencies whose approval is required (e.g., permits, financing approval, or participating agreement):

i. California Department of Transportation (Caltrans) - The applicant must obtain encroachment permits for the new driveway entrance and any work that requires construction staging, hauling or trash receptacle placement on any Caltrans right-of-way, such as along PCH.
ii. LARWQCB - A WDR would be required for the OWTS.
iii. Los Angeles County Waterworks District No. 29 (WD29) - The applicant must obtain a current (less than one year old) Will Serve Letter from the District to demonstrate that the proposed Project will be served with potable water.
iv. Los Angeles County Fire Department (LACFD) approval of final Project and fuel modification plans.

2 EVALUATION OF ENVIRONMENTAL IMPACTS

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

3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Energy
☒	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☒	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

4 DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Adrian Fernandez Date
Principal Planner

4.1 Aesthetics

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, **Would the project:**				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Existing Setting

The Malibu coastline offers consistent ocean views throughout its range with a number of associated scenic vistas. The project site is located at the intersection of Malibu Pier and PCH. The project site is identified as being within a scenic vista by the City in the General Plan and LCP, and is highly visible from PCH, Malibu Pier, and adjacent public beach areas. PCH, which offers foreground and distant views of the project site, is designated as a scenic highway in the LCP. The site's south-facing slope, which is highly visible from PCH, supports very limited vegetation, and exhibits the previous disturbance from installation of the existing parking lot and adjacent development.

Notable public viewing locations with views of the project site are limited to PCH and Malibu Pier located across PCH from the project site. From these locations, the view of the coastline towards the project site along the PCH corridor includes the steep slope fronted by one- to two-story commercial buildings and parking lots and residential uses along the shoreline. Residential structures also line the top of the slope. Patches of coastal sage scrub habitat are visible interspersed among grassland and landscaped areas along the slope in the vicinity of the project site.

The project site does not contain any designated historic features. As further discussed in Section 4.5, *Cultural Resources*, the historic Malibu Pier, located across PCH from the project site and constructed in 1905, was established as a historic landmark under the State of California for its location "in the heart of California's surf culture."(California Department of Parks and Recreation 2020). Additionally, while not historically designated, the Malibu Inn building is located on the

property adjacent to the project site and satisfies the age requirement (e.g., older than 50 years) for consideration as a potential historic resource.

The project site is not within or adjacent to a state-designated scenic highway, although PCH is eligible for State Scenic Highway designation (Caltrans 2011). LCP Land Use Plan (LUP) Policy 6.4 states that scenic areas do not include inland areas along PCH east of Malibu Canyon Road. No unique rock outcroppings or historic buildings exist on the project site. The Malibu Pier and adjacent beaches would be considered public viewing areas under the LCP, although due to elevation differences such as the higher elevation of PCH, the existing project site is only minimally visible from the public beaches.

City Standard Conditions of Approval

The City applies the following LCP standard conditions associated with applicable projects to minimize impacts to aesthetic resources to any project within the City to receive project approval.

- The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
    - Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
    - The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    - All windows shall be comprised of non-glare glass.
- All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.
- Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
    - Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60-watt incandescent bulb);
    - Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    - Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;

- Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
- Site perimeter lighting shall be prohibited; and
- Outdoor decorative lighting for aesthetic purposes is prohibited.

- Night lighting for sports courts or other private recreational facilities shall be prohibited.
- No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the project site shall not produce an illumination level greater than one-foot candle.
- Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas.
- String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
- Motion sensor lights shall be programmed to extinguish ten minutes after activation.
- Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.
- Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in above restrictions. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.
- Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.
- Up-lighting of landscaping is prohibited.

Impact Discussion

a-b. **Less than Significant.** The project site lies within the view corridor of PCH, which offers many scenic vistas and is a state highway eligible for scenic highway designation (but is not designated), as well as being identified as a local scenic highway in the City's LCP, but does not include scenic resources such as trees, rock outcroppings or historic resources.

Project development would alter the visual character of the project site from a surface parking lot with no landscaping and a lightly vegetated hillside to that of a contemporary, landscaped frontage and motel building with architectural design features intended to comply with the LCP and MMC, as well as with all relevant City standard conditions of approval listed above. The proposed new motel would be similar in size, bulk and scale to existing structures to the east and west and would be designed to step back into the hillside to the north. Views of identified scenic resources from public viewing areas such as PCH, the beach, the Pacific Ocean, and Malibu Pier, would not be altered by Project implementation. Although the onsite slope has been altered by past grading activities, efforts to preserve the aesthetic of the slope would be implemented by the Project, including utilizing drought-tolerant plant species in Project landscaping and the use of an earth-

tone, faux-rock cladding in the retaining wall. Portions of the retaining wall extending above the proposed roofline would be further screened from view by strawberry trees, which have thick canopies, and other landscaping planted along a terrace about halfway up the wall. The surface and subterranean parking lots would be partially screened from view from PCH through the use of frontage landscaping and/or subterranean parking design. Further, the Project would only alter the lower approximately 50 feet of the slope, while the upper 130 feet remain unaltered.

The Project would alter the view of the project site from viewing locations along the historic Malibu Pier, from a surface parking lot and disturbed hillside to a landscaped frontage along PCH and a two-story building of contemporary architectural design similar in size and scale to adjacent structures such as the Malibu Plaza building. The Project would not include alterations to Malibu Pier, and because the existing surface parking lot is not identified as contributing to the historic setting of the pier, the introduction of a two-story motel would not impact the aesthetic character of the Malibu Pier. Secondary visual impacts would occur to the adjacent (but not historically designated) Malibu Inn property, with construction requiring the removal of a monument sign at the project site's western boundary to accommodate access to the subterranean parking.

In summary, the Project would result in less than significant impacts to scenic vistas along PCH and from the beach and Malibu Pier or scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

c. **Less than Significant.** The Project lies within an urban area with existing development bordering the site. The Project would alter the existing visual character of the project site from a surface parking lot and slope hillside to a pedestrian-oriented landscaped frontage and two-story motel of contemporary architectural design. The change in visual character would occur in two parts: (1) exposure of soils during grading/construction, storage of equipment onsite during construction, and similar visual changes, and (2) an overall change from a surface parking lot and undisturbed hillside to a motel with higher elevation areas of remnant open hillside. However, as discussed below, the Project would be required to conform to applicable zoning from the MMC and other regulations governing scenic quality such as those set forth in the City's LCP and would be subject to all City standard conditions of approval as set forth above.

Construction

Construction of the Project is anticipated to occur over a period of 14 months, with Project start anticipated to occur in May 2021. During that time, it is expected that grading excavation activities would occur prior to the construction of the Malibu Inn Motel. Grading and excavation would occur during the first phase of Project construction with the remainder of the construction timeframe being associated with building construction and site improvements.

Short-term construction effects could be obtrusive or out of character with the surrounding landscape related to the presence of mobile construction equipment, stockpiled materials, unfinished building pads, and unfinished structures without the final building materials, colors, and landscaping. During construction, motorists traveling along PCH, visiting Malibu Pier, or visiting the beach could view the project site, including grading activities against the slope. Views could include exposed dirt from PCH up the slope, construction equipment, and construction material laydown areas. While this impact could be considered as adverse by some viewers, it would be short-term and the overall visual character of the area would not be substantially altered and impacts would be less than significant.

Operation

Site development would generally conform to, or appear subordinate to, the existing landscape and would not obscure ocean views, being set into the slope to the extent practical. Additionally, applying the average setback distance between businesses along the roadway stretch would preserve aesthetic consistency between the existing buildings along PCH. The motel building would be generally in line with the adjacent Malibu Inn building to the west, while set back from the adjacent Malibu Chabad Preschool building approximately 75 feet to the east. The Project building would be similar in size, build, and scale to other structures along PCH, such as the Malibu Plaza center to the east and the Malibu Beach Inn hotel across PCH to the southeast.

Through the design review process, the Project would provide an attractive landscaped frontage and motel that would enhance the visual quality of the project vicinity by replacing a paved surface with new trees and other landscaping softening the character of the site. The Project has been designed consistent with MMC Title 17 and LIP Section 6.5, in that it is designed with earth-tone colors that are compatible with the surrounding environment; the height of the proposed buildings has been limited to minimize impacts to visual character; the proposed retaining wall would incorporate earth-tone and textured materials and be screened from view by vegetation; parking has been screened from public view through the use of building design and landscaping; and the Project includes an extensive landscaping program. The Project would be required to be consistent with other regulations governing scenic quality such as the standard conditions of approval for development projects in the coastal zone as detailed above. The Project would alter the visual appearance of the project site, but as described above it would not substantially degrade the visual character or quality of the site or introduce any aesthetic elements incompatible with the surrounding land uses.

As shown on the photosimulation on page 11 above, the upper elevations of the slope would be retained as undisturbed open space and the visually dominant existing skyline trees, shrubs and the top-of-slope home would not be altered. Further, the planting of strawberry trees along the retaining wall would add a dense canopy to shield views of the exposed portions of the upper retaining wall. Taken together, the consistency of the Project with nearby development, Project design features discussed above, retention of the upper elevation portions of the slope as open space and required conformance with applicable zoning from the MMC and other regulations governing scenic quality would result in visual impacts that would be less than significant.

d. **Less than Significant.** The Project would introduce new sources of light, including increased interior lighting, exterior wayfinding, architectural, and security lighting. Further, the Project would increase the amount of west-facing glass on the building façade, which could result in a higher potential for glare if standard glass panels were utilized. However, new lighting would not substantially increase the amount of light generated onsite when compared to existing conditions because the PCH already includes extensive street lighting. All lighting would be designed in compliance with the design standards of LIP Section 6.5 for scenic areas and the standard conditions of approval governing lighting as set forth above, including the installation of low-intensity, shielded light fixtures, with light bulbs that produce a color temperature of less than 3,000 Kelvin[2]. Lighting would comply with MMC Title 17, in that no lighting would exceed 850 lumens or be directly visible from public view; parking lot lighting would be shielded and arranged so as not to cause a nuisance either to PCH traffic or to adjacent properties. Further, site lighting

[2] Color temperatures below 3,000 Kelvin are white to yellow in appearance, and are good for locations where ambient, unobtrusive lighting is preferred. This color temperature mimics natural sources of light (candle, fire). Color temperatures above 3,000 Kelvin are white to blue in appearance, and are good for task lighting, display areas, or work areas where bright illumination is required.

would adhere to the requirements of the Dark Sky Ordinance. No exterior light fixtures would be directed toward ESHA. Regarding glare, glass building facades would comply with the City's standard conditions of approval to prohibit the use of glare producing or reflective materials. With incorporation of these standard conditions, direct light sources would be prevented from spilling over onto nearby properties or onto offsite ESHA. With compliance with standard conditions of MMC Title 17 and LIP Sections 4.6.2 and 6.5(G), the potential impacts from the Project introducing sources of light and glare are considered less than significant.

4.2 Agricultural and Forestry Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Existing Setting

The California Department of Conservation lists Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under the general category of "Important Farmland." According to the Farmland Mapping and Monitoring Program, the project site is classified as Other Land interspersed between Urban and Built Up land areas (California Department of Conservation 2016). The project site is not in agricultural production or zoned for agricultural use and/or under a Williamson contract, and is zoned by the City for commercial use (CV-1). The site is not located near or within an area that is zoned for timberland production (as defined by Public Resources Code section 4526). There are no mature trees on the project site and no forestry resources are present.

Impact Discussion

a-e. **No Impact.** The project site is not zoned for agricultural use and/or under a Williamson contract and does not support agricultural production. The proposed Project would not convert farmland to nonagricultural uses. Further, the project site is not located near or within an area that is zoned for timberland production and does not support mature trees. Therefore, no impacts to agricultural and forestry resources would occur.

4.3 Air Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Existing Setting

The project site is located in the South Coast Air Basin (Basin), which covers the non-desert portions of Los Angeles, San Bernardino, Riverside Counties, and Orange County. The South Coast Air Quality Management District (SCAQMD) monitors and regulates the local air quality in the Basin and manages the Air Quality Management Plan (AQMP).

To protect the public health and welfare, the federal and state governments have identified six criteria air pollutants and a range of air toxics and established ambient air quality standards through the federal Clean Air Act and the California Clean Air Act. Federal and state criteria air pollutants include carbon monoxide (CO), lead (Pb), nitrogen oxides (NO_x), ozone (O_3), particulate matter less than 10 microns in diameter (PM_{10}), fine particulate matter less than 2.5 microns in diameter ($PM_{2.5}$), and sulfur dioxide (SO_2). The air quality impacts are assessed by comparing impacts to baseline air quality levels and applicable ambient air quality standards. Standards are levels of air quality considered safe from a regulatory perspective, including an adequate margin of safety, to protect public health and welfare.

The SCAQMD has divided the region into 38 source receptor areas (SRAs) in which 39 monitoring stations operate (SCAQMD 2020). The project site is located within SRA 2 that covers the western Santa Monica Mountains and Malibu area. Section 2.2 of the AQMP identifies the SCAQMD ambient air quality standards for relevant air pollutants. The project site consists of a parking lot that produces limited pollutants from automobile exhaust primarily in the form of volatile organic compounds (VOCs), NO_x, CO, and PM (EPA 2015).

The AQMP includes air quality control measures, such as transit use and carpooling, which are to be implemented by local jurisdictions. Regional planning efforts to improve air quality include a variety of strategies to reduce emissions from motor vehicles and minimize emissions from stationary sources. The AQMP is based on the Southern California Association of Government's (SCAG) population projections, which are based in part on land use designations and population projections included in General Plans for those communities located within the Basin. A project

may be determined to be inconsistent with the AQMP if it proposes development inconsistent with the land use designation or results in population and/or employment growth that exceeds growth estimates for the area.

The existing project site includes a 40-space parking lot which currently generates associated emissions. Surrounding development includes commercial buildings, visitor-serving attractions, and single-family residences atop the slope roughly 190 feet above the site. The closest sensitive receptors to air quality conditions are the single-family residence atop the slope located approximately 96 feet north of the project site and a preschool located adjacent to the project site's eastern boundary approximately 75 feet from site disturbance areas. Construction equipment for excavation and construction activities would occur within 150 feet northwest of the nearest sensitive receptor.

4.3.1 Emissions Thresholds

Air quality impacts are assessed by comparing impacts to baseline air quality levels and applicable ambient air quality standards. Federal and state air quality standards have been established for criteria air pollutants. Standards are levels of air quality considered safe from a regulatory perspective, including an adequate margin of safety, to protect public health and welfare.

Regional Construction Emissions

The SCAQMD currently recommends that projects with construction-related emissions that exceed any of the following emissions thresholds should be considered potentially significant (SCAQMD 2019).

- 75 pounds per day of VOC
- 100 pounds per day of NO_X
- 550 pounds per day of CO
- 150 pounds per day of PM_{10}
- 55 pounds per day of $PM_{2.5}$
- 150 pounds per day of SO_X
- 3 pounds per day of Pb

Localized Construction Emissions

Localized significance thresholds (LSTs) were developed in response to the SCAQMD Governing Board's Environmental Justice Enhancement Initiative (I-4). LSTs represent the maximum emissions from a project that will not cause or contribute to an air quality exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest sensitive receptor, taking into consideration ambient concentrations in each SRA, project size, and distance to the sensitive receptor, etc. LSTs are only applicable for emissions of CO, NOx, PM_{10}, and $PM_{2.5}$. LSTs do not apply to emissions from mobile sources such as automobile traffic or public transport.

The SCAQMD's LST Methodology includes screening tables that can be used for projects less than 5 acres in size to determine the maximum allowable daily emissions that would satisfy the LSTs (i.e., not cause an exceedance of the applicable concentration limits). The SCAQMD provides lookup tables for project sites that are one, two, or five acres. The allowable emission rates depend on (1) the SRA in which the project is located, (2) the size of the project site, and (3) the distance between the project site and the nearest sensitive receptor. For this project site, which comprises approximately 1.18 acres and is located approximately 96 feet (29 meters) from

the nearest sensitive receptor within SRA 2, the conservative site area of 1 acre at 25 meters was utilized for this analysis. The following allowable emission thresholds are estimated for construction LSTs from this Project:

- NO_x to not exceed 103 lbs/day
- CO to not exceed 562 lbs/day
- PM_{10} to not exceed 4 lbs/day
- $PM_{2.5}$ to not exceed 3 lbs/day

Regional Operational Emissions

The SCAQMD currently recommends that projects with operational emissions that exceed any of the following emissions thresholds should be considered potentially significant.

- 55 pounds per day of VOC
- 55 pounds per day of NO_X
- 550 pounds per day of CO
- 150 pounds per day of PM_{10}
- 55 pounds per day of $PM_{2.5}$
- 150 pounds per day of SO_X
- 3 pounds per day of Pb

Localized Operational Emissions

A project's localized air quality impact is considered significant if CO emissions create a hotspot where either the California one-hour standard of 20 ppm or the federal and state eight-hour standard of 9.0 ppm is exceeded. This typically occurs at severely congested intersections (Level of Service [LOS] E or worse). CO emissions have decreased dramatically in the SCAQMD with the introduction of the automobile catalytic converter in 1975. No exceedances of CO have been recorded at monitoring stations in the SCAQMD in recent years and the Basin is currently designated as a CO attainment area for both federal and state standards. Thus, it is not expected that CO levels at project-impacted intersections would rise to such a degree as to cause an exceedance of these standards. For instance, based on analyses of localized concentrations of ambient CO concentrations as the project vicinity, a project would have to increase traffic volumes at affected intersections to more than 31,600 vehicles per hour for a CO hotspot to occur (BAAQMD 2017).

4.3.2 Impact Discussion

a. **Less than Significant.** The Project does not include residential development or large local or regional employment centers and therefore would not generate significant operational emissions. Although the Project would incrementally increase employment, it would not result in significant population or employment growth, thus avoiding an increase in currently established regional population projections. Construction activities would be required to comply with SCAQMD Rule 403 to control fugitive dust. Additionally, the Project would be required to comply with the California Air Resources Board (CARB) requirements to minimize idling emissions from diesel-fueled vehicles (i.e., diesel-powered vehicles are not permitted to idle for a period of more than 5 minutes). As such, the Project would not conflict with or obstruct implementation of the applicable AQMP and would therefore have less than significant impacts.

b. **Less than Significant.** Utilizing California Emissions Estimator Model (CalEEMod) Version 2016.3.2, an air pollutant emissions model acceptable to the SCAQMD, to estimate potential emissions of the Project during construction and operational activities, the Project was determined to not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard and would therefore have less than significant impacts.

Construction

The number and types of construction equipment, vendor trips (e.g., transport of building materials), and worker trips were based on values provided in the CalEEMod model. Construction activities would generate dust and equipment exhaust, grading, and building construction. Dust is typically a primary concern during grading associated with the construction of new buildings. Because such emissions are not readily collected and discharged through a controlled source, they are called "fugitive dust emissions." Fugitive dust includes larger dust particles that settle out near the source, as well as smaller particles that remain suspended indefinitely.

Table 4, *Estimated Regional Unmitigated Construction Emissions*, shows the estimated emissions that would occur during construction of the Project. Maximum emissions of NO_X, CO, PM_{10}, or $PM_{2.5}$ would occur during the grading and excavation phases. The analysis assumed that construction activities would comply with SCAQMD Rule 403 to control fugitive dust. Additionally, the Project would comply with the CARB requirements to minimize idling emissions from diesel-fueled vehicles (i.e., diesel-powered vehicles are not permitted to idle for a period of more than 5 minutes). Compliance with these requirements is consistent with and meets the AQMP requirements for control strategies intended to reduce emissions from construction equipment and activities. The emissions analysis also assumes that all equipment would be operating simultaneously as the worst-case scenario. Emissions resulting from average daily construction activities would likely be less than those presented in Table 4. As shown in Table 4, construction emissions would not exceed SCAQMD's regional or localized thresholds of significance. Therefore construction-related impacts would be less than significant.

Table 4. Estimated Regional Unmitigated Construction Emissions

Air Pollutant	SCAQMD Thresholds (lb/day)	LST Thresholds (lb/day)	Estimated Peak Daily Total Construction Emissions (lb/day)[1]	Exceeds Threshold?
			2017 - 2018	
CO	550	562	15.4	No
NO_x	55	103	18.7	No
SO_x	150	NA	<0.1	No
ROG	75	NA	15.5	No
PM_{10}	150	4	1.6	No
$PM_{2.5}$	55	3	1.1	No

[1] Refer to Appendix A for CALEEMOD output sheets; overall emissions based on rounded totals. Though the "mitigated" values are referred to in this sheet, the outputs consider mandatory measures of the local AQMD requirements, and no additional mitigation is necessary to reduce outputs below SCAQMD thresholds.

Operation

Operational emissions would be generated by both area sources and mobile sources as a result of normal day-to-day activities on the project site after occupation. Mobile emissions would be

generated by motor vehicles traveling to, from, and within the project site, and are considered to be the primary source of operational emissions for the Project.

As the project site is currently improved with a surface parking lot, the Project would result in additional vehicle trips to and from the project site when compared to existing conditions. The operational emissions associated with the Project were estimated using CalEEMod (see Appendix A). CalEEMod can estimate mobile and area source emissions associated with land uses specific to a given operational year and location.

Table 5, *Estimated Regional Unmitigated Operational Emissions*, shows the estimated pollutant emissions associated with operation of the Project. Since the majority of Project-related operational emissions would be due to vehicle trips to and from the project site, the air quality analysis relies on the traffic study trip rates. As discussed in Section 4.16, *Transportation and Traffic*, the traffic study prepared for the Project estimated that operation of the Project would generate a maximum of 16 vehicle trips. As further discussed in Section 4.16, the intersection of PCH and the Malibu Pier currently operates at Level of Service (LOS) A during the weekday AM peak hour, LOS B during the weekday PM peak hour, and LOS B during the Weekend Mid-Day Peak Hour. The relatively minor amount of new traffic added by the Project would not cause the intersection to operate at LOS E during any period. As described in Section 4.16, *Transportation and Traffic*, the Project is projected to only generate a maximum of 16 vehicle trips, which would not trigger a CO hotspot at a local intersection.

As shown in Table 5, operational emissions associated with implementation of the Project would not exceed the SCAQMD thresholds for significance for criteria pollutants. Projects that generate emissions below the thresholds of significance would not be considered to contribute a substantial amount of air pollutant to regional or local air quality. Therefore, operational-related impacts would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard and impacts would be less than significant.

Table 5. Estimated Regional Unmitigated Operational Emissions

CalEEMod Subcategory	Pounds per Day					
	ROG	**NO_X**	**CO**	**PM_{10}**	**$PM_{2.5}$**	**SO_X**
Area Sources	0.2	<0.1	<0.1	<0.1	<0.1	<0.1
Energy Sources	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Mobile Sources	0.3	1.3	3.3	0.9	0.3	<0.1
Total	**0.5**	**1.3**	**3.3**	**0.9**	**0.3**	**<0.1**
SCAQMD Thresholds	**55**	**55**	**550**	**150**	**55**	**NA**
Exceeds Threshold?	No	No	No	No	No	No

[1] Refer to Appendix A for CalEEMod output sheets; overall emissions based on rounded totals.

The SCAQMD's *CEQA Air Quality Handbook* identifies methodologies to determine the cumulative significance of land use projects. The SCAQMD's methodology is based on performance standards and emission reduction targets necessary to attain the federal and state air quality standards identified in the AQMP. According to the SCAQMD's *CEQA Air Quality Handbook*, projects that are within the emission thresholds identified above for construction and

operation should be considered less than significant on a cumulative basis.[3] As detailed in Table 4 and discussed above, emissions associated with construction activities of the Project would not exceed SCAQMD-recommended construction thresholds of significance, and therefore, would not cause an individually significant impact. Further, the existing 40-space parking lot generates ongoing emissions. As detailed in Table 5 and discussed above, emissions associated with the operation of the Project would not exceed SCAQMD-recommended operational thresholds of significance, and therefore, would not cause an individually significant impact. As construction emissions and operational emissions are below the thresholds of significance, the Project would not result in a cumulatively considerable impact.

c. **Less than Significant.** As determined in Table 4 above, the Project would not generate emissions proximate to sensitive receptors that would exceed established LST thresholds. Further, the Project would not result in a CO hotspot at area intersections. As indicated above, emissions would be less than significant, with the highest emissions occurring during construction. Additionally, as discussed under response a above, the Project would be required to comply with all SCAQMD construction requirements. Compliance with these requirements, including the CARB anti-idling regulation that limits idling to 5 minutes or less at any location would minimize the potential for odorous emissions. Soil disturbing activities would be of relatively short duration under 3 months and overall construction emissions would not be persistent or lingering due to the high air circulation at the project site. While the Project would not exceed thresholds, as also discussed under response a, these measures would further reduce fugitive dust and construction emissions to ensure that sensitive receptors such as the nearby preschool and residences to the north are not adversely impacted by construction emissions. given that the Project would be located adjacent to the ocean, the prevailing winds, and the relatively small size of the Project and area of ground disturbance, nearby sensitive receptors would not be exposed to pollutant concentrations that would exceed established thresholds and impacts would be considered less than significant.

d. **Less than Significant.** Odors generated during the Project's construction phase would be primarily due to exhaust fumes from construction equipment. According to the SCAQMD *CEQA Air Quality Handbook*, construction equipment is not a listed source of odors. Odors generated by Project construction would be short-term in nature and limited to exhaust fumes from construction equipment and other possible construction related odors constituting a less than significant impact.

The Project's proposed uses would not typically generate nuisance odors at nearby sensitive receptors during operation. According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project would not involve elements related to these types of uses. However, trash receptacles on the project site may produce localized odors during daily operation. These odors are not anticipated to substantively affect area land uses or extend beyond Project property lines. LIP Section 17.5.5, *Trash Storage Areas*, includes measures to protect water quality from the introduction of trash and debris. These requirements would also serve to reduce odors from trash containers by requiring that all trash, rubbish, garbage and recyclables shall be kept in containers with tight fitting covers. The regulations also require that an adequate number of such containers shall be provided and the contents shall be placed for regular pickup by an authorized solid waste hauler. Waste from dumpsters shall be disposed at least once a week or more if needed. Adherence to these regulations would minimize the potential transfer or emanation of any objectionable odors from the project site to surrounding land uses. As proposed, Project operation

[3] SCAQMD, *CEQA Air Quality Handbook*, (1993) 9–12.

is not anticipated to produce any objectionable odors or create emissions that would impact substantial numbers of people and impacts would be less than significant.

4.4 Biological Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

4.4.1 Existing Setting

The project area encompasses an existing paved parking lot and the face of a steep slope along the inland side of PCH within developed portions of eastern Malibu. The level portion of the project site is highly disturbed due to past parking lot construction and operation. The project site is located within the Coastal Zone Boundary per Figure CO-1 of the General Plan Conservation Element.

The sloped portion of the project site is dominated by non-native grassland and ruderal or disturbed weedy habitat and supports only a few scattered native plants. Isolated clusters of coastal sage scrub habitat (laurel sumac [*Malosma laurina*], etc.) are located on the eastern edge of the property near the base of the existing slope, separated from existing habitat areas and nearby to the property's eastern boundary. Slope habitat has been disturbed by past and continuing efforts to stabilize the slope and keep debris flows from entering the parking lot. This has resulted in most native coastal sage scrub species being replaced by non-native grasses and weeds. The closest major riparian and wetland and habitats that are also sensitive natural communities lie within Malibu Creek and Malibu Lagoon which are located approximately 2,000 feet west of the project site. Limited individual native plants exist along the slope east and west of the site with large more intact native vegetated areas present along Sweetwater Canyon Road approximately 800 feet to the east, although this drainage does not support a coastal lagoon. However, these areas lack habitat continuity with the project site. No special status/sensitive species are located on the project site or the surrounding vicinity, nor does the project site contain sensitive habitat for species identified as a candidate, sensitive, and special status species in local, regional, and federal plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). Large ornamental species (e.g., eucalyptus trees) are planted off-site at the top of the slope, adjacent to the existing hilltop home.

City Standard Conditions of Approval

The City applies the following LCP standard conditions to applicable projects to minimize impacts to biological resources.

- The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.
- All street frontage trees shall be limited to species native to the Santa Monica Mountains.
- Invasive plant species, as determined by the City of Malibu, are prohibited.
- The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

4.4.2 Impact Discussion

a. **Less than Significant.** The Project would result in grading and development of undeveloped hillside which supports primarily nonnative grassland with scattered native shrubs. As an isolated disturbed area, the project site is not likely to support candidate, sensitive, or special status species, and is not identified in local or regional plans, policies, or regulations, or by the USFWS as containing sensitive habitat. Project landscaping would primarily include drought-tolerant noninvasive species which would not invade adjacent open areas. Therefore, because there are no special-status resources on the site, the Project would not have an adverse effect on any sensitive or special status species, habitats as identified in local or regional plans, policies, or regulations, or by CDFW or USFWS and any potential impacts would be less than significant.

b-c. **Less than Significant.** The project site and immediate project vicinity do not support any riparian habitat, state or federally protected wetlands (e.g., marshes, coastal wetlands), or other mapped sensitive natural communities identified in local or regional plans, policies, regulations or by CDFW or USFWS (refer to Section 4.10, *Hydrology and Water Quality* for impacts to ocean water quality). Runoff from the project site would not drain directly to any riparian or wetland

habitats, but is conveyed south towards the Pacific Ocean via stormwater drainage systems adjacent to the site. The project site is 2,000 feet from the sensitive natural communities within Malibu Creek and Malibu Lagoon, and would not drain to this creek and wetland. Although Project runoff into offshore waters could reach Malibu Lagoon, the site lies downdrift from this lagoon with predominate currents carrying waters to the east, away from this lagoon. In addition, the water quality protection measures detailed in Section 4.10, *Hydrology and Water Quality* would avoid potential for indirect impacts to this lagoon during limited periods when upcoast drift occurs. Project runoff could move downcoast toward Sweetwater Canyon, however that canyon lacks a coastal lagoon and regular ocean interchange. Further, Project construction would be required to implement a Local Stormwater Pollution Prevention Plan (LSWPPP) and Erosion and Sediment Control Plan (ESCP) pursuant to LIP Section 17.4.1. Therefore, because the Project would have no direct or indirect impacts to riparian habitat, state or federally protected wetlands (e.g., marshes, coastal wetlands), or other mapped sensitive natural communities identified in local or regional plans, policies, regulations or by USFWS, impacts would be less than significant.

d. **Less than Significant.** Despite the coastal location of the project site along the Pacific Flyway, onsite and surrounding urban land uses do not support any wildlife corridors that would accommodate the movement of native resident or migratory fish or wildlife species, and no native significant native habitats that could support resident or migratory wildlife exists onsite or in immediately adjacent areas. The Project would not directly or indirectly impact major riparian wetlands habitat that supports the movement of substantial populations of native resident or migratory fish or wildlife species and an important wildlife corridors and native wildlife nursery sites which are known to occur within Malibu Creek and Lagoon located 2,000 feet to the west. The Project would also not directly or indirectly impact wildlife usage of the more limited wildlife corridor along Sweetwater Canyon located 800 feet to east due to intervening urban uses. As discussed in Section 4.10, *Hydrology and Water Quality* above, the Project would be developed in accordance with approved water quality plans to ensure that pollutants do not enter runoff flows to the Pacific Ocean. Due to the developed character of the project site and immediate area, the potential for native resident or migratory wildlife species movement to occur through the site is highly unlikely. Nevertheless, under the Project, installation of primarily native and drought-tolerant plant species may provide limited opportunities for native wildlife, particularly birds, to utilize the project site with the potential for limited beneficial effects. Therefore, the Project would not have a substantial adverse effect on federally protected areas nor would it interfere with any native resident or migratory wildlife corridors and less than significant impacts would occur.

e. **No Impact.** Given that construction and activity areas would be confined to existing paved areas and previously disturbed land amidst commercial and residential land uses, the proposed Project would not conflict with local policies or ordinances protecting biological resources. No ESHA is present on or adjacent to the site and no trees would be removed. The Project would incorporate and be consistent with existing policies regarding the protection of biological resources. Therefore, no impact would occur.

f. **No Impact.** The Project is not located within any approved local, regional, or state Habitat Conservation Plan or Natural Community Conservation Plan, and would be subject to commercial land use requirements as detailed in the City's General Plan, the LCP and MMC. Further, no habitat for any special status or sensitive biological species exists at the project site or in the vicinity. Therefore, no impacts would occur.

4.5 Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

4.5.1 Existing Setting

There is documented evidence for human occupation of southern California mainland areas for at least 11,000 years. However, many ancient sites may have been lost, inundated, or deeply buried as a result of marine transgression, erosion, aggradations, and other natural forces. Approximately 3,000 years ago, a transfer from mobile populations to stationary groups began, bringing a change in subsistence strategies and specialized labor. Trade and technological advances altered the southern Californian Native American communities to resemble contemporary ethnographic populations encountered by the Spanish. The Chumash and Tongva tribes were the primary populations established within the Malibu region.

The Project is proposed on a site that was likely on or immediately adjacent to a beach prior to development and was subject to coastal processes (e.g., wave action, beach scour), and has experienced substantial erosion from the northern bluff into the project site (Appendix B). Additionally, the project site has been previously disturbed during construction of PCH and the existing parking lot and past grading on the hillside to maintain a stable slope. The Project's location in an area that was likely subject to coastal processes and past disturbance from development limits the potential for encountering subsurface cultural resources. No archaeological resources are known to exist on the project site or immediate project vicinity. In addition, the steep slope is unlikely to support cultural remains both due to its steepness and past disturbance for slope stabilization.

As discussed in Section 4.1, *Aesthetics*, the historic Malibu Pier, located across PCH from the project site and constructed in 1905, was established as a historic landmark under the state of California for its location "in the heart of California's surf culture". Additionally, while not historically designated, the adjacent Malibu Inn satisfies the age requirement for potential consideration as a historic resource.

The California Register of Historical Resources (CRHR) provides the grounds for and extent to which historical resources of the State are protected. California Health and Safety Code Section 7050.5 directs procedures to undertake in the case that human remains are found. California Public Resources Code Section 5097.98 additionally provides procedures that would direct action in the case that Native American remains are discovered.

City Standard Conditions of Approval

- In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

- If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

4.5.2 Discussion

a. **Less than Significant.** A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.[4] Section 15064.5 of the *State CEQA Guidelines* defines an historical resource as (1) a resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR; (2) a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain state guidelines; or (3) an object, building, structure, site, area, place, record or manuscript that a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record. The Project does not propose any alteration or damage to any designated historic structures or resources. Given the steepness of the slope and the disturbance of the parking lot area, it is unlikely that historic cultural resources would be found on the property. In the event that potentially cultural resources are found during construction, the Project has been conditioned to stop work until further evaluation. Further, although the Malibu Pier is designated as a historic resource, the Project is well removed from the Pier and would not alter the Pier. The planned motel would be generally consistent with adjacent development and not lead to substantial changes to the aesthetic character of the area surround the Pier. Therefore, as conditioned, the Project is anticipated to have a less than significant impact on historical resources.

b–c. **Less than Significant with Mitigation.** Section 15064.5 of the *State CEQA Guidelines* defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. The project site is located within a region that has a history of habitation by the Chumash and Tongva populations. The Project would include excavation into a steep hillside with limited potential to support cultural resources due to past disturbance to the site from construction of PCH and the onsite parking lot, and due to the steep nature of the site's hillside (see also Section 4.18, *Tribal Cultural Resources*). As further discussed in Section 4.18, *Tribal Cultural Resources*, local tribal representatives expressed concern during consultation that the project site is considered to be potentially sensitive for tribal cultural resources. Accordingly, Mitigation Measures TCR-1, -2, and -3 have been integrated to further prevent impacts that could occur

[4] *California Public Resources Code Section 21084.1*

from unanticipated encounters with tribal cultural resources, beyond those assured by the City's existing conditions of approval. All development projects in the City must conform to the City's standard conditions of approval and LIP Chapter 11. Therefore, because the site has limited potential to support archaeological resources and as a result of the required adherence to standard conditions of approval and further protections of Mitigation Measure TCR-1, -2, and -3, Project impacts would be reduced to a less than significant level with mitigation.

4.6 Energy

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

4.6.1 Existing Setting

The City of Malibu, including the project site, is served by Southern California Edison for electricity and natural gas is provided by the Southern California Gas Company (see Section 4.19, *Utilities and Service Systems).* Energy use and conservation in the City is guided by several state and regional plans, including guidance by the County of Los Angeles Community Climate Action Plan, which aims to address the effects of climate change as required by the California Assembly Bill (AB) 32, the Global Warming Solutions Act (Los Angeles County Department of Regional Planning 2015). CARB has suggested a significant role of local governments and communities to reduce GHG emissions to statewide reduction efforts for GHG emissions. The Community Climate Change Action Plan includes an inventory of GHG emissions and strategies to mitigate and avoid GHG emissions in the Los Angeles County area, including from building energy. These plans require local jurisdictions to ensure development is compliant with the goals and initiatives of energy efficiency during construction and operation of proposed projects. Additionally, the project site is subject to energy conservation requirements in the California Building Standards Code (Title 24), California Energy Code (Part 6). Title 24, Part 6 of the California Code of Regulations, *California's Energy Efficiency Standards for Residential and Non-Residential Buildings*, is the primary legislation governing energy use in new buildings in the state.

4.6.2 Discussion

a. **Less than Significant.** The project site would include the construction of and operation of a two-story, 7,693-sf motel building with a subterranean garage. During construction, temporary consumption of energy resources, particularly diesel fuel and gasoline for trucks and heavy equipment, which would be required for the movement and use of construction equipment and building materials. Construction activities would be similar in character to the City's urban in-fill developments. The Project would be developed in accordance with applicable local, state, and federal plans and policies in regard to energy usage including but not limited to the Community Climate Action Plan. Compliance with local, state, and federal regulations (e.g., limiting engine idling times) would reduce temporary energy demand usage to the maximum extend feasible, so construction-related impacts to energy resources would be less than significant.

Project operations would entail the use of equipment for heating, cooling and limited refrigeration that would incrementally increase demand for electric power and natural gas that would be required to conform to modern energy efficient standards and related fuel efficiencies. The Project would be subject to energy conservation requirements in the California Building Standards Code

(Title 24), California Energy Code (Part 6) and CALGreen which generally require measures such as use of energy efficient heating and cooling systems, low water use fixture, energy efficient lighting, use of double paned windows to reduce heating and cooling costs, and other measures. Project compliance with applicable requirements and/or regulations discussed in the *Air Quality* and *Greenhouse Gas Emissions* discussions (e.g., 2016 California Code of Regulations Title 24, Part 6 – Energy Efficiency Standards) as well as the County of Los Angeles' Community Climate Action Plan, would be consistent with state and local energy reduction policies and strategies and would not be anticipated to consume energy resources in a wasteful or inefficient manner; therefore, impacts would be less than significant.

b. **No Impact.** As the Project would occur with an existing, developed site in an urbanized area (as defined in CEQA), the Project would not obstruct the use of renewable energy, would not serve as a barrier to the use or development of renewable energy resources, and would not displace any existing renewable energy facilities. During construction and operation, vehicles and equipment used would be required to conform with applicable state and federal fuel efficiency requirements including, as discussed above, the Community Climate Action Plan for Los Angeles County. Therefore, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and impacts would be less than significant.

4.7 Geology and Soils

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

4.7.1 Existing Setting

The geologic setting of the project site is based on existing reports and maps, including the City's General Plan, U.S. Geological Survey and California Geological Survey maps; and other available technical documents. The project site is located in Southern California, which is a seismically active region at the junction of the North American and Pacific tectonic plates on a slope that

experiences frequent erosion. The project site is located between two mapped splays of the Malibu Coast Fault Zone and within middle and lower Miocene sedimentary rocks exhibiting predominantly marine sand characteristics, within the Lower Topanga Formation, per Figure S-1 of the City's General Plan Safety and Health Element containing generalized geologic map sections of the south-central Santa Monica Mountains and Figure S-3 indicating offshore geology and faults.

The level portions of the project site, which likely overlie historic beach deposits, are located within a mapped liquefaction hazard zone, where historic occurrence of liquefaction, or local geological, geotechnical, and groundwater conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required. Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similarly to a fluid when subjected to high-intensity ground shaking. Liquefaction occurs when three general conditions exist: (1) shallow groundwater; (2) low-density, fine, clean sandy soils; and (3) high intensity ground motion. Studies indicate that saturated, loose and medium dense, near-surface cohesionless soils exhibit the highest liquefaction potential, while dry, dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential.

The project site also encompasses a steep slope mapped within a potential earthquake-induced landslide hazard zone, where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation would be required (California Department of Conservation 2001). Landslides and other types of slope failures, such as rock falls and mud and debris flows, can result in areas with varying topography in the event of an earthquake or wet winters (California Department of Conservation 2014).

The project site is primarily located overlying Chumash-Boades-Malibu soil association with 30 to 75 percent slopes (U.S. Department of Agriculture National Resources Conservation Service 2020).[5] The soil is generally composed of gravelly loam, loam, clay, and weathered bedrock, which drains moderately well and has moderate to high runoff characteristics. Geotechnical reports were assembled for the Project to determine slope stability and soil compatibility (Appendix B).

Because paleontological resources are tied to the rock units in which they occur, the geologic setting is key to understanding the potential for significant paleontological resources to be disturbed by Project-related ground disturbing activities. Paleontological resources such as fossils have been discovered intermittently throughout the Malibu area and include marine vertebrates and invertebrates of the Tertiary-aged Monterey Formation which forms the bedrock underlying the project site. Based on its older age and history of containing scattered paleontological resources, the Monterey Formation is assigned a moderate potential to contain significant fossil resources. Three Quaternary to Recent-aged units overlie the Monterey Formation including artificial fill, slope wash deposits on the upslope side of the project area and beach deposits on the oceanside of the project site adjacent to the PCH. Based on their relatively young age, and previously disturbed nature in the case of artificial fill, the artificial fill, slope wash, and beach deposits are assigned a low potential to contain significant fossil resources. See Table 6 for a summary of geologic units and associated paleontological potential within the project vicinity.

[5] 30 to 75 percent slopes are slopes with a horizontal to vertical ratio (H:V) of 10:3 slopes and 4:3 slopes, respectively.

Table 6. Geologic Units and Paleontological Potential at Surface and Subsurface Within Project Vicinity

Geologic Unit Label[1]	Geologic Unit Name	Age	Paleontological Potential
af	Artificial Fill	Recent	None
Qb	Beach Deposits	Quaternary to Recent	Low
Qsw	Slope Wash	Quaternary to Recent	Low
Tm	Monterey Formation	Tertiary	Moderate

[1]Source: GeoConcepts, Inc., 2018 (see Appendix B)

City Standard Conditions of Approval

The City applies the following LIP standard conditions to applicable projects to minimize impacts to geology and soils.

- Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
  - Is located within or adjacent to ESHA, or
  - Includes grading on slopes greater than 4 to 1.

  Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.
- Grading should be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct grading activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
- All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.
- Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage, as appliable. Any substantial changes may require a CDP amendment or a new CDP.

4.7.2 Discussion

a(i) - a(ii). **Less than Significant**. The project site is not located in a designated Alquist-Priolo Earthquake Fault Zone, nor was there positive evidence of active faulting during geologic mapping and subsurface explorations conducted at the project site as part of the site-specific Geotechnical Report (Appendix B). Therefore, the potential for surface rupture during a seismic event is considered remote. As the project site is located within the seismically active Southern California region, there is the potential for regional seismic events to cause strong ground shaking at the project site. There is also a possibility that there could be trace of previously unidentified faults somewhere onsite. The residential structure located north of and above the slopes on and adjacent to the project site has been identified on top of a potentially unstable slope, and excavation of the toe to this slope for the new hotel, subterranean parking and retaining wall have the potential to cause slope failure if exacerbated by rainfall. However, the Project would be designed to not impact the structure above, as it has undergone extensive geotechnical review to ensure stability, incorporates stabilizing and wing retaining walls for heightened slope stability, and would be required to follow design provisions through the International Building Code (IBC) and California Building Code (CBC) (as adopted by the City of Malibu and codified in MMC Section 15.04.010) to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life. Therefore, while the project site would be subject to ground shaking during future seismic events (as most structures within Southern California are), through the incorporation of proper engineering measures in accordance with existing regulations, building codes, and the application of the engineering recommendations provided in the approved geotechnical report and supplemental reports, risks to life and property would be minimized. With adherence to applicable building codes and the recommendations of the Project-specific geotechnical report, direct and indirect impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss of life, injury, or death involving rupture of a known earthquake fault would be less than significant.

a(iii). **Less than Significant with Mitigation**. Although the project site is located within an area susceptible to liquefaction, modern buildings designed in accordance with the CBC and City requirements generally preclude significant impacts resulting from liquefaction during a seismic event. The Geotechnical Reports modeled earthquakes with a 7.0 to 7.4-magnitude, the highest magnitude considered possible given the distance of nearby faults, and concluded that surface manifestation of liquefaction would not present any significant hazards when the Project-specific recommendations are implemented based upon depth to groundwater, the dense nature of beach deposits, and dense nature of bedrock. Therefore, with implementation of CBC design standards and Project-specific recommendations of the Geotechnical Report as incorporated into the Project design per standard conditions of approval (see above), impacts with regard to liquefaction would be less than significant with mitigation.

a (iv). **Less than Significant**. The onsite hillside and slopes to north of site area are located in a designated landslide hazard zone (California Department of Conservation 2001). Slope stability analyses were completed for the slope to determine the potential for slope instability during a seismic event (Appendix B). The slope stability analyses concluded that with implementation of the design specifications included in the CBC and Project-specific recommendations of the approved Geotechnical Report as required for incorporation into the Project designs per standard conditions of approval (see above) that the retaining wall and resulting slope would exceed the static and pseudo-static seismic safety standards established by the City of Malibu. Specific recommendations include deepened pile foundations, a four-foot freeboard on the rear retaining wall, and tie-backs extending from the retaining wall into the slope for additional stability along the slope. The retaining wall is sized and located to allow an adequate setback from the rear building to the retaining wall. This setback would comprise the minimum amount of grading and

associated retaining wall construction required to provide a structurally safe building. Therefore, with adherence to CBC design standards and implementation of the standard conditions of approval, potential direct and indirect impacts to people and/or structures related to the exposure of landslides/slope stability would be less than significant.

b. **Less than Significant**. Construction activity associated with site grading and excavation may result in wind, gravity, and water driven erosion of soils. The Project would require a total of 13,043 cubic yards of cut and fill. As discussed in Section 4.4.1 above, clearing, excavation, and grading would be prohibited during the rainy season (November 1 to March 31) per the City's standard conditions of approval. Further, Project construction would be required to implement a LSWPPP and ESCP pursuant to LIP Section 17.4.1. These plans would identify Best Management Practices (BMPs) that would be required during the construction phase to minimize or prevent construction-related pollutant runoff. BMPs include practices such as installing sandbag barriers, temporary desilting basins near inlets, gravel driveways, dust controls, employee training, and other general good housekeeping practices that help prevent water quality contamination. Once constructed, the project site would be developed with hardscapes and landscaped with vegetation, of which associated slope management would prevent erosion and loss of topsoil by eliminating the potential for rain to encounter undisturbed soils. Further, as discussed in Section 4.9, *Hydrology and Water Quality*¸ BMPs would be implemented in accordance with a Storm Water Management Plan (SWMP) and WQMP to ensure that all runoff is retained and treated onsite during the design year storm. The WQMP would ensure that the Storm Water Quality Design Volume is infiltrated onsite. As discussed in Section 4.9, *Hydrology and Water Quality*, below, infiltration would be accomplished through the installation of infiltration pits below the proposed surface parking lot. The foundations and structures, designed in accordance with applicable design standards and the Project-specific recommendations of the Geotechnical Reports, would ensure that un-vegetated portions of the hillside above the project site are stable and do not result in erosion or the loss of topsoil. Thus, impacts from soil erosion or the loss of topsoil during the operation of the Project would be less than significant.

c. **Less than Significant**. Potential impacts with regard to liquefaction and landslide potential are evaluated above. Nonetheless, the Project would be constructed in conformance with the CBC, the requirements of the Public Works Department, and the Project-specific recommendations of the Geotechnical Reports as standard conditions of approval (see above). These conditions include maintaining uniform moisture conditions during construction through the use of watering trucks and during operations by directing stormwater flows away from building foundations and preventing ponding. Compliance with these codes and requirements would assure direct and indirect impacts related to unstable soils would be less than significant.

d. **Less than Significant.** The project site contains a surface parking lot and a disturbed slope. The Geotechnical Reports evaluated the characteristics of the soils present within the project site, and did not encounter expansive soils. The Project would be designed and constructed in conformance with the CBC, requirements of the Malibu Public Works Department and Geotechnical Division of the Environmental Sustainability Department, and the Project-specific recommendations of the Geotechnical Reports. Compliance with these codes and requirements would assure direct and indirect impacts related to expansive soils would be less than significant.

e. **Less than Significant.** The Project would include utilization of the covenant recorded on the property for the future expansion of the adjacent Malibu Inn septic system leachfield. The entire system would be contained within the project site (22969 PCH), which is located in Phase 3 of the CCWTF. The Project would be constructed in conformance with the City's standard conditions of approval for septic systems and the City Environmental Health Department's Environmental Health Review. The Environmental Health Review recommends project approval only when it

determines that septic systems can be adequately operated without negatively affecting groundwater quality, ocean water quality, building foundations, or structures. The Project would also be subject to obtaining a WDR from the LARWQCB (refer to Section 4.10, *Hydrology and Water Quality*). Conformance with the LIP standard conditions of approval, the WDR, and the recommendations of the Environmental Health Review would ensure soils intended for septic system utilization would be capable of supporting the proposed septic systems. Therefore, impacts would be less than significant.

f. **Less than Significant with Mitigation.** The project site, as mapped by GeoConcepts (2018) is underlain by Quaternary to Recent-aged artificial fill, slope wash, and beach deposits which in turn overlie Tertiary-aged Monterey Formation bedrock which has intermittent but moderate potential to contain significant fossil resources. Because significant fossil resources may be present but only intermittently throughout the Monterey Formation, the Project would include implementation of MM GEO-1, which includes a requirement to retain an on-call qualified paleontologist to provide construction crew education and to respond to any unanticipated discover of paleontological resources during ground-disturbance. With implementation of MM GEO-1, impacts to paleontological resources would be less than significant with mitigation.

Mitigation Measures

The following mitigation measure (MM) is required to reduce potential impacts related to paleontological resources to a less than significant level.

GEO-1 **Worker Education and Unanticipated Discovery Response.** *A qualified paleontologist as approved by the City of Malibu and the Los Angeles County Natural History Museum Vertebrate Paleontology Department shall be retained prior to ground-disturbing activities associated with construction of any individual project phase. Prior to ground-disturbance, the qualified paleontologist shall provide the construction crew(s) a brief summary of the paleontological potential of the underlying geology, the rationale behind the need for protection paleontological resources, information on the initial identification of paleontological resources, and procedures to implement in the event paleontological resources are discovered.*

- *In the event paleontological resources are uncovered at any point during construction activities, the Construction Contractor shall halt ground-disturbing activities and notify the Paleontologist and City, at which time the Paleontologist shall conduct an on-site inspection of the discovery, make a preliminary taxonomic identification, determine whether further action is required, , and recommend measures for further evaluation, and/or collection of the resource as appropriate.*
  - *Ground-disturbance shall not resume in the vicinity of the of the discovery until the Paleontologist has assessed the resource.*
  - *The Paleontologist hall have the authority to halt and/or redirect construction activities to allow a reasonable amount of space and time to evaluate potential resources.*
  - *Significant resources shall be collected, prepared, and curated with an accredited institution as determined necessary by the Paleontologist.*

Requirements and Timing. *The applicant shall retain a qualified Paleontologist for duration of ground-disturbing activities within the Monterey Formation. The*

Paleontologist shall provide initial training to construction crew(s) prior to start of ground-disturbance.

Monitoring. *The Paleontologist shall remain available on an on-call basis to respond to any unanticipated discoveries.*

Reporting. *Should significant paleontological resources be discovered and subsequently collected by the Paleontologist during project-related ground-disturbance, the Paleontologist will prepare a letter report to the City including an inventory of recovered fossil resources and plans for final disposition of the resources.*

4.8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

4.8.1 Existing Setting

Global climate change can be measured by changes in wind patterns, storms, precipitation, and temperature. Scientific consensus has identified that human-related emissions of greenhouse gases (GHGs) above natural levels is a significant contributor to global climate change. GHGs are substances that trap heat in the atmosphere and regulate the Earth's temperature, and include water vapor, CO_2, methane (CH_4), nitrous oxide (N_2O), ground level ozone, and fluorinated gases, such as chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and halons. The potential impacts of climate change include severe weather patterns, flooding, reduced quality and availability of water, sea level rise, and beach erosion. Primary activities associated with GHG emissions include transportation, utilities (e.g., power generation and transport), industry, manufacturing, agriculture, and residential. End-use sector sources of GHG emissions in California are as follows: transportation (41 percent), industry (24 percent), electricity generation (15 percent), agriculture and forestry (8 percent), residential (7 percent) and commercial (5 percent; (CARB 2020).

AB 32 is a California State Law that establishes a comprehensive program to reduce GHG emissions from all sources throughout the state. AB 32 requires CARB to develop regulations and market mechanisms to reduce California's GHG emissions to 1990 levels by 2020, representing a 25 percent reduction statewide, with mandatory caps beginning in 2012 for significant emissions sources. The 2017 Environmental Report Card for Los Angeles County accounted for building energy, on-road transportation, stationary sources, solid waste, water conveyance, ports, off-road transportation, wastewater treatment, agriculture, and the Los Angeles Worlds Airport. Total 2010 emissions published by this report were estimated at approximately 99,134,526 metric tons (MT) CO_2e (carbon dioxide equivalents). Building energy accounted for 39.2 percent of emissions, followed closely by transportation that represented 33.5 percent. Stationary sources, solid waste, water conveyance, and ports accounted for 19.7 percent, 4.4 percent, 1.1 percent, and 1.1 percent, respectively. Off-road transportation, wastewater treatment, agriculture, and Los Angeles Worlds Airport each accounted for less than 1.0 percent of emissions. Total per capita GHG emissions from the County in 2010 were approximately 10.1 MT CO_2e per person, compared to 12.3 MT CO_2e per person for the state (Institute of the Environment and Sustainability 2015).

As described in Section 4.3, *Air Quality*, the project site is in the City within the South Coast Air Basin, and supports an existing 40-space parking lot that generates ongoing emissions. The major sources of GHG emissions in the vicinity include motor vehicles and building energy needs, as well as the construction and maintenance of buildings, streets, and infrastructure.

Neither the City of Malibu nor SCAQMD have approved a threshold of significance for GHG emissions. Section 15064.4 of the CEQA Guidelines was adopted to assist lead agencies in determining the significance of the impacts of GHGs. Consistent with developing practice, this Guideline section urges lead agencies to quantify GHG emissions of projects where possible. When no guidance exists under CEQA, the lead agency may look to and assess general compliance with comparable regulatory schemes. In its January 2008 *CEQA and Climate Change* white paper, the California Air Pollution Control Officers Association (CAPCOA) investigated a variety of analytical procedures and ranges of what would be considered significant for a project. Therein, CAPCOA suggested a possible quantitative threshold option that would capture 90 percent of GHG emissions from future discretionary development projects. According to CAPCOA, the "objective was to set the emission threshold low enough to capture a substantial fraction of future residential and nonresidential development that will be constructed to accommodate future statewide population and job growth, while setting the emission threshold high enough to exclude small development projects that will contribute a relatively small fraction of the cumulative statewide GHG emissions." A 90 percent capture rate would "exclude the smallest proposed developments from potentially burdensome requirements … to mitigate GHG emissions."

The SCAQMD released draft guidance regarding interim CEQA GHG thresholds of significance in October 2008, proposing a tiered approach whereby the level of detail and refinement needed to determine significance increases with a project's total GHG emissions. "Tier 3," the primary tier by which SCAQMD currently determines the significance of stationary emission sources, relies on Executive Order S-3-05 as the basis for a screening level, and was established at a level that captures 90 percent of Air Basin-wide land use GHG emissions. For Tier 3, the SCAQMD proposes that lead agencies choose between two options: Option #1 provides screening levels of 3,500 MT/yr CO_2e for residential projects, 1,400 MT/yr CO_2e for commercial projects and 3,000 MT/yr CO_2e for mixed-use; whereas Option #2 is a single threshold of 3,000 MT/yr CO_2e for all land use types. The SCAQMD's proposed screening level of 3,000 MT/yr CO_2e per year is a South Coast Air Basin-specific level that would meet CAPCOA's intent for the suggested quantitative threshold option. It should be noted that the SCAQMD has formally adopted a GHG significance threshold of 10,000 MT/yr CO_2e per year for industrial/stationary source projects where the SCAQMD is the lead agency based on a 90 percent capture rate for the industrial/stationary source sector. Because the Project proposed only commercial uses, its resulting emissions are compared against the SCAQMD recommended threshold of 1,400 MT/yr CO_2e.

4.8.2 Impact Discussion

a-b. **Less than Significant.** The Project would generate increased GHG emissions from both construction activities and long-term operation. The total emission from Project construction was modeled using CalEEMod projections for the proposed construction duration (see Appendix A). Emissions from construction would consist of mobile sources such as haul trucks, excavators, and other construction equipment. The total estimated emissions from unmitigated construction activity would be 205.5 MT/yr CO_2e, which is well beneath the SCAQMD recommended significance threshold of 1,400 MT/yr CO_2e. It is important to consider that this represents a one-time emission of GHGs. The SCAQMD defines a Project lifetime as 30 years. For construction-related GHGs, SCAQMD recommends that construction emissions be amortized over 30 years and added to operational emissions and then compared to the significance threshold. As a result, the above estimate provides a conservative estimate of GHG emissions resulting from Project construction.

Once operational, the Project would result in direct and indirect GHG emissions, primarily CO_2, CH_4, and N_2O, as a result of fuel combustion for heating, ventilation and air conditioning (HVAC) systems, lighting, and particularly from motor vehicle operations. For operational activities, the CalEEMod emission model is based on trip generation rates, land use types, and the proposed floor area. Based on these inputs, the total estimated emissions for unmitigated operational activities would be 245.9 MT/yr CO_2e, which is also well below the SCAQMD recommended significance threshold of 1,400 MT/yr CO_2e. Further, the Project would introduce emissions different to that of the 40-space parking lot that generates ongoing emissions as existing.

As neither construction nor operation of the Project, or even in combination of construction and operational emissions, were estimated to exceed the SCAQMD recommended significance threshold of 1,400 MT/yr CO_2e, impacts would be less than significant. As demonstrated in Table 7, *Project Consistency with Applicable GHG Reduction Policies*, the Project is consistent with applicable policies to reduce GHG emissions.

Table 7. Project Consistency with Applicable GHG Reduction Policies

Policy	Description	Demonstration of Project Consistency
AB 1493	Reduces GHG emissions in new passenger vehicles from 2012 through 2016. Also reduces gasoline consumption to a rate of 31 percent of 1990 gasoline consumption (and associated GHG emissions) by 2020	**Consistent.** This measure applies to all new vehicles and the Project would not conflict with its implementation.
Low Carbon Fuel Standard	Establishes protocols for measuring life-cycle carbon intensity of transportation fuels and helps to establish use of alternative fuels.	**Consistent.** This measure applies to transportation fuels utilized by vehicles in California. The Project would not conflict with the implementation of this measure. Construction and operational vehicles association with the Project would utilize low carbon transportation fuels as required under this measure.
CALGREEN Requirements	Comply with applicable site development planning and design measures such as bicycle parking and light pollution reduction.	**Consistent.** The Project would be consistent with this requirement via compliance with the MMC, LIP standard conditions of approval, and/or the CALGreen Code.
	Comply with indoor water usage requirements by using low-flow water fixtures that meet the prescribed flow rates (residential and non-residential) or reduce water use by 20 percent from the water use baseline (non-residential).	**Consistent.** The Project would be consistent with this requirement via compliance with the MMC, LIP standard conditions of approval, and/or the CALGreen Code.
	Comply with material conservation and resource efficiency measures including applicable weather resistance and moisture management measures.	**Consistent.** The Project would be consistent with this requirement via compliance with the MMC, LIP standard conditions of approval, and/or the CALGreen Code.
	Comply with VOC emissions limits for carpet systems, composite wood products, and flooring.	**Consistent.** The Project would be consistent with this requirement via compliance with the MMC, LIP standard conditions of approval, and/or the CALGreen Code.

Table 7. Project Consistency with Applicable GHG Reduction Policies (Continued)

Policy	Description	Demonstration of Project Consistency
	Reduce diesel-fueled commercial motor vehicle idling.	**Consistent.** The Project would implement this action to the extent feasible. Construction trucks would comply with CARB's anti-idling measure.
Climate Action Team	Achieve California's 50 percent waste diversion mandate (Integrated Waste Management Act of 1989) to reduce GHG emissions associated with virgin material extraction.	**Consistent.** The CALGreen Code implements this goal, and the Project would be consistent with the requirements.
	Plant five million trees in urban areas by 2020 to effect climate change emission reductions.	**Consistent.** The Project would provide appropriate landscaping on the project site including vegetation and trees.
	Implement efficient water management practices and incentives, as saving water saves energy and GHG emissions.	**Consistent.** CALGreen Code implements this goal, and the Project would be consistent with the requirements.
	The California Energy Commission updates building energy efficiency standards that apply to newly constructed buildings and additions and alterations to existing buildings. Both the Energy Action Plan and the Integrated Energy Policy Report call for ongoing updating of the standards.	**Consistent.** CALGreen Code implements this goal, and the Project would be consistent with the requirements.
	Reduce GHG emissions from electricity by reducing energy demand. The California Energy Commission updates appliance energy efficiency standards that apply to electrical devices or equipment sold in California. Recent policies have established specific goals for updating the standards; new standards are currently in development.	**Consistent.** CALGreen Code implements this goal, and the Project would be consistent with the requirements.
	Apply strategies that integrate transportation and land use decisions, including but not limited to promoting jobs/housing proximity, high-density residential/commercial development along transit corridors, and implementing intelligent transportation systems.	**Consistent.** The Project would be located in an infill location in proximity to existing residential and commercial businesses, which would minimize trip lengths and associated emissions.

4.9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

4.9.1 Existing Setting

The project site is improved with a paved parking lot at the base of a previously-disturbed slope. According to the State of California EnviroStor Database compliant with Government Code Section 65962.5, there are no current known hazardous waste clean-up sites within the project site or immediate vicinity. However, the project site may support asphalt-based contaminants within paved surfaces. There are four hazardous materials sites located within 0.5 mile of the project site; the Cross Creek Yard site (3728 Cross Creek Road, 0.4 mile to the west), a demolished ARCO gas station (22661 PCH, 0.4 mile to the east), a now-closed Shell gas station (22729 PCH, 0.3 to the east), and a solidary “GTE” site (22211 PCH, 0.2 mile to the east). All four

sites were identified as having leaking underground storage tanks, but have been properly remediated for more than a decade. The LARWQCB issued the Cross Creek Yard site a “Case Closed” status in 1996, the ARCO station a “Case Closed” status in 2004, and the Shell gas station a “Case Closed” status in 2005, and the solitary “GTE” site a “Case Closed” status in 1996 (Department of Toxic Substances Control 2020).

The closest private school is a daycare located adjacent to the project site’s eastern border, and the nearest public school to the project site is Webster Elementary School, located approximately 1.2 miles west. The project site is not located in the vicinity of any public or private airstrip or airport land use plan area. The nearest airport to the project site is Santa Monica Airport, located approximately 13.0 miles east, followed by Van Nuys Airport located approximately 15.5 miles to the northeast, and Los Angeles International Airport located approximately 16.8 miles southeast; the project site is not located within any airport areas of influence.

According to the City of Malibu Emergency Operations Plan (EOP), in the project vicinity, the adjacent PCH and 1.5 miles away Malibu Canyon Road are the designated disaster routes (City of Malibu 2018). Designated disaster routes function as primary thoroughfares for the movement of emergency response traffic and access to critical facilities.

Additionally, the City of Malibu is located in operational disaster management area “B” as described in the 2012 *Los Angeles County Operational Area Emergency Response Plan* (OAERP) that gives guidance for emergencies including hazards and threats such as a major earthquake, hazardous material incident, wildland fire, flooding, mudslide, landslide, major air crash, civil unrest, transportation, and terrorism threat. The OAERP additionally outlines management, operations, planning, logistics, finance, recovery, and supporting documentation for the implementation of the plan (County of Los Angeles 2012).

The 2012 OAERP notes that the Santa Monica Mountains, which includes the City of Malibu along its southern edge, are known for the “chaparral-urban interface” between dry vegetation and surrounding urban development (seed also *Section 4.20, Wildfire* below). The mountains are subject to dry weather conditions, seasonal Santa Ana winds, and high temperatures that contribute to an ever-present threat of wildfire year-round (County of Los Angeles Office of Emergency Management 2014). Although the project site does not support or border areas of highly flammable vegetation and is separated from major areas of undeveloped chaparral habitat by developed neighborhoods, wildfires can move through such neighborhoods and have in the past burned along PCH, such as during the 2018 Woolsey Fire. The Woolsey Fire burned over 96,900 acres of land in Los Angeles and Ventura Counties in November 2018. The fire headed south into the Santa Monica Mountains, passing through Puerco Canyon and Puerco Canyon Creek located about 1.5 miles west of the project site. Although the project site was not affected by the Woolsey Fire, the Sweetwater Canyon approximately 800 feet east of the site and Malibu Creek Canyon located roughly 2,000 feet to the west support large areas of native and other flammable vegetation such as eucalyptus groves that could convey wildfires moving down toward the coast. As a result, the project site is located within an area designated as a Fire Zone 4 – Very High Fire Hazard Severity Zone (VHFHSZ) by the California Department of Forestry and Fire Protection (CAL FIRE) and the LACFD County Forester (CAL FIRE 2011). In addition to high fire hazards associated with wildland vegetation further inland, the project vicinity supports steep slopes potentially prone to slope failure such as landslides, liquefaction, and mudslides, especially in burned areas (see also, Section 4.7, *Geology and Soils*).

4.9.2 Impact Discussion

a. **Less than Significant.** Construction of the Project would involve the use of those hazardous materials that are typically necessary for construction of commercial development (e.g., paints, building materials, cleaners, fuel for construction equipment, etc.). Therefore, construction of the Project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. The transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, state, and federal regulations governing such activities and all hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Therefore, the Project would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction and impacts would be less than significant.

Operation of the Project would include the use of solvents, cleaning products, and landscaping fertilizer. These materials would be used for facility upkeep and would only be considered hazardous if used inappropriately or if exposed to unfavorable conditions. Such materials include cleaning solvents used for janitorial purposes, materials used for landscaping, and materials used for maintenance. However, all potentially hazardous materials transported, stored, offered for sale, or used onsite for daily upkeep would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Compliance with existing local, state, and federal regulations would ensure the transport, disposal, and storage of these materials would not pose a significant hazard to the public or the environment. Therefore, Project impacts related to this issue would be less than significant.

b. **Less than Significant.** A significant impact would occur if the Project created a significant hazard to the public or environment due to a reasonably foreseeable release of hazardous materials. As discussed above, compliance with federal, state, and local laws and regulations relating to transport, storage, and disposal of hazardous materials would minimize any potential for accidental release or upset of hazardous materials, and impacts would be less than significant.

c. **Less than Significant.** Construction and operation of the Project would not create a hazard through the release of hazardous materials, routine use, transport, or handling of any notable quantities of hazardous materials. The Project would be required to comply with state regulations directing the use of any hazardous materials, which would further reduce the potential for offsite impacts. Further, as discussed above in Section III, *Air Quality*, construction of the Project would involve the use of diesel construction equipment, but none of these emissions would be generated at levels that are considered hazardous. Therefore, potential impacts associated with the handling or emission of hazardous materials on nearby schools would be less than significant.

d. **No Impact.** The project site is not listed on any databases where releases of known hazardous materials have occurred, and is not listed as a site containing historical or existing underground storage tanks, gasoline stations, or drycleaners. As discussed in Section 4.8.1 (Existing Setting) above, the closest identified hazardous materials site is located approximately 0.2 mile east of the project site, of which remediation was completed in 1996. Proposed Project operations do not anticipate interaction with hazardous waste sites or production of materials that may require the use of hazardous waste site services. Therefore, no impact would occur.

e. **No Impact**. The project site is not located in an airport land use plan area. The Project does not involve placing people in proximity to aircraft operations, and no risks to life or property from airport operations could occur as a result of the Project. Therefore, there would be no impact to employees, customers, visitors, or workers from aircraft activities.

f. **Less than Significant.** The Project is not anticipated to substantially interfere with any emergency response plan or fire evacuation plan, or with primary designated disaster routes including direct access to PCH and secondary access to Malibu Canyon Road. Though the project site is situated on PCH and in the general vicinity of Malibu Canyon Road, neither the construction nor the operation of the Project would require or result in long-term modifications to any of these roadways that would impact emergency traffic.

Construction of the Project could temporarily interfere with local and onsite emergency response as construction activities would require the movement of larger construction vehicles, such as haul trucks, to and from the project site, and could require the closure of roadway shoulders. However, construction traffic would conform to all local access standards to allow adequate emergency access. The majority of Project construction activities would be confined to the site, except for infrastructure improvements, which may require some work in the PCH right-of-way. As discussed in Section 4.17, *Transportation and Traffic,* any construction staging and/or construction vehicle parking would occur in accordance with a City-approved construction staging plan and a Caltrans-approved transportation permit, as required by the City standard conditions of approval (see Section 4.17, *Transportation and Traffic* for these standard conditions of approval). The required use of appropriate signs and flag personnel during these periods would minimize traffic obstruction and delays.

The Project is anticipated to incrementally increase vehicle trips along PCH, a designated disaster route, and in the Project vicinity. In the Project vicinity, traffic volumes are approximately 43,000 annual average daily trips (AADT), or approximately 3,900 trips during peak hour, of which the Project could contribute approximately 180 daily trips (less than 0.01 percent of AADT), or up to 16 trips during peak hour (less than 0.01 percent of peak hour trips; see also Section 4.17, *Transportation*) (Caltrans 2018). While PCH can become highly congested during disasters such as major wildfires as residents use this route for evacuation and emergency vehicles for access, the Project's incremental increase in traffic would not substantially increase congestion during disasters and would have less than significant impacts as it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (refer also to Section 4.17, Transportation and Traffic). The Project would include altered driveway access on PCH, which would require review and approval of an Encroachment Permit from Caltrans. During its review of the permit, Caltrans would ensure circulation modifications to the driveways (e.g. removing one western driveway and inserting one eastern driveway) do not impact emergency operations on PCH. Additionally, options available to emergency vehicles such as using sirens to clear a path of travel or driving in opposite traffic lanes would reduce the effect of any incremental increases in traffic. Impacts would be less than significant.

g. **Less than Significant.** As mentioned above, the project site is located within a VHFHSZ. All Project construction would be in compliance with the goals, policies, and implementation measures and codes of the LACFD; the City's General Plan Safety Element; the LCP; the Public Works Department, Building Safety Division; and VHFHSZ building codes and requirements. Per the City's standard conditions of approval, the required fuel modification plan is required to be reviewed and approved by the LACFD prior to the issuance of building permits. With implementation of the required fuel modification plan on the project site, wildfire impacts would be less than significant.

4.10 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
iii) create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

4.10.1 Existing Setting

The federal Clean Water Act establishes the framework for regulating discharges to waters of the US in order to protect their beneficial uses. The Porter-Cologne Water Quality Act (Division 7 of the California Water Code) regulates water quality within California and establishes the authority of the State Water Resources Control Board (SWRCB) and the nine regional water boards. For stormwater, development projects are required by the State Board to provide careful management and close monitoring or runoff during construction, including onsite erosion protection, sediment management and prevention of non-storm discharges. The Regional and State Boards issue

National Pollutant Discharge Elimination System (NPDES) permits to regulate specific discharges. An NPDES permit requires that development projects also provide for ongoing treatment of stormwater from the site, using low-impact design (LID), infiltration, or onsite reuse, to address project runoff using specific design criteria. The protection of water quality in the watercourses of Los Angeles County is under the jurisdiction of the LARWQCB. The WQMP, which is part of the NPDES Permit, addresses specific stormwater pollution requirements for new developments. As co-permittee, the City of Malibu is responsible for assuring that new developments are in compliance with the WQMP.

As further discussed within Section 4.19, *Utilities and Service Systems*, City water is supplied by Metropolitan Water District of Southern California (MWD), which draws a portion of their water from groundwater sources and are managed over 25-year conservation plans. Additionally, there is no municipal sewer yet available in this area of Malibu, however phased construction is continuing on the CCWTF. The CCWTF now includes a centralized wastewater treatment facility in the Malibu Civic Center area that treats, reuses, and/or disposes of wastewater flows from properties now being served by the system, and will also serve two planned expansions areas (i.e., Phases 2 and 3), including the project site within Phase 3 (City of Malibu 2020a). On November 5, 2009, the LARWQCB approved Resolution No. R4-2009-007, banning the use of OWTS in the project site area. On September 21, 2010, the SWRCB approved that same resolution, thereby amending the State Basin Plan. The adopted plan for a specific Prohibition Area, which includes the project site, included the following mandates:

- All commercial properties must cease wastewater discharge by 2015;
- All residential properties must cease wastewater discharge by 2019; and
- No new wastewater discharge is allowed from any property in the prohibition boundary, except for those listed within the Resolution under Table 4-zz.

The project site (22959 PCH, APN 4452-019-005) is listed on Table 4-zz as being eligible for a new OWTS under Resolution No. R4-2009-007.[6]

Within Malibu, natural drainage is the primary drainage means for water runoff, with the existing drain systems maintained by the Los Angeles County Flood Control District (LACFCD). However, there are no County maintained systems nearby to the project site due to its close proximity to the Pacific Ocean (LA County Department of Public Works 2020). The project area exists within the northwestern region of the Santa Monica Bay UC8 Watershed (EPA 2020).

Local drainage within and proximate to the project site consists of three primary drainage channels which convey runoff from the project site to PCH, which is then directly discharged to the Pacific Ocean via a concrete drainage channel at the bottom of a ravine located approximately 800 feet east of the project site. Along the western site boundary, a drainage channel extends from the western side of the hilltop home to the rear of the adjacent Malibu Inn property; drainage from the western side of the slope flows into this channel. A smaller drainage channel also flows directly from the middle of the hilltop home about halfway down the slope to a diagonal cross-directional notch in the slope which directs flows to the eastern side of the property between the eastern adjacent business and the project site boundary. There currently no water quality protection devices in place that treat existing runoff.

[6] At its February 2, 2017 Board Meeting, the LARWQCB approved an updated Memorandum of Understanding (MOU) with the City that extends the deadlines by which properties must cease discharging from septic systems and connect to the CCWTF. The updated MOU extends the schedule for the Phase 3 area from 2025 to November 2028.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), the project site is not located within a 100-year flood plain. The majority of the opposite side of PCH from the project site is designated with a one percent annual chance flood hazard zone that extends the length of the Malibu coastline (FEMA 2008). Additionally, as noted by the Intergovernmental Panel on Climate Change (IPCC), due to global and continental temperature changes, under reasonable worst case scenarios global sea level rise is anticipated to increase by approximately 1 foot by 2030, 2 feet by 2050 and up to 5 feet by the year 2100 (National Oceanic and Atmospheric Administration [NOAA] 2020), though some data sources place the worst case scenarios over 10 feet of sea level rise by 2100 (Climate Central 2020). According to the NOAA Office for Coastal Management, which digitally maps the potential for varying degrees of sea level rise based on IPCC data, in addition to those of USGS and Climate Central, even with a 10-foot rise in sea level, the project site would be located outside of potential sea inundation due to its elevation of approximately 20 feet above sea level (NOAA 2020; USGS 2020; Climate Central 2020). However, it is unknown if the site could be periodically subject to periodic wave uprush during major storm events such as El Nino if sea level rise increases beyond that projected under worst case scenarios.

The California Department of Conservation Tsunami Inundation maps for southern California indicate that the project site would be outside of any potential inundation area. However, the project site is within 200 feet of the upper limit of the potential inundation area, located on the opposite (southern) edge of PCH (California Department of Conservation 2015b).

Project site inundation by tsunami, or mudflow may harm exposed persons or structures to damaging effects. A tsunami is a large sea wave produced by an earthquake or submarine landslide. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity.

City Standard Conditions of Approval

The City applies the following LCP standard conditions to applicable projects to minimize impacts to hydrology and water quality.

- Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance, and monitoring of the OWTS.
- Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11-inch by 17-inch sheet leaving a 5-inch margin clear to provide space for a City-applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
- The final design report shall contain the following information (in addition to the items listed above).

  Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom

equivalents, plumbing drainage fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;

- Sewage and effluent pump design calculations (as applicable);
- Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter UV disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems;
- Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics;
- All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are also required for review by the Building Safety Division and/or the Planning Department.

- Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).
- Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MPC Table 15.42.030(E) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced.

Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.

- Prior to commencing work to abandon, remove, or replace the existing OWTS components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.

- Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.

- All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

- A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.

- Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

- An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.
- A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Please note only original "wet signature" documents are acceptable.
- Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
- The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
- In accordance with MMC Chapter 15.14, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.
- A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
    - Public Works Department general notes;
    - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
    - The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
    - The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
    - The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
    - Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.
- A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls:	• Scheduling • Preservation of Existing Vegetation
Sediment Controls:	• Silt Fence • Sand Bag Barrier

	• Stabilized Construction Entrance
Non-Storm Water Management:	• Water Conservation Practices • Dewatering Operations
Waste Management:	• Material Delivery and Storage • Stockpile Management • Spill Prevention and Control • Solid Waste Management • Concrete Waste Management • Sanitary/Septic Waste Management

- All BMP shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.
- Prior to the approval of any permits and prior to the submittal of the required construction general permit document to the Los Angeles RWQCB, the property owner / applicant shall submit the Public Works Department an ESCP for review. The ESCP shall contain appropriate site-specific construction site BMPs prepared and certified by a qualified SWPPP developer (QSD). All structural BMPs must be designed by a licensed California civil engineer. The ESCP must address the following elements:
  - Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area
  - Methods used to protect native vegetation and trees
  - Sediment / erosion control
  - Controls to prevent tracking on- and offsite
  - Non-stormwater control
  - Material management (delivery and storage)
  - Spill prevention and control
  - Waste management
  - Identification of site risk level as identified per the requirements in Appendix 1 of the Construction General Permit
  - Landowner must sign the following statement on the ESCP:

    "I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that quality personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to properly and/or adequately implement the ESCP may result in revocation of grand and/or other permits or other sanctions provided by law."

- Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.
- A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's LIP Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control BMPs that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.
- The Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.
- Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
- All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.
- A WQMP shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. A WQMP is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    - Site Design BMPs
    - Source Control BMPs
    - Treatment Control BMPs that retains onsite the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain onsite, the project must biofiltrate 1.5 times the SWQDv that is not retained onsite.
    - Drainage Improvements
    - Methods for onsite percolation, site re-vegetation and an analysis for offsite project impacts;
    - Measures to treat and infiltrate runoff from impervious areas;
    - A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure.
    - A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.

- The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMPs, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original singed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

- Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.

- Prior to final inspection (or project sign off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

- All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:

    - Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time;

    - Grading activities shall be planned during the Southern California dry season (April through October);

    - During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination; and

    - Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

4.10.2 Impact Discussion

a. **Less than Significant.** The Project could potentially have both construction and operations related impacts to hydrology and water quality. Regarding Project construction, pursuant to LIP Section 17.3, prior to the issuance of a grading or building permit, the Project applicant shall be required to prepare and submit an LSWPPP and ESCP for approval (MS4 Permit Section VI.D.8.h.ii) that identifies BMPs during the construction phases of development to minimize or prevent construction-related polluted runoff. The LSWPPP would be prepared by a QSD. Project construction would occur in accordance with the requirements of the NPDES General Construction Permit (Order No. 2009-0009-DWQ). The General Construction Permit requires BMPs and runoff control measures to be identified on the LSWPPP submitted to the LARWQCB and employed during Project construction to minimize pollutants and reduce runoff to levels that comply with applicable water quality standards. BMPs include practices such as installing

sandbag barriers, temporary desilting basins near inlets, gravel driveways, dust controls, employee training, and other general good housekeeping practices that help prevent water quality contamination. Construction would not occur during the rainy season. However, if construction is to occur during wet weather, an ESCP would also be required; the ESCP is required to identify locations where concentrated runoff will occur; plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of similar but more stringent protective measures to those listed above, including location and sizing criteria for silt basins, sandbags barriers, and silt fencing; and a stabilized construction entrance and a monitoring program for the sweeping of material tracked off the site. Project hydrology and drainage plans would be reviewed and approved by the City Department of Public Works. The LSWPPP would ultimately be reviewed and approved by the LARWQCB as part of the NPDES General Construction Permit. With the implementation of standard conditions, short-term surface and ground water quality impacts would not violate any water quality standards or otherwise substantially degrade surface water quality and site specific and cumulative impacts would be reduced to less than significant levels.

Regarding Project operation, as also noted in Section 4.4.2 above, the Project would be designed in accordance with a SWMP and WQMP, which would include BMPs to retain and treat stormwater onsite during the design year storm. The Project's runoff treatment would be an improvement in comparison to the existing setting, as the existing 40-space parking lot does not include any runoff management or treatment. When drainage flows exceed the design year storm, runoff from the project site would continue to outlet to PCH and ultimately the Pacific Ocean as under existing conditions. Because of the proposed uses of the site, stormwater runoff could contain contaminants typical of urban areas including oil, grease, metals, pesticides/herbicides, and entrained dust. Pursuant to LIP Section 17.3.2, prior to operation, a SWMP and WQMP must be submitted to and approved by the City's Public Works Department. The SWMP requirements for new development that would be applicable to the Project are included in MMC Section 13.04.110. The SWMP and the Project's site design are required to incorporate source-control BMPs to mitigate increased runoff generated by the increase of impervious surfaces on the project site. As stated in LIP Section 17.4.2, post-construction phase water quality requirements require post construction plans detailing how stormwater and polluted runoff would be managed or mitigated during the life of the Project.

Specific BMPs proposed to retain and treat stormwater runoff from the project site include catch basins at varying levels of the proposed structure leading up to the retaining wall, in addition to locations spaced throughout the surface parking areas. The Project applicant would be responsible for the routine maintenance of the catch basins, filter inserts, and water storage tank. Implementation of the approved water quality plans would ensure that pollutants do not enter stormwater flows into the Pacific Ocean. In addition, the existing surface parking lot was developed before current stormwater regulations and does not contain BMPs to treat runoff leaving the project site. In this manner, the Project may represent an improvement in water quality when compared to existing conditions.

The WQMP is required for all development that requires a CDP and requires the implementation of appropriate site design and source control BMPs from LIP Section 17.6 and its associated Appendix A to minimize or prevent post-construction polluted runoff. With the preparation, approval and successful implementation of a SWMP and WQMP, impacts to water quality would be reduced to less than significant levels.

b. **Less than Significant**. As discussed above, construction of the Project would involve grading and excavation of the site. If required during construction activities, dewatering could result in the withdrawal of groundwater. If this occurs, dewatering would occur in accordance with LARWQCB

regulations to ensure that construction activities do not affect water quality or deplete groundwater supplies.[7] Since the project site currently contains existing hardscapes and paved surfaces, the potential for groundwater recharge is not substantial onsite, and would not be substantially reduced with Project implementation. The Project would develop an expanded leachfield and an OWTS to serve from the proposed motel, until such time that the project area may be connected to the CCWTF, estimated to occur in 2028. During this interim period, the project site would act as a source of groundwater recharge for the immediate project vicinity, although the volume of recharge would not be substantial enough to result in a meaningful change to groundwater levels. Potential groundwater or ocean water pollution impacts from the discharge of septic effluent would be avoided for the Project, due to the multi-phase treatment implemented by the system and associated permitting requirements. Following connection to the CCWTF, the project site's impact on groundwater recharge would be comparable to under existing conditions. As a result, the Project would result in a less than significant impact on groundwater supplies.

c-e. **Less than Significant**. As discussed above, the Project would be designed in accordance with a SWMP and WQMP, which would include BMPs to retain and treat stormwater onsite during the design year storm. When drainage flows exceed the design year storm, runoff from the project site would continue to outlet to PCH and ultimately the Pacific Ocean as under existing conditions.

During construction, erosion and siltation would be controlled by the aforementioned LSWPPP and ESCP, and implementation of BMPs for erosion control. As a result, Project construction would not substantially alter the existing drainage pattern of the site in a manner that would result in substantial erosion or siltation on or off-site. Compliance with regulatory measures would result in less than significant impacts to hydrologic resources and water quality during construction of the proposed Project.

During operation, the SWMP and WQMP would be implemented to capture and treat runoff from the project site from a design year storm and further would ensure that all stormwater discharged into the municipal drainage system is within water quality standards. Because runoff would continue to be conveyed to PCH and Pacific Ocean through concrete conveyance structures, the Project would not increase erosion or sedimentation on- or offsite. Wastewater impacts are further discussed within Section 4.17, *Utilities and Service Systems*. Impacts associated with operation of the Project would be less than significant.

The existing surface parking lot was constructed prior to the adoption of regulations that require BMPs to retain and treat stormwater flows. Thus, implementation of the Project would be anticipated to reduce stormwater flows from the project site when compared to existing conditions. As there are no known capacity constraints in the stormwater system serving the project site, the Project would not result in flows which exceed the capacity of the system and a less than significant impact would result.

g, h, & i. **Less than Significant**. The project site is not located within an area susceptible to flooding; the site is not located in a 100-year floodplain, nor in proximity to dams or levees. Additionally, as described above, considering worst-case assumptions for sea level rise, the project site would remain outside of projected mapped potential sea level rise flooding areas, though may experience some abnormal wave action in the case that worst-case scenario projections are exceeded. Impacts related to flooding would be less than significant.

[7] LARWQCB Order No. R4-2013-0095 establishes standards for monitoring discharges of groundwater from construction and project operation.

j. **Less than Significant**. Due to its proximity to the Pacific Ocean, the City of Malibu is susceptible to tsunamis. However, the project site is elevated outside of mapped tsunami inundation areas. Seiches are not applicable to this site. Additionally, though the project site is located at the base of a slope with the potential for landslides (mudslides) as discussed in Section 4.6, *Geology and Soils*, the proposed retaining wall has been designed in accordance with applicable standards to exceed minimum safety levels and ensure the slope is stable following Project implementation. Further, the site is not located at the base of a ravine that may be particularly susceptible to seiches or mudflows that may result in inundation. Impacts related to inundation by seiche, tsunami, or mudflow would be less than significant.

4.11 Land Use and Planning

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

4.11.1 Existing Setting

The project site contains a surface parking lot and disturbed hillside within a commercial zoning district. Parcels east and west of the project site contain additional commercial uses, and residential uses are located north of the project site atop the slope. No adopted habitat conservation plan or natural community conservation plan exists for the project site or vicinity. The project area does not lie within the Airport Influence Area of any airfield.

City Standard Conditions of Approval

The City applies the following LCP standard conditions to applicable projects to minimize impacts to land use and planning. Topic-specific City standard conditions of approval may also apply to the analysis of land use impacts. However, rather than re-stating them here, these conditions have been cross-referenced in the in the impact discussion where appropriate.

- All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan comprised of native plant species, to the satisfaction of the Planning Director.

- Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes and where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes greater than 5 percent.

- Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to interrupt the flow and rate of surface runoff in order to prevent surface soil erosion.

4.11.2 Impact Discussion

a. **No Impact.** As the Project proposes commercial uses on an infill parcel located in between existing commercial uses, the Project would not divide an established community, nor would development within the project site divide or disrupt the physical arrangement of an established community. No impact would occur.

b. **Less than Significant.** Since the project site is zoned for commercial use, proposed motel uses are consistent with the zoning designation and consistent with existing land uses in the vicinity. Specifically, MMC Chapter 17.26, CV-1 *Commercial Visitor Serving District*, conditionally permits the development of motel uses. MMC Chapter 17.40.080, *Commercial Development Standards*, limits commercial development to a maximum FAR of 0.15. As the Project proposes 7,693 sf of commercial floor area on a 51,352 sf (1.18 acre) parcel, the resulting FAR would be 0.15, consistent with the maximum FAR permitted. The Project would require approval of CDP No. 09-067, ensuring adherence to local and regional policies and goals throughout implementation of the Project.

The Project is generally consistent with the goals and policies of the LUP; however, the Project may be partially consistent with Policy 6.9 to minimize the alteration of natural landforms and Policy 6.14 to limit retaining walls to six feet in height, and require stepped or terraced designs, and textures, veneers, or colors that blend with the surrounding earth or landscape. In addition, rather than using native plants for slope plantings as required by City standard conditions of approval, the Project would include use of strawberry trees, a nonnative species, on the slopes north of the proposed structure. Further, as discussed in Section 4.17, *Transportation and Traffic*, the Project's driveway modifications would result in the shifting of public shoulder parking spaces used available for public coastal access, though are not anticipated to result in the loss of total available parking space. The criterion for determining a significant LUP impact is based on the potential for the Project to substantially conflict with, or actively obstruct the implementation of, plans adopted for the purpose of avoiding or mitigating an environmental effect. Minor inconsistencies with a plan, policy, or regulation such as use of nonnative vegetation on slopes or alterations to coastal access parking do not necessarily equate to a significant physical impact on the environment. Final decisions on determining potential Project consistency with adopted City policy rests with City decision-makers. Because the Project is generally consistent with the LCP's overall goals and policies, impacts associated with consistency with the LCP are less than significant.

The Project would require approval of several variances from the development standards established under MMC Chapter 17.40.080 and LIP Section 3.8. MMC Section 17.40.080.A.2 and LIP Section 3.8(A)(2)(a) require that the front yard setback to be at least 20 percent of the total lot depth, or 47'-5" for the project site. The Project is requesting approval of Variance No. 20-035 for surface parking within the required front yard setback. MMC 17.40.080.A.5.b and LIP Section 8.3(C) limit the height of cut and fill to 6 feet above grade at any retaining wall, except for single cuts up to 12 feet in height which are an integral part of the structure. The Project is requesting approval of Variance No. 18-031 to construct a retaining wall 52'-6" above the finished floor elevation of the proposed subterranean garage. As mentioned in the Project Description above, approximately 13 feet of the retaining wall would project above the two-story motel building. MMC 17.40.080.5.a and LIP Section 8.3(B) limit the maximum amount of grading (cut and fill) to 1,000 cy per each acre for commercial developments. The Project is requesting approval of Variance No. 18-029 to permit the non-exempt grading of 1,348 cy when the maximum allowed is 1,180 cy. MMC 17.40.080.5.c requires that construction does not occur on slopes exceeding 2.5 (horizontal) to 1 (vertical). The Project is requesting approval of Variance No. 18-030 for construction on a slope greater than 2.5 to 1. With City approval of the requested variances, the Project would be consistent with the MMC and LCP, and a less than significant impact would occur.

As discussed in the Project Description above and in Section 4.17, *Traffic and Transportation* below, the project site is subject to a JUPA with the adjacent Malibu Inn. Under the JUPA, a total of 24 donor parking spaces to the Malibu Inn are required to be provided by the project site. The

Project proposes 47 spaces, of which 24 parking spaces would be provided for the adjacent Malibu Inn in compliance with these parking requirements (see Table 2 and Appendix C).

In summary, impacts to adopted land use policies for the purpose of avoiding environmental effects would be less than significant with approval of the discretionary requests, implementation of the standard conditions of approval, and applicable development and design standards.

4.12 Mineral Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

4.12.1 Existing Setting

The State Divisions of Mines and Geology has not mapped any mineral resources in the City (City of Malibu 1995). No mineral resource recovery sites have been established or considered in the project site or in the surrounding vicinity (California Department of Conservation 2015a). Additionally, no oil or gas wells are located near or within the project site (California Geologic Energy Management Division [CalGem] 2019).

4.12.2 Discussion

a & b. **No Impact**. No known mineral resources are located on the site. The Project would not result in the loss of availability of a known or locally important mineral resource. Further, the project vicinity does not contain active aggregate or petroleum mining operations, and given the nature of the project vicinity, no such operations would be explored. Therefore, there would be no impact to mineral resources. No impacts would occur.

4.13 Noise

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or of applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

4.13.1 Existing Setting

Noise is typically defined as unwanted sound that interferes with normal activities or otherwise diminishes the quality of the environment. Prolonged exposure to high levels of noise is known to have several adverse effects on people, including hearing loss, interference with communications and sleep, physiological responses, and annoyance. The noise environment includes background noise generated from both near and distant noise sources, as well as the sound from individual local sources. The primary source of noise in the project vicinity is vehicle traffic on the PCH and waves breaking on the coastline.

The standard unit of measurement of the loudness of sound is the Decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more useable range of numbers in a manner similar to the way that the Richter scale is used to measure earthquakes. In terms of human response to noise, studies have indicated that a noise level increase of 3 dBA is barely perceptible to most people, a 5 dBA increase is readily noticeable, and a difference of 10 dBA would be perceived as a doubling of loudness.

The project site is located in eastern coastal Malibu, in an area with other commercial properties adjacent to PCH. The ambient noise environment is defined by traffic noise on PCH, including ambient noise levels up to 65 dBA (City of Malibu 2017). Existing noise generated at the project site is limited to parking lot uses, which include cars entering and existing the lot, users talking, car stereos, etc. Although such noise levels do not exceed adopted standards, such periodic lower-level noise levels currently exist on the Project site.

The nearest noise sensitive land uses to the project site is a preschool approximately 75 feet from potential ground disturbance activities and a single-family home located atop the slope and approximately 96 feet north of the property boundary, and approximately 200 feet to the development footprint area. Additional residences are located further upslope and approximately 200 feet southwest of the project site, across PCH and to the west of the pier. The Project is not located within the vicinity of a public or private airport land use plan or influence area.

The City of Malibu's Noise Ordinance (MMC Chapter 8.24) dictates the working hours of construction activities as indicated in Table 8, *Allowable Construction Hours*:

Table 8. Allowable Construction Hours

Days	Allowable Construction Hours
Monday-Friday	7:00 a.m. – 7:00 p.m.
Saturdays	8:00 a.m. – 5:00 p.m.
Sundays and Holidays	Not permitted

Regarding the existing regulatory setting, the Project's construction activities would result in significant impacts if they increase ambient noise levels above 85 dB(A) for commercial and institutional uses, and 75 dB(A) for residential and school uses, (considered by the City of Malibu to be the "maximum exterior noise limits for non-transportation sources."), unless compliance is technically infeasible. Technically infeasible means that the noise limitations cannot be attained during use of the equipment even with the use of mufflers, shields, sound barriers and/or other noise reduction techniques (City of Malibu 1995). Under circumstances where the best available mitigation has been utilized, City ordinance permits construction during allowable hours with such activities being deemed consistent with City requirements.

The analysis of construction-related noise impacts is qualitative in nature, discussing the potential range of construction-related impacts that could potentially occur from the project site. Construction noise levels for the Project are evaluated using data published by the U.S. Department of Transportation, as indicated in Table 9. 9, *Noise Ranges of Typical Construction Equipment*:

Table 9. Noise Ranges of Typical Construction Equipment

Construction Equipment	Noise Levels in dBA L_{eq} at 50 Feet
Trucks	82–95
Excavator	81-85
Generators	71–83
Compressors	75–87
Concrete Mixers	75–88
Concrete Pumps	81–85
Dozer	82-85
Back Hoe	73–95
Scraper	84-85
Loader	79-80
Pile Driver (Impact)	95-101
Pile Driver (Sonic)	88-96

Note: Machinery equipped with noise control devices or other noise-reducing design features does not generate the same level of noise emissions as that shown in this table.

Source: U.S. DOT. Construction Noise Handbook (2017).

Noise levels diminish rapidly with distance from construction areas, at a rate of approximately 6 dBA per doubling of distance from the reference distance (i.e., 50 feet) as equipment is generally stationary or confined to specific areas during construction. For example, a noise level of 86 dBA measured at 50 feet from the noise source to the receptor would reduce to 80 dBA at 100 feet from the source to the receptor, and reduce by another 6 dBA to 74 dBA at 200 feet from the source to the receptor. The noise levels from construction at the off-site sensitive uses can be determined with the following equation from the Harris Miller Miller & Hanson Inc. Transit Noise and Vibration Impact Assessment, Final Report:

$$L_{eq} = L_{eq} \text{ at 50 feet} - 20 \text{ Log}(D/50)$$

Where L_{eq} = noise level of noise source, D = distance from the noise source to the receptor, L_{eq} at 50 feet = noise level of source at 50 feet.

Typically, groundborne vibration is of concern in urban areas when heavy construction (e.g., pile driving, major excavation) immediately abuts sensitive uses such as residences. Groundborne vibration typically does not travel far and intensity of vibration is affected by soil type, ground profile, distance to the receptor and the construction characteristics of the receptor building. While groundborne vibration is of much less concern in open space areas, the Caltrans Transportation and Construction Vibration Guidance Manual provides a method to estimate potential effects from Project activities based on common human response to conditions and construction equipment. Table 10, *Caltrans Vibration Annoyance Potential Criteria*, indicates vibration levels at which humans would be affected. Table 11, *Vibration Source Levels for Construction Equipment*, identifies anticipated vibration velocity levels (in/sec) for standard types of construction equipment.

Table 10. Caltrans Vibration Annoyance Potential Criteria

Human Response Condition	Maximum Vibration Level (in/sec) for Transient Sources	Maximum Vibration Level (in/sec) for Continuous/Frequent Intermittent Sources
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.10
Severe	2.0	0.4

Source: Caltrans, 2013. Transportation and Construction Vibration Guidance Manual – Table 20.

Table 11. Vibration Source Levels for Construction Equipment

Construction Equipment	Vibration Level (in/sec) at 25 feet	Vibration Level (in/sec) at 50 feet	Vibration Level (in/sec) at 100 feet
Loaded Trucks	0.076	0.035	0.017
Jackhammer	0.035	0.016	0.008
Pile Driver (Impact)	0.644	0.297	0.137

Source: Caltrans, 2013. Transportation and Construction Vibration Guidance Manual – Table 18.

City Standard Conditions of Approval

The City applies the following LCP standard conditions to applicable projects to minimize impacts to noise.

- A construction staging plan shall be reviewed and approved by the Building Official prior to plan check submittal.

- Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

- Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distances between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary, and their tires rinsed prior to leaving the property.

4.13.2 Impact Discussion

a-b. **Less than Significant With Mitigation.** The Project would create temporary periods of ambient noise and vibration from construction activities, particularly during excavation of the slope and construction of the retaining wall. Depending on approval and permit processing, construction for the Project is anticipated to begin in May 2021. Consistent with the City's Noise Ordinance, construction activities would be restricted to the hours of 7:00 a.m. to 7:00 p.m. on weekdays, 8:00 a.m. to 5:00 p.m. on Saturdays, and no construction activities would be allowed on Sundays or holidays.

Although alternative means of installation are available, pile drivers are typically used to install hydraulic elevator shafts. If the Project requires the use of a pile driver, the loudest equipment used onsite would be the pile driver. The maximum noise levels anticipated to occur from a pile driver would be 101 dBA at 50 feet, with a reduction to approximately 89 dBA at 150 feet, which exceeds City noise standards for residential areas and sensitive receptors such as schools. The highest noise levels at the nearby sensitive residential and daycare receptors would occur in the few months at the beginning of the construction period when the hillside is being graded and would decrease as Project construction moves into the building construction and finishing phases, which occur on the southern portion of the project site. Thus, these instances would not be permanent, and by limiting construction hours to those allowed by the City Noise Ordinance, the corresponding noise would be minimized. Nonetheless, Project construction would still exceed the maximum ambient noise levels for residential and sensitive school uses during daytime construction hours. As such, mitigation is required to reduce the sound as much as feasible. As siting alterations would not further reduce noise from the project site during construction, noise controls on construction equipment and temporary sound barriers between the construction equipment and adjacent school would be necessary during the use of high-volume construction equipment. Mitigation Measure NO-1 requires the use of a temporary sound barrier between the project site and the school during construction, that construction equipment be fitted with feasible noise controls, that the distance between construction/staging and residences be maximized through responsible site layout, and that residents within 500 feet of the property line be notified prior to the start of construction. With implementation of the identified mitigation measure, potentially significant impacts would be reduced to a less than significant level.

As shown in Table 11. , vibration from pile drivers would have the greatest impact on nearby sensitive receptors, and at 100 feet would be strongly perceptible. Ground-borne vibration would be perceptible to the nearest sensitive receptor. As described in Mitigation Measure NO-1, pile drivers would not be permitted for construction without City approval. With implementation of MM NOI-1, pile drivers would not be permitted to use for construction of the site. Without the use of

pile drivers, vibration from loaded trucks would have the highest chance of affecting noise sensitive areas. At 100 feet these vibrations from trucks are almost imperceptible, though 75 feet away at the preschool the impact may be greater, by the criteria indicated in Table 10. At the installation planned for the retaining wall, approximately 150 feet away from noise sensitive land uses such as the preschool, these vibrations would be nearly imperceptible.

The Project would introduce 7,693 sf of new motel space, which would likely result in a permanent increase in ambient noise levels over existing levels. There would be an increase in the number of visitors and employees to the Project property. Increased occupancy would bring an increase in deliveries and HVAC system usage. Operation of the Project would result in a net increase of 14 AM peak-hour trips and 16 PM peak-hour trips, representing less than a one percent increase in traffic along PCH at the Project driveways (refer to Section 4.17, *Transportatio*n). When compared to the volume of traffic on PCH, Project trips would not cause a measurable increase in vehicle noise on PCH.

The proposed Project also includes a rooftop bar and pool area, with potential for noise generation, particularly during evening hours. During summer months, events held on the rooftop would be anticipated to occur more frequently, potentially with events or larger gatherings occurring almost every weekend. During winter months, it is anticipated that outdoor events would be less frequent. Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in the MMC (Chapter 8.24). Ambient noise associated from the site would continue to be subordinate to noise levels in the existing environment, where ambient noise is dominated by traffic along PCH and nearby commercial areas, and the existing 40-space parking lot that generates ongoing user noise. The project site is buffered from surrounding residential areas by open space and the incorporation of additional landscaping. The design of the proposed building would also serve as a barrier that reduces noise transmission, as patios would face away from residential areas and the building would contain some vehicle noise within the subterranean parking garage. The Project does not propose amplified sound (music, concerts, etc.), though any incidental amplified noise at the roof deck has the potential to incrementally increase noise levels over existing parking lot activities which could adversely impact nearby land uses. Implementation of Mitigation Measure NOI-2 would prohibit the use of amplified sound and require a noise study before allowing any amplification at the project site.

Therefore, the noise that is anticipated to occur from both construction and operation would not cause a substantial increase in noise for any extended period of time, would remain in character with the surrounding uses, and would be mitigated as feasible for nearby sensitive noise receptors. Following Chapter 8.24 of the MMC, standard conditions of approval, Mitigation Measure NOI-1, and Mitigation Measure NOI-2, would reduce the potential impacts to less than significant with mitigation.

c. **No Impact.** The project site is not located within two miles of a private airstrip or within an area covered by an airport land use plan. The Project does not involve placing people in proximity to aircraft operations, including noise and vibration occurrences. Therefore, no impacts from aircraft noise would occur.

Mitigation Measures

The following mitigation measures are required to reduce potential temporary impacts related to noise to a less than significant level.

NOI-1 ***Construction Noise Control.*** *All construction machinery and delivery trucks shall be maintained to the highest level of performance, and shall be outfitted with all noise reduction accessories, e.g., mufflers, enclosures, etc. that are offered by the equipment manufacturers. The construction site shall be laid out such that materials are stored and staged near the southwestern edge of the site to maximize the distance from the residence and daycare. A temporary barrier capable of reducing the intensity of sound shall be erected between the project site and the school during the construction period. Prior to construction, all residences within 500 feet of the property line shall be individually notified of the project's construction schedule. Prior to construction, a sign shall be posted on the site that is legible from at least 50 feet off-site. The sign shall include a telephone number that residents can call to inquire about the construction process and to register complaints. The project applicant shall designate a "noise control coordinator" who will reply to all construction noise-related questions and complaints. Pile driving shall not be conducted on-site unless approved by the City.*

NOI-2 ***Prohibition of Amplified Sound.*** *Amplified sound outdoors is prohibited from occurring at the property. In the case that amplified sound is proposed outdoors at the property, the applicant shall prepare a noise study and/or otherwise demonstrate that the use of amplified sound would adhere to City noise regulation. The noise study and/or demonstration shall include review by the City and approval would be subject to conditions of approval as necessary (e.g. maximum volume limits, complaint system implementation, etc.) to avoid impacts on nearby land uses.*

4.14 Population and Housing

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

4.14.1 Existing Setting

The project site is located in a commercially-zoned area and there are no residential uses within the project site or with immediate access to the project site. The property is bounded by businesses to the east and west, residential uses to the north, and PCH to the south.

4.14.2 Discussion

a. **Less than Significant.** The Project would generate approximately 20 new employees onsite associated with infill development of the motel. The majority of jobs created by the proposed motel would be temporary construction jobs and longer-term service type jobs such as hotel staff, waiters/waitresses, bar tenders, and retail clerks. For the majority of employees of the motel, average housing prices in the City would be unaffordable. As such, employees associated with the Project would likely seek limited low-cost or affordable housing units either within the City or in nearby cities. Therefore, the Project could contribute to the increased demand for limited available affordable low- or moderate-income housing in the City and neighboring cities; however, this increase in demand resulting from the Project would be incremental in comparison to the overall regional demand. Regarding indirect impacts, the Project is located in a developed area with existing roads and services, and does not include the extension of infrastructure, such as roads, that could indirectly induce unplanned population growth. As such, impacts would be less than significant.

b. **No impact.** The project site is currently improved with a surface parking lot. Therefore, no residential uses would be removed to accommodate development of the Project, nor would any residents be displaced. No impact would occur.

4.15 Public Services

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

4.15.1 Existing Setting

The LACFD provides fire protection and emergency medical services for the City. Additionally, this property is located within the area described by CAL FIRE as a Fire Zone 4, VHFHSZ. Police services are provided by contract with the Los Angeles County Sherriff's Department from the Malibu/Lost Hills Sheriff's Station. The nearest public school to the project site is Webster Elementary School, located approximately 1.2 miles to the west. The nearest parks to the project site are Malibu Lagoon State Beach and Malibu Surfrider Beach, as further described in Section 4.16, *Recreation*.

4.15.2 Impact Discussion

a. **Less than Significant.** Project construction could result in a variety of operations that have the potential to increase the risk of fire, such as the use of mechanical equipment in vegetated areas, cutting and grinding metal, welding, and the storage of flammable materials such as fuel, wood and other building materials. Although rare, fires do occur at construction sites. Installation of the electrical, plumbing, and communication infrastructure would be subject to City codes and inspection by City personnel prior to drywalling. In addition, construction sites would also be subject to City requirements relative to water availability and accessibility to fire-fighting equipment during construction. Compliance with MMC and LACFD requirements would reduce potential fire related impacts from construction activities to less than significant.

Operation of the Project would increase the demand for fire and emergency services. Increased demand for non-emergency services could include services such as fire safety inspections (e.g., vegetation clearance), building inspections, fire code investigations and code compliance. Emergency responses could include medical and fire protection services.

In addition to the incremental increase in routine emergency and non-emergency response, the project site is located in a VHFHSZ and would be subject to wildfire risk. As stated above, this property is located within the area described by the CAL FIRE, and the LACFD County Forester as a Fire Zone 4, VHFHSZ. All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met. Development within the VHFHSZ has the potential to increase the need for fire protection services. The Project applicant would be required to obtain a current Will Serve Letter from WD29

to ensure adequate water flow capacity exists to serve the project site prior to the commencement of any construction activities.

The Project would be required to comply with all applicable CBC and City Building Code and Fire Code requirements for items such as types of roofing materials, building construction, brush clearance, water mains, fire hydrant flows, hydrant spacing, access, and design, and other hazard reduction programs, for VHFHSZ, as set forth and reviewed for compliance by the LACFD Land Development Unit, Fire Prevention Division, and the County Forester.

Emergency vehicles would enter and exit the site via PCH. The project site is designed with throughput access from PCH to the Malibu Inn parking lot, negating any need for vehicles to turnaround. The modified driveways would require review and approval of an Encroachment Permit by Caltrans. During its review of the permit, Caltrans would ensure the driveways are properly designed to ensure adequate emergency access. All roadway connections would be constructed in conformance with City and Caltrans standards, and would be consistent with LACFD access requirements. Consequently, roadways would be adequate to provide LACFD access to the project site.

The Project would increase the intensity of development on the site by adding a two-story motel. With the construction of the Project, emergency calls would be expected to incrementally increase. However, the motel use associated with the Project and overall size would not be expected to generate a large number of service calls. In addition, the Project would be required to comply with all City Building Codes, regulations, and the Los Angeles County Fire Code (Title 32) regarding access requirements for the proposed Project and design standards for fire prevention (e.g., emergency plans and evacuation routes). With inclusion of all required City and LACFD design standards, the Project would not increase calls such that new or expanded facilities would be required.

Based on the above information, implementation of the Project would not create capacity or service level problems or result in substantial adverse physical impacts associated with the provision of new or physically altered fire and/or emergency facilities and/or the need for new or physically altered fire and/or emergency facilities in order to maintain acceptable service ratios, response times or other performance objectives. Impacts would be less than significant.

b. **Less than Significant.** Project construction would normally not require services from the Los Angeles County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Such activities at a construction site do not typically place undue demands on law enforcement services. Construction activity would increase traffic adjacent to the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would increase traffic volumes during the AM peak hour. Slow moving construction-related traffic along local roadways may reduce optimal traffic flows and conceivably could incrementally increase response times and increase vehicle accident potential. During construction, the Los Angeles County Sheriff's Department would require adequate access for emergency vehicles and access for Sheriff's vehicles conducting routine patrol. With adequate access, response times would not be extended and the ability of deputies to provide proactive policing and efficient crime suppression would not be diminished. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact. Additionally, options available to emergency vehicles such as using sirens to clear a path of travel or driving in opposite traffic lanes would reduce the effect of any temporary incremental increases in traffic. Potential construction impacts related to Sheriff's emergency access and adequacy of Sheriff's response times is considered less than significant.

During Project operation, the County Sheriff's Department would have the responsibility to provide sheriff protection services for the project site. The Project could incrementally increase demands for sheriff services due to potential theft, vandalism, and/or trespassing. However, as the Project does not involve any development that would result in population growth, this incremental increase would not warrant the provision of new or physically altered emergency facilities.

Based on the above information, implementation of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered sheriff facilities and/or the need for new or physically altered sheriff facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times or other performance objectives.

c, d, & e. **Less than Significant**. As discussed in Section 4.14, *Population and Housing*, the Project would not directly result in substantial population growth. As such, there would be minimal increase in demand for schools, library services, or parks and impacts would be less than significant.

4.16 Recreation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

4.16.1 Existing Setting

The City Community Services Department manages the Equestrian Center, Trancas Canyon Park, Las Flores Creek Park, Legacy Park, and Malibu Bluffs Park and administers programs in these parks and other locations. Other parks and beaches are maintained by the Los Angeles County Harbors and Beaches Departments, the State Department of Parks and Recreation, the Santa Monica Mountains Conservancy/Mountains Recreation and Conservation Authority, and the National Park Service.

Approximately 14.9 percent of the total land in Malibu is designated open space, accounting for 1,869.9 acres of local and regional parks, beach parks, and public open space for recreation. The nearest existing public recreation facility is Malibu Pier/Surfrider Beach, located across PCH from the project site, encompassing the length of coastline in the immediate area and extending west to Malibu Point. The project site currently functions as a parking lot that may offer immediate access to this recreational facility. The next nearest facilities are Malibu Lagoon State Beach located at the base of Malibu Creek State Park, both interconnected via their ecosystems approximately 0.35 mile southwest and extending inland. There is no immediate access to City of Malibu or Los Angeles County trails from the project site, as indicated in the LCP Public Access Map.

4.16.2 Impact Discussion

a-b. **Less than Significant**. The Project would incrementally increase demand on local or regional parks due to increase employment and visitation. For example, some Project employees may live in the community and utilize parks or beaches, incrementally increasing demands for such facilities. hotel guests would also likely use nearby open space areas (e.g., Malibu Lagoon State Park) and beaches, or other facilities such as trails in the Santa Monica Mountains. However, because the Project would only have approximately 20 employees and 40 guests when fully occupied, such increases in demand would be incremental and are unlikely to contribute to physical deterioration of such facilities or to require their expansion. As the Project would not substantially increase the number of individuals who would use recreational facilities, nor require the expansion of facilities and cause adverse physical effects on the environment, the Project would not cause significant impacts and impacts would be less than significant.

4.17 Transportation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

4.17.1 Existing Setting

This analysis is based, in part, on a Traffic Study prepared to evaluate the potential impacts to the traffic and circulation system that serve the project site (see Appendix C). This study addresses estimated trip generation, potential congestion impacts, and site access. Please refer to the traffic study for detailed analysis of trip and access related issues.

The project site is located adjacent to PCH on a stretch of highway connecting the Civic Center and Malibu Lagoon area of the City with the City's eastern region and the Los Angeles metropolitan area. The General Plan Land Use Element characterizes the roadway in this area as follows: "Because of the way Pacific Coast Highway ribbons through the varied distances between bluffs and beach there is limited pedestrian accommodations and no bicycle lanes." PCH is the most significant arterial within the City and supports signalized intersections with larger roads and arterials along this route, as well as at certain commercial centers or attractions (e.g., Malibu Pier) and entrances to some neighborhoods. The posted speed limit along PCH in this area is 45 miles per hour. Peak periods for visitor traffic are on weekends, particularly during the summer months, and coincidental with the weekday afternoon commuter peak period. Left turn lanes are provided at major (signalized) intersections, and an intermittent center lane serves as a turn lane for developments along the highway. PCH is also a designated route within the Congestion Management Plan (CMP) for Los Angeles County's roadway system. The 2017 Caltrans traffic count for this section of PCH is 43,000 annual average daily traffic (AADT), representing the total volume of traffic on the roadway for the year divided by 365 days (Caltrans 2018). Additionally, for the City of Malibu, the total daily Vehicle Miles Traveled (VMT) per capita is estimated at approximately 28.4 (County of Los Angeles 2019).

Traffic safety is an important concern to residents and public agencies along the 21-mile reach of PCH in the City. PCH serves as a major commuter route, providing access to local residential neighborhoods and businesses as well as to visitors and beachgoers. The City commissioned a PCH Safety Study that included a review of collision data for the 2012, 2013, and 2014 time period. The PCH Safety Study found that there were 20 collisions along the segment of PCH between the Serra Road and Sweetwater Canyon Drive intersections during the three-year

period. The Safety Study also found that the most common type of collision along this segment of PCH are rear-end collisions associated with excessive vehicle speed and sudden stops made for mid-block pedestrian crossings or vehicles making left- or U-turns (City of Malibu and SCAG 2015). The City also issued the Final PCH Parking Study (Parking Study) in May 2017. The Parking Study found that four parking-related collisions occurred between 2011 and 2015 at the PCH shoulder fronting the project site; two involving a parked car and two involving a vehicle entering or leaving the shoulder parking (City of Malibu, SCAG, and Caltrans 2017).

The nearest signalized intersection to the Project site is the pedestrian crosswalk and intersection immediately adjacent to the project site where Malibu Pier connects to PCH. No crossroads intersect the PCH at this location, as the primary uses of the signal are to ensure safety for crossing pedestrians, eastbound automobiles turning around, and automobiles entering or exiting the Malibu Inn property parking lot. For disclosure purposes and with the intent to support a qualitative assessment as set forth by CEQA Guidelines Section 15064.3 (Vehicle Miles Traveled), as detailed in Table 12, *Existing Intersection Operations*, the PCH/Malibu Pier intersection operates at LOS A during the weekday AM peak commuter period and LOS B during the weekday PM peak commuter period. While the traffic counts were conducted in June 2019 to capture summer traffic conditions, there are summer holidays and other miscellaneous peak periods when the PCH/Malibu Pier intersection can operate at more congested conditions than captured in the traffic counts. Traffic counts collected in 2019 rather than in 2020 as they more represent typical historic traffic levels due to reduced traffic volumes in summer 2020 resulting from the COVID-19 pandemic. Data collected in 2020 would have required adjustments to account for this reduction in traffic volumes due to the COVID-19 related statewide stay-at-home mandate. Considering that intersections in the vicinity are relatively free flowing during AM and PM peak hours, the Project could temporarily affect these roadways though are not anticipated to result in substantial increases in congestion or delays.

Table 12. Existing Intersection Operations

Intersection	Control Type	AM Peak Hour		PM Peak Hour	
		V/C[a]	LOS[a]	V/C[a]	LOS[a]
PCH/Cross Creek Road	Signalized	0.540	A	0.699	B
PCH/Malibu Pier	Signalized	0.527	A	0.622	B

Source: K2 Traffic Engineering, Inc. 2020. Traffic Impact Study Malibu Inn Motel.

[a] Level of Service (LOS) is a qualitative measure used to describe traffic flow conditions, which range from excellent, nearly free-flow traffic at LOS A to stop-and-go conditions at LOS F.

The next nearest signalized intersections are located near the Civic Center and Malibu Lagoon area approximately 0.6 mile west at Cross Creek Road and at Carbon Canyon Road approximately 1.5 miles east, though a number of unsignalized roads and driveways also intersect with PCH along this range.

The adjacent Malibu Inn previously utilized the project site as a donor site for 31 parking spaces under a JUPA, enabling enough parking for the entire Malibu Inn to be used as a restaurant. Since the current JUPA was executed, the Malibu Inn has been sectioned off into retail and restaurant, reducing the total number of required spaces to 24 as retail is less parking intensive than restaurant land uses. Therefore, under the current JUPA, the Project would be required to provide enough parking on both properties to accommodate the 24 donor spaces for the Malibu Inn, in addition to its own requirements. As described in Section 4.11, *Land Use and Planning,* the project site would be required to provide 24 donor spaces under the proposed modifications to the JUPA.

In addition to onsite parking, public shoulder parking is available along the PCH in front of the project site and paid public parking is also available in a privately-owned lot across PCH from the project site. Although variable by the type of vehicle parked, the PCH road shoulder in front of the project site can generally accommodate about eight vehicles. This segment of PCH is within the PCH Parking Study's East Malibu Study Area, which extends from Cross Creek Road to the eastern City limit. Approximately 773 shoulder parking spaces were estimated to be available along PCH in the East Malibu Study Area, including the project vicinity. The parking lot across PCH provides 94 standard spaces and 5 ADA accessible spaces. An estimated 175 road shoulder parking spaces are available along PCH within walking distance (0.25 mile) of the project site. In total, there are an estimated 274 parking spaces within walking distance of the project site. The Parking Study notes that the paid lot commonly has empty spaces, particularly during non-peak periods such as weekdays or the winter months, because visitors prioritize use of the free shoulder parking, although all spaces can be filled during peak summer periods. Options considered in the Parking Study to alleviate parking conditions along PCH and adjacent to the Malibu Pier area include changes to the cost of parking and adjusting time limit restrictions in the vicinity. In addition, the Parking Study identifies the East Malibu Study Area as having the highest concentration of driveways along the Malibu segment of PCH (City of Malibu, SCAG, and Caltrans 2017). The driveway adjustments (e.g. reducing one driveway from the western property and increasing one driveway in the east), would result in approximately same amount of curb space for parallel parking spaces and protected fire department curb.

Los Angeles County Metropolitan Transportation Authority (Metro) Bus Route 534 is the nearest bus route to the project site, and travels from the Downtown Santa Monica area (as far as Colorado Avenue & Lincoln Boulevard) past Pepperdine University to the Trancas Country Market in the west side of Malibu. The bus route has stops on both sides of PCH within 300 feet of the project site with a frequency between 10 to 25 minutes throughout the week.

City Standard Conditions of Approval

The City applies the following LCP standard conditions to applicable projects to minimize impacts to transportation and traffic.

- For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from Caltrans.
- A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
- Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
- Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

4.17.2 Impact Discussion

a. Less than Significant.

The project site's compliance with City standard conditions of approval will ensure consistency with applicable plans and policies regarding circulation. Metro provides public transportation services in the area. Bus service route 534 operates along PCH, with stops within 300 feet of the project site. There are designated sidewalks and Class III bicycle lanes adjacent to the project site, although there are no designated bicycle lanes along the shoulder where vehicles typically park. Nevertheless, development of the Project would not interfere with public transit, bicycle, and/or pedestrian facilities, and would facilitate ADA access within the project site via ADA compliant parking spaces, an installed elevator with access to all four structure levels, and interspersed ramps. The Project would not conflict with any local and/or regional adopted alternative transportation policies, plans, or programs. Therefore, there would be less than significant impacts to transportation plans and/or infrastructure.

According to the Traffic Study and detailed in Table 14, *Project Trip Generation,* the Project is estimated to generate 14 trips occurring during the AM peak period (6 inbound, 8 outbound) and 16 trips occurring during the PM peak period (6 inbound, 10 outbound) (see Appendix C). These net Project trips are below the City TIA Guidelines thresholds (30 or more peak-hour trips), which require a preparation of a formal transportation impact analysis. Additionally, per the OPR December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. Per Institute of Transportation Engineers (ITE) Trip Generation 10th Edition trip generation rates, the total daily project trips are estimated as 68. As such, impacts to transportation would be less than significant.

Table 14. Project Trip Generation

Land Use	Unit	AM Peak Hour			PM Peak Hour			ITE Trip Generation (10th Edition)[b]
		In	Out	Total	In	Out	Total	
Trip Generation Rates[a]								
Motel	1 room	40%	60%	0.72	40%	60%	0.81	0.38
Trip Generation Summary								
Description	**Size**	**In**	**Out**	**Total**	**In**	**Out**	**Total**	
Proposed Uses								
Motel	20 rooms	6	8	14	6	10	16	68
Net Project Trips		**6**	**8**	**14**	**6**	**10**	**16**	**68**

[a] Trip generation rates are per 1,000 sf of floor area.
[b] 10th Edition ITE Trip Generation Rates were not used for traffic study preparation. The 0.38 trip generation value to determine total ADT is used in accordance with the most updated CEQA guidance.
Source: Traffic Study (see Appendix C)

According to the Traffic Study, these trip additions would not be substantial enough to change the LOS at any of the offsite study-area intersections, nor would the additional trips increase the V/C ratios of these intersections by 0.04 or more. Furthermore, unrestricted internal access would be provided between the proposed motel and adjacent Malibu Inn, which would allow the proposed parking operations to function without negatively impacting traffic on PCH. According to the Traffic Study, the egress volume migrated through the adjacent Malibu Inn driveway would generate no more than 8 trips during the AM peak hour and 10 trips during the PM peak hour. A new traffic signal installation at the proposed driveway intersection would also not be warranted due to the proximity to the Malibu Inn traffic signal, which is internally accessible from the project site. Factoring in additional conditions such as buildout, the Traffic Study concluded that the Project

would not generate significant traffic-related impacts for the following scenarios: existing conditions, project opening year (2021) and future (2035) conditions. As such, the Project would therefore not significantly impact the study-area intersections based on the City's thresholds.

The Project would increase the amount of onsite parking by 7 spaces from 40 spaces to a total of 47 spaces. Additionally, LCP Policy 2.26 encourages projects to ensure adequate parking to minimize impacts to public on-street parking available for coastal access and recreation. As under existing conditions, some of the onsite spaces could be made available for paid public parking during periods of lower occupancy, though the total amount of space dedicated to curbside parallel parking space and fire department availability would remain approximately the same. Additionally, stacked parking within the subterranean garage would provide overflow parking spaces, as necessary.[8]

Project implementation would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Impacts would be less than significant.

b. **Less than Significant.** Pursuant to Senate Bill (SB) 743, VMT completely replaces roadway capacity-based or automobile delay-based LOS as the CEQA metric for impact analysis. LOS measures a project's impact on the driving experience of other vehicle drivers (e.g., congestion, delay) and favors development outside of urban areas where existing roadway traffic is light, leading to longer vehicle trips and increased GHG emissions, or resulting in road-widening projects, which result in adverse environmental and public health impacts through induced vehicle demand and degradation of the biking or walking experience. Instead, evaluation of a project's VMT evaluates the effect of project-generated vehicle trips on the environment such as more and/or longer vehicle trips, which emit more GHGs. For the City of Malibu, the total daily VMT per capita is estimated at approximately 28.4 (County of Los Angeles 2019). Projects that generate fewer vehicle trips or shorten existing trips such as development of an infill site or facilities that improve bicycle access or walkability have less of a transportation impact than projects that generate more or longer vehicle trips.

Pursuant to SB 743, OPR released draft CEQA Guidelines in November 2017, and adopted final guidelines in December 2018 (OPR 2018) that address VMT analysis and thresholds. OPR's technical guidance replaces LOS with VMT as the required metric for CEQA analysis of transportation impacts. While OPR emphasizes that a lead agency has the discretion to establish thresholds of significance, the guidance suggests criteria that indicate when a project may have a significant, or less than significant, transportation impact on the environment. For instance, a project that results in VMT greater than the regional average for the land use type (e.g. residential, employment, commercial) may indicate a significant impact.

The City is in the process of creating local transportation assessment guidelines consistent with SB 743 and OPR's guidance, but these guidelines are not yet available and trip length estimates for hotel/motel uses in the City have not been established. However, Caltrans has chosen to use VMT as the CEQA transportation metric for projects on the State Highway System (Caltrans 2020). As the Project is located on the State Highway System, VMT is used for impact analysis purposes. Additionally, Subsection 15064.3(b)(3) allows for qualitative analysis in the case of the absence of modeling capability, which evaluates factors such as the availability of transit,

[8] The single level of stacked parking does not count toward the 47 parking space total proposed on-site, as these parking spots would be reserved for valet use (e.g. special events and hotel guests).

proximity to other destinations, etc. As such, VMT impacts are qualitatively addressed in this analysis in accordance with CEQA Guidelines section 15064.3(b), and this analysis considers a variety of methodologies that have been implemented in the region, including OPR.

The site currently holds a parking lot, which supports a limited number of trips to the site under existing conditions. Therefore, the Project would increase VMT compared to this existing setting. As discussed above, the Project is a motel use and is anticipated to generate approximately 68 ADT, which is well below the threshold of 110 trips per day set by Caltrans that would establish a significant impact. roll Therefore, with consideration for the proposed motel land use, consistency with the City's General Plan land use map for visitor-serving development, proximity to nearby transit options, and VMT generation guidance, the Project is not anticipated to result in substantial adverse VMT generation and associated impacts would be less than significant.

c. **Less than Significant.** Project construction would be short-term and involve low traffic levels. PCH, adjacent to the site, does not contain any significant curves and the proposed driveway would provide a safe means of transportation access. According to the Traffic Study, the Project is expected to generate very little truck traffic on a regular basis, except for construction, which would generally avoid generating vehicle trips during rush hour traffic. Nevertheless, a number of haul trucks (up to 875 trips, as described in Section 1.3, *Project Description*) would be required to enter and exit the property, especially during excavation and soil export efforts. Construction crews would be required to adhere to standard safety practices include posting of signs, use of construction cones, and other methods, with approval of Caltrans' Stage Construction, Traffic Handling, and Detour Construction plans.

Operationally, the Project would modify the driveways along PCH at the project site's eastern edge to provide access to the onsite parking. According to the Traffic Study, the existing median two-way-left-turn-lane on PCH would be able to accommodate the relatively small increase of between 14 to 16 peak hour trips along this roadway that may use the modified driveways. The driveway alterations would also require review and approval of an Encroachment Permit from Caltrans. During its review of the permit, Caltrans would ensure modification of the driveways are properly designed so as not to substantially increase traffic hazards along PCH. With this review, the driveways would not pose any more safety effects than the other numerous driveways entering PCH in the vicinity. With required design review, less than significant roadway safety effects are anticipated.

d. **Less than Significant.** As discussed in Section 4.17.2 above, the Project would result in only minimal increases in traffic on PCH, would improve driveway circulation at the project site, and would not significantly impact the operational efficiency of nearby signalized intersections. Neither the construction nor the operation of the Project would require or result in long-term modifications to any of these roadways that would impact emergency traffic. During its review of the requested Encroachment Permit, Caltrans would ensure the driveway circulation does not impact emergency operations on PCH. Additionally, construction crew adherence to standard safety practices would ensure safe access and circulation during temporary construction activities. Since the Project would not substantially affect emergency access and traffic flow, this would result in a less than significant impact.

4.18 Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

4.18.1 Existing Setting

AB 52, which went into effect on July 1, 2015, established a consultation process with all California Native American Tribes on the Native American Heritage Commission (NAHC) List and required consideration of Tribal Cultural Values in the determination of project impacts and mitigation. AB 52 established a new class of resources, tribal cultural resources, defined as a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe that is either: (1) on or eligible for the California Historic Register or a local historic register; or (2) treated by the lead agency, at its discretion, as a traditional cultural resource per Public Resources Code 21074 (a)(1)(A)-(B).

Public Resources Code Section 21083.09, added by AB 52, required the California Natural Resources Agency to update Appendix G of the CEQA Guidelines to address tribal cultural resources. Pursuant to Government Code Section 11346.6, on September 27, 2016, the California Natural Resources Agency adopted and amended the CEQA Guidelines to include consideration of impacts to tribal cultural resources. These amendments separated the consideration of paleontological resources from tribal cultural resources and updated the relevant sample questions to add specific consideration of tribal cultural resources.

4.18.2 Discussion

a. **No Impact.** No resources that have been listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) are known at the project site or in the immediate vicinity. Therefore,

implementation of the Project would not affect known tribal cultural resources and no impact would occur.

b. **Less than Significant with Mitigation.** As discussed in Section 4.5, *Cultural Resources*, the potential to discover an unknown tribal cultural resource within the project site is highly unlikely given the steepness of the slope and the disturbance of the parking lot area. The Project does not propose any alteration or damage to any designated historic structures or resources. While the project site is located within a region that has a history of habitation by the Chumash and Tongva populations and would include excavation into a steep hillside with limited potential to support cultural resources, no evidence of tribal cultural resources has been identified within or adjacent to the project site. In accordance with AB 52 and Section 11346.6 of the State CEQA Guidelines, the City notified those Tribal representatives identified by the NAHC of the Project, starting a 30-day comment period that extended from September 17, 2020 to October 17, 2020. Two tribes responded to the request for additional information, including the Fernandeño Tataviam Band of Mission Indians and Kizh Nation Gabrieleno Band of Mission Indians, and the requests were addressed through discussions with each representative and email correspondence.

The Kizh Nation Gabrieleno Band of Mission Indians provided additional information via phone call and email correspondence concerning the presence of mainland villages upland and inland from the project site, including information regarding tribal cultural human activity along the coastline and regions of potential significance. The supplied information and discussion included major trade routes in the Malibu region and the potential for isolated burials along the California coast and inland areas. A concern was communicated regarding the potential for artifacts that may occur within beach sediment. Proposed land disturbance that is deep enough to reach below existing fill into beach sediment is located beneath the boundary of the proposed septic system. The Kizh Nation Gabrieleno Band of Mission Indians requested additional mitigation to address these concerns, among which includes the allowance for a representative to inspect the excavated soil at this location.

Similarly, the Fernandeño Tataviam Band of Mission Indians expressed concern about the potential for unanticipated unearthing of human remains or other artifacts of tribal cultural significance. The tribe also requested additional mitigation beyond those already in place by the City's standard conditions of approval, to ensure protection for potential unanticipated tribal cultural resources that could be unearthed on the site.

Both consultations included discussion of the low probability for significant resources to be found at the site, as further discussed in Section 4.5, *Cultural Resources*. These topics included discussion of the previously disturbed soil beneath the parking area, the steepness of the rear slope, distance from large waterways, and the underlying Monterey Formation that is addressed within Section 4.7, *Geology and Soils*. Additionally, in the event that unexpected tribal cultural resources are found during construction, the Project has been conditioned via standard conditions of approval to stop work until further evaluation. Nevertheless, due to information and discussion with each representative concerning regional presence of historic tribal relevance, additional precautions are recommended to ensure comprehensive protection for any unanticipated tribal cultural resources that may occur at the project site. As such, Mitigation Measures TCR-1, -2, and -3 are recommended to assure impacts to tribal cultural resources would be less than significant. These mitigation measures include increased responsiveness of the City's existing standard conditions addressing unanticipated discoveries and allowance for tribe inspection of sediment excavated beneath the septic system. These mitigations would ensure that impacts to potential resources that are specific to this project site, and determined by the lead agency in its discretion

and supported by substantial evidence to be potentially significant, would remain less than significant with mitigation.

Mitigation Measures

The following mitigation measures are required to reduce potential temporary impacts related to tribal cultural resources to a less than significant level.

TCR-1 ***Unanticipated Discoveries.*** *In the event that Tribal Cultural Resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 75-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. The Lead Agency or Project manager shall contact the Fernandeño Tataviam Band of Mission Indians and Kizh Nation Gabrieleno Band of Mission Indians to consult if any such find occurs within areas culturally and traditionally affiliated with the Fernandeño Tataviam Band of Mission Indians and Kizh Nation Gabrieleno Band of Mission Indians.*

TCR-2 ***Soil Inspection.*** *During soil excavation activities beneath the proposed septic system extent, a Gabrieleno Band of Mission Indians-Kizh Nation representative shall be allowed to inspect these soils for evidence of tribal cultural resources. Should anything be uncovered during this soil inspection, soil disturbing activities shall be halted until the soil and potential artifacts are properly evaluated, recorded, and processed pursuant to City Standard Conditions of Approval and State requirements.*

TCR-3 ***Tribal Consultation.*** *The Lead Agency and/or applicant shall consult with the Fernandeño Tataviam Band of Mission Indians and Kizh Nation Gabrieleno Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities.*

4.19 Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

4.19.1 Existing Setting

Water service to the project area is provided mainly by WD29 with water supplied from the MWD. The MWD serves 26 member agencies and imports water from the Colorado River Aqueduct (CRA) and the State Water Project (SWP) in the Sacramento–San Joaquin Delta and distributes this water to its member agencies. To accommodate growth, MWD uses a 25-year integrated resources program (IRP) that combines water conservation, surface and groundwater storage, water transfers and exchanges, water recycling and water imports as strategies to provide a stable and reliable source of water to its customers. Implementation of plans and programs identified in the IRP will allow MWD to provide water to all the firm's wholesale water demands of its member agencies for 25-year periods, the most recent of which was adopted in 2015 (MWD 2020). The City receives water through a 30-inch water main running along PCH, with several distribution pipelines running north towards the canyons. Water is pumped at several locations from the main transmission pipeline into canyons and other parts of the City. Historical data analyzed by the West Basin MWD has shown that due to a lack of precipitation during drought conditions, there can be an increase in water demand by four to eight percent during successive dry years.

As discussed in Section 4.10, *Hydrology and Water Quality*, the CCWTF is operational and currently treating wastewater. The CCWTF includes development of a centralized wastewater treatment facility in the Malibu Civic Center area that would treat, reuse, and/or dispose of wastewater flows from properties in the surrounding areas (City of Malibu 2020a). There are five small, package sewage treatment plants within the City: the Latigo Bay Shores, Point Dume,

Trancas Canyon, Malibu Mesa and Maison de Ville. Hughes Research Lab (HRL) operates their own facilities and Pepperdine University and Malibu County Estates are served by the Malibu Mesa Plant. HRL is projected to connect to the CCWTF Phase 2. Most wastewater is treated using onsite treatment technologies, such as septic systems. Improperly maintained septic systems have caused alleged health and safety problems, but, with adequate area for leach fields or regular disposal, can be safely operated in almost all areas of the City. In the project vicinity, all of the property is serviced by septic systems (City of Malibu 2017).

On November 5, 2009, the RWQCB approved Resolution No. R4-2009-007, banning the use of onsite wastewater treatment systems in the project site area. On September 21, 2010, the SWRCB approved that same resolution, thereby amending the State Basin Plan. The adopted plan for a specific Prohibition Area included the following mandates:

- All commercial properties must cease wastewater discharge by 2015;
- All residential properties must cease wastewater discharge by 2019; and
- No new wastewater discharge is allowed from any property in the prohibition boundary, except for those listed within the Resolution under Table 4-zz.

As discussed above, project site (22959 PCH, APN 4452-019-005) is listed on Table 4-zz as being eligible for a new onsite wastewater treatment system under Resolution No. R4-2009-007. The deadlines for ceasing discharge have been updated to November 5, 2028 pursuant to the City's modified MOU with the State and Regional Boards.[9]

Solid waste disposal in Malibu is presently handled by four private hauling companies, one of which is under contract to service the Los Angeles County/Malibu Garbage Disposal District. The Simi Valley Landfill and Recycling Center and the Calabasas Landfill are the primary disposal facilities of non-recyclable solid waste for the City. The Simi Valley landfill has an estimated remaining capacity of 52 million tons with a design capacity of approximately 67 years. The Calabasas landfill has an estimated remaining capacity of 6 million tons and is projected to reach its capacity around 2030. Further, several other landfill facilities in the County, including the Lancaster Landfill and Recycling Center and the Sunshine Canyon City/County Landfill would accept solid waste generated by the proposed Project (LA County Department of Public Works 2017).

Southern California Edison Company (SCE) provides electricity to the project site area and has enough capacity to satisfy the existing electricity demands of the City (City of Malibu 2020b). Natural gas is provided to the project site by Southern California Gas Company. These providers have not indicated that limited power or energy is available for new development in the City. Additionally, a range of telecommunication providers including internet and phone services are available in the City of Malibu including but not limited to Frontier, Spectrum, and Viasat. The project site is currently served by telecommunication providers and is within the service area of cable fibers and underground and aerial telephone transmission lines within the City limits.

[9] At its February 2, 2017 Board Meeting, the LARWQCB approved an updated Memorandum of Understanding (MOU) with the City that extends the deadlines by which properties must cease discharging from septic systems and connect to the CCWTF. The updated MOU extends the schedule for the Phase 3 area from 2025 to 2028.

City Standard Conditions of Approval

The City applies the following LCP standard conditions to applicable projects to minimize impacts to utilities, and relate to those contained in Section 4.10, *Hydrology and Water Quality*.

- Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.

- Prior to a final Building inspection, the applicant shall provide a final Waste Reduction and Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. The final Summary Report shall designate all material that were land filled or recycled, broken down by material types.

- Prior to installation of any landscaping, the applicant shall obtain the plumbing permit for the proposed irrigation system from the Building Safety Division.

4.19.2 Impact Discussion

a. **Less than Significant.** The Project proposes an OWTS composed of a septic system, treatment tank, and disinfection system, subject to review by the City Environmental Health Administrator to meet the minimum requirements of the Malibu Plumbing Code, LARWQCB Resolution No. R4-2009-007, the MMC, and the LCP. The Environmental Health Division review recommends project approval only when it determines that septic systems can be adequately operated without negatively affecting groundwater quality, ocean water quality, building foundations, or structures. The proposed septic system would comprise up to three subterranean treatment tanks accommodating at least 10,000 gallons, a secondary treatment (disinfection) system, and seepage pits. The system would also be designed to nitrify wastewater to meet California Ocean Plan standards. The LARWQCB would review the proposed development to issue a WDR for the proposed systems. The Project's wastewater system is designed to meet all applicable requirements, and operating permits would be required. Additionally, there is a covenant recorded on the property for the future expansion of the Malibu Inn septic system leachfield. The Project's proposed wastewater treatment system has been designed to accommodate the requirements of the covenant in addition to the Project's proposed motel uses. The entire system would be contained within the project site. With the City Environmental Health Division review and approval of the OWTS, the Project would adequately accommodate wastewater flows of the Project and adjacent Malibu Inn and not result in a seepage of groundwater pollutants into the ocean. Additionally, since the project site is located in the Phase 3 Prohibition Area of the CCWTF and may be accommodated under the CCWTF buildout by 2028, should Phase 3 CCWTF improvements move forward, the Project's proposed septic system may have a relatively short life span of approximately ten years, and the proposed OWTS has been adequately designed to accommodate wastewater generated by the Project. With adherence to applicable requirements, site specific and cumulative impacts to wastewater facilities would be less than significant.

As discussed within Section 4.10, *Hydrology and Water Quality*, there are no large stormwater facilities adjacent to the project site. The project site generally drains towards the western and eastern boundaries of the site with onsite water discharged directly onto PCH. MMC Section 13.04.110 requires runoff to be retained and treated onsite though the use of properly designed BMPs. In the event that peak runoff exceeds runoff produced by the design year storm, these

excess flows would continue to outlet to the PCH and ultimately the Pacific Ocean as under existing conditions. The Project proposes BMPs that include catch basins and a stormwater detention tank to meet SWMP and WQMP requirements, to lead to a parkway culvert per APWA-standard plan. There are no known capacity constraints in the stormwater system serving the project site. Since stormwater flows would be primarily controlled onsite and BMPs can be expected to reduce stormwater flows when compared to existing conditions, the Project is not anticipated to result in runoff exceeding the capacity of an existing or planned storm drain system. Therefore, there would be a less than significant impact to stormwater drainage facilities as a result of the Project.

SCE and Southern California Gas Company prepare ten-year load forecasts to ensure the reliability of the electric supply and conveyance systems in the area. Projected electrical demand for the Project would be factored into load forecasts and supply planning efforts, as project implementation would occur over approximately two years. Additionally, SCE and Southern California Gas Company would install new distribution facilities as needed according to the California Public Utilities Commission rules (California Public Utilities Commission 2020) . While electric and natural gas services are required to be provided upon demand from consumers and expanded as needed to meet demand, SCE and the Southern California Gas Company have not indicated the need for expansion of power or energy infrastructure to supply development within the City. The existing electrical and natural gas supply is adequate to serve existing Project facilities, and any increased demand for power utilities services are anticipated to be available based on the California Public Utilities Commission rules. Therefore, the Project would not result in the relocation or construction of new or expanded electric or natural gas facilities, and potential impacts to energy facilities are considered less than significant. Additionally, as the Project would not require the expansion or relocation of telecommunication facilities, due to the existing number of providers and project site's location within an existing service area, impacts would be less than significant.

b. **Less than Significant.** Limited and temporary alterations to water resources would occur with implementation of the Project. While some water resources would be used during construction activities through activities such as dust control and landscaping efforts, the effects would be temporary. Water supply entitlements have been secured by WD29 to serve projected growth in Malibu, including the project site's infill location. WD29 purchases water from the MWD. MWD includes adequate water resources in its Integrated Resources Plan and WD29 would be able to adequately supply the Project. In addition, the Project applicant is required to provide the City with a Will Serve Letter from WD29 confirming their ability to serve the Project. Thus, impacts would remain less than significant and no mitigation is required. Therefore, the Project would have a less than significant impact on water resources, capacity, or demand.

c. **No Impact.** As discussed above, there is no municipal wastewater treatment provider that serves the project site, and most wastewater in the Project vicinity is treated using onsite treatment technologies, such as the OWTS the Project would implement. Therefore, there would be no impact to wastewater treatment providers.

d. **Less than Significant**. Implementation and operation of the Project would result in the generation of solid waste; however, levels would be in compliance with state and local standards. Construction and renovation/demolition activities would also generate solid waste; however, the generation of solid waste during construction and demolition would be a one-time event and would not result in a significant impact to solid waste management infrastructure, which is intended to handle the continuous generation of solid waste throughout the project area. With regard to operation, as discussed above, landfills available to solid waste haulers serving the project site

have adequate capacity to serve the Project within the existing capacity of local infrastructure, and a less than significant impact would result.

e. **Less than Significant.** During construction and operation of the Project, the Project applicant would comply with all applicable federal, state, and local management and reduction statutes on solid waste diversion, reduction, and recycling mandates, including compliance with the City's Source Reduction and Recycling Element (SRRE), and the MMC. Compliance with these regulations and mandates would assist in reducing the amount of waste deposited in local landfills. Therefore, impacts related to regulatory compliance would be less than significant.

4.20 Wildfire

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage charges?	☐	☐	☒	☐

4.20.1 Existing Setting

Average fire seasons in California typically span from roughly May through October; however, recent events indicate wildfire behavior, frequency, and duration are changing in California, as seen by the 250,000-acre Thomas Fire in December 2018. The duration of the fire season is influenced by a combination of climatic, vegetative, and physiographic conditions that may affect the duration of the period. Structural losses or damage from wildfires are often caused from the siting of structures within or adjacent to high fire hazard areas, inappropriate construction materials, or flammable landscaping. Climate change has the potential to impact fire frequencies, intensities, and total burn area, and large intense fires have become more common in the past two decades (US Forest Service 2012). While the frequency, intensity, and burn area of a fire is influenced by a diverse range of factors, it is accepted that the general increase in temperature is correlated to a higher fire hazard risk.

The 2012 OAERP notes that the Santa Monica Mountains, which includes the City along its southern edge, are known for the “chaparral-urban interface” between dry vegetation and surrounding urban development. The mountains are subject to dry weather conditions, seasonal Santa Ana winds, and high temperatures that contribute to the threat of wildfire year-round (County of Los Angeles Office of Emergency Management 2014). Although the project site does not support or border areas of highly flammable vegetation and is separated from major areas of undeveloped chaparral habitat by developed neighborhoods, wildfires can move through such neighborhoods and have burned along PCH in the past, such as during the 2018 Woolsey Fire. The Woolsey Fire burned over 96,900 acres of land in Los Angeles and Ventura Counties in

November 2018. The fire began in Woolsey Canyon on the Santa Susana Field Laboratory property in the Santa Susana Mountains, above the Simi Valley and near the boundary between Los Angeles and Ventura Counties. The fire headed south into the Santa Monica Mountains, passing through Puerco Canyon and Puerco Canyon Creek. Although the project site was not affected by the Woolsey Fire, the Sweetwater Canyon approximately 800 feet east of the site supports large areas of native vegetation that could convey wildfires moving down toward the coast.

Fire Hazard Severity Zones are defined by the California Department of Forestry and Fire Protection (CalFire) based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area. The project site is located within an area designated as a Fire Zone 4 – Very High Fire Hazard Severity Zone (VHFHSZ) by CAL FIRE and the LACFD County Forester (CAL FIRE 2011; County of Los Angeles 2020).In addition to high fire hazards associated with wildland vegetation further inland, the project vicinity supports steep slopes potentially prone to slope failure such as landslides, liquefaction, and mudslides, especially in burned areas (see also, Section 4.7, *Geology and Soils).*

The project site includes moderate to steep slopes (e.g., 15 to 75 percent) bordering the development area to the north. Slope steepness and the ruggedness of terrain may affect both fire behavior and firefighting access. As slope gradients increase, hand crews are less likely to establish fire-containment lines in areas of excessively steep slopes to the lack of accessibility and safety concerns (Barros, Pereira, and Moritz 2013). In addition, prevailing wind direction varies throughout the year in Malibu. From March 3th to October 23rd, wind is typically from the west, and from October 24th to March 2nd, wind is typically from the north (Weather Spark 2020). The Santa Monica Mountains to the north extend southerly to Sweetwater Canyon, causing an increased risk from late fall to end of winter if wildfire were to spread from the surrounding area.

Within the project vicinity, Sweetwater Canyon to the east and Malibu Creek Canyon to the west contains mixed native and nonnative vegetation, which can burn quickly during the dry fire season, particularly under conditions of strong, dry winds. The surrounding vegetation communities have a propensity to burn on an intermittent basis, with grassland fires particularly susceptible to expand rapidly (Keeley and Borchert 2005). Consequently, recurrent fire has developed into an ecological factor necessary for the survival of some chaparral species to prompt seed germination after fires; however, fires do not seem to be required by these species to remain at healthy levels. Additionally, coastal sage scrub, which is found in surrounding areas of the project site, tends to have the highest associated fire frequency as they tend to accumulate more plants annually than do areas of woody chaparral scrub.

4.20.2 Impact Discussion

a. **No Impact.** The Project is required to comply with existing County of Los Angeles and City of Malibu Emergency Response Plans. The City of Malibu's 2018 Emergency Operations Plan provides an operational approach to response and recovery from potential hazards (City of Malibu 2018). While the Project is located within a designated Fire Hazard Severity Area, the site has existing surface parking and is along the regional transportation resource, US Highway 1, and no new areas of service would be required for emergency personnel. The project site is designed with throughput access from PCH to the Malibu Inn parking lot, allowing for adequate fire department access via the modification of driveway access at the eastern edge of the project site. The Project would not impair any adopted emergency response plan or emergency evacuation plan's effectiveness, and no impact would occur.

b. **Less than Significant.** Slope steepness, vegetation composition and prevailing wind direction are the most significant factors in determining the rate of wildfire spread. Additionally, slope steepness and the ruggedness of terrain may affect both fire behavior and firefighting access. Although the project site lies at the base of a steep slope and within a VHFHSZ, the slope north of the site is lightly vegetated and does not support large tracts of highly flammable coastal sage scrub or chaparral vegetation. Although this hillside is indirectly linked to more densely vegetated areas within Sweetwater Canyon and the foothills, the narrow corridor linking the site's hillside to Sweetwater Canyon is also minimally vegetated, which would minimize the potential for transmission of wildfire from Sweetwater Canyon to the site. From approximately March to October the wind is from the west and from the end of October to the end of March the wind is from the north (Weather Spark 2020). In the event of a wildfire, particularly when the wind is directed south between March and October, potential fire hazard exposure would increase to the site. However, the site would retain access to its main transportation access point along PCH, and the Project would not otherwise impede access along this route or substantially within the site. Due to slope, prevailing winds, and other factors, the Project would not exacerbate wildfire risks, expose Project occupants to pollutants from the uncontrolled spread of a wildfire, and the use would be compatible with surrounding development and accessible to the County of Los Angeles fire services; as such, project-specific and cumulative impacts would be less than significant.

c. **Less than Significant**. No new roads or associated infrastructure would be implemented under the Project, and the site would retain access to PCH within the City of Malibu. The nearest fire station, Fire Station 88, is located approximately 0.9-mile southwest of the site. The site is located in a developed area, is subject to LACFD approval and emergency access requirements, and would not require installation of additional infrastructure that may exacerbate fire risk; therefore, impacts would be less than significant.

d. **Less than Significant**. The Project would not exacerbate exposure of people or structures to significant risks related to post-fire instability. The site is currently developed with a surface parking lot, and the only major changes that would occur to the site's topography would be the construction of the retaining wall and subterranean garage. However, the Project would not substantially alter the local drainage pattern or increase the risk of flooding to the surrounding area. The Project would minimize water runoff during construction and operation by the use of BMPs and facilitating onsite percolation to the south, so an increase in runoff to the northern slopes would not be present that could increase post-fire slope instability and impacts would be less than significant. Please refer to Section 4.10, *Hydrology and Water Quality,* for further analysis regarding flooding.

4.21 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wild-life population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of rare or endangered plants or animals or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

4.21.1 Existing Setting

Not Applicable.

4.21.2 Discussion

a. **Less than Significant with Mitigation.** Based on the preceding discussion, the Project would neither degrade the quality of the environment nor significantly affect any endangered fauna or flora. Due to the Project's features, including the site design and recommended mitigation measures, as well as the Project's environmental setting (e.g., the disturbed nature of the project site and the surrounding built environment), the Project would not impact the habitat or population level of fish or wildlife species, nor would it threaten a plant or animal community, nor impact the range of a rare or endangered plant or animal. Potential impacts related to archaeological and paleontological resources would be less than significant with implementation of standard conditions of approval and mitigation measures TCR-2, -2, and -3, and there would be less than significant impacts related to potential historic resources.

b. **Less than Significant with Mitigation.** It is not anticipated that the Project when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, would have a significant effect on the environment. While the Project and cumulative development are anticipated to minimally affect roadways in the project vicinity, the Project would have less than significant impacts to area traffic both on a Project and cumulative level. Also, as previously discussed in the Section 4.13, *Noise*, cumulative impacts were analyzed and with implementation of mitigation measures the Project is not expected to result in significant adverse impacts either individually or cumulatively. Although excavation of the subterranean garage could potentially uncover previously undisturbed cultural and/or paleontological resources, and standard conditions would ensure the proper steps are taken to avoid impacts. Therefore, the Project in combination with recommended mitigation measures would not result in any cumulative impacts.

c. **Less than Significant with Mitigation.** As discussed in the above analyses for the Project, with implementation of the required mitigation measures, the proposed Project would not result in significant adverse impacts. Thus, the Project would not have the potential to result in substantial adverse effect on human beings.

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