

# Akin Gump

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December 27, 2013

VIA OVERNIGHT DELIVERY AND E-MAIL (don.tsai@waterboards.ca.gov)

Dr. Don Tsai  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4th Street, Suite 200  
Los Angeles, CA 90013

Re: Request for Listing – Table 4-zz

Dear Dr. Tsai:

On behalf of Green Acres, LLC, I hereby request that the Regional Board add 4000 Malibu Canyon Road (APNs 4458-028-015, 4458-028-019 and 4458-030-007) to the list of “pipeline projects” sites set forth in Table 4-zz of the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (“Basin Plan”).

As the Regional Board knows, this property has already been issued multiple entitlements for the Rancho Malibu Hotel project. These entitlements, including a Coastal Development Permit from the Coastal Commission and a Conditional Use Permit from the City of Malibu, were issued well before the Regional Board amended the Basin Plan on November 5, 2009 (the “2009 Basin Plan Amendment”). In fact, at the time of the 2009 Basin Plan Amendment, the Rancho Malibu project had progressed much further through the entitlement process than most or all of the properties listed on Table 4-zz. Furthermore, on February 22, 2012, the Regional Board’s Executive Director expressly acknowledged that “the project . . . should have been included on the list in Table 4-zz,” but the Regional Board to date has nevertheless refused to modify the table. Now that the Regional Board has finally agreed to formally re-open the 4-zz list and has specified particular criteria for inclusion on the list, it is time for the Regional Board to correct this omission and add 4000 Malibu Canyon Road to the list of pipeline projects sites. The Regional Board’s now-specified criteria make it clear that the Rancho Malibu hotel should be included on the 4-zz list and that the Regional Board’s previous reasons for its exclusion were arbitrary, discriminatory and flatly erroneous.

## I. BACKGROUND

The arbitrary, discriminatory and haphazard actions taken by the Regional Board when it approved the 2009 Basin Plan Amendment are the subject of Green Acres’ pending litigation against the Regional Board, entitled *Green Acres, LLC v. Los Angeles Regional Water Quality*

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*Control Board et al.*, Los Angeles County Superior Court (Case No. BS138872). While I do not intend to address all of flaws in the Regional Board's 2009 actions, it is useful to place its current action in the proper context.

A. Regional Board's Approval of Table 4-zz.

In December 2008, the Regional Board notified various interested parties that it was preparing a draft amendment to the Basin Plan to prohibit use of new on-site wastewater disposal systems ("OWDSs") and to phase-out use of existing OWDSs in the Malibu Civic Center area. AR 5-1874-78.<sup>1</sup> During the subsequent administrative proceedings, many developers of proposed *new* OWDSs contended that their good faith investment in the entitlements process should be given equal footing with the good faith investment that property owners had in their *existing* OWDSs. *See, e.g.*, AR 2-433-36, 2-484-90, 2-501-15. They pointed out that their proposed new OWDSs would be state-of-the-art and far more effective at operating efficiently to protect Malibu Civic Center water quality than were some of the faulty, older existing OWDSs, and that, in some cases, the proposed new OWDSs (like Green Acres') would even be "zero discharge" systems. *Id.* They recommended that proposed new projects that had substantially proceeded through the local entitlements administrative processing pipeline should be exempt from the prohibition's immediate ban on new OWDSs. *Id.* These "pipeline projects" would be treated as though they were, in effect, existing OWDS projects and would thus still be subject to the prohibition's future ban on existing commercial and residential OWDSs. Thus, the proposed "pipeline projects" exemption would be only temporary – allowing these property owners at least some temporary use of their OWDSs during the interim period before the prohibition deadline. The Regional Board staff consistently responded that this was a worthy concern, but they were not officially recommending such a "pipeline projects" exemption. *See* AR 2-616, 4-16, 4-17.

Behind the scenes, however, the Regional Board staff began working with the City of Malibu and the County of Los Angeles to discuss a temporary "pipeline projects" exemption. *See* AR 1-435, 2-89; SAR GA00123, 126-28. When the Regional Board staff had difficulty formulating appropriate criteria during these meetings, however, they ended up simply delegating to the City of Malibu and the County of Los Angeles, respectively, the task of preparing their respective lists of proposed projects with proposed new OWDSs in their jurisdictions that, in their good faith judgment, had been sufficiently processed through their

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<sup>1</sup> The above citations are to the administrative record ("AR") and supplemental administrative record ("SAR") in *Green Acres, LLC v. Los Angeles Regional Water Quality Control Board et al.*, Los Angeles County Superior Court (Case No. BS138872).

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local government entitlements processing pipelines that they should be temporarily exempt. *Id.* Specifically, in crafting the list of properties within the City of Malibu, the Regional Board deferred to the City “because the City of Malibu had the information needed to prepare the Table.” SAR GA00945. Among other things, the City of Malibu considered the extent of the entitlements already applied for and/or received and the developers’ investments in obtaining those entitlements. AR 1-502.

Prior to the November 5, 2009 public hearing, the City of Malibu and the County of Los Angeles provided the Regional Board with their lists of “pipeline projects.” *See* AR 1-435, 1-501–02. The County listed one residential project and the City listed somewhere between 40 and 50 commercial and residential projects. *Id.*<sup>2</sup>

At the beginning of the November 5, 2009 hearing, the Regional Board staff stated that they were still not recommending any temporary “pipeline projects” exemption, but that they had engaged in some private discussions with the City and County staff about such an exemption. AR 1-435, 2-616. After the public hearing was completed, the Regional Board staff for the first time, announced that they would recommend such a temporary exemption after all. AR 1-501–02. The Regional Board’s Executive Officer thereupon “read into the record” the one County designated project and 37 of the City designated projects, which she recommended for the “pipeline projects” exemption.<sup>3</sup> *Id.* When one Board member inquired whether any commercial projects were on the list, she replied that the City had listed some commercial projects but she had not read them into the record. AR 1-512. This was factually incorrect, because, in fact, at least two of the projects she had spontaneously “read into the record” were commercial projects.<sup>4</sup> The Executive Officer stated that proposed commercial OWDS projects could be handled in a

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<sup>2</sup> The City presented its pipeline projects list to the Regional Board staff shortly before the November 5, 2009 public hearing began. AR 1-435, 1-501–02. Curiously, despite Public Records Act requests sent by Green Acres in September 2012 to both the City and the Regional Board requesting copies of the original list submitted by the City at that time, both the City and the Regional Board failed to provide the requested documents, reporting that the original list and all copies had gone “missing.”

<sup>3</sup> During her reading, the Executive Officer selectively chose what she apparently thought were single-family homes on the City’s list. She did not explain why she apparently thought the temporary exemption should apply only to single-family residential projects nor did she explain why she thought that proposed OWDSs for commercial projects and multifamily residential projects that had gone through the local government entitlements pipeline should not be placed on equal footing with existing commercial and multifamily OWDSs.

<sup>4</sup> These two projects were 22959 Pacific Coast Highway, a proposed new development of approximately 6,500 square feet (“SF”) of retail and commercial uses, and 22941 Pacific Coast Highway, a site presently containing a dry cleaner and a furniture store with a proposed new OWDS. *See* AR 1-502, SAR GA 00981; *see also* Regional Board’s November 15, 2013 Staff Technical Report at 3–4.

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different (unspecified) way. *Id.* Without further discussion and with no testimony from the public (since the public hearing by that time had been closed), the Board approved the prohibition (by a 5 to 2 vote) with the one County project and the 37 City projects that had been “read into the record” temporarily exempted as “pipeline projects.” AR 1-540.

Immediately following the conclusion of the November 5, 2009 Board meeting, the proponent of one proposed OWDS site (the “Crummer project”) confronted the Regional Board’s Executive Officer and contended that his multiple lot residential/recreational development project had been included on the City’s list and should have been “read into the record.” SAR GA00132–35. The Regional Board Executive Officer informed him that he should request an “administrative modification” to be added to the list. *Id.* Four days later on November 9, 2009, by email, the Crummer project developer requested an “administrative modification” and three hours later, by email, the Regional Board Executive Officer informed him that she had approved it. *Id.* The next day, the Crummer project was added to the list before it was later made public as “Table 4-zz.” SAR GA00147.

Furthermore, roughly concurrent with the addition of the Crummer project to the list, at least three other proposed commercial OWDS projects were added to the list of temporarily exempt projects during various other secret “behind-closed-doors” administrative meetings by a similar “administrative modification” process.<sup>5</sup> Regarding the secret Executive Officer “administrative modifications” for those three commercial projects, no rationale was ever articulated or announced explaining why some commercial projects should be provided with a temporary “pipeline projects” exemption, but others (like Green Acres’ project) should not. Nor was any rationale apparent, since the purpose of the “pipelines project” temporary exemption was always simply to put developers of proposed projects who had invested considerable sums in the entitlement process and had substantially proceeded through that process on the same footing as property owners of existing OWDSs.

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<sup>5</sup> These commercial projects include the proposed very sizable, approximately 100,000 SF La Paz shopping center complex project at 3700 La Paz Lane, the proposed approximately 40,000 SF Whole Foods grocery store and retail project at 23401 Civic Center Way, and an existing medical building, county mart and restaurant proposing a new OWDS at 23410 Civic Center Way. See AR 1-502, SAR GA 00981; see also Regional Board’s November 15, 2013 Staff Technical Report at 3-4.

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B. Regional Board's Refusal to Add the Rancho Malibu Hotel Property to Table 4-zz.

When Green Acres' representatives first learned that its proposed hotel project was subject to the prohibition, they contacted the Regional Board's new Executive Officer in the fall of 2011 and informed him that the Rancho Malibu Hotel project had been mistakenly omitted from the City of Malibu's list and should be included on the Table 4-zz temporary exemption list. Green Acres submitted an August 3, 2011 letter from the City of Malibu's City Manager, who had served as leader of the City's team that developed the "pipelines project" exemption list. SAR GA00924-27. The City Manager's letter explained that Green Acres' hotel project had been "inadvertently overlooked" and was "actually much farther along than other pipeline projects" that had been included on the exemption list. *Id.* Green Acres also informed the Regional Board's new Executive Officer that City staff had confirmed that its project was the only project that the City had inadvertently left off of the list. At the Executive Officer's request, Green Acres provided him with many additional documents about the Rancho Malibu Hotel project and the earlier administrative proceedings. *See* SAR GA00928-32, 955-80, 985-1013. Green Acres' representatives also met with both the Executive Officer and the Board's legal counsel.

On February 22, 2012, the Regional Board's Executive Officer notified Green Acres that, after his independent review relating to the November 5, 2009 Board action, he had confirmed, *inter alia*, that the Rancho Malibu Hotel project had been "inadvertently omitted," that the project was "much further along than the other projects that are on the Table as the project has received entitled permits," and that the project "should have been included on the list in Table 4-zz." SAR GA00945-46. Accordingly, the Executive Officer's letter further notified Green Acres that "the Regional Board agrees that the project at 4000 Malibu Canyon Road is entitled to the same status as the other projects that qualified for listing" on the exempt table. *Id.*

Subsequently, however, following a closed-door meeting of the Regional Board about Green Acres' hotel project, the Executive Officer informed Green Acres that its project would not be added to the exempt list after all. SAR GA00983-84. The Executive Officer's July 24, 2012 letter provided only one utterly specious reason for the Board's action – that, under the Board's November 5, 2009 action, *no commercial project* could or should be temporarily exempted as a "pipeline project." *Id.* This reason was arbitrary, capricious and discriminatory

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because, by that time, fully five commercial projects appeared on the 4-zz exempt list, including three that had been added after receiving behind-closed-doors “administrative modifications.”<sup>6</sup>

At Green Acres’ request, the Board met again in closed-door session on August 7, 2012 to consider Green Acres’ requested temporary exemption. The next day, the Executive Officer verbally informed Green Acres that the Board had rejected this request. Accordingly, on September 4, 2012, Green Acres filed the above-mentioned lawsuit against the Regional Board.

**II. GREEN ACRES’ RANCHO MALIBU HOTEL (4000 MALIBU CANYON ROAD) IS ENTITLED TO BE LISTED ON TABLE 4-ZZ**

**A. Based on the Intent of the Pipeline Projects Exemption and the Criteria Described During the 2009 Administrative Proceedings, the Rancho Malibu Hotel Has Always Been Entitled to Be Listed on Table 4-zz.**

As discussed above, the intent of the “pipeline projects” exemption was to temporarily exempt new development projects that had substantially proceeded through the local entitlements process. The purpose of the exemption was to protect the good faith investment of project developers and to place their investment on an equal footing with property owners that had existing OWDSs. Among other things, the City of Malibu considered the extent of the entitlements already applied for and/or received and the developers’ investment in obtaining those entitlements. Based on these criteria, the Rancho Malibu Hotel clearly falls within the scope of the “pipeline projects” exemption.

At the time of the 2009 Basin Plan Amendment, Green Acres and its predecessors-in-interest had not only applied for, but had actually obtained, several significant entitlements for the Rancho Malibu Hotel at 4000 Malibu Canyon Road. In particular, on January 7, 1986, the Coastal Commission approved a coastal development permit for the Rancho Malibu Hotel. Permit No. 5-85-418. Furthermore, on March 23, 1998, the City of Malibu approved a conditional use permit, variance, and site plan review, and certified an environmental impact report (“EIR”) for the proposed project. These entitlements were valid at the time of the 2009

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<sup>6</sup> Notably, the Regional Board’s November 15, 2013 staff report in support of the currently pending proposed resolution to amend Table 4-zz also states: “As adopted by the Regional Board, Table 4-zz consisted of those parcels read into the record by the Executive Officer, including residential and *commercial properties* that had progressed through the City and County’s entitlement process.” Staff Technical Report at 2 (“The City’s list [of pipeline projects] primarily included residential properties, *but also included some commercial properties* that had progressed through the City’s entitlement process . . .”).

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Basin Plan Amendment and remain valid today. Copies of these documents were previously provided to the Regional Board and are being resubmitted today. *See* SAR GA00928–32, 955–80, 985–1013; *see also* **Attachment A**.

Green Acres and its predecessors-in-interest have invested substantial time and money processing and obtaining the above entitlements. In its pending Petition for Writ of Mandate, Green Acres estimates that, at the time of the 2009 Basin Plan Amendment, total project development and processing costs approximated \$4 million. Accordingly, consistent with the intent of the “pipeline projects” exemption to protect such good faith investments, the Rancho Malibu Hotel should be added to Table 4-zz.

Moreover, the City of Malibu has acknowledged that, when it prepared the requested list of “pipeline projects” for submittal to the Regional Board in November 2009, it inadvertently overlooked the Rancho Malibu Hotel project and that the project should have been included in Table 4-zz. Specifically, on August 3, 2011, Malibu’s City Manager, Jim Thorsen, stated:

As you know, the Los Angeles Regional Water Quality Control Board granted exceptions for those projects in the prohibition area that were identified as ‘pipeline’ projects. However, [the Rancho Malibu Hotel] project was *inadvertently overlooked* and was not included in the listed exceptions. As stated, they are *actually much further along than other pipeline projects as they have received entitled permits*.

SAR GA00924 (emphasis added); *see* **Attachment B**. Furthermore, on July 9, 2012, Malibu’s Manager of the Environmental Sustainability Department, Craig George, explained how the City had inadvertently omitted Rancho Malibu Hotel from its list of “pipeline projects.”

The list of projects was acquired from the Planning Department database of those applications ‘which have already progressed through the entitlement process’ as stated in Resolution No. R4-2009-007, and were deemed a complete application. These applications were for the obtainment of a Coastal Development Permit.

The Rancho Malibu Hotel project had received a Coastal Development Permit previously from the California Coastal Commission, CDP No. 5-85-418, and therefore was not in the City’s database for projects submitting application for a Coastal Development Permit. This project

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does appear to meet the criteria established between the City and Regional Board staff for inclusion on the Table 4-zz list.

SAR GA00953; *see Attachment C.*

Based on the foregoing, it is clear that the Rancho Malibu Hotel was and is entitled to be added to the list of “pipeline projects” set forth in Table 4-zz. What’s more, the Regional Board’s Executive Officer expressly acknowledged as much in his letter dated February 22, 2012, when he stated: “I agree that the project at 4000 Malibu Canyon Road should have been included on the list in Table 4-zz.” SAR GA00945; *see Attachment D.*

**B. Based on the Regional Board’s Newly Crafted Criteria, the Rancho Malibu Hotel Is Clearly Entitled to Be Listed on Table 4-zz.**

According to the Regional Board’s recent staff report in support of its proposed resolution to amend Table 4-zz, the City of Malibu’s list of “pipeline projects” consisted of projects that had, as of November 5, 2009, progressed through the City’s entitlement process because: “(1) the project proponent had submitted, at a minimum, a *complete application* (e.g., site plan, geology and biology reports, and grading and drainage information) to the City for a new construction or remodel project, or (2) the project was deemed complete, conditioned or *approved* by the City Planning Commission, but not yet constructed.” Staff Report at 2. While it is unclear how the Regional Board formulated this new criteria,<sup>7</sup> it is obvious that the Rancho Malibu Hotel project satisfies both of the newly specified criteria.

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<sup>7</sup> As seen from the discussion above, the arbitrary, discriminatory and haphazard process by which certain projects came to be placed on the 4-zz list was based on (a) the Regional Board staff’s delegation in late 2009 to the City and County staff the task of assembling a list of projects sufficiently through the entitlements process that they should be treated comparable to existing projects, (b) the then-Executive Officer’s entirely subjective, spontaneous selection for unspecified reasons of some of those City/County listed projects (many residential, some commercial) to be “read into the record” as exempt, (c) the Regional Board’s November 5, 2009 motion to approve as temporarily exempt only the particular projects “read into the record,” and (d) the additional residential and commercial projects secretly added to the 4-zz list by a staff-administered, behind-closed-doors “administrative modification” mechanism. Notably, when the State Board was requested to approve the Regional Board’s November 5, 2009 Basin Plan Amendment, the Regional Board staff failed to notify the State Board that fully 16 of the projects/sites appearing on the 4-zz list had not actually been “read into the record” and thus were *not* a part of the Regional Board’s official November 5, 2009 action that the State Board was being asked to approve. At the time, the State Board had no legal authority to adopt or approve a 4-zz list that was different from the one actually approved by the Regional Board. It had authority *only* to approve the Regional Board’s November 5, 2009 official



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First, prior to November 5, 2009, Green Acres' predecessor-in-interest had, in fact, submitted the minimally necessary "complete applications" for numerous basic project entitlements for the Rancho Malibu Hotel, including, *inter alia*, applications to the Coastal Commission for a Coastal Development Permit and an application to the City of Malibu for local land use entitlements. These applications included information regarding the proposed project and its potential environmental impacts. Based on these applications, on January 7, 1986, the Coastal Commission went on to approve a Coastal Development Permit, while on March 23, 1998, the City of Malibu approved a conditional use permit, variance and site plan review. Furthermore, in connection with the project approvals, the governmental authorities considered and certified EIRs. Thus, it is clear that minimally required "complete applications" had been submitted to the relevant authorities for construction and operation of the Rancho Malibu Hotel.

Second, as discussed above, Green Acres had gone far beyond the minimal requirements for listing on Table 4-zz, because the Rancho Malibu Hotel was actually "approved," but not yet constructed, prior to November 5, 2009. Specifically, on March 23, 1998, the Malibu City Council approved the Rancho Malibu Hotel. *See* Attachment A. The project approvals authorized – and continue to authorize – the construction and operation of a 146-room luxury hotel and spa at 4000 Malibu Canyon Road (APNs 4458-028-015, 4458-028-019 and 4458-030-007). Accordingly, this project should be included in the Regional Board's list of "pipeline projects" set forth in Table 4-zz. Because the Rancho Malibu Hotel had actually been approved by the City of Malibu, it was much further along in the administrative processing pipeline than most of the projects that the City, then the Regional Board, placed on the 4-zz list.

The Regional Board's recently announced "pipelines project" temporary exemption criteria do not explicitly address the question of how the Board anticipates dealing with modifications to proposed projects as they proceed through the administrative land use process. Nonetheless, the Board's announced criteria clearly expect that an exempted "pipelines project" that ultimately comes to it for requested WDRs will very likely be *substantially modified* from the project initially proposed by a landowner/developer's "complete application" for a land use development approval.

In this regard, the Regional Board's articulated criteria establishes a "pipelines project" temporary exemption for any commercial or residential project that has merely filed a "complete application" with the lead agency for such an approval – *a very early stage in the land use decision-making process*. During the ensuing administrative process, numerous modifications

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action or to remand the matter back to the Regional Board for modification. *See* Water Code § 13245. The State Board's unknowing approval of a list different from the one approved by the Regional Board was clearly *ultra vires*.

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and changes in a proposed project's design features, its size and its operations are likely to be considered, analyzed and, very often, approved for inclusion. Thus, following the filing of a "complete application," the lead agency will publicly circulate the initial Notice of Preparation of an environmental impact report ("EIR") or other environmental document; it will then hold an initial "scoping" meeting at which other agencies and the general public can suggest appropriate project alternatives and mitigation measures to minimize environmental impacts; the lead agency will then prepare and circulate a Draft EIR analyzing the project as originally proposed in the "complete application," as well as the suggested alternatives and mitigation measures; at that point, the general public and other agencies will be provided an additional comment period to critique the Draft EIR's analysis and to suggest other alternatives and mitigation measures for further study; the lead agency will then prepare a Final EIR responding to these comments and incorporating additional changes and modifications; the lead agency will then commence a public hearing process during which the general public, other agencies and the lead agency's own staff and decision-makers will continue to evaluate the proposed project and ways to improve it; and, finally, the lead agency's decision-makers will approve the project, typically incorporating numerous modifications and conditions designed to address the concerns raised throughout the administrative process, as well as addressing their own public policy views. Here, if the Regional Board had expected that a project for which it would receive a WDR request would closely resemble the "pipelines project" previously anticipated in a "completed application" on November 5, 2009, it would have chosen much different criteria than the early "completed application" Table 4-zz criteria described in its recent staff report. Consequently, as long as the project that comes to the Regional Board for WDRs is generally similar in nature and scope to the project proposed in the initial "complete application," the Table 4-zz "pipelines project" exemption should clearly continue to apply.<sup>8</sup>

Green Acres has voluntarily requested additional modifications from the City of Malibu to update and fine-tune the land use approvals previously sought in its prior "complete applications," and then later actually obtained in its existing land use approvals. A project applicant's voluntary requesting of modifications to a previously-approved project should be treated no differently from modifications that a lead agency mandates during the administrative process for a yet-to-be-approved project. In fact, the reasons to maintain a "pipelines project" eligibility are much stronger in Green Acres' situation, because (1) a project proponent like Green Acres that has *already obtained* project approvals is likely to have a much greater

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<sup>8</sup> This concept already seems to be incorporated in the Basin Plan, which provides that the OWDS prohibition is "not intended to prevent repairs, maintenance, and upgrades to existing on-site wastewater disposal systems prior to November 5, 2019, provided that repairs, maintenance, and upgrades do not expand the capacity of the systems or increase flows of wastewaters."

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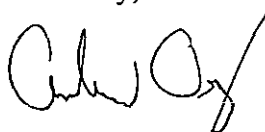
investment in its proposed project entitlements than would a project proponent that has not yet received *any* project approvals, and (2) a project proponent like Green Acres always has the fall-back option of building its project pursuant to its existing entitlements, which, from a public policy standpoint, are, by-definition, inferior to later requested modifications – otherwise, the decision-makers would not approve those later-requested modifications.

In the instant situation, there is no question that the currently pending Green Acres' application to Malibu for fine-tuning modifications to its proposed hotel and spa project are substantially similar in nature and scope to the previously-approved project. Thus, the project location would be the same (4000 Malibu Canyon Road); the proposed land use would be the same (luxury hotel); the number of guest rooms would be the same (146 rooms) and the floor-to-area ratio ("FAR") would be the same (0.15).<sup>9</sup> In addition, as with the originally-approved project, the proposed modified project would utilize an onsite wastewater treatment system and would apply treated Title 22 water to the hotel landscaping at an agronomic rate.

If anything, the currently proposed modifications would be *lesser* in relevant environmental impacts than the previously-approved project. Thus, the previously-approved project had been projected to produce an average of 33,772 gallons of wastewater per day, whereas the proposed modified project would produce an average of only 26,000 gallons wastewater per day, a reduction of almost one third.

Based on the substantial similarities between the original project and the proposed project, it is evident that the updated Rancho Malibu Hotel, if approved, should qualify for treatment as a "pipeline project" that is temporarily exempt from the prohibition on OWDSs. Green Acres requests that the Regional Board add 4000 Malibu Canyon Road to Table 4-zz.

Sincerely,



Andrew Oelz

Enclosures

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<sup>9</sup> The modified Rancho Malibu Hotel project would reduce the area previously devoted to ballrooms and meeting rooms, but it would increase the area devoted to spa uses. Green Acres' previously-approved project features for the Rancho Malibu Hotel are described in City of Malibu Resolution No. 98-001 (the 1998 CUP) and in the 1998 EIR prepared by the City for that CUP request. The currently pending modifications are described in the City of Malibu's October 2013 Draft EIR.

# **ATTACHMENT A**

**1986 CALIFORNIA COASTAL DEVELOPMENT PERMIT  
(AND AMENDMENTS)**

**RANCHO MALIBU  
CALIFORNIA COASTAL PERMIT**

The project has a current California Coastal Permit. The original permit was granted (with nine conditions) in 1986 and subsequently was granted three amendments. The first amendment involved a redesign of the entire project and added an additional six conditions to the permit. The second amendment involved allocation of square footage, parking and wastewater capacities, the third amendment approved the grading plan and addressed various landscape, open space and parking issues. We have included copies of the original permit, amendments and the current extension. Please note that we have grouped all fifteen conditions together with the original 1986 approval document for review convenience.

CALIFORNIA COASTAL COMMISSION

January 16, 1986



SOUTH COAST AREA  
245 WEST BROADWAY, SUITE 380  
LONG BEACH, CA 90802  
(213) 590-5071

NOTICE OF INTENT TO ISSUE PERMIT

On January 7, 1986, by a vote of 7 to 4, the California Coastal Commission granted to The Adamson Companies Permit 5-85-418, subject to the attached conditions, for development consisting of construction of 1) 222,200 sq. ft., 300-room hotel complex; 2) a 32,800 sq. ft. community serving office structure including Highway Patrol and medical offices; 3) a 10,000 sq. ft. restaurant; 4) an information kiosk; 5) 1,039 parking spaces; more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at Malibu.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 1 - 9 imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your understanding, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on January 16, 1986.

PETER DOUGLAS  
Executive Director

By *Peter Douglas*  
Title Coastal Prog. Analyst

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit 5-85-418, and fully understands its contents, including all conditions imposed.

Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

E OF INTENT TO ISSUE PERMIT, Page 2 of 2  
cation No. 5-85-418

STANDARD CONDITIONS:

Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission acted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for the permit. Subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.

Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

ADDITIONAL CONDITIONS: See Attachments

The documents needed to comply with Condition 2 will be sent to you from our San Francisco office AFTER the Commission meeting. When you receive the documents if you have any questions, please contact Debbie Benrubi at (415) 543-8555.



- ) Coastal Commission Permits: 5-82-147 (Neville): P-76-1405 (Segal): Appeal 77-972 (Stein): 5-83-856 (Hodges): 5-82-802 (Pepperdine): 5-82-825 (Pepperdine/Adamson): 5-85-530 (Ralston): 5-82-780 (Parks and Recreation).
- ) Lockwood-Singh & Associates, Landslide Study. C. I. 2607 M 23900-24554 Malibu Road, Malibu, CA.
- ) Converse Consultants, November 15, 1985. Phase II Geotechnical Investigation, G. M. Converse Corp.
- ) Converse Consultants, PHREATIC Ground Water Study in Pepperdine Treatment Plant. July 15, 1982.
- ) Coastal Commission Permits: 5-85-349 (Malibu Pacific Partners). 5-85-493 (Hughes), 5-85-529 (Reco)

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

STANDARD CONDITIONS: See Attachment X.

SPECIAL CONDITIONS: This permit is subject to the following special conditions:

Permanent provision for the disposal of wastewater. Prior to transmittal of the permit applicant shall demonstrate to the satisfaction of the Commission that permanent provision for the disposal of wastewater generated by the project will be available by the time of occupancy of the structures authorized by this permit. Evidence of provision of adequate wastewater disposal shall include at a minimum:

a. Approval or written evidence that no approval is needed for the proposed method of disposal by the Los Angeles County Engineer, the Regional Water Quality Control Board, the Los Angeles County Board of Supervisors, and the Coastal Commission.

b. Fully executed agreements with Pepperdine University for the use of any shared pipeline or treatment plant.

c. Fully executed agreements with the Las Virgenes Municipal Water District guaranteeing use of any shared facilities for the life of the approved hotel and commercial structures.

d. Evidence that the method of disposal can accommodate the entire volume of sewage generated by the hotel and the two commercial structures.

e. Evidence of capacity in Tapia treatment plant or in an expanded Malibu Mesa plant to accommodate all wastewater generated by the approved method of waste disposal for the life of the approved project but no less than 25 years. In estimating the capacity, the wastewater generated by other development that the facility is obliged to accommodate shall be included.

2. Assumption of Risk.

Prior to transmittal of the permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from earthquake, erosion, landslides, and fire; and the applicant assumes the liability from such hazards; (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards; and (c) the applicant understands that construction in the face of these known hazards may make him ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of any damage due to these hazards. However, nothing in this restriction is intended to make the development necessarily ineligible for disaster relief funds in the event of damage due to natural hazards. The document shall run with the land, binding all

successors and assigns, and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.

3. Malibu Public Access Program. Prior to transmittal of the permit the applicant shall submit evidence of compliance with P54 and P55c of the Adopted Suggested Modifications of the Malibu/Santa Monica Mountains Land Use Plan
  - a. The applicant shall agree that no fewer than 156 parking spaces (the 131 spaces identified by the applicant as serving the community serving office structure and the 25 spaces identified as serving the public) shall be reserved and identified by appropriate signs for public use on weekends and holidays. The applicant shall agree that the public may occupy the spaces for a length of time that is adequate for recreational use, generally at least four hours.
  - b. The applicant shall submit evidence to the Executive Director of participation in a fund for public access improvements in Malibu. To participate in this fund, the applicant shall pay \$ 1.50 for each square foot of new commercial construction that is not primarily visitor serving. The recipient of this fund shall be the Los Angeles County Department of Beaches and Harbors or other public agency or nonprofit group that has demonstrated to the satisfaction of the Executive Director that it can use the funds for purposes of construction, improvement and maintenance of new public beach access facilities in the Malibu area of Los Angeles County. The Executive Director may approve one of the following methods of participation in the fund:
    - 1) The payment has been made to Los Angeles County and accepted by the County for the purposes approved in this condition.
    - 2) The applicant has purchased an interest bearing letter of credit or other instrument approved by the Executive Director that may be released by the Executive Director to Los Angeles County or one of the other agencies identified above.

3. The applicant has secured an interest bearing letter of credit or other instrument approved by the Executive Director which assures that the appropriate increments of such payment will be made prior to occupancy of the structure.

4. Public Trails and Viewing Area. Prior to transmittal of the permit the applicant shall map and identify the public trails and viewing areas submitted as part of the project description. The proposed trail leads from the publicly reserved parking at Pacific Coast Highway and Malibu Canyon Road, down the hill at the south side of the building to the corner of Civic Center Way and Pacific Coast Highway. Such trails shall be maintained by the applicant for use of the public during the life of the project. The trails and other access improvements shall not be restricted to guests or customers.
  
5. Landscaping and visual impact Prior to transmittal of the permit the applicant shall submit for the review and approval of the Executive Director a landscaping, signage and exterior color scheme plan. The plan shall include:
  - a. Signs that are restrained in size, limited in number to two free-standing signs. No sign shall be designed with interior illumination, and no sign shall flash or rotate.
  - b. A design for a color scheme. The color scheme shall be in harmony with the native vegetation of the nearby slopes, and reduce rather than enhance the visibility of the hotel. White, red and metallic surfaces shall be avoided.
  - c. A landscaping plan indicating the use of native, low water-use plants endemic to the Santa Monica Mountains.
  - d. A plan for the landscaping in planters which are part of the structure. The plant materials used in these containers should blend into the hillside vegetation in color and form rather than contrasting with it and be adequate in size and number to screen the structure from Pacific Coast Highway and the Civic Center.
  
6. Height and Floor Area Ratio. Prior to transmittal of the permit, the applicant shall submit revised, scaled drawings, grading plans and topographical surveys. The plans shall indicate:

a. No part of any structure shall exceed 28 feet above the present natural grade as measured by means of an envelope 28 feet in height placed over the present natural grade of the hillside.

b. The Floor/Area ratio, measured as the ratio of the gross floor area of all permitted structures divided by the net parcel size shall not exceed .20. (20%).

7. Archaeological Resources. Prior to transmittal of the permit the applicant shall verify in a manner acceptable to the Executive Director that the specific procedures for recovery and excavation of the archaeological site CA LAN 266 recommended by the consulting archaeologist (Exhibit 6), as augmented by any peer comments, will be implemented. The procedures shall incorporate any comments and suggestions of peer review statements prepared by the Ventureno Chumash, the Santa Monica Mountains National Recreation Area Native American Advisory Council and the other archaeologists cited in the bibliography of the initial survey.

The applicant shall also verify that a Native American monitor selected by the Ventureno Chumash and/or the Santa Monica Mountains National Recreation area Native American Advisory Council shall be present during recovery and subsequent grading operations. Should additional archaeological resources be disclosed during any construction phase of the project, all activity which could damage or destroy these resources shall be temporarily suspended until the site has been examined by a qualified archaeologist (qualified by the standards in the Interpretive Guidelines ) and mitigation measures developed and implemented. Before the applicant implements any mitigation measures, the measures shall be reviewed by the State office of Historic Preservation and the aforementioned Native American groups and approved by the Executive Director of the Commission.

8. Grading Prior to transmittal of the permit the applicant shall submit revised grading plans that conform to Policies P. 81, P. 82, P. 85, and P. 154 of the Adopted Suggested Modifications of the Malibu Santa Monica Land Use Plan. These policies state:

P 81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.

P 82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

ogram conforming to the provisions of Chapter 3 of the Coastal Act, and will have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

Special Conditions

10. Landscaping Plans.

Prior to transmittal of the permit the applicant shall submit for the review and approval of the Executive Director detailed final landscaping plans consistent with the conceptual plans submitted with this amendment. The plans so submitted shall be deemed in substantial compliance with Condition 5c, except that introduced accent trees may be employed on the slope areas, consistent in form with and color with native vegetation.

11. Revised final grading and drainage plans.

Prior to issuance of the permit the applicant shall provide approved final engineering, grading and drainage plans for the review and approval of the Executive Director to conform with condition 8. The final plans shall have received final approval of the Los Angeles County Engineering Geologist. The plan shall provide 1) limits and depth of overexcavation, 2) methods of restoration of the site after excavation consistent with condition 5, and 10 above, 3) footing and foundation details, 4) drainage details to direct water away from the existing landslide and building pads, 5) interim siltation controls, 6) detailed earthmoving plans, including amount of earth to be moved and the location of disposal sites.

12. Compliance with condition 9.

Prior to transmittal of the permit the applicant shall agree that the revised site plan for the hotel shows necessary geologic setbacks, and shall map and record a deed restriction for geologic safety, open space, and habitat protection. The document shall restrict the applicant and successors in interest from future construction of enclosed structures within the restricted area identified in the Leighton Assoc. Geology report of Leighton Assoc. "Report of Geotechnical Investigation, Rancho Malibu Mesa Project, August 4, 1989, Project No. 3831025-04. The earthquake fault setback area is also mapped Exhibit three. The document shall further restrict grading, clearance, removal of vegetation except as required in the approved landscape plan and placement of structures except for trails and flood control conduits below elevation 180 as shown on the geologic map submitted as part of this amendment application.

The document shall be recorded free of prior liens and encumbrances except for tax liens, and shall be binding on heirs, assigns and successors in interest, and shall be valid for the life of the structures approved in this action./2. The offer of dedication shall

be irrevocable for a period of 21 years, such period running from the date of recording.

13. Groundwater monitoring.

Prior to issuance of the permit the applicant shall agree to install no fewer than two wells on the developed portion of the property, one to the north and one to the south of Fault B, for the purpose of monitoring the level of groundwater in the rock and sediments beneath the terrace materials under the site. The applicant shall make annual reports concerning groundwater levels to the Los Angeles County Department of Public Works, to such official as is designated by the Director of Public Works to receive these reports, and to the Commission. Such reports shall be open for public review.

14. Drainage system conforming to LUP standards

Prior to issuance of the amended permit the applicant shall agree to install low flow filtration devices of sufficient capacity to accommodate low flow and initial (approximately the first 1/2 hour) flooding from 25 year storms on each of the parking lots. Capacity, calculations and designs for this system shall be provided for the review and approval of the Executive Director. The designs shall be prepared by a civil engineer, and approved by Los Angeles County Engineering (Flood Control). The system may consist of dry-wells within the property, or of other system to disperse and/or filter low flow run-off. The applicant shall agree to maintain and inspect the low flow filters for the life of the project.

15. Availability of office parking for beach visitors

The applicant shall agree that no fewer than 258 parking spaces (the 258 spaces identified by the applicants as serving the offices) shall be reserved and identified by appropriate signs for public use on weekends and holidays. The applicants shall agree that the public may occupy the space for a length of time that is adequate for recreational use, generally at least four hours.

(note conditions 1-9 still apply except where modified)

NOV 13 1991 THU 14 17 ADA

CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

OAST AREA  
1 BROADWAY, SUITE 390  
LOS ANGELES, CA 90012  
5071

NOTICE OF INTENT TO ISSUE AMENDMENT

DEC 21 1990

TO COASTAL DEVELOPMENT PERMIT

THE ADAMSON COMPANIES

On August 8, 1990, the California Coastal Commission granted to ADAMSON COMPANIES an amendment to Permit No. 5-85-418(A1.4) subject to the conditions attached, for changes to the development or conditions imposed on the existing permit. The development originally approved by the permit consisted of

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

Construction of 222,200 sq. ft. (300 room) hotel complex, a 32,800 sq. ft. community serving office structure including highway patrol and medical offices, a 10,000 sq. ft. restaurant and an information kiosk and 1039 parking spaces.

CHANGES APPROVED BY FIRST AMENDMENT:

Amended site plan changing hotel building to eleven smaller structures, total square footage not exceeding 222,200 sq. ft., relocate entry way, allow introduced trees as accents on slopes.

CHANGES APPROVED BY SECOND AMENDMENT

Allocate approved square footage of structures to: 9,674 sq. ft. restaurant, 6,209 sq. ft. one story medical office building, and a 229,717 sq. ft. hotel and convention complex. Also, reduce parking to 1017 spaces, limit total water flow to total domestic waste water including community building to not exceed 55,300 gallons per day.

at Pacific Coast Highway and Malibu Canyon Road, Malibu, Los Angeles County

Changes approved by this amendment consist of

An amendment to allow the changes in the grading plan as described in the California Coastal Commission Memorandum (dated 4/24/90) which was heard by the Coastal Commission on 5/10/90 specifically these items are 1) retaining wall at PCH and 2) Reconstructed landslide.

more specifically described in the application filed in the Commission offices.

Unless changed by the amendment, all conditions attached to the existing permit remain in effect.

The amendment is being held in the Commission office until fulfillment of the Special Conditions 1-17, imposed by the Commission. Once these conditions have been fulfilled, the amendment will be issued. For your information, all the imposed conditions are attached.





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5-85-418

including shrubs and groundcovers shall be fire-resistant plants which are in the coastal sage scrub community and are native to the Santa Monica Mountains. A short list of such plants appears in standard reference texts or in the same California Native Plant society publication (Nov 23 1988 California Native Plant society publication "Recommended Native Plant species for Landscaping Wildland Corridors in the Santa Monica Mountains). The landscaping plans shall provide for plants to screen the drainage ditches, extended foundations and retaining walls from Civic Center Way and Pacific Coast Highway.

(c) Within the parking lot and entry areas, the applicant may employ a mixture of native and non-native plants, providing that the plants conform in form and color with native plant materials and do not include invasive plants referred to in item 5.c.1.a).

(d) Within the courtyard areas the landscaping may be as provided for in the conceptual landscaping plan of August, 1989.

2) Condition 10 (referring to landscaping) is deleted.

3) Sub-topic 11.(2) referring to methods of restoration of the site after excavation consistent with condition 5 and 10 above is deleted from the grading condition, and condition 5(c) above is expanded and condition 18 below is added.

18. Landscaping methods

a) The applicant shall provide a soil quality/irrigation plan and a detailed list of methods which will be employed to establish plants required in the condition above in recompacted soils. Such methods shall include use of burlap on slopes 2/1 or greater and use of plants from containers.

b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage.

c) Inspection and monitoring. The applicant shall provide for quarterly inspection and monitoring by a private consultant and the Coastal Staff to begin three months after the completion of grading and to extend over a period of three years after the occupancy of the structure. Plants which do not establish shall be replaced.

4) Revise condition 11, to state:

11) Revised final grading and drainage plans.

The development of the site shall be in conformance with the Grading plans approved by the Los Angeles County engineer on July 16, 1990.

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5-85-418

Modifications to this plan, including import or export of earth materials or changes in height of retaining wall or extent of grading shall be reported to the Executive Director to determine whether an amendment is required. The current plans provide 1) limits and depth of over-excavation, 2) footing and foundation details, 3) drainage details to direct water away from the existing landslide and building pads, 4) interim siltation controls, 5) detailed earthmoving plans.

- 5) Delete reference to natural slopes in conditions 1b in 5-85 418A2, re-number 1b as condition 16.

1b re-numbered as 16

16. Final revised plans of the amended project.

Prior to the issuance of the permit for the project, as amended, the applicant shall submit scaled final drawings:

a) The scaled final drawings shall conform to the indicated F.A.R. (ratio of gross enclosed floor area to net lot area) not exceeding .20 or 245,600 square feet, consistent with the relative square footages proposed in the written amendment request.

b) The plans shall be accompanied by a revised parking lot plan, reducing the number of parking spaces to no more than 930 spaces. Excess parking spaces and associated grading shall be eliminated from portions of the parking lot adjacent to Malibu Road and adjacent to Civic Center Way, within the areas identified by the applicant in plans submitted 2/1/90 (the steeper slope areas). These ~~ungraded~~ areas shall be ~~preserved~~ restored with native vegetation, consistent with conditions 17 and 18, above

- 6) re-number condition 1b on 5-85-418A2 to 17.

17. Public Parking

Condition 15, availability of office parking for beach visitors, shall be changed to reflect the fact that there will be no more than 41 office parking spaces available for beach visitors.

19) Open Space Easement

Prior to transmittal of the Coastal Development Permit, the applicant as landowner shall execute and record a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for open space, view preservation and habitat protection.

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5-85-418

Such easement shall include all portions of the applicant's property that are within the "Hillside revegetation and the Perimeter Landscape" areas, identified on the conceptual landscape plan of August, 1989, with the exception of areas designated for approved waste treatment facilities. The easement shall restrict the applicant from all development within the hillside restoration and perimeter landscape areas except for development explicitly approved in this permit, including the public access paths, drainage ditches, walls and drains.

The offer shall be recorded free of prior liens and encumbrances except for tax liens. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

PE:tn  
7287D

*W Sa*

**CALIFORNIA COASTAL COMMISSION**

EAST AREA  
 BROADWAY, SUITE 380  
 OLYMPIA, CA 90802  
 4071

Filed: 6/11/90  
 49th Day: 7/30/90  
 180th Day: 12/7/90  
 Staff: Emerson *PS*  
 Staff Report: 7/24/90  
 Hearing Date: 8/7-10/90  
 Commission Action:



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: S-85-418A4

APPLICANT: The Adamson Companies AGENTS: Barna Szabo  
 Michael Vigneri  
 Rhoda May A. Dallas

PROJECT LOCATION: Pacific Coast Highway and Malibu Canyon Road  
 24111 Pacific Coast Highway, Malibu, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

Construction of 222,200 sq. ft. (300 room) hotel complex, a 32,800 sq. ft. community serving office structure including highway patrol and medical offices, a 10,000 sq. ft. restaurant and an information kiosk and 1039 parking spaces.

CHANGES APPROVED BY FIRST AMENDMENT:

Amended site plan changing hotel building to eleven smaller structures, total square footage not exceeding 222,200 sq. ft., relocate entry way, allow introduced trees as accents on slopes.

CHANGES APPROVED BY SECOND AMENDMENT:

Allocate approved square footage of structures to: 9,674 sq. ft. restaurant, 6,209 sq. ft. one story medical office building, and a 229,717 sq. ft. hotel and convention complex. Also, reduce parking to 1017 spaces, limit total water flow to total domestic waste water including community building to not exceed 55,300 gallons per day.

DESCRIPTION OF REQUESTED AMENDMENT:

An amendment to allow the changes in the grading plan as described in the California Coastal Commission Memorandum (dated 4/24/90) which was heard by the Coastal Commission on 5/10/90 specifically these items are 1) retaining wall at PCH and 2) Reconstructed landslide.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment is consistent with the requirements of the Coastal Act.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change.
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

**LOCAL APPROVALS RECEIVED:**

Approved final grading plans stamped by the Los Angeles County Department of Public Works as of July 16, 1990.

(Hotel, restaurant and offices) Los Angeles County CUP 2446, ZC 83-091, Rancho Malibu Mesa Project Draft ETR dated August, 1984; Agency comments November, 1984; Final ETR February 1985 Addendum to final ETR, February 1985;

**SUBSTANTIVE FILE DOCUMENTS**

- 1) Coastal Development permits 5-85-418, 5-85-418 A, A2, A3; 5-485, 418A2, 5-85-418R3 (Adamson); 5-85-529 (RECO), 5085-439 (Malibu Pacific Partners), 5-87-576 (Miser and Cooper); 5-88-549 (Cross Creek Preservation Association) 5-85-493 (Hughes)

Additional substantive file documents listed in appendix.

**STAFF RECOMMENDATION :**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants an amendment to the permit, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. SPECIAL CONDITIONS

Unless specifically modified in this amendment the existing conditions of approval still apply.

1. Condition 5 shall be amended to read:

5. Landscaping and visual impact.

Prior to transmittal of the permit the applicant shall submit for the review and approval of the Executive Director a landscaping, signage and color scheme plan. The plan shall include:

- a. Signs that are restrained in size, and limited in number to two free standing signs. No sign shall be designed with interior illumination, and no sign shall flash or rotate.

- h. A design for a color scheme. The color scheme shall be in harmony with the native vegetation of the nearby slopes and reduce, rather than enhance the visibility of the hotel. ~~White/red and~~ Metallic surfaces shall be avoided.

- c. ~~Landscaping plan indicating the use of native/inh water use plants and color of the plants/notice/notice~~

[new text follows:]

- (1) Final landscape plans. Prior to issuance of the permit the applicant shall provide for the review and approval of the Executive Director final landscaping plans that shall show the following:

- (a) Within all areas of the property the applicant shall use no invasive non-native plants. A short list of such plants appears in the Native Plant society list (Nov 23 1988 California Native Plant society publication "Recommended Native Plant species for Landscaping Wildland Corridors in the Santa Monica Mountains"). Within all areas (with some exceptions within the courtyards, shown on the August 1989 plans) the majority of plant material shall be low water use plants.

- (b) Within the "Hillside revegetation and the Perimeter Landscape" areas, identified on the conceptual landscape plan of August, 1989, the applicant may use non-native trees that are non-invasive (see c.1) and conform in form and color with the coastal sage scrub community. However, all other material, including shrubs and groundcovers shall be fire-resistant plants which are in the coastal sage scrub community and are native to the Santa Monica Mountains. A short list of such plants appears in standard reference texts or in the same California Native Plant society publication (Nov 23 1988 California Native Plant society publication "Recommended Native Plant species for Landscaping Wildland Corridors in the Santa Monica Mountains).

The landscaping plans shall provide for plants to screen the drainage ditches, extended foundations and retaining walls from Civic Center Way and Pacific Coast Highway.

(c) Within the parking lot and entry areas, the applicant may employ a mixture of native and non-native plants, providing that the plants conform in form and color with native plant materials and do not include invasive plants referred to in item S.c.1.a).

(d) Within the courtyard areas the landscaping may be as provided for in the conceptual landscaping plan of August, 1989.

2) Condition 10 (referring to landscaping) is deleted.

3) Sub-topic 11.(2) referring to methods of restoration of the site after excavation consistent with condition 5 and 10 above is deleted from the grading condition, and condition 5(c) above is expanded and condition 18 below is added.

18. Landscaping methods

a) The applicant shall provide a soil quality /irrigation plan and a detailed list of methods which will be employed to establish plants required in the condition above in recompacted soils. Such methods shall include use of hurlap on slopes 2/1 or greater and use of plants from containers.

b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage.

c) Inspection and monitoring. The applicant shall provide for quarterly inspection and monitoring by a private consultant and the Coastal Staff to begin threemonths after the completion of grading and to extend over a period of three years after the occupancy of the structure. Plants which do not establish shall be replaced.

4) Revise condition 11, to state

11) Revised final grading and drainage plans.

The development of the site shall be in conformance with the Grading plans approved by the Los Angeles County engineer on July 16, 1990. Modifications to this plan, including import or export of earth materials or changes in height of retaining wall or extent of grading shall be reported to the Executive Director to determine whether an amendment is required. The current plans provide 1) limits and depth of over-excavation, 2) footing and foundation details, 3) drainage



details to direct water away from the existing landslide and building pads, 5) interim siltation controls, 6) detailed earthmoving plans.

- 5) Delete reference to natural slopes in conditions 1h in 5-85 418A2, re-number 1h as condition 16.

1b re-numbered as 16

16. Final revised plans of the amended project.

Prior to the issuance of the permit for the project, as amended, the applicant shall submit scaled final drawings:

a) The scaled final drawings shall conform to the indicated F.A.R. (ratio of gross enclosed floor area to net lot area) not exceeding .20 or 245,600 square feet, consistent with the relative square footages proposed in the written amendment request.

b) The plans shall be accompanied by a revised parking lot plan, reducing the number of parking spaces to no more than 930 spaces. Excess parking spaces and associated grading shall be eliminated from portions of the parking lot adjacent to Malibu Road and adjacent to Civic Center Way, within the areas identified by the applicant in plans submitted 2/1/90 (the steeper slope areas). These ~~ungraded~~ areas shall be preserved ~~restored~~ with native vegetation, consistent with conditions 17 and 18, above

- 6) re-number condition 1h on 5-85-418A2 to 17.

17. Public Parking

Condition 15, availability of office parking for beach visitors, shall be changed to reflect the fact that there will be no more than 41 office parking spaces available for beach visitors.

IV. FINDINGS AND DECLARATIONS

A. Project Description and History.

The Commission approved this permit for a hotel, an office structure and a restaurant in January 1986. The project, the Rancho Malibu Mesa Project has been amended twice, once with respect to the site plan and the relationship to the Malibu Coast Fault, and a second time in response to questions on the amount of sewage generation and on the methods of compliance with a condition imposed by the Commission limiting floor area ratio.

In its first amendment, 5-85-418A, granted on October, 11, 1989, the Commission permitted the applicant to change the site plan of the hotel from

one massive structure set into the hillside to a number of smaller buildings. In granting approval to this request, the Commission added a condition to address final grading plans. The condition said:

11. Revised final grading and drainage plans.

Prior to issuance of the permit the applicant shall provide approved final engineering, grading and drainage plans for the review and approval of the Commission to conform with condition 8. The final plans shall have received final approval of the Los Angeles County Engineering Geologist. The plan shall provide 1) limits and depth of over-excavation, 2) methods of restoration of the site after excavation consistent with condition 5, and 10 above, 3) footing and foundation details, 4) drainage details to direct water away from the existing landslide and building pads, 5) interim siltation controls, 6) detailed earthmoving plans, including the amount of earth to be moved and the location of disposal sites.

In the second amendment, the applicant reduced the floor area ratio in conformance with an earlier condition and offered to reduce sewage generated to comply with commercial generation rates imposed on the county sewer district by the Commission. As part of that amendment the commission required that the parking lot size be reduced in order to reduce grading.

All earlier actions by the Commission were taken on the basis of conceptual plans. The original approval showed a six level structure set into the face of a hill, and showed no details about slope or grading. The Commission imposed conditions to address grading and landscaping. Condition 5 requires the use of native low water-use plants endemic of the Santa Monica Mountains for landscaping, and Condition 8 requires the grading plan to minimize land form alteration.

When the applicant provided the Commission with revised plans, changing the hotel structure to 11 smaller buildings, there was a conceptual grading plan provided. The conceptual grading plan did not include any indication of the amount of grading and the depth of the cuts and fills, but instead indicated the site plan overlain on the natural topography. In response to concerns about the depth of the cut necessary to place these structures, the Commission asked for review of the final grading plans.

On April 5, 1990, the Adamson Companies submitted final grading, landscape, and drainage plans that complied with the Los Angeles County engineer's most recent plan corrections. In May, 1990, the Commission reviewed these plans. The Commission determined that the plans exceeded the scope of its original approval and required the applicant to submit an amendment to the permit to accommodate the grading. In May, 1990, the applicant submitted an amendment to allow the final grading to proceed according to County approvals. On July 16, 1990 the grading plans received final approval from the County engineer.

The grading plans show a total of 247,566 cubic yards; 143,783 cubic yards cut and 143,783 cubic yards fill. The County has required trimming back and/or filling of all slopes on the periphery of the site to slopes with a safety

factor of 1.5. On most of the site, this results in an engineered slope of 2:1. On the steepest slopes, the County has permitted 1.5:1 cut slopes (Northeast slope at Civic Center Way and Winter Canyon). The County has also required the excavation and recompaction of two landslides, placing of V-ditch drains along the slopes and placement of a variable height retaining wall along Pacific Coast Highway.

R. Alteration of Landforms.

The Coastal Act provides for preservation of natural landforms in two sections: Section 30251, addressing visual quality and Section 30253, addressing safety and stability.

The hotel is sited on a 130 foot-high mesa overlooking the flood plain of Malibu creek. A second creek, Winter Creek, enters the flood plain near the eastern edge of the property. The edges of the mesa have been undercut slightly to allow for the construction of Civic Center Way, which initially followed the depression cut by Winter Creek. Pacific Coast Highway has been cut into the side of the mesa in order to go from the flood plain (about elevation 120 to the top of the mesa elevation 230. This cut is located at the southern edge of the property, reaching the bluff top grade at the south west corner, the corner of Malibu Canyon Road and Pacific Coast Highway. The applicant proposes to locate the hotel on the mesa top, and grade parking lots and tennis courts on the portions of the land that slope toward Civic Center Way (Winter Canyon).

The slopes on the edges of the property support a mix of introduced plants and coastal sage scrub. The applicant contends that these slopes are not "natural slopes" because these slopes were oversteepened by the construction of Civic Center Way and Malibu Canyon Road. However, because the slopes are irregular and have revegetated with native plants, they appear natural. The applicant contends that the County has required that the slopes surrounding the site be reconstructed to a factor of safety of 1.5. Although the stability of the hotel is not dependent on the stability of the slopes, according to the applicant it is County policy to require that slopes surrounding a development have factors of safety of 1.5 or greater.

To conform with Los Angeles County requirements, the applicant has provided grading plans with engineered slopes completely surrounding the development.

a) Slope next to Civic Center Way. The plans show a shallow fill near the corner of Civic Center Way and Malibu Canyon Road and a shallow cut more south-easterly, along the slope closer to Civic Center. Portions of the hill will be trimmed back to create a 1.5:1 slope. The slope adjacent to Civic Center Way averages 40-50 feet high, but extends up to 90 feet high from the toe to the top of the trimmed slope at the Winter Canyon/Civic Center Way conjunction. Under building ten, the cut will result in the grade under the building being lowered 20 feet, so that the finished grade will be at 175 and the finished floor will be at 213. Trimming will remove the natural convexity of the hill and flatten it out, but it will

make no changes in the height of the hill. Drainage along Civic Center Way will be by three parallel "V" ditches. The slope will be recompact.

h) Variable height retaining wall next to Pacific Coast Highway. The applicant's final corrected plans show a 2:1 slope adjacent to Pacific Coast Highway that varies in height from 20 to 40 feet. The slope will be created with alternate cuts and fills, and will provide for some undulations. At the toe of the slope the plans indicate a variable height cement block retaining wall at the property line extending approximately 700 feet. To achieve a uniform 2:1 slope the applicant is required to do some cut and some fill that will result in a change in the moulding of the landform, not a change in height. The wall is necessary to accommodate a widened 15 foot wide fire access road on the south side of the hotel.

c) Reconstruction of the landslide. The plans show removal and reconstruction of two landslides, including an 80 foot high surficial slide on the eastern hillside overlooking the Civic Center. The material will be benched and recompact, and drained with three rows of "V" ditches. The drainage system will be conducted to the toe of the slope then under a portion of the adjacent property and then to a culvert leading under Pacific Coast Highway.

d) Depth of excavation. The highest point on the site is currently about elevation 230. The finished floor of the conference center is at 217, 13 feet lower. The cut material is redistributed on the site, under parking lots and in berms between pads, such as between the tennis courts and the parking lot.

The applicant contends that the proposed grading is required by the County in order to assure the stability of the slopes surrounding the site. The applicant also contends that the fill slope next to the corner of Civic Center Way and Malibu Canyon Road will reduce the visual impacts of the project because the steeper slope will screen the parking lots from the view of travelers on the road.

The Malibu Land Use Plan addresses alteration of natural landforms and removal of vegetation in three sections: Geologic stability, Visual quality and Habitat.

1) Geologic stability. The LUP states as follows:

PL49 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.

The proposed development as amended conforms to the requirements of policy 149. The Commission reviewed this project for geologic stability and required

that development be set back from potentially unsafe features, namely the earthquake fault and the landslide identified on the face of the slope overlooking Civic Center. The County's requirements, according to the applicant, are based on protection of roads and offsite property from slope failure and from debris from the slopes.

2) Visual quality. The Malibu LCP identifies Pacific Coast Highway as a scenic corridor. Its analysis of the Pacific Coast Highway view corridor identifies natural landforms and uninterrupted views of the foothills, the typical vegetation as typifying the view corridor. The policies state:

PL25 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

PL30 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

minimize the alteration of natural landforms.

be landscaped to conceal raw-cut slopes.

be visually compatible with and subordinate to the character of its setting.

be sited so as not to significantly intrude into the skyline as seen from public viewing places.

The present plan will result in a Mesa that is the same height as the existing landform, but that will have been re-graded to remove irregularities of form, such as overhangs, gullies and the landslide. As a result of the grading, all vegetation will be removed from the land. In addition, the slopes will be stabilized with V ditches which can be seen from long distances. Finally, a 700 foot wall, which the applicant states will be variable in height will be placed adjacent to Pacific Coast Highway.

In order to minimize the visual impacts of the grading and the placement of the wall, the applicant proposes to landscape the sides and top of the Mesa. Condition 5, in the previous action provided for landscaping with native vegetation and provided that the color of the structure "blend with native vegetation. The color scheme condition was applied to the massive, six level structure that has been amended out of the application. The applicant is now proposing a "Spanish villa" style hotel, and the Commission deletes the condition that would forbid the use of red and white as inappropriate to the

new plan, and unnecessary now that the buildings may be made less conspicuous by landscaping alone. However, the Commission notes that landscaping is the only method available to soften the geometry of the newly graded slopes. The final grading proposed has impacts on the vegetative cover, both visual and biological, and makes revegetation more difficult due to the difficulties of planting native plants in compacted soils, than the plan that was reviewed with the amendment.

The original landscaping conditions were simple. They assumed that areas outside the footprints of the structures would be left in the present native vegetation. The condition addressed how to landscape the structures to blend in with adjacent vegetation. The landscaping condition (5) addressed colors, signs, landscaping and container plants.

When the applicant changed the site plan, the applicant provided a conceptual landscape plan. Again without a review of the vegetation that it would be necessary to clear to construct the project, the Commission accepted a fairly loose interpretation of the plan, and allowed the use of introduced trees in order to soften the impacts of the buildings, and some introduced plants in parking lots and next to the highway. The reasons for this were that these plants would be a small portion of the biomass on the property, the applicant presented evidence that tall trees, which are not native to the coastal sage scrub community could reduce the visual impacts of the three story buildings proposed, and third, the courtyard and parking lot landscaping would not be visible from outside of the project, and therefore would conform to the visual impact policy of the IDP with regard to compatible landscaping in the Pacific Coast Highway corridor.

The landscape plan submitted by the applicant divides the property into five zones: Hillside revegetation, Perimeter landscaping, Entry drive landscaping, Parking lot landscaping and Ornamental (courtyard) landscaping.

In this case the greater clearance required by the final grading plan will increase the visual, and as seen below, the habitat impacts of the project. In order to blend in with the mountains behind and with the Keller's shelter promontory on the eastern side of the floodplain, the majority of the visible plants should be natives. The Commission has imposed an open space easement on the sides of the knoll identified as Keller's shelter (O'Connor). Since all the plants on the site will now be planted by the applicant, the Commission has revised its landscaping condition to reflect the landscaping condition generally imposed on large grading projects. The plan as revised requires 1) use of plants from containers, to get coverage, 2) use of moisture retention devices, including hurlap on cleared and compacted slopes, 3) use of all native plants on the periphery and hillside portion (with the exception of trees, which are not native to this plant community), and 4) placement of larger plants and bushes to screen the wall and the drainage ditches, 5) monitoring. As conditioned, to restore cut slopes the project will have reduced visual impacts and conform to Section 30251.

3) Habitat. This project is located close to the Malibu Canyon Significant watershed and upstream of the Malibu Lagoon. Because Malibu Creek is a

perennial stream, many introduced plants that might not thrive in chaparral can escape and replace native plants. Malibu Canyon and Malibu Lagoon are located in Malibu Creek State Park. Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

To comply with these sections, the Malibu Santa Monica Mountains LUP has identified six classes of environmentally sensitive resources. This development is not located in any of the identified sensitive environmental resource areas, but it is within a mile of one of the most productive of the Significant Watersheds, Malibu Creek. The Commission finds that the loss of a significant number of hillside plants, and the establishment of a large reservoir of seed bearing non-native plants could result in impacts on the ecosystem of the canyon. In order to reduce these potential impacts, the Commission has required that the slopes which might supply food and cover to native animals be revegetated with native plants, and that the project as a whole avoid the use of plants which have been identified as potentially invasive.

Although there are numerous texts on the subject, the Commission has found a brief and helpful summary to be found in a native plant society publication: (Nov 23 1988 California Native Plant Society, "Recommended Native Plant species for Landscaping Wildland Corridors in the Santa Monica Mountains")

The second biological impact is potential siltation during grading and after. The applicant has provided a siltation control plan, and the conditions require use of hurlap, container plants, and inspection of the vegetated areas to insure that the vegetation establishes.

As conditioned the project is consistent with the habitat, visual quality and geologic safety provisions of the Coastal Act.

**1986 CALIFORNIA COASTAL DEVELOPMENT  
PERMIT EXTENSIONS  
(2008 – PRESENT)**



**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800 . FAX (805) 641-1732  
www.coastal.ca.gov



April 17, 2008

**COASTAL DEVELOPMENT PERMIT EXTENSION**

Re: Extension Request for Permit No. 5-85-418-E21  
Original Permit No. 5-85-418  
Original Permit Expiration Date: January 7, 1988  
Extended Permit Expiration Date: January 7, 2009

Rancho Malibu, L L C  
P. O. Box 6528  
Malibu, CA 90264

Dear Rancho Malibu, L L C,

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants an extension of the subject Permit, subject to the same conditions approved by the Commission, to expire on the Extended Permit Expiration Date indicated above.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: BARBARA CAREY  
Supervisor, Planning & Regulation

cc: Local Planning Dept.

Gaines & Stacey L L P, Attn: Fred Gaines

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800 FAX (805) 641-1732  
www.coastal.ca.gov



March 17, 2009

**COASTAL DEVELOPMENT PERMIT EXTENSION**

Re: Extension Request for Permit No. **5-85-418-E22**  
Original Permit No. **5-85-418**  
Original Permit Expiration Date: **January 7, 1988**  
Extended Permit Expiration Date: **January 7, 2010**

Rancho Malibu, L L C  
P. O. Box 6528  
Malibu, CA 90264

Dear Rancho Malibu, L L C,

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants an extension of the subject Permit, subject to the same conditions approved by the Commission, to expire on the Extended Permit Expiration Date indicated above.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
BY: BARBARA CAREY  
Supervisor, Planning & Regulation

cc: Local Planning Dept.  
Gaines & Stacey L L P, Attn: Fred Gaines

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
9 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800 FAX (805) 641-1732  
www.coastal.ca.gov



March 9, 2010

**COASTAL DEVELOPMENT PERMIT EXTENSION**

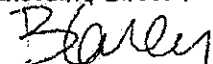
Re: Extension Request for Permit No. 5-85-418-E23  
Original Permit No. 5-85-418  
Original Permit Expiration Date: January 7, 1988  
Extended Permit Expiration Date: January 7, 2011

Rancho Malibu, L L C  
P. O. Box 6528  
Malibu, CA 90264

Dear Rancho Malibu, L L C,

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants an extension of the subject Permit, subject to the same conditions approved by the Commission, to expire on the Extended Permit Expiration Date indicated above.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: BARBARA CAREY  
Supervisor, Planning & Regulation

cc: Local Planning Dept.  
Gaines & Stacey L L P, Attn: Fred Gaines

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800 FAX (805) 641-1732  
www.coastal.ca.gov



March 15, 2011

**COASTAL DEVELOPMENT PERMIT EXTENSION**

Re: Extension Request for Permit No. 5-85-418-E24  
Original Permit No. 5-85-418  
Original Permit Expiration Date: January 7, 1988  
Extended Permit Expiration Date: January 7, 2012

Rancho Malibu, L L C  
P. O. Box 6528  
Malibu, CA 90264

Dear Rancho Malibu, L L C,

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants an extension of the subject Permit, subject to the same conditions approved by the Commission, to expire on the Extended Permit Expiration Date indicated above.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: BARBARA CAREY  
Supervisor, Planning & Regulation

cc: Local Planning Dept.  
Gaines & Stacey L L P, Attn: Fred Gaines

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001  
(805) 585-1800 FAX (805) 641-1732  
www.coastal.ca.gov



August 14, 2012

**COASTAL DEVELOPMENT PERMIT EXTENSION**

Re: Extension Request for Permit No. 5-85-418-E25  
Original Permit No. 5-85-418  
Original Permit Expiration Date: January 7, 1988  
Extended Permit Expiration Date: January 7, 2013

Green Acres, L L C  
P. O. Box 6526  
Malibu, CA 90264

Dear Green Acres, L L C,

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants an extension of the subject Permit, subject to the same conditions approved by the Commission, to expire on the Extended Permit Expiration Date indicated above.

Sincerely,  
CHARLES LESTER  
Executive Director

  
By: BARBARA CAREY  
Supervisor, Planning & Regulation

cc: Local Planning Dept.  
Gaines & Stacey L L P, Attn: Fred Gaines

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800

APPLICATION FOR EXTENSION OF PERMIT NO.NOTE TO APPLICANTS:

1. Filing. Application for extension of a permit for a period not to exceed one year where construction is not expected to commence prior to the expiration date of the permit may be made by submitting this form completed and signed, together with the applicable filing fee, to the Commission Area Office. Such applications will not be accepted more than 90 days prior to the expiration date of the permit.

Extensions must be applied for prior to the expiration date of the permit, but filing of an application for extension will automatically extend the expiration date of the permit until the final action of the Commission on the request. Construction may not be commenced during this period of automatic extension. 14 Cal. Admin. Code Section 13169 (a)(2).

2. Procedures. The Commission regulations require the Executive Director to follow the following procedures (Cal. Admin. Code Title 14, Section 13169): If the Executive Director determines that there are no changed circumstances that may affect the consistency of the proposed development with the Coastal Act of 1976, notice of such determination shall be posted at the project site and mailed to all parties who may be interested in the application. The necessary forms are available from the Area office. If no written objection is received at the Area office within 10 working days of publishing notice, the determination of no changed circumstances is conclusive and the extension will be granted. If the Executive Director determines that due to changed circumstances the proposed development may not be consistent with the Coastal Act, or if objection is made to the determination of consistency, a report shall be made to the Commission. If three Commissioners object to the extension, the application shall be set for a full hearing as though it were a new application.

SECTION 1. APPLICANT

1. Name, address and telephone number of applicant:

Green Acres, LLC

P.O. Box 6528, Malibu, CA 90264

(310) 457-8130

(Zip)

(Area Code) (Telephone No.)

2. Name, address and telephone number of applicant's representative, if any:

Fred Gaines, Esq. / Gaines & Stacey LLP

16633 Ventura Blvd., Suite 1220, Encino, CA 91436 (818) 933-0200

(Zip)

(Area Code) (Telephone No.)

TO BE COMPLETED BY COMMISSION:

Date Received: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_

Date Filed: \_\_\_\_\_

Date Paid: \_\_\_\_\_

SECTION II. INFORMATION REQUIRED

1. Date of issuance and number of permit: January 16, 1986 / 5-85-418
2. Is this a land division? No.
3. Attachments. The following documents must be enclosed with this application form completed to ensure prompt processing of your application.
  - a. Documentation evidencing permit holder's continued legal interest in the property.
  - b. Copy of original permit showing that it has not expired.
  - c. Documentation of completed or proposed satisfaction of permit conditions, if any.
  - d. List of names and addresses for all known interested parties and property owners/tenants within 100 feet of project site, plus one stamped, addressed envelope for each person on the list.

SECTION III. FILING FEE

This application will not be deemed filed until payment of a filing fee of \$538.00 for single-family houses and \$1076.00 for all other developments. 14 Cal. Admin. Code 13169(a).

SECTION IV. CERTIFICATION

1. I hereby certify that I or my authorized representative will complete and post the "Notice of Extension Request" form furnished me by the Commission in a conspicuous place on the development property upon receipt of said notice from the Commission.
2. I hereby certify that to the best of my knowledge, the information in this application and all attached exhibits is full, complete and correct, and I understand that any failure to provide information requested or any misstatement in the information submitted in support of the application may be grounds for either non-acceptance of the application, for denying the application for extension, or for the seeking of such other and further relief as may seem proper to the Commission.

\_\_\_\_\_  
Signature of Applicant(s) or Agent

\*\*SEE ATTACHED SIGNATURE PAGE

NOTE: If signed by Agent, Applicant must Sign below.

SECTION V. AUTHORIZATION OF AGENT

I hereby authorize Gaines & Stacey LLP to act as my (our) representative and bind me (us) in all matters concerning this application.

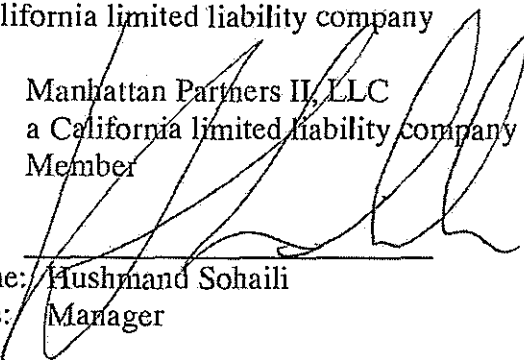
\_\_\_\_\_  
Signature of Applicant(s)

\*\*SEE ATTACHED SIGNATURE PAGE

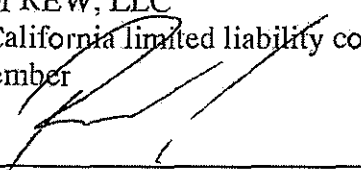
**SIGNATURE BLOCK FOR GREEN ACRES LLC**

GREEN ACRES, LLC  
a California limited liability company

By: Manhattan Partners II, LLC  
a California limited liability company  
Its: Member

By:   
Name: Hushmand Sohaili  
Title: Manager

By: RM REW, LLC  
a California limited liability company  
Its: Member

By:   
Name: Richard Weintraub  
Title: Manager



**COASTAL DEVELOPMENT PERMIT EXTENSION NO. 5-85-418**

**SECTION II. INFORMATION REQUIRED**

**3(b) Attachment:**

The Coastal Commission granted an extension of the subject coastal development permit through January 7, 2013 (attached hereto). On December 21, 2012, the applicant filed its application to extend the coastal development permit for an additional year, until January 7, 2014. To date, the Commission has not acted on the extension application filed on December 21, 2012.

Section 13169(e) of the California Code of Regulations states that, “[a]ny extensions applied for prior to the expiration of the permit shall automatically extend the time for commencement of development until such time as the commission has acted upon the extension request; provided, however, that the applicant shall not undertake development during the period of automatic extension provided in this section.” The applicant has not undertaken development and, therefore, the subject coastal development permit is subject to the automatic extension provisions of Section 13169(e).

**1998 CONDITIONAL USE PERMIT, VARIANCE,  
AND SITE PLAN REVIEW**

RESOLUTION NO. 98-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING, WITH CONDITIONS, CONDITIONAL USE PERMIT NO 96-005, VARIANCE NO. 96-010 AND SITE PLAN REVIEW NO. 96-015 TO CONSTRUCT A 146 ROOM HOTEL (106 ROOMS INITIALLY AND 40 ROOMS SUBSEQUENTLY) ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF PACIFIC COAST HIGHWAY AND MALIBU CANYON ROAD.

The City Council of the City of Malibu does hereby Find, Order, and Resolve as follows:

Section 1. Application. On March 27, 1996, conditional use permit, variance and site plan review applications were duly filed by the Malibu Land Company requesting approval to construct a hotel and cultural heritage center on property located at the northeast corner of Pacific Coast Highway and Malibu Canyon Road (APNs: 4458-028-015, 4458-028-019, and 4458-030-007.) The requests are as follows:

Conditional Use Permit

- a. allow hotel use on the subject site
- b. allow lighting of two tennis courts

Variance

- a. allow a FAR of 0.20 where the maximum permitted is 0.15
- b. setbacks
  - 1. a 25 foot front yard setback in lieu of 259 feet,
  - 2. a 25 foot side yard setback in lieu of 97 feet.
  - 3. a 110 foot cumulative side yard setback in lieu of 241 feet, and
  - 4. a 145 foot rear yard setback in lieu of 194 feet.
- c. Grading
  - 1. 119,000 cubic yards of grading where 1,000 cubic yards are allowed,
  - 2. manufactured slopes up to 30 feet in height where 6 feet are allowed.
- d. Parking
  - 1. 492 parking spaces where 1,207 are required
  - 2. parking spaces to be located more than 300 feet from the use they serve

City Council Resolution No. 98-001  
CUP 96-005, VAR 96-010 and SPR 96-015-Rancho Malibu Hotel  
March 23, 1998

e. Height

1. a round tower to be 35 feet in height where 28 feet is the maximum height allowed.

Site Plan Review

- a. allow construction over the base height of 18 feet up to 28 feet
- b. permit construction on slopes between 2.5:1 and 3:1.

Section 2. Planning Commission Public Hearing. - On November 3, 1997, the Planning Commission held a duly noticed public hearing regarding Conditional Use Permit No. 96-005, Variance No. 96-010, Site Plan Review No. 96-015 and Certification of the EIR pertaining to the subject hotel and after considering all testimony, written and oral, relative to consideration of the proposed hotel, on November 3, 1997 the Commission adopted Resolution Nos. 97-042 and 97-043 certifying the EIR and denying the variance to construct with a FAR of 0.20, respectively. Subsequently, on November 17, 1997 the Planning Commission adopted Resolution Nos. 97-044, 97-045 and 97-046 approving, with conditions, the subject applications.

Section 3. Appeals. - On November 26, 1997 the Malibu Road Property Owners' Association in conjunction with the Malibu Township Council appealed Resolution Nos. 97-044, 97-045 and 97-046. On December 1, 1997, the project applicant also filed an appeal of said resolutions.

Section 4. City Council Public Hearings. On January 12, 1998, February 3, 1998, March 9, 1998, and March 23, 1998 the City Council held a duly noticed public hearing regarding said appeals.

Mitigation Monitoring Program.

Section 5. The City Council hereby adopts the mitigation monitoring programs attached hereto as Exhibits A and B to monitor the changes to the project which have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. Exhibits A and B is incorporated herein by this reference as though set forth in full.

Section 6 Based upon the initial study and other information contained in the EIR, and the record of the hearing, including comments and responses to comments, the City Council finds that the Rancho Malibu Hotel project, as conditioned herein, will not cause significant environmental impacts with respect to land use, seismic hazards, groundwater, adequacy of wastewater treatment, consistency with the Air Quality Management Plan, the Congestion Management Plan, parking, stormwater runoff, obstruction of scenic views or vistas, and terrain modification.

City Council Resolution No. 98-001  
CUP 96-005, VAR 96-010 and SPR 96-013-Rancho Malibu Hotel  
March 23, 1998

Section 7 The City Council finds that the mere certification of the proposed EIR would not and did not result in any adverse impacts. However, the EIR identifies potentially significant environmental impacts with respect to rural character, slope stability, soils, drainage, grading and erosion control, zero balance, zero runoff, groundwater monitoring, dust emissions from grading, traffic and circulation, biological resources, and cultural resources which will likely result from the implementation of the proposed Rancho Malibu Hotel. The EIR identifies feasible mitigation measures that reduce the impacts described above to levels of insignificance.

Section 8 The City Council finds, in accordance with Public Resources Code Section 21081(a), that changes or alterations have been incorporated into the proposed Rancho Malibu Hotel which avoid or substantially lessen the potential for environmental impacts with respect to seismic hazards, slope stability, water/wastewater, biological resources, and cultural resources. The nature of the impacts under each of these topics and the changes or alterations proposed to mitigate those impacts are summarized in the EIR. Brief rationales for the conclusions that each of these impacts will be avoided or substantially lessened follow: a more comprehensive rationale with respect to each impact is set forth in Chapter 2 of the EIR, which has been incorporated into this Resolution by reference:

a) Seismic hazards. A building setback zone ranging from 70 to 95 feet wide has been established by the property owner along the branch of the Malibu coast fault zone crossing the southern portion of the site. All of the habitable structures are located outside the delineated zone.

b) Slope stability. Certain existing slopes in the eastern portion of the site do not meet current safety standards. The grading plan includes remedial grading to re-engineer the slopes to meet safety standards.

c) Water/Wastewater. The Rancho Malibu Hotel project has been designed in order to achieve zero balance and zero runoff. The hotel includes an on-site wastewater treatment facility. The hotel project has been sized and the landscape plan has been designed so that all of the project's treated wastewater can be disposed of on-site through landscape irrigation. The wastewater system includes monitoring devices to ensure zero runoff of the treated wastewater.

d) Biological resources. The Rancho Malibu Hotel project includes use of the 30 acre Francisco property as off-site mitigation for biological resource impacts.

e) Cultural Resources. The Rancho Malibu Hotel project includes in-situ preservation of prehistoric cultural resources by capping or covering the deepest and most sensitive portion of the CA-LAN-266 site, including the CA-LAN-1715 area. About 90 percent of the site will be capped. In addition, the city will require the developer to implement a cultural resource management plan (CRMP) covering 100 percent of the site. The CRMP's conditions will be incorporated into deed restrictions for the property to ensure the protection of this archaeological site

City Council Resolution No. 98-001  
CUP 96-005, VAR 96-010 and SPR 96-015-Rancho Malibu Hotel  
March 25, 1998

in perpetuity for future generations. The implementation of the CRMP will preserve 90 percent of the CA-LAN-266 site, including the CA-LAN-1715 area, and protect the remaining ten percent of the undisturbed site area.

Section 9 The EIR describes eight alternatives to the project. These constitute a reasonable range of alternatives to the proposed Rancho Malibu Hotel. Five of the alternatives might fulfill the basic objectives of the project; three of the alternatives would not. The objectives of the project sponsor include: developing the site in a manner consistent with the land use designation for the site contained in the City's General Plan, which is compatible with surrounding uses, and that will provide an economic return through room and service charges. The City's objectives include development of the site consistent with the Malibu General Plan and Interim Zoning Ordinance and ensuring the site's development does not harm the natural resources and aesthetic values of the area and preserving the rural residential character of Malibu.

Of the alternatives consistent with these objectives, one alternative would have greater environmental impacts than would the proposed Rancho Malibu Hotel: Alternative B - Luxury Hotel and Theme Restaurant/0.20 FAR.

Four alternatives have lesser environmental impacts than would the proposed Rancho Malibu Hotel: Alternative D - 250 Room Business Suites Hotel/0.15 FAR; Alternative E - Luxury Hotel and Cultural Center with Restricted Spa Use /0.20 FAR; Alternative F - Luxury Hotel and Cultural Center /0.15 FAR; and Alternative G - Largest Hotel With On-Site Water Balance and On-Site Habitat Preservation.

The EIR contains two alternatives which would have greater impacts than the proposed Rancho Malibu Hotel and would not fulfill the project objectives: Alternative A - No Project (Visitor Serving Commercial Use / 0.15 FAR) and Alternative C - Condominium Complex / 0.15 FAR. Rejection of these alternative is justified on both environmental grounds and because they fail to meet project objectives.

In addition, the EIR contains one alternative which would have lesser impacts than the proposed Rancho Malibu Hotel but would not fulfill the project objectives: Alternative H - No Development. However, this alternative is infeasible because the project site is private property that can be developed in accordance with the City of Malibu Land Use Plan.

Section 10. Following review of the project and alternatives the City Council approved a modified version of Alternative F - Luxury Hotel/0.15 FAR. The approved project provides for a luxury hotel with 106 rooms and ultimately no more than 146 rooms, no more than a 0.15 FAR, and a reduction in the combined size of the ballroom and meeting rooms (6,000 square feet). This alternative has less impacts than the project originally proposed by the applicant. In addition, the City Council required the hotel to be constructed first with 106 rooms and made issuance of the

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construction permits for 40 additional rooms by the Planning Commission contingent on demonstration through mitigation monitoring that 106 rooms can be successfully mitigated and does not result in any significant impacts after mitigation.

The mitigation monitoring program provides the project sponsor with the option of preparing a new traffic report for the approved project and for the potential alteration of traffic mitigation measures should the new traffic study show that a lesser level of traffic impact would result from the project as approved. Revised traffic mitigation measures may be substituted for the measures contained in the mitigation monitoring plan at the discretion of the Director of Public Works as long as the measures mitigate all project traffic impacts to a less than significant level.

Section 11. The City Council finds in accordance with Public Resources Code Section 21081 (a)(3) that specific social and economic considerations make infeasible that portion of mitigation measure 1.1, as contained in the EIR, which prohibits the morning (7:30 - 11:00 a.m.) operation of the hotel's public uses. Mitigation measure 1.1 has been modified in the mitigation monitoring program in accordance with the finding to limit public use of the meeting and ballrooms from 7:30 a.m. to 12:00 a.m.

#### Conditional Use Permit - Hotel Use

Section 12. The City Council, having heard all oral and written testimony and considered all relevant evidence and argument in accordance with Section 9423(D) of the Municipal Code, finds as follows:

- a) The proposed use is one conditionally permitted within the subject zone (Commercial Visitor - 2) and, as conditioned, complies with the intent of all of the applicable provisions of the IZO in that the hotel use, subject to the imposed conditions, will satisfy the IZO's general requirements.
- b) As conditioned, the proposed use would not impair the integrity and character of the zone in which it is to be located in that all of the development is not concentrated in one large monolithic structure but is divided into smaller, separate, one and two story, structures in a campus setting that is compatible with the scale of surrounding development. Furthermore, the site is isolated from surrounding properties by three major roads and ingress and egress from the site is from Malibu Canyon Road, across from an expansive lawn on the Pepperdine University property and away from the residential uses fronting Civic Center Way.

In addition to the physical characteristic of the site, there are operational characteristics and restrictions that will cause the proposed use to be consistent with the zone in which it is located. Specifically, the project is conditioned to prohibit outdoor amplified

music: the spa is restricted to use by hotel guests and residents of Malibu only; and there will be an annual review, paid for by the applicant and conducted by an independent consultant, of the on-site drainage and wastewater system.

- c) The subject site is physically suitable for the type of land use being proposed in that the topography and size of the site is adequate to accommodate the proposed hotel, the ancillary uses and the necessary on-site support facilities and infrastructure without creating significant environmental impacts that cannot be mitigated.
- d) As conditioned, the proposed use is compatible with the land uses, if any, presently on the subject property and in the surrounding neighborhood in that there is a diverse mix of uses and development type in the surrounding neighborhood. There are institutional uses (Pepperdine University, Our Lady of Malibu Church, and Malibu City Hall and County Library and Municipal Court); commercial uses (Malibu Colony Plaza and Malibu Country Mart); recreational uses (Bluffs Park and Community Center); residential uses (Maison de Ville, Malibu Canyon, and Malibu Pacifica condominium complexes and Malibu County Estates); light industrial uses (Los Angeles County maintenance and storage yard) and vacant land (south and east of the site) within the immediate vicinity of the project site. Furthermore, the design and layout of the proposed hotel is compatible with existing surrounding development in that it is of similar, or smaller bulk, size and height and has similar or greater setbacks. Therefore, the proposed hotel project would be a complementary addition to the uses in the neighborhood.
- e) As conditioned, the proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located in that hotels are conditionally permitted within the subject Commercial Visitor - 2 (CV-2) zoning district designation and the proposed hotel is located in an area consisting of a mix of allowed and existing land uses.
- f) There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the Staff. An on-site waste water disposal system will be utilized. Wastewater will receive tertiary treatment and last stage sterilization (as described in the conditions of approval) on-site and be used for all landscaping irrigation needs on the site. The applicant is required to demonstrate that the project plumbing does not exceed the water use budget established in the mitigation monitoring program. Solar access will not be affected by the proposed project in that the maximum structure height proposed is 28 feet, the smallest setback is 25 feet (most



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structures are setback 85 feet, or more, from the property lines) and the site does not adjoin any other parcel since it is surrounded by public roads.

- g) There would be adequate provisions for public access to serve the subject proposal in that access will be from Malibu Canyon Road, an existing arterial roadway with adequate carrying capacity. All traffic impacts of the project can be mitigated.
- h) As conditioned, the proposed use is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan in that the proposed hotel is consistent with the General Plan land use designation for the subject site which is Commercial-Visitor - Two (CV-2) and is consistent with the following policies of the General Plan:

*LU Policy LU Policy 2.2.1: "The City shall require adequate infrastructure, including but not limited to roads, water, and wastewater disposal capacity, as a condition of proposed development."*

The conditions of approval of this project require that infrastructure improvements, including roadway improvements, and an on-site wastewater treatment system be provided to service the hotel.

*LU Policy 2.2.3: "The City shall require adequate wastewater management for development."*

An on-site wastewater treatment system is provided for the project.

*LU Policy 4.4.3: "The City shall regulate design of new bed and breakfast inns to foster 'country-inn type' establishments and regulate the size and design of other hotel development to ensure development compatible with a rural residential community and discourage convention hotel developments by limiting on the same site ancillary uses such as banquet and meeting rooms and limiting restaurants to a capacity necessary to serve guests of the hotel only."*

The size and design of the project is subject to conditions which assure that the project is residential in scale and compatible with the natural environment as required by the General Plan. As a condition of approval, the combined size of the ballroom and all meeting rooms is limited to 6,000 square feet.

*Conservation Policy 1.2.3: "The City shall mitigate net loss of very*

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threatened plant communities."

In order to mitigate the loss of the coastal sage scrub, a threatened plant community located on the project site, 50 acres of undisturbed chaparral located on an alternate site shall be preserved.

In addition to being consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan, the hotel use is also consistent with the Interim Zoning Ordinance in that the site is zoned Commercial-Visitor-Two (CV-2) and hotels are permitted in the CV-2 zoning district subject to approval of a conditional use permit. Furthermore, the applicant has demonstrated compliance with Section 9442 of the Malibu Municipal Code which requires a market analysis that indicates a "clear and compelling economic and social need in the City for the proposed development, and demonstrates its economic viability, and impact on City services" be submitted. The applicant has submitted a report, prepared by PKF Consulting, that indicates that there is a "clear and compelling economic and social need in the City for the proposed development" and the Final EIR indicates that they are adequate City services for the proposed hotel.

- i) As conditioned, the proposed project complies with all applicable requirements of state and local law in that the use will be inspected by the City Building Department to ensure compliance with local building codes and will be subject to a mitigation monitoring program.
- j) As conditioned, the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare in that the proposed hotel use will be subject to the conditions of approval which incorporate the mitigation monitoring program of the Final Environmental Impact Report, as modified by the Planning Commission and the City Council.
- k) The project is not located in an area known to be at risk from flooding or liquefaction, and although the project is located in an area known to be at risk from earth movement and wildfires it is subject to the seismic safety standards of the State and local building codes.

Section 13. On the basis of the foregoing findings, the City Council hereby approves Conditional Use Permit Application No. 96-005 to allow the construction of a hotel on a 27.8 acre property located at the northeast corner of Pacific Coast Highway and Malibu Canyon Road, subject to the conditions set forth in Section 14, below.

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Section 14. In order to assure that the project is constructed according to all applicable State and local laws and will mitigate impacts to surrounding properties it shall be subject to the conditions of the Mitigation Monitoring Program which is a part of the Environmental Impact Report prepared for the Rancho Malibu Hotel and attached hereto as Exhibits A and B and the following conditions:

a) General Conditions

1. The proposed development shall be constructed in substantial conformance with the plans, including the architectural design and materials as presented at the hearing and submitted to the Planning Department on October 7, 1997, and the plans as modified by the City Council at the January 12, 1998 and February 3, 1998 meetings.
2. Every 2 years, the Planning Director must report to the Planning Commission on the applicant's compliance with the terms and conditions of the conditional use permit. If the project is not in compliance, the City may initiate proceedings to revoke or modify the conditional use permit unless compliance is achieved.
3. Prior to approval-in-concept, the applicant shall obtain approval in the planning phase from the City Geologist and the City Environmental Health Specialist.
4. Prior to final Planning Department approval, the applicant shall obtain California Coastal Commission approval for the project as modified and approved by the City Council.
5. Prior to issuance of a building permit, the applicant shall record a Lot Merger with the County Clerk to combine the three parcels that the project is proposed on into one parcel.
6. The permit and rights conferred in this approval shall not be effective until the applicant first files with the City Clerk an executed affidavit accepting the conditions set forth in this Resolution. The applicant shall file such an affidavit within 30 days of adoption of the approval of this Resolution.

b) Plan Conditions

1. The appropriate Mitigation Monitoring Program shall be printed verbatim on any and all plan sets and included in the construction plan set submitted for all

Building and Safety reviews and approvals.

2. The plans shall be revised so that the hotel is constructed with 106 guest rooms. An additional 40 guest rooms may be constructed if the applicant demonstrates to the satisfaction of the Planning Commission compliance with all of the performance criteria established in the mitigation monitoring program attached hereto as Exhibit "A" for a period of 5 years or for any two year period for which the average occupancy is at least 72 percent. Upon issuance of the construction permit for the additional 40 rooms, the mitigation monitoring program attached hereto as Exhibit "B" shall replace the monitoring program developed for the first 106 guest rooms.
3. A villa complex shall not contain more than three structures and each structure shall not exceed 6,000 square feet for a total of 18,000 square feet per villa complex. Villa structures may be connected by breezeways.
4. The size of the ballrooms and meeting rooms shall not exceed a combined total of 6,000 square feet of net floor area.
5. The cultural resource center proposed as a stand alone structure at the corner of Pacific Coast Highway and Malibu Canyon Road shall be no more than 9,000 square feet in net floor area and shall be setback no less than 180 feet from Malibu Canyon Road and no less than 97 feet from Pacific Coast Highway. The structure shall not be greater than one story and shall not exceed 18 feet in height.
6. A storm water management plan shall be prepared by the applicant, approved by the City Engineer, and implemented in accordance with the City's Storm Water Ordinance (Ordinance 157) and shall set forth the actions the applicant shall take to assure that no storm water is generated from the site.
7. A plan which demonstrates compliance with the transportation demand and trip reduction measures required by IZO Section 9342 shall be submitted to the Planning Director prior to issuance of any permits.
8. A complete landscape and irrigation plan shall be submitted for review and approval by the City Biologist and the Planning Director prior to final Planning Department approval. Treated water from the on-site treatment facility shall be used for irrigation needs.

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9. Mature and native plants shall be incorporated in the landscaping plan.
10. An alternate emergency evacuation route that provides egress from the eastern portions of the site to Pacific Coast Highway or Civic Center Way shall be provided.
11. Parking stalls visible from residences in Malibu Country Estates shall be screened with the use of vine covered arbors, or other open beam construction and landscaping materials.
12. The City's traffic engineer shall analyze the effectiveness of a "V" lane south of the entrance to the hotel site along the east side of Malibu Canyon Road and, if determined necessary by the City Engineer, a "V" lane shall be required.
13. The Building Official shall review the grading plans and determine the minimal amount of remedial grading which is necessary to achieve a safety factor of 1.5. No more than the minimal amount of necessary remedial grading shall be performed.
14. Graded slopes shall be undulated and contoured to match as closely as possible the existing natural contours.
15. In order to determine the required number of parking spaces for the subject project, a parking demand study shall be prepared by an engineering firm selected by the Planning Director and paid for by the applicant.
16. Prior to receipt of Planning Department approval-in-concept, the applicant shall submit a site plan to the City Council to ensure that the site plan is consistent with the Council's approval.
17. The property owner shall mitigate in a manner approved by the City the impact of the project on the demand for affordable housing in the City as established by a study prepared by the City and paid for by the property owner.

c) Operational Conditions

1. The spa shall be limited to use by guests of the hotel and residents of Malibu.
2. Use of the meeting rooms shall be limited to the hours of 7:30 a.m. until midnight.

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3. A consultant shall perform an annual review of the drainage and wastewater system to ensure performance in compliance with the Mitigation Monitoring Program. The consultant shall be approved by the Planning Director and all consultant costs shall be paid for by the applicant.
4. At least one year prior to construction, appropriate water level measurement equipment shall be installed and data collected to establish a baseline ground water level. Data collection and reporting shall be prepared by a consultant selected by the City and paid for by the applicant.
5. An emergency preparedness and evacuation plan acceptable to the City, that addresses earthquake, fire and flood hazards, shall be prepared.
6. An emergency potable water supply shall be provided for the guests and employees of the hotel.
7. No outdoor amplified sound shall be permitted.
8. All reclaimed water, that is sprayed, shall receive last stage sterilization which eliminates fecal coliform (no more than 0.0 parts per mL) and viruses by ozonation, ultraviolet treatment or any other sterilization process which achieves the same standard (0.0 parts per mL).

Conditional Use Permit - Lighted Tennis Courts

Section 15. The City Council having heard all oral and written testimony and considered all relevant evidence and argument in accordance with Section 9423(D) of the Municipal code finds as follows:

The proposed use would not impair the integrity and character of the zone in which it is to be located in that the tennis courts are adjacent to a major arterial that is lighted. Furthermore the surface of the courts will be painted in a dark matte finish, the light fixtures will be shielded to prevent light and glare from spilling beyond the court and a dark screen will be attached to the fencing around the perimeter of the courts.

Section 16. On the basis of the foregoing findings, the City Council hereby approves Conditional Use Permit Application No. 96-005 to install tennis court lights on a 27.8 acre property located at the northeast corner of Pacific Coast Highway and Malibu Canyon Road subject to the following conditions:

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1. The surface of the courts shall be painted in a dark matte finish in order to reduce reflection from the surface of the court into the air above the court.
2. All of the light fixtures for the tennis courts shall be shielded to prevent light from spilling beyond the boundaries of the courts.
3. A dark screen shall be attached to the fencing around the perimeter of the courts.
4. The tennis courts shall not be used after 10:00 p.m.

#### Setbacks and Grading Variances

Section 17. Findings. - The City Council having heard all oral and written testimony and considered all relevant evidence and argument in accordance with Section 9423(D) of the Municipal code finds as follows:

- a. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance would deprive such property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification. The large size of the project site results in unusually large setback requirements. In addition, the combination of the triangular shape of the parcel, the steep slopes along Civic Center Way and Pacific Coast Highway, the earthquake fault, and the archaeological site create additional constraints, as described in detail below, which justify the setback, parking and grading variance requests.

The large parcel size. Strict application of the zoning ordinance's development standards would result in setback requirements, parking standards, grading limitations and retaining wall height limitations in excess of what is required to meet the City's land use goals and policies.

Setback requirements are based on the average parcel dimensions. The subject site has an average depth of 1,300 linear feet and an average width of 965 linear feet. MMC Section 9307 (A) (2) requires a minimum front yard setback of 20 percent of the parcel depth (260 feet); minimum and cumulative side yard setbacks of 10 percent (97 feet) and 25 percent (241 feet), respectively; and minimum rear yard setbacks of 15 percent (195). In addition, MMC Section 9334 (A) (2) prohibits parking within the required front yard setback area.

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Earthwork is limited by MMC Section 9307 (A) (5) to 1000 cubic yards of grading and 6 feet in height, which are standards appropriate to construct single family homes or residential scale commercial buildings. Without approval of a variance, the subject 27.8 acre site is limited to the same quantity and height of grading as a small 1/4 acre parcel. Lastly, MMC Section 9334 (A) (1) requires parking spaces to be within 300 feet of the use they serve. As a result of the large size of the parcel and the large number of spaces required, approximately 50 percent of the required parking spaces are more than 300 feet from the structures they are intended to serve. However, the hotel operators will provide a shuttle /jitney service, (using electric vehicles) to transport visitors from the parking area to their rooms.

The triangular shape. When combined with other unique features of the property, the triangular shape of the parcel creates site design and layout constraints. As the parcel tapers and eventually ends in the rear yard at a point, structures nearest the side property lines encroach into the required side and rear yard setbacks. Shifting the development west and north, toward the intersection of Malibu Canyon Road and Civic Center Way would move the structures out of the required side and rear yard setbacks. However this is not possible because an archaeologically sensitive area, located near the northern corner of the property, and an earthquake fault, located just north of the Villas along Pacific Coast Highway, further restrict placement of structures on the property. Furthermore, with the exception of the Cultural Heritage Center, which is located near the intersection of Pacific Coast Highway and Malibu Canyon Road, all of the other structures that encroach into the required rear and side yards are still a significant distance from the property lines. For example, the proposed site for Villa No. 2 is the closest structure to Pacific Coast Highway yet it is still setback 75 feet from the side property line. The proposed site for Villa No. 6 encroaches into the rear yard; however, it is 145 feet from the rear property line.

The site boundary is defined by three major roads. Since the property is surrounded by three major roads, portions of any development on the site will be visible. If the development is setback further from one road, then it will become more visible from the road on the opposite side and vis-versa. Therefore, the unique surroundings have been given consideration in the variance requests.

Its elevation above its residential neighbors. The subject site is at an elevation significantly higher than the residential neighbors north of the site. Given the



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30 to 50 foot difference in elevation, the impacts of allowing a reduction in the setbacks are lessened. Furthermore, the closest structure on the project site will be approximately 250 feet from the nearest residential structure to the northeast.

- The presence of an archeological site on the property. As discussed above, the archeological site on the property significantly constrains the developable portions of the site and presses development into setbacks.
  - The presence of a branch of the Malibu Coast Fault on the site. The site for Villas I, II, III, and IV, and the spa, are located between the earthquake fault and the side yard setback. As a result of the proximity of the fault to the setback area, portions of these structures are located in the side yard setback. Placing these structures on the north side of the fault results in further encroachment into the side yard setbacks on the opposite (northeast) side of the property and the loss of land otherwise suitable for development.
  - The steep slopes along two edges of the property. In addition to all the other physical constraints of the site, steep slopes make up a significant portion of the property. The slopes along the north property line at Civic Center Way and the south property line at Pacific Coast Highway are steeper than 3:1.
  - Development of unique project. Many aspects of the proposed hotel project are unique for Malibu and the Interim Zoning Ordinance does not contain provisions that adequately address this type and scale of development. In addition to the aforementioned unique physical characteristics of the site, there are no other vacant parcels in the City with the same zoning designation. Standards which are better suited for the type of development allowed by this property's zoning are being created through the Civic Center Specific Plan process.
- b. The granting of the variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located in that while the setbacks, parking, and grading proposed do not comply with the IZO standards, all proposed structures will still maintain significant setbacks from the property lines, and the amount of grading is not excessive in relation to the size of the parcel. In addition, three major roads surround the site and provide an additional buffer between the subject site and surrounding properties.

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- c. The granting of the variance will not constitute a grant of special privilege to the applicant or property owner in that the setbacks, parking and grading would be equitable given the size, shape, and topography on the project site.
- d. The granting of such variance will not be contrary to or conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the General Plan in that the subject project is consistent with the General Plan Land Use Map designation for hotel use on the site.
- e. The variance request is consistent with the purpose and intent of the zone in which the site is located in that the site is zoned Commercial Visitor-2 (CV-2) and hotels are permitted in the CV-2 district.
- f. The subject site is physically suitable for the proposed variance in that the topography and size of the site are adequate to accommodate the proposed hotel, the ancillary uses, the necessary on-site support facilities and the infrastructure without creating significant environmental impacts which cannot be mitigated.
- g. The variance complies with all requirements of state and local law in that the use will be inspected by the City Building Department to ensure compliance with local building codes.
- h. All or any necessary conditions have been imposed on the variance as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the City.

Section 18. Setback, Parking and Grading Variance Approval. - On the basis of the foregoing findings, and subject to the condition set forth below in Section 19, the City Council hereby approves Variance No. 96-010 to allow the construction of a two-story hotel with a reduction in the minimum setbacks required, an increase in the maximum volume of grading permitted, an increase in the maximum manufactured slope height, an increase in the maximum distance parking spaces may be from the uses they serve and parking standards based on a parking demand study as follows:

- a. Setbacks
  - 1. minimum 55 foot front yard setback for tennis court fences and 180 feet for the cultural resource center (all other structures shall comply with the front yard setback requirement.
  - 2. minimum 75 foot side yard setbacks along Pacific Coast Highway,
  - 3. minimum 130 foot cumulative side yard setbacks, and
  - 4. minimum 145 foot rear yard setback .

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- b. Grading
  - 1. up to 119,000 cubic yards of grading
  - 2. manufactured slopes up to 30 feet in height
  
- e. Parking
  - 1. parking spaces to be located more than 300 feet from the use they serve, as indicated on the plans presented to the City Council.
  
  - 2. parking standards based on a demand study as conditioned in the conditional use permit.

Section 19. Conditions of Approval. - In order to assure that the project is constructed according to all applicable State and local laws and will mitigate impacts to surrounding properties it shall be subject to the conditions of the Mitigation Monitoring Program adopted pursuant to Conditional Use Permit No. 96-005.

Height Variance

Section 20. Findings. - The City Council having heard all oral and written testimony and considered all relevant evidence and argument in accordance with Section 9423(D) of the Municipal code finds as follows:

There are no special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance would deprive such property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification. While there are special circumstances and exceptional characteristics applicable to the subject property, such circumstances and characteristics do not make it impractical nor impossible to construct within the maximum allowed height on the subject site.

Section 21. Height Variance Denial. - On the basis of the foregoing findings, the City Council hereby denies Variance No. 96-010 requesting approval to allow the construction of a 35-foot high rotunda tower.

Site Plan Review - Height

Section 22. Findings. - The City Council having heard all oral and written testimony and considered all relevant evidence and argument in accordance with Section 9423(D) of the Municipal Code finds as follows:

- a. That the project does not adversely affect the neighborhood character in that the hotel is designed in a campus-like design, which includes a number of smaller structures, rather than a single large structure. In addition, construction of the project is on three separate levels, joined by stairways, multiple-level buildings, meandering walks and

ramps; uses extensive landscaping, and incorporates landscaping of parking areas.

- b. That the project, as conditioned, protects the natural resources and complies with the City's land use policies, goals and objectives, as defined by staff in that as a result of the project approximately 30 acres of undisturbed habitat will be preserved off-site. The area selected for preservation is an area that has been designated as a high priority acquisition by the Santa Monica Mountains Conservancy. In addition, all waste water generated by the project will receive tertiary treatment on-site and will be used for on-site irrigation needs.
- c. That the project provides maximum feasible protection to significant public and private views, as defined in Section 9303 (A) (17).
  1. Northwest: Properties to the northwest will retain primary views due to the elevational height differences between these properties and the subject property. The nearest structures to the northwest are a part of the Pepperdine University and are approximately 800 - 900 feet away from the subject property and approximately 100 feet higher. A large expansive lawn in front of Pepperdine University is located directly west of the site.
  2. North: There is a large Los Angeles County storage and maintenance yard located directly north of the project site. Northeast of the site, there are three condominium complexes. Views from the condominiums are primarily to the south and southeast. However, a few of the condominium units are oriented toward the project site. The units closest to the proposed hotel will be approximately 350 to 600 feet away.
  3. South: Properties to the south are primarily vacant with the exception of Malibu Bluffs Park which is located to the south and southwest. These properties will retain their ocean views to the south.
  4. East: Properties to the east are located at a lower elevation and remain vacant. Other properties to the east, in the Civic Center Overlay area are at least 800 to 1000 feet away. Portions of the development on the subject site will be visible from these properties, however, no protected views will be impaired by the project.
- d. That the project does not affect solar access, as defined by staff in that there are large setbacks and there are no developed properties immediately adjacent to the proposed project. The project site is bounded by three major roadways. All shade and shadow effect of the project are confined to the project site.

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- e. That the project is consistent with the General Plan in that it is consistent with Land Use Policy 2.1.5 which states that "the City shall protect and preserve public and private ocean and mountain views by striking an equitable balance between the right to reasonable use of one's property, including the maintenance of privacy, and the right to protection against unreasonable loss of views." The proposed hotel project does not result in an unreasonable loss of mountain nor ocean views.
- f. The proposed project complies with all applicable requirements of state and local law in that building permits and inspections will ultimately be required to assure the project's compliance with State law and local law.

Section 23. Site Plan Review Approval. - On the basis of the foregoing findings, the City Council hereby approves Site Plan Review Application No. 97-015 to allow the construction of a two-story hotel, cultural resource center and ancillary structures up to 28 feet in height, subject to the conditions set forth in Section 24 of this Resolution.

Section 24. Conditions of Approval. - In order to assure that the project is constructed according to all applicable State and local laws (including the City's General Plan) and will mitigate impacts to surrounding properties it shall be subject to the conditions of the Mitigation Monitoring Program which is a part of the Environmental Impact Report prepared for the Rancho Malibu Hotel and the following conditions:

- a. The second story area of all Villas shall be limited to two-thirds of the size of the first floor area.
- b. The Villas and structures visible from Civic Center Way and Pacific Coast Highway shall be set back at least 20 feet from the top of the existing 3:1 slopes and be limited to 18 feet in height in order to reduce visual impacts. In no case shall the Villas along Pacific Coast Highway be closer than 75 feet to the property line.
- c. The final design of the project shall be subject to review and approval of the Planning Director.
- d. No structures may be erected on slopes steeper than 3:1.

Site Plan Review - Slopes

Section 25. Findings. - The City Council having heard all oral and written testimony and considered all relevant evidence and argument in accordance with Section 9423(D) of the Municipal code finds as follows:

City Council Resolution No. 98-001  
CUP 96-003, VAR 96-010 and SPR 96-015-Rancho Malibu Hotel  
March 23, 1998

That the project adversely affects the neighborhood character in that construction on the slopes steeper than 3:1 creates negative visual impacts because of the prominence of the slopes on the site and such construction would be inconsistent with the General Plan.

Section 26. Site Plan Review Denial. - On the basis of the foregoing findings, the City Council hereby denies Site Plan Review Application No. 96-015 to construct portions of a two-story hotel on slopes steeper than 3:1

Section 27. Certification of Adoption. The Deputy City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 23<sup>rd</sup> day of March, 1998.

  
\_\_\_\_\_  
JEFFREY D. JENNINGS, Mayor

ATTEST:

  
\_\_\_\_\_  
HARRY R. PEACOCK, City Clerk

I CERTIFY THAT THE FOREGOING RESOLUTION No. 98-001 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 23<sup>rd</sup> day of March, 1998, by the following vote:

AYES: 4 Councilmembers: Jennings, Van Horn, Keller, Harlow

NOES: 1 Councilmember: House

ABSENT: 0

ABSTAIN: 0

  
\_\_\_\_\_  
HARRY R. PEACOCK, City Clerk

City Council Resolution No. 98-001  
CUP 96-005, VAR 96-010 and SPR 96-015-Rancho Malibu Hotel  
March 23, 1998

Interested parties may petition the court for judicial review of this decision. Pursuant to Code of Civic Procedure Section 1094.6 and Malibu Municipal Code Section 1500, any such petition must be filed no later than 90 days from the 23<sup>rd</sup> of March, 1998, the date in which this decision became final.

MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
1.1	The project's conditions of approval shall include limitations on the hours of operations of the hotel's public uses. Public use of the meeting and ballrooms shall be limited to 7:30 a.m. to 12:00 a.m.	Planning Department	Planning Director	1	
2.1	The project shall undergo the City development review process, which includes review and approval of all project grading and development plans, design review, and completion of any additional geotechnical analysis as required by the City. The City requirements include implementation of soil engineering measures prepared by certified engineers, construction in accordance with the Uniform Building Code and measures prepared by a registered engineer, having an independent observer on the site to observe compliance with grading measures and plans, and other similar measures.	Project Applicant	Director of Public Works and City Building Official	1	
2.2	The applicant shall submit a revised hydrology report which accounts for the specific site plan and landscaping plan to be developed and which provides for the on-site retention of stormwaters, for review and approval of the Public Works Director prior to issuance of a grading permit.	Project Applicant	Director of Public Works	1	
2.3	The final plan for the proposed wastewater treatment and disposal system shall be reviewed and approved by a geotechnical consultant approved by the City, in order to ensure that the final design will not adversely impact local slope stability and off-site landslides. The findings of the geotechnical consultant shall be submitted to and approved by the City Geologist, prior to issuance of the building permit.	Project Applicant	City Geologist	1	
2.4	The project shall develop and implement a State Storm Water Pollution Prevention Plan and City Storm Water Management Plan in accordance with requirements of the County of Los Angeles NPDES permit and of the City of Malibu's Ordinance 157 in order to comply with the Federal Water Pollution Control Act.	Project Applicant	Director of Public Works	1	
3.1	Prior to the issuance of the building permit for the hotel, the applicant shall submit to the City a Plumbing and Appliance Plan and shall demonstrate to the City, using the WAVE software or other software deemed acceptable by the City, that the final design of the hotel shall not exceed a water budget of 10,571,000 gallons per year (equivalent to wastewater generation of 8,610,000 gallons per year). The Plumbing and Appliance Plan submitted shall specify the specific plumbing fixtures and water-using appliances to be incorporated in the hotel design and shall contain a copy of the model runs demonstrating that use of the planned fixtures will not exceed the water budget. The project applicant shall not deviate from the fixtures and appliances specified in the plumbing and appliance plan without the prior written approval of the City.	Project Applicant	City Building Official	1	

111 MONITORING PHASE KEY:

- 1 = Plan Check - Demonstration that the required elements have been included in the project plans or the appropriate in lieu fees have been paid prior to issuance of any construction permits.
- 2 = Construction - Monitoring of described construction related activities.
- 3 = Pre-occupancy - Demonstration of mitigation compliance must be demonstrated prior to issuance of occupancy permit.
- 4 = Mitigation requiring periodic compliance demonstration throughout project operation.



MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
3.2	The applicant shall comply with the minimum standards of the City of Marbu Uniform Plumbing Code.	Project Applicant	City Building Official	1,2	
3.3	Prior to occupancy of the hotel, the applicant shall prepare a plan for disposing of any excess reclaimed water prior to reaching storage capacity. The plan can include any combination of measures to meet the performance criteria of zero wastewater balance and zero runoff and address any potential wastewater excess. These measures may include measures to dispose of excess wastewater such as specification of and commitment to other users for the project's reclaimed water, use of dual plumbing, provisions to hook-up to the Civic Center Wastewater Treatment Facility when available, procuring a permit to dispose of excess reclaimed water in Los Virgenes or other regional facilities, using off-site laundry service for the hotel, or methods to reduce wastewater generation such as plumbing retrofits. If Bulls Park is used as a disposal site for the wastewater, the project applicant shall be responsible for the full cost of the installation of the delivery system and associated permitting costs. The Plan shall include appropriate penalties for failure to meet the performance objectives, to the satisfaction of the City Attorney. The Plan shall be reviewed and approved by the Public Works and Planning Director prior to issuance of the Building Permit.	Project Applicant	City Attorney, Public Works Director, Planning Director	3	
3.4	The project shall include an integrated wastewater management and irrigation system, which shall, at a minimum, meet the standards of the system proposed by the applicant and described in this EIR. The system shall be reviewed and approved by the Public Works Director prior to issuance of the building permit for the hotel.	Project Applicant	Director of Public Works and City Building Official	1	
3.5	The project applicant shall provide the City Building Official with data about wastewater flows, irrigation usage of reclaimed water, storage capacity, and any other information required to determine that the on-site wastewater system is meeting its performance objective of "zero balance" and "zero runoff". This information shall be submitted on a schedule established by the City, but no less than every 32 months.	Project Applicant/Hotel Operator	City Building Official	4	
3.6	The project's groundwater monitoring system design shall be subject to review and approval by the Public Works Director prior to issuance of the Building Permit. The Public Works Director shall have the authority to require additional wells or monitoring devices, if deemed necessary after system design review. The groundwater monitoring plan submitted shall include: 1) an evaluation of any identified water bearing unit for potential inclusion in the groundwater monitoring system, 2) relocation of Well 4 to the downgradient portion of the Winter Canyon aquifer, 3) a technical program for the groundwater monitoring, including data collection and data interpretation and, 4) guidelines for corrective measures as needed.	Project Applicant	Director of Public Works and City Building Official	1	

1/ MONITORING PHASE KEY:

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE <sup>11/</sup>	DATE DONE
3.7	The final plan for the proposed wastewater treatment and disposal system shall be reviewed and approved by a geotechnical consultant approved by the City, in order to ensure that the final design complies with the requirements of these mitigation measures and the design proposed by the applicant and analyzed in the EIR. The findings of the geotechnical consultant shall be submitted to and approved by the City Geologist prior to issuance of the building permit.	Project Applicant	City Geologist	1	
3.8	In order to establish the natural ground water level, piezometer shall be installed at the applicant's expense and to the satisfaction of the Director of Public Works at least one year before construction of the hotel starts. The groundwater level shall be monitored on a schedule established or deemed acceptable by the Director of Public Works in order to establish data on the seasonal fluctuation in groundwater levels. Prior to issuance of the construction permit a report shall be submitted documenting the pre-construction ground water levels. The report shall include an analysis of the correlation between fluctuations in groundwater levels and precipitation, as well as any other factors requested by the Director of Public Works.				
4.1	In the event that substantial accumulation of dust in the air over the grading operations is observed and a combination of low wind speed and high stability results in substantial dust concentrations at the schools or condominium complexes for a continuous period of more than one hour, one or more of the following additional mitigation measures shall be put in place as appropriate until the wind conditions change to make these measures unnecessary: grading shall be halted, or; grading shall be moved to a location on the site more distant or such that substantial dust is no longer carried toward the schools or condominium complexes, or; water trucks shall spray continuously behind or into grading vehicles to substantially reduce the amount of dust raised into the air.	Project Applicant	Public Works Director	2	

11/ MONITORING PHASE KEY:

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- 4 = Mitigation requiring periodic compliance demonstration throughout project operation.

MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE 1/1	DATE DONE
4.2	<p>The proposed project, in conformance with the City of Marbu General Plan policies, will implement the following measures consistent with the SCAQMD CEQA Air Quality Handbook, to reduce short-term construction impacts as determined appropriate by the City:</p> <ol style="list-style-type: none"> <li>(1) configure construction parking to minimize traffic interference;</li> <li>(2) provide temporary traffic control during all phases of construction activities to improve traffic flow (e.g., flag person);</li> <li>(3) schedule construction activities that affect traffic flow to off-peak hours (e.g., between 7:00 p.m. and 6:00 a.m. and between 10:30 a.m. and 3:30 p.m.);</li> <li>(4) develop a construction traffic management plan that includes but is not limited to: rerouting construction trucks off congested streets; consolidating truck deliveries; providing dedicated turn lanes for movement of construction truck and equipment on- and off-site; use electricity from power poles rather than temporary diesel or gasoline powered generators;</li> <li>(5) reduce traffic speeds on all unpaved roads to 15 miles per hour or less;</li> <li>(6) pave construction roads that have a traffic volume of more than 50 daily trips by construction equipment or 150 total daily trips for all vehicles;</li> <li>(7) apply approved chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (e.g., previously graded areas inactive for four days or more);</li> <li>(8) replace ground cover in disturbed areas as quickly as possible;</li> <li>(9) enclose, cover, water twice daily, or apply approved soil binders according to manufacturers' specifications, to exposed piles (e.g., gravel, sand, dirt);</li> <li>(10) water active sites at least twice daily;</li> <li>(11) cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer);</li> <li>(12) sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers with reclaimed water);</li> <li>(13) install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site.</li> </ol>	Project Applicant	Director of Public Works	2	

OR MONITORING PHASE KEY:

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2 = Construction - Monitoring of described construction related activities.

3 = Pre-occupancy - Demonstration of mitigation compliance must be demonstrated prior to issuance of occupancy permit.

4 = Mitigation requiring periodic compliance demonstration throughout project operation.

MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE <sup>1/1</sup>	DATE DONE
4.3	To reduce long-term impacts, consistent with the City of Malibu General Plan policies the applicant will implement the following measures as determined feasible by the City: (1) provide preferential parking spaces for carpools and vanpools; (2) implement an on-site circulation plan in parking lots to reduce vehicle queuing; (3) use solar or low-emission water heaters; (4) use central water heating systems; (5) use built-in energy-efficient appliances; (6) provide shade trees to reduce building heating/cooling needs; (7) use energy-efficient and automated controls for air conditioning; (8) use double-glass paned windows; (9) use energy-efficient low-pressure sodium parking lot lights; (10) use lighting controls and energy-efficient lighting; (11) substitute materials where feasible (e.g., use water-based paints and other materials which have low life-cycle emissions); (12) synchronize traffic lights on streets impacted by development; (13) reschedule truck deliveries and pickups to off-peak hours; (14) provide on-site truck loading zones; (15) provide shuttle service for guests and visitors.	Project Applicant	Planning Director	3	
5.D	Mitigation measures 5.2 to 5.8 below are based on the traffic analysis for the proposed 250 room hotel. The project sponsor may submit a revised traffic analysis for the approved project prior to issuance of the building permits for the approved project. If following review and approval of the traffic analysis by the Public Works Director, the Public Works Director determines the project as approved will have lower traffic impacts than the 250 room hotel, that all impacts can be mitigated to a level which is less than significant through implementation of revised mitigation measures, and that a modification in the traffic mitigation measures required to be constructed by the project applicant is appropriate, the Public Works Director shall notify the Planning Director and the Planning Director shall modify the Mitigation Monitoring Program accordingly. The project sponsor shall be responsible for the level of mitigation approved by the Public Works Director.	Project Applicant	Public Works Director and Planning Director	1	
5.1	<u>Project Entry Drive and Internal Circulation:</u> The primary project entry drive on Malibu Canyon Road shall be located approximately 800 feet north of PCH to the satisfaction of the City's Traffic Engineer. The project's internal circulation shall be reoriented to ensure that the northerly driveway functions as the primary egress from the site. The entry shall provide full left turn access in and out of the project site. The main access driveway should be striped to allow for two lanes entering the site, which may narrow to a single lane on site, and two lanes, one left and one right-turn lane, for exiting the site. The left-turn lane must be a minimum of 75 feet in length. This intersection shall be designed and signalized at the developer's full expense to the satisfaction of the City's Traffic Engineer.	Project Applicant	City Traffic Engineer	3	

<sup>1/1</sup> MONITORING PHASE KEY:

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE <i>1/1</i>	DATE DONE
5.2	<p>To ensure that the applicant pays an equitable share of the cost of mitigating future transportation improvements and programs made necessary by cumulative impacts of the project combined with other projects, including those improvements that may be constructed at the intersection of PCH and Malibu Canyon Road, PCH and Webb Way, Malibu Canyon Road and Civic Center Way, Malibu Canyon Road/Las Virgenes Road at Mulholland Drive, PCH at Cross Creek, PCH at Las Flores Canyon Road, and any other traffic mitigation measures at intersections or along roadways where the project can be reasonably expected to contribute traffic, and traffic mitigation is included in a transportation facilities development fee or equivalent requirement, the applicant shall pay any transportation facilities development fee or participate in any similar financing mechanism that is adopted by the City as part of, or in conjunction with, or in response to, the Civic Center Specific Plan.</p> <p>Furthermore, if the amount of such fee has not been established at the time that the fee would otherwise be due and payable, the applicant shall pay such fee within thirty days after the amount of the fee has been established by the City Council. If the amount of the fee has not been established before occupancy of the project, then prior to occupancy of the project, the applicant shall enter into an agreement with the City to pay the fee within thirty days after the amount of the fee is established by the City Council or such longer period as is established by ordinance. Additionally, the agreement shall provide that if the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the improvements identified in this EIR as mitigation for the project's impacts. The proposed project shall contribute its fair share to any such program adopted for the entire Civic Center area to mitigate summer weekend midday peak traffic impacts of development, unless the City determines that the impacts are not significant.</p>	Project Applicant	Planning Director and City Attorney	3	

**1/1 MONITORING PHASE KEY:**

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- 4 = Mitigation requiring periodic compliance demonstration throughout project operation.

MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
5.3	<p><u>PCH at Malibu Canyon Road:</u> Under the full access scenario, the project would add two percentage points to the intersection capacity utilization in the p.m. peak hour (0.73 to 0.75, LOS C). This impact can be fully mitigated by converting the existing right-turn lane from Malibu Canyon Road to PCH to a free right turn lane (which allows continuous right turns regardless of the signal cycle without stopping so that right turns do not interfere with through and left-turning traffic) and resurfing the southbound lanes to a left-turn and a left-through combination lane. This measure may require acquisition of right-of-way from Pepperdine University. The free right turn would require a satisfactory acceleration lane along PCH so that right-turning movements could merge with westbound traffic. If Kanan Road is reopened to through traffic, the number of vehicles making the right turn from Malibu Canyon Road to PCH might be reduced and this measure may no longer be required. However, because the intersection would continue to operate at an acceptable LOS C with the proposed project, and because other improvements may be needed to this intersection to meet long-term cumulative travel demands, the project should be required to contribute its fair share to improvements needed at this intersection based on development identified in the Civic Center Specific Plan. Under the no-left-turn-egress scenario, the project does not have a potentially significant effect at this intersection on weekdays and no improvement would be necessary. However, the improvement would be necessary for Saturday summer traffic under the no-left-turn-egress scenario. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.</p>	Project Applicant	Director of Public Works	3	
5.4	<p><u>Malibu Canyon Road at Civic Center Way:</u> The project will result in a two percentage point increase in the ICU value at this intersection in the p.m. peak hour (0.81 to 0.83, LOS D) under either the full access option or the no-left-turn-egress option. To mitigate the impact, the northbound free right turn lane shall be eliminated and a second northbound through lane provided. Major signal modifications would be required, and the traffic signal would need to be moved to provide the additional space for the northbound through lane. This mitigation measure would provide sufficient capacity to improve the level of service to compensate for the two percentage point reduction in intersection capacity utilization resulting from project traffic. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.</p>	Project Applicant	Director of Public Works	3	

117 MONITORING PHASE KEY:

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
5.5	<u>PCH at Webb Way</u> : Under either access scenario, the project will also result in a two percentage point increase in the ICU value at the intersection of PCH and Webb way in the p.m. peak hour. This impact can be fully mitigated by providing a third westbound through lane on PCH and deleting the westbound right turn lane. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.	Project Applicant	Director of Public Works	3	
5.6	The following measure would mitigate the project's summer traffic impacts. The City has not yet adopted thresholds of significance for summer traffic impacts, made a policy decision that existing thresholds apply to summer midday traffic, or made a policy of requiring mitigation of summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: The amount of the Civic Center transportation facilities development fee assigned to the project shall include a fair share contribution for mitigation project impacts at PCH and Cross Creek Road	Planning Commission and/or City Council, Project Applicant	Director of Public Works	3	
5.7	The following measure would mitigate the project's summer traffic impacts. The City has not yet adopted thresholds of significance for summer traffic impacts, made a policy decision that existing thresholds apply to summer midday traffic, or made a policy of requiring mitigation of summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: <u>PCH/Las Flores Canyon</u> : An additional westbound through lane is needed to mitigate impacts at this intersection under either of the traffic distribution alternatives. This lane can be provided by converting the westbound right-turn-only lane to a through/right-turn lane. The departure side of the intersection would need to be widened to provide the third westbound lane until this traffic can merge into two lanes. This mitigation measure would provide an ICU value of 0.73 and Level of Service C.	Planning Commission and/or City Council, Project Applicant	Director of Public Works	3	
5.8	The following measure would mitigate the project's summer traffic impacts. The City has not yet adopted thresholds of significance for summer traffic impacts, made a policy decision that existing thresholds apply to summer midday traffic, or made a policy of requiring mitigation of summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: <u>PCH/Cross Creek Road</u> : An additional lane to provide a third westbound through lane will be required to mitigate impacts of this intersection under either of the two traffic distribution alternatives. This mitigation measure would provide an ICU value of 0.80 and Level of Service C.	Planning Commission and/or City Council, Project Applicant	Director of Public Works	3	

11/ MONITORING PHASE KEY:

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE //	DATE DONE
6.1	The landscaping shall incorporate California black walnut ( <i>Juglans californica</i> ) trees in the southeast corner of the site into the landscape design to the satisfaction of the City Biologist. The existing black walnut trees are expected to resprout after being burned by the October 1995 fire. If the existing trees are shown to be killed by the fire, an additional 2:1 replacement California black walnut trees shall be incorporated into the landscape design to the satisfaction of the City biologist.	Project Applicant	City Biologist, Planning Director	1	
6.2	Mitigation for impacts resulting from the loss of 8.04 acres of undisturbed coastal sage scrub habitat shall be accomplished by providing 30-acres on the "Francisco Property" or an alternative location that better meets the following criteria as off-site replacement habitat: (1) similar vegetation type (in this case, coastal sage scrub dominated by California encelia, coyote brush, California sagebrush and sawtooth goldenbush), wildlife habitat characteristics, habitat connectivity, amount of habitat area, topography and accessibility, proximity to the project site and the likelihood of future habitat loss due to development potential; (2) acreage shall not be less than a replacement ratio of 2:1. Off-site mitigation shall be subject to review and approval by the City Biologist prior to issuance of the building permit for the project. Development on the mitigation site shall be restricted through a conservation easement, deed restriction or other mechanism deemed appropriate by the City Attorney. Preservation shall be ensured to the satisfaction of the City Attorney prior to the issuance of the occupancy permit for the project. To the degree feasible, any coastal sage scrub caused to be removed by any grading or building requirements shall be salvaged in consultation with the City Biologist, and shall be removed in such a manner as to retain the root structures intact. Salvaged coastal sage scrub shall be used for on-site coastal sage scrub restoration. If unable to be accommodated on site, salvaged coastal sage scrub may be located to another appropriate restoration site.	Project Applicant	City Biologist, Planning Director	1,3	
6.3	The applicant shall submit grading, stormwater management, wastewater disposal and landscaping plans consistent with grading, coastal sage mitigation and stormwater management requirements and a plant list for approval by the City prior to construction. The plant list shall emphasize native drought-tolerant species to the extent feasible considering the need for on-site disposal of treated effluent. The plant list shall avoid invasive non-native species including olive and acacia.	Project Applicant	City Biologist, Planning Director, Director of Public Works	1	
6.4	To minimize night lighting impacts on the surrounding habitat area, the outdoor lighting system shall be low intensity and focused into hotel facilities. It shall be subject to review and approval by the City Building Official prior to issuance of the building permit.	Project Applicant	City Building Official	1	

// MONITORING PHASE KEY:

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE (1/)	DATE DONE
7.1	<p>Design Review. The developer shall submit the following for review and approval prior to development. The general conditions to be met and criteria for this review as they relate to visual impact are outlined below. Exceptions to these conditions where necessary to provide for unique and demonstrated excellence and creativity in design may be granted at the discretion of the City.</p> <p>a. <b>Materials and finishes</b> - Materials and finishes used on all exposed surfaces within the project shall be specified in architectural drawings which are provided to the City for review and approval prior to installation. The City's review shall ensure that the following general design standards are met: The project shall have a predominant design theme with a specific limited palette of colors, materials and finishes which are used throughout the project. Such materials and finishes shall have the following general characteristics; Major building surfaces and accents. Major building surfaces shall be light colors and matte finishes which reflect the character of the natural environment in the vicinity of the project. Accent colors used for decorative panels, window and door frames, roof trim, and roof tiles or other roof materials may include darker, more saturated colors as appropriate. The colors of natural sand, sea, sky, earth, leaves and bark found in the natural environment surrounding the site, or unique to natural materials used in construction, shall be used predominately. Garish, bright and unnatural colors or color combinations shall not be used where they would be visible from a distance outside the project site. The intent of this guideline is that the buildings and other constructed features of the project should not draw attention to themselves by contrast in color to the natural landscape. Quality of Construction Materials. Building materials which reflect a character of quality and permanence shall be used.</p> <p>b. <b>Landscaping</b> - Landscaping shall be used to soften the appearance of buildings. Trees which at maturity are as tall as the roofs of buildings shall be used throughout the periphery of the developed areas of the site to break up the visual appearance of the site and hide structures so that the landscaping within 20 years is designed to conceal a minimum of 50% of each major building surface that would otherwise be visible from off-site locations. Species which minimize fire risk shall be used, as approved by the Fire Department. Shrubbery around the base of structures shall be used to soften the line of the building along the ground. Where basement levels of structures are visible from surrounding areas because of the position of structures on the slope, giving the building an appearance of three-story height, shrubbery shall be used to substantially conceal the lower level. A landscape maintenance plan shall be submitted for approval by the Planning Director and Fire Department. The landscape maintenance plan shall provide for the regular pruning and thinning of vegetation to minimize fuel supply and fire danger. In undeveloped areas of the site, natural, low-scale vegetation shall be preserved and restored to the extent feasible while providing for sufficient on-site disposal of treated effluent.</p>	Project Applicant	Planning Director	1	

(1) MONITORING PHASE KEY:

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE //	DATE DONE
7.1 Cont.	<p>c. Lighting. Lighting shall be used as necessary for internal circulation and circulation to and from the site as necessary only, and not to draw attention to the site or its features. Limited low-level decorative lighting of internal landscaped areas shall be permitted within this limitation. All exterior lighting shall be directed downward and inward to the site, and shielded to prevent visibility of the sources of light from a distance or pollution of the night sky by unnecessary upward-directed illumination. All exterior lighting fixtures of greater than 150 watts shall use low-pressure sodium lighting to conserve energy and limit pollution of the night sky.</p> <p>d. Signs. Signs shall be limited to those necessary to identify the site and its location, and to provide for safe circulation by people and vehicles. Internally illuminated signs shall be limited to signs necessary to point out emergency routes. Signs shall be compatible with the restrictions on materials and finishes outlined above.</p> <p>e. Building Facades. Large blank areas of building facades visible to the public shall not be permitted. Such facades shall be broken by architectural features such as decorative sculptural panels, setbacks, windows, columns, textured surfaces or other architectural details as appropriate. Building facades should reflect a common theme throughout the project, and should show common patterns and rhythms of fenestration, structural details, etc.</p>				
7.2	Scrub Garden Component of Landscape Plan. The landscape plan shall provide an area for native scrub landscaping to preserve the natural visual appearance of the site to the extent feasible within the limitations of site development and onsite disposal of treated effluent. A minimum of one acre of scrub habitat shall be included within the landscape plan. For maximum visual effect, scrub landscaping is encouraged along the margins of the site, along the public pathway along the slope on the north side of the site, and along steep slopes below structures on the north, east and southeast slopes of the site. The landscape maintenance plan shall provide for regular thinning of scrub landscaping to minimize fuel supply and resulting fire danger.	Project Applicant	Planning Director	1,4	
8.1	The applicant shall implement a Cultural Resource Management Plan (CRMP) as approved by the City's archaeologist. The CRMP shall include detailed instructions for removal of vegetation, capping, and surface collection/mapping of each specific sub-area of the site, monitoring, curation of any recovered archaeological materials, documentation, and utilization of these materials for displays and interpretive programs about prehistoric Native Americans who lived in this area. The CRMP shall be implemented under the City's supervision. No construction activity in any affected area shall be permitted until the City determines that the CRMP for that area is fully completed. A representative of the area's Native American peoples shall be consulted, present, and/or otherwise appropriately involved in the implementation of the CRMP.	Project Applicant	City Archaeologist, Planning Director	2	

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8.2	In the event that a major new archaeological discovery is made, construction activity in that area shall be terminated and the City shall be notified of such findings. The Planning Director, in consultation with the City Archaeologist, shall determine CRMP procedures to be implemented at the affected location, including any modifications to the CRMP as appropriate.	Project Applicant	City Archaeologist, Planning Director	2	
8.3	The project shall include Chumash cultural motifs in lobby art and other interior decoration as appropriate to provide a means to recognize the cultural origins of the project site.	Project Applicant	Planning Director	3	

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**EXHIBIT "B"**  
**MITIGATION MONITORING PROGRAM**  
**(40 ADDITIONAL GUEST ROOMS) RANCHO MALIBU HOTEL**

MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE (1/)	DATE DONE
1.1	The project's conditions of approval shall include limitations on the hours of operations of the hotel's public uses. Public use of the meeting and ballrooms shall be limited to 7:30 a.m. to 12:00 a.m.	Planning Department	Planning Director	I	
2.1	The project shall undergo the City development review process, which includes review and approval of all project grading and development plans, design review, and completion of any additional geotechnical analysis as required by the City. The City requirements include implementation of soil engineering measures prepared by certified engineers, construction in accordance with the Uniform Building Code and measures prepared by a registered engineer, having an independent observer on the site to observe compliance with grading measures and plans, and other similar measures.	Project Applicant	Director of Public Works and City Building Official	I	
2.2	The applicant shall submit a revised hydrology report which accounts for the specific site plan and landscaping plan to be developed and which provides for the on-site retention of stormwaters, for review and approval of the Public Works Director prior to issuance of a grading permit.	Project Applicant	Director of Public Works	I	
2.3	The final plan for the proposed wastewater treatment and disposal system shall be reviewed and approved by a geotechnical consultant approved by the City, in order to ensure that the final design will not adversely impact local slope stability and off-site landslides. The findings of the geotechnical consultant shall be submitted to and approved by the City Geologist, prior to issuance of the building permit.	Project Applicant	City Geologist	I	
2.4	The project shall develop and implement a State Storm Water Pollution Prevention Plan and City Storm Water Management Plan in accordance with requirements of the County of Los Angeles NPDES permit and of the City of Malibu's Ordinance 157 in order to comply with the Federal Water Pollution Control Act.	Project Applicant	Director of Public Works	I	
3.1	Prior to the issuance of the building permit for the hotel, the applicant shall submit to the City a Plumbing and Appliance Plan and shall demonstrate to the City, using the WAVE software or other software deemed acceptable by the City, that the final design of the hotel shall not exceed a water budget of 10,571,000 gallons per year (equivalent to wastewater generation of 9,510,000 gallons per year). The Plumbing and Appliance Plan submitted shall specify the specific plumbing fixtures and water-using appliances to be incorporated in the hotel design and shall contain a copy of the model runs demonstrating that use of the planned fixtures will not exceed the water budget. The project applicant shall not deviate from the fixtures and appliances specified in the plumbing and appliance plan without the prior written approval of the City.	Project Applicant	City Building Official	I	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE //	DATE DONE
3.2	The applicant shall comply with the minimum standards of the City of Malibu Uniform Plumbing Code.	Project Applicant	City Building Official	1,2	
3.3	Prior to occupancy of the hotel, the applicant shall prepare a plan for disposing of any excess reclaimed water prior to reaching storage capacity. The plan can include any combination of measures to meet the performance criteria of zero wastewater balance and zero runoff and address any potential wastewater excess. These measures may include measures to dispose of excess wastewater such as specification of and commitment to other users for the project's reclaimed water, use of dual plumbing, provisions to hook-up to the Civic Center Wastewater Treatment Facility when available, procuring a permit to dispose of excess reclaimed water in Las Virgenes or other regional facilities, using off-site laundry service for the hotel, or methods to reduce wastewater generation such as plumbing retrofits. If Bluffs Park is used as a disposal site for the wastewater, the project applicant shall be responsible for the full cost of the installation of the delivery system and associated permitting costs. The Plan shall include appropriate penalties for failure to meet the performance objectives, to the satisfaction of the City Attorney. The Plan shall be reviewed and approved by the Public Works and Planning Director prior to issuance of the Building Permit.	Project Applicant	City Attorney, Public Works Director, Planning Director	3	
3.4	The project shall include an integrated wastewater management and irrigation system, which shall, at a minimum, meet the standards of the system proposed by the applicant and described in this EIR. The system shall be reviewed and approved by the Public Works Director prior to issuance of the building permit for the hotel.	Project Applicant	Director of Public Works and City Building Official	1	
3.5	The project applicant shall provide the City Building Official with data about wastewater flows, irrigation usage of reclaimed water, storage capacity, and any other information required to determine that the on-site wastewater system is meeting its performance objective of "zero balance" and "zero runoff". This information shall be submitted on a schedule established by the City, but no less than every 12 months.	Project Applicant/Hotel Operator	City Building Official	4	
3.6	The project's groundwater monitoring system design shall be subject to review and approval by the Public Works Director prior to issuance of the Building Permit. The Public Works Director shall have the authority to require additional wells or monitoring devices, if deemed necessary after system design review. The groundwater monitoring plan submitted shall include: 1) an evaluation of any identified water bearing unit for potential inclusion in the groundwater monitoring system, 2) relocation of Well 4 to the downgradient portion of the Winter Canyon aquifer, 3) a technical program for the groundwater monitoring, including data collection and data interpretation and, 4) guidelines for corrective measures as needed.	Project Applicant	Director of Public Works and City Building Official	1	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE (1)	DATE DONE
3.7	The final plan for the proposed wastewater treatment and disposal system shall be reviewed and approved by a geotechnical consultant approved by the City, in order to ensure that the final design complies with the requirements of these mitigation measures and the design proposed by the applicant and analyzed in the EIR. The findings of the geotechnical consultant shall be submitted to and approved by the City Geologist prior to issuance of the building permit.	Project Applicant	City Geologist	1	
3.8	In order to establish the natural ground water level, piezometer shall be installed at the applicants expense and to the satisfaction of the Director of Public Works at least one year before construction of the hotel starts. The groundwater level shall be monitored on a schedule established or deemed acceptable by the Director of Public Works in order to establish data on the seasonal fluctuation in groundwater levels. Prior to issuance of the construction permit a report shall be submitted documenting the pre-construction ground water levels. The report shall include an analysis of the correlation between fluctuations in groundwater levels and precipitation, as well as any other factors requested by the Director of Public Works.				
4.1	In the event that substantial accumulation of dust in the air over the grading operations is observed and a combination of low wind speed and high stability results in substantial dust concentrations at the schools or condominium complexes for a continuous period of more than one hour, one or more of the following additional mitigation measures shall be put in place as appropriate until the wind conditions change to make these measures unnecessary: grading shall be halted, or; grading shall be moved to a location on the site more distant or such that substantial dust is no longer carried toward the schools or condominium complexes, or; water trucks shall spray continuously behind or into grading vehicles to substantially reduce the amount of dust raised into the air.	Project Applicant	Public Works Director	2	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE 1/	DATE DONE
4.2	<p>The proposed project, in conformance with the City of Malibu General Plan policies, will implement the following measures consistent with the SCAQMD CEQA Air Quality Handbook, to reduce short-term construction impacts as determined appropriate by the City:</p> <ul style="list-style-type: none"> <li>(1) configure construction parking to minimize traffic interference;</li> <li>(2) provide temporary traffic control during all phases of construction activities to improve traffic flow (e.g., flag person);</li> <li>(3) schedule construction activities that affect traffic flow to off-peak hours (e.g., between 7:00 p.m. and 6:00 a.m. and between 10:30 a.m. and 3:30 p.m.);</li> <li>(4) develop a construction traffic management plan that includes but is not limited to: rerouting construction trucks on congested streets; consolidating truck deliveries; providing dedicated turn lanes for movement of construction truck and equipment on- and off-site; use electricity from power poles rather than temporary diesel or gasoline powered generators;</li> <li>(5) reduce traffic speeds on all unpaved roads to 15 miles per hour or less;</li> <li>(6) pave construction roads that have a traffic volume of more than 50 daily trips by construction equipment or 150 total daily trips for all vehicles;</li> <li>(7) apply approved chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (e.g., previously graded areas inactive for four days or more);</li> <li>(8) replace ground cover in disturbed areas as quickly as possible;</li> <li>(9) enclose, cover, water twice daily, or apply approved soil binders according to manufacturers' specifications, to exposed piles (e.g., gravel, sand, dirt);</li> <li>(10) water active sites at least twice daily;</li> <li>(11) cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer);</li> <li>(12) sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers with reclaimed water);</li> <li>(13) install wheel washes where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site.</li> </ul>	Project Applicant	Director of Public Works	2	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
4.3	To reduce long-term impacts, consistent with the City of Malibu General Plan policies the applicant will implement the following measures as determined feasible by the City: (1) provide preferred parking spaces for carpools and vanpools; (2) implement an on-site circulation plan in parking lots to reduce vehicle queuing; (3) use solar or low-emission water heaters; (4) use central water heating systems; (5) use built-in energy-efficient appliances; (6) provide shade trees to reduce building heating/cooling needs; (7) use energy-efficient and automated controls for air conditioning; (8) use double-glass paned windows; (9) use energy-efficient low-pressure sodium parking lot lights; (10) use lighting controls and energy-efficient lighting; (11) substitute materials where feasible (e.g., use water-based paints and other materials which have low life-cycle emissions); (12) synchronize traffic lights on streets impacted by development; (13) reschedule truck deliveries and pickups to off-peak hours; (14) provide on-site truck loading zones; (15) provide shuttle service for guests and visitors.	Project Applicant	Planning Director	3	
5.0	Mitigation measures 5.2 to 5.8 below are based on the traffic analysis for the proposed 250 room hotel. In the event that the project sponsor submitted a revised traffic analysis for the first 106 rooms of the hotel project which was reviewed and approved by the Public Works Director and constructed traffic mitigations for the hotel consistent with the mitigation measures specified in a revised traffic study for a 106 room hotel, the project sponsor may either submit a traffic analysis for development of the project at 145 rooms for review and approval by the Public Works Director, or construct mitigation measures 5.2 to 5.8, inclusive, prior to issuance of the building permits for the approved project. If following review and approval of the traffic analysis by the Public Works Director, the Public Works Director determines the project as approved will have fewer traffic impacts than the 250 room hotel, that all impacts can be mitigated to a level which is less than significant through implementation of revised mitigation measures, and that a modification in the traffic mitigation measures required to be constructed by the project applicant is appropriate, the Public Works Director shall notify the Planning Director and the Planning Director shall modify the Mitigation Monitoring Program accordingly. The project sponsor shall be responsible for the level of mitigation approved the Public Works Director.	Project Applicant	Public Works Director and Planning Director	1	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
5.1	<p><b>Project Entry Drive and Internal Circulation:</b> The primary project entry drive on Malibu Canyon Road shall be located approximately 800 feet north of PCH to the satisfaction of the City's Traffic Engineer. The project's internal circulation shall be reoriented to ensure that the northerly driveway functions as the primary egress from the site. The entry shall provide full left turn access in and out of the project site. The main access driveway should be striped to allow for two lanes entering the site, which may narrow to a single lane on site, and two lanes, one left and one right-turn lane, for exiting the site. The left-turn lane must be a minimum of 15 feet in length. This intersection shall be designed and signalized at the developer's full expense to the satisfaction of the City's Traffic Engineer.</p>	Project Applicant	City Traffic Engineer	3	
5.2	<p>To ensure that the applicant pays an equitable share of the cost of mitigating future transportation improvements and programs made necessary by cumulative impacts of the additional 40 rooms combined with other projects, including those improvements that may be constructed at the intersection of PCH and Malibu Canyon Road, PCH and Webb Way, Malibu Canyon Road and Civic Center Way, Malibu Canyon Road/Las Virgenes Road at Mulholland Drive, PCH at Cross Creek, PCH at Las Flores Canyon Road, and any other traffic mitigation measures at intersections or along roadways where the project can be reasonably expected to contribute traffic, and traffic mitigation is included in a transportation facilities development fee or equivalent requirement, the applicant shall pay any transportation facilities development fee or participate in any similar financing mechanism that is adopted by the City as part of, or in conjunction with, or in response to, the Civic Center Specific Plan.</p> <p>Furthermore, if the amount of such fee has not been established at the time that the fee would otherwise be due and payable, the applicant shall pay such fee within thirty days after the amount of the fee has been established by the City Council. If the amount of the fee has not been established before occupancy of the project, then prior to occupancy of the project, the applicant shall enter into an agreement with the City to pay the fee within thirty days after the amount of the fee is established by the City Council or such longer period as is established by ordinance. Additionally, the agreement shall provide that if the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct or shall reimburse the City for constructing the improvements identified in this EIR as mitigation for the project's impacts. The proposed project shall contribute its fair share to any such program adopted for the entire Civic Center area to mitigate summer weekend midday peak traffic impacts of development, unless the City determines that the impacts are not significant.</p>	Project Applicant	Planning Director and City Attorney	3	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE 1/1	DATE DONE
5.3	<p><u>PCH at Malibu Canyon Road:</u> Under the full access scenario, the project would add two percentage points to the intersection capacity utilization in the p.m. peak hour (0.73 to 0.75, LOS C). This impact can be fully mitigated by converting the existing right-turn lane from Malibu Canyon Road to PCH to a free right turn lane (which allows continuous right turns regardless of the signal cycle without stopping so that right turns do not interfere with through and left-turning traffic) and restriping the southbound lanes to a left-turn and a left-through combination lane. This measure may require acquisition of right-of-way from Pepperdine University. The free right turn would require a satisfactory acceleration lane along PCH so that right-turning movements could merge with westbound traffic. If Kanan Road is reopened to through traffic, the number of vehicles making the right turn from Malibu Canyon Road to PCH might be reduced and this measure may no longer be required. However, because the intersection would continue to operate at an acceptable LOS C with the proposed project, and because other improvements may be needed to this intersection to meet long-term cumulative travel demands, the project should be required to contribute its fair share to improvements needed at this intersection based on development identified in the Civic Center Specific Plan. Under the no-left-turn-egress scenario, the project does not have a potentially significant effect at this intersection on weekdays and no improvement would be necessary. However, the improvement would be necessary for Saturday summer traffic under the no-left-turn-egress scenario. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct or shall reimburse the City for constructing the described improvement.</p>	Project Applicant	Director of Public Works	3	
5.4	<p><u>Malibu Canyon Road at Civic Center Way:</u> The project will result in a two percentage point increase in the ICU value at this intersection in the p.m. peak hour (0.81 to 0.83, LOS D) under either the full access option or the no-left-turn-egress option. To mitigate the impact, the northbound free right turn lane shall be eliminated and a second northbound through lane provided. Major signal modifications would be required, and the traffic signal would need to be moved to provide the additional space for the northbound through lane. This mitigation measure would provide sufficient capacity to improve the level of service to compensate for the two percentage point reduction in intersection capacity utilization resulting from project traffic. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct or shall reimburse the City for constructing the described improvement.</p>	Project Applicant	Director of Public Works	3	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE 1/1	DATE DONE
5.5	<u>PCH at Webb Way</u> : Under either access scenario, the project will also result in a two percentage point increase in the ICU value at the intersection of PCH and Webb way in the p.m. peak hour. This impact can be fully mitigated by providing a third westbound through lane on PCH and delaying the westbound right turn lane. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.	Project Applicant	Director of Public Works	3	
5.6	The following measure would mitigate the project's summer traffic impacts. The City has not yet adopted thresholds of significance for summer traffic impacts, made a policy decision that existing thresholds apply to summer midday traffic, or made a policy of requiring mitigation of summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: The amount of the Civic Center transportation facilities development fee assigned to the project shall include a fair share contribution for mitigation project impacts at PCH and Cross Creek Road	Planning Commission and/or City Council, Project Applicant	Director of Public Works	3	
5.7	The following measure would mitigate the project's summer traffic impacts. The City has not yet adopted thresholds of significance for summer traffic impacts, made a policy decision that existing thresholds apply to summer midday traffic, or made a policy of requiring mitigation of summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: <u>PCH at Flores Canyon</u> : An additional westbound through lane is needed to mitigate impacts at this intersection under either of the traffic distribution alternatives. This lane can be provided by converting the westbound right-turn-only lane to a through-right-turn lane. The departure side of the intersection would need to be widened to provide the third westbound lane until this traffic can merge into two lanes. This mitigation measure would provide an ICU value of 0.73 and Level of Service C.	Planning Commission and/or City Council, Project Applicant	Director of Public Works	3	

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MEASURE NO.	MEASURE <sup>1</sup>	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE 1/1	DATE DONE
5.8	The following measure would mitigate the project's summer traffic impacts. The City has not yet adopted thresholds of significance for summer traffic impacts, made a policy decision that existing thresholds apply to summer midday traffic, or made a policy of requiring mitigation a summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: <u>PCH/Cross Creek Road</u> : An additional lane to provide a third westbound through lane will be required to mitigate impacts at this intersection under either of the two traffic distribution alternatives. This mitigation measure would provide an ICU value of 0.80 and Level of Service C.	Planning Commission and/or City Council, Project Applicant	Director of Public Works	3	
6.1	The landscaping shall incorporate California black walnut ( <i>Juglans californica</i> ) trees in the southeast corner of the site into the landscape design to the satisfaction of the City Biologist. The existing black walnut trees are expected to regrow after being burned by the October 1996 fire. If the existing trees are shown to be killed by the fire, an additional 2:1 replacement California black walnut trees shall be incorporated into the landscape design to the satisfaction of the City biologist.	Project Applicant	City Biologist, Planning Director	1	
6.2	Mitigation for impacts resulting from the loss of 8.04 acres of undisturbed coastal sage scrub habitat shall be accomplished by providing 30-acres on the 'Francisco Property' or an alternative location that better meets the following criteria as off-site replacement habitat: (1) similar vegetation type (in this case, coastal sage scrub dominated by California encelia, coyote brush, California sagebrush and sawtooth goldanbush), wildlife habitat characteristics, habitat connectivity, amount of habitat area, topography and accessibility, proximity to the project site and the likelihood of future habitat loss due to development potential; (2) acreage shall not be less than a replacement ratio of 2:1. Off-site mitigation shall be subject to review and approval by the City Biologist prior to issuance of the building permit for the project. Development on the mitigation site shall be restricted through a conservation easement, deed restriction or other mechanism deemed appropriate by the City Attorney. Preservation shall be ensured to the satisfaction of the City Attorney prior to the issuance of the occupancy permit for the project. To the degree feasible, any coastal sage scrub caused to be removed by any grading or building requirements shall be salvaged in consultation with the City Biologist, and shall be removed in such a manner as to retain the root structures intact. Salvaged coastal sage scrub shall be used for on-site coastal sage scrub restoration. If unable to be accommodated on site, salvaged coastal sage scrub may be located to another appropriate restoration site.	Project Applicant	City Biologist, Planning Director	1,3	

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6.3	The applicant shall submit grading, stormwater management, wastewater disposal and landscaping plans consistent with grading, coastal sage mitigation and stormwater management requirements and a plant list for approval by the City prior to construction. The plant list shall emphasize native drought-tolerant species to the extent feasible considering the need for on-site disposal of treated effluent. The plant list shall avoid invasive non-native species including olive and acacia.	Project Applicant	City Biologist, Planning Director, Director of Public Works	1	
6.4	To minimize night lighting impacts on the surrounding habitat area, the outdoor lighting system shall be low intensity and focused into hotel facilities. It shall be subject to review and approval by the City Building Official prior to issuance of the building permit.	Project Applicant	City Building Official	1	
7.1	Design Review. The developer shall submit the following for review and approval prior to development. The general conditions to be met and criteria for this review as they relate to visual impact are outlined below. Exceptions to these conditions where necessary to provide for unique and demonstrated excellence and creativity in design may be granted at the discretion of the City. a. <u>Materials and finishes</u> - Materials and finishes used on all exposed surfaces within the project shall be specified in architectural drawings which are provided to the City for review and approval prior to installation. The City's review shall ensure that the following general design standards are met: The project shall have a predominant design theme with a specific limited palette of colors, materials and finishes which are used throughout the project. Such materials and finishes shall have the following general characteristics: Major building surfaces and accents, Major building surfaces shall be light colors and matte finishes which reflect the character of the natural environment in the vicinity of the project. Accent colors used for decorative panels, window and door frames, roof trim, and roof tiles or other roof materials may include darker, more saturated colors as appropriate. The colors of natural sand, sea, sky, earth, leaves and bark found in the natural environment surrounding the site, or unique to natural materials used in construction, shall be used predominately. Garish, bright and unnatural colors or color combinations shall not be used where they would be visible from a distance outside the project site. The intent of this guideline is that the buildings and other constructed features of the project should not draw attention to themselves by contrast in color to the natural landscape. Quality of Construction Materials. Building materials which reflect a character of quality and permanence shall be used.	Project Applicant	Planning Director	1	

MIT MONITORING PHASE KEY:

- 1 = Plan Check - Demonstration that the required elements have been included in the project plans or the appropriate fee has been paid prior to issuance of any construction permits.
- 2 = Construction - Monitoring of described construction related activities.
- 3 = Pre-occupancy - Demonstration of mitigation compliance must be demonstrated prior to issuance of occupancy permit.
- 4 = Mitigation requiring periodic compliance demonstration throughout project operation.

EXHIBIT "B"  
 MITIGATION MONITORING PROGRAM  
 (40 ADDITIONAL GUEST ROOMS) RANCHO MALIBU HOTEL

MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE 1/1	DATE DONE
	<p>b. <u>Landscaping</u> - Landscaping shall be used to soften the appearance of buildings. Trees which at maturity are as tall as the roofs of buildings shall be used throughout the periphery of the developed areas of the site to break up the visual appearance of the site and hide structures so that the landscaping within 20 years is designed to conceal a minimum of 50% of each major building surface that would otherwise be visible from off-site locations. Species which minimize fire risk shall be used, as approved by the Fire Department. Shrubbery around the base of structures shall be used to soften the line of the building along the ground. Where basement levels of structures are visible from surrounding areas because of the position of structures on the slope, giving the building an appearance of three-story height, shrubbery shall be used to substantially conceal the lower level. A landscape maintenance plan shall be submitted for approval by the Planning Director and Fire Department. The landscape maintenance plan shall provide for the regular pruning and thinning of vegetation to minimize fuel supply and fire danger. In undeveloped areas of the site, natural, low-scale vegetation shall be preserved and restored to the extent feasible while providing for sufficient on-site disposal of treated effluent.</p>				
7.1 Cont.	<p>c. <u>Lighting</u>. Lighting shall be used as necessary for internal circulation and circulation to and from the site as necessary only, and not to draw attention to the site or its features. Limited low-level decorative lighting of internal landscaped areas shall be permitted within this limitation. All exterior lighting shall be directed downward and inward to the site, and shielded to prevent visibility of the sources of light from a distance or pollution of the night sky by unnecessary upward-directed illumination. All exterior lighting fixtures of greater than 150 watts shall use low-pressure sodium lighting to conserve energy and limit pollution of the night sky.</p> <p>d. <u>Signs</u>. Signs shall be limited to those necessary to identify the site and its location, and to provide for safe circulation by people and vehicles. Internally illuminated signs shall be limited to signs necessary to point out emergency routes. Signs shall be compatible with the restrictions on materials and finishes outlined above.</p> <p>e. <u>Building Facades</u>. Large blank areas of building facades visible to the public shall not be permitted. Such facades shall be broken by architectural features such as decorative sculptural panels, setbacks, windows, columns, textured surfaces or other architectural details as appropriate. Building facades should reflect a common theme throughout the project, and should show common patterns and rhythms of fenestration, structural details, etc.</p>				

1/1 MONITORING PHASE KEY:

- 1 = Plan Check - Demonstration that the required elements have been included in the project plans or the appropriate in fees have been paid prior to issuance of any construction permits.
- 2 = Construction - Monitoring of described construction related activities.
- 3 = Pre-occupancy - Demonstration of mitigation compliance must be demonstrated prior to issuance of occupancy permit.
- 4 = Mitigation requiring periodic compliance demonstration throughout project operation.



# City of Malibu

23555 Civic Center Way, Malibu, California 90265  
(310) 456-CITY FAX (310) 456-3356

Planning Department

RECEIVED

APR 20 1998

PLANNING DEPT.

## AFFIDAVIT OF ACCEPTANCE OF CONDITIONS

CONDITIONAL USE PERMIT NO. 96-005  
VARIANCE 96-010 AND SITE PLAN REVIEW NO. 96-015  
CITY COUNCIL RESOLUTION NO. 98-001

The undersigned property owner (or agent of the property owner) acknowledges receipt of the City of Malibu City Council Resolution No. 98-001 and agrees to abide by all terms and conditions thereof. The permit and rights conferred by this approval shall not be effective until the signed acknowledgment has been returned to the City of Malibu, no later than April 23, 1998.

April 20, 1998  
Date

[Signature]  
Signature of Property Owner or Agent

**1998 CERTIFIED ENVIRONMENTAL IMPACT REPORT  
(EXCERPTS ONLY)**



REVISED DRAFT

ENVIRONMENTAL IMPACT REPORT  
(CONDITIONAL USE PERMIT APPLICATION)  
SCH. NO. 95051063



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RANCHO MALIBU  
HOTEL

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**REVISED DRAFT ENVIRONMENTAL IMPACT REPORT**

**RANCHO MALIBU HOTEL**

**(Conditional Use Permit Application)**

SCH. No. 95051063

Lead Agency:

City of Malibu

23555 Civic Center Way  
Malibu, CA 90265-4804

Contact: Vincent Bertoni, Interim Planning Director

August 1997

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## INTRODUCTION

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### THE REVISED DRAFT EIR

96

The Draft EIR for the Rancho Malibu Hotel was circulated for public review from July 6, 1996 to August 16, 1996. Twenty-four comment letters were received on the Draft EIR and twelve people commented orally at the public hearing held on the project on September 16, 1997. Key areas of concern were: (1) whether the existing coastal sage habitat could be preserved on-site; and (2) the validity of the wastewater numbers for the project and thus the ability of the project to fully dispose of treated wastewater on-site. In the course of preparing the response to comments the project sponsor requested a change in the project description: deletion of the Theme Restaurant and replacement of the Theme Restaurant with a Cultural Center. This has necessitated changes to the project description and the calculation of traffic and wastewater generation. In order to address the change in the project description and the issues raised in response to comments, the following sections of the Draft EIR have been substantially re-written:

- **Project Description** - revised due to the substitution of a Cultural Center for the Theme Restaurant.
- **Land Use** - changes made for clarification purposes.
- **Water Quality/Wastewater Treatment** - additional information added regarding the calculation of wastewater generation and the controversy over the method of calculation. Additional mitigations added to ensure that impacts can be reduced to a level which is less than significant.
- **Traffic/Circulation** - existing traffic condition figures updated. Impacts recalculated based on the revised project description. Summer traffic count information added. Mitigations revised to require project sponsor to construct project traffic mitigations, pending completion of the Civic Center Specific Plan.
- **Biological Resources** - discussion augmented with information from the Biological Resources study included in the appendix. Discussion of the effect of fuel modification and wastewater disposal requirements on the ability to preserve the coastal sage scrub habitat added. Habitat mitigation site identified and evaluated. Mitigations revised to include criteria for an acceptable mitigation site.

- **Alternatives to the Project** - additional alternatives designed to reduce impacts added. More detailed analysis of alternatives provided.
- **Chapter 7 - Response to Comments** - has been added to the document. It contains all of the comments received on the original Draft EIR and responses to those comments.

## **PURPOSE OF THE EIR**

This Environmental Impact Report (EIR) analyzes the potential environmental impacts associated with the construction and operation of the proposed Rancho Malibu Hotel. The hotel is proposed as a luxury facility with 250 rooms in separate guest villas support facilities, a stand-alone Cultural Center, fitness/spa, tennis courts, and other amenities. The hotel will be constructed on a 27.8-acre site located in the northeast corner of Pacific Coast Highway and Malibu Canyon Road.

Under the provisions of the *Guidelines for Implementation of the California Environmental Quality Act* (CEQA Guidelines), an "EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe alternatives to the project." Accordingly, this EIR provides information to the decision makers and the general public regarding the potential short term and long term impacts associated with construction and operation of the proposed hotel facility. It is not a document which sets forth policy about the desirability of the proposed project or any of the potential alternatives.

## **LEGAL REQUIREMENTS**

This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines of the City of Malibu.

The EIR has been prepared by professional urban and environmental planning consultants under contract to the City of Malibu. The City of Malibu is the lead agency for the proposed project, defined by CEQA, Section 21067, as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect on the environment." All information, analyses, and conclusions contained in this document reflect the independent review and judgment of the City of Malibu.

## USES OF THE EIR

During the EIR review process, the Planning Commission, the City Council, other agencies, and the public will use the EIR to assess project effects and to impose conditions or propose alternatives designed to lessen potential environmental impacts.

The EIR may also be used by the following agencies for the following discretionary actions:

Agency	Uses
California Water Quality Control Board, Los Angeles Region	<ul style="list-style-type: none"> <li>• Approval of all necessary permits for the use of reclaimed water for irrigation from the on-site reclamation facility.</li> <li>• Approval of Stormwater Pollution Prevention Plan (SWPPP).</li> </ul>
South Coast Air Quality Management District	<ul style="list-style-type: none"> <li>• Approval of all necessary permits for the on-site reclamation facility.</li> </ul>
California Coastal Commission	<ul style="list-style-type: none"> <li>• Approval to either amend the existing Coastal Development Permit (CDP) granted in 1986 or issue a new CDP.</li> </ul>
County of Los Angeles Health Department	<ul style="list-style-type: none"> <li>• Approval of all necessary permits for the use of reclaimed water.</li> </ul>
Los Angeles County Fire Department	<ul style="list-style-type: none"> <li>• Approval of a Fuel Modification Plan.</li> </ul>
Caltrans	<ul style="list-style-type: none"> <li>• Approval of all necessary permits for modifications in the Pacific Coast Highway right-of-way and curb cuts, and utility construction along Malibu Canyon Road.</li> <li>• Approval of a Caltrans encroachment permit, in all instances where work on the project falls within or affects the State right-of-way, such as construction, signalization, grading, changes to hydraulic run-off, etc.</li> </ul>



## **SCOPE OF THE PROJECT**

The proposed Rancho Malibu Hotel will comprise 242,391 square feet of buildings in separate villas housing 250 guest rooms, and a stand-alone Cultural Heritage Center. The footprint of the hotel and Cultural Center structures will occupy between ten and fifteen percent of the site. The remainder of the site will be natural or landscaped open space, recreational space (tennis courts, pools, etc.), walkways and plazas, and surface parking.

## **SCOPE OF THE ENVIRONMENTAL ANALYSIS**

Pursuant to CEQA and CEQA Guidelines, an Initial Study was prepared for this project. The Initial Study concluded that the proposed project might have a significant effect on the environment with respect to the following issues:

- Land use and planning
- Geotechnical hazards
- Water quality/wastewater treatment
- Air quality
- Traffic/circulation
- Biological resources
- Visual effects
- Archaeological resources
- Long term cumulative and growth-inducing effects

The Initial Study is included in Appendix A of this EIR. A Notice of Preparation (NOP) was issued by the City on May 30, 1995, in accordance with the *CEQA Guidelines*, Sections 15082(a), 15103, and 15375. The NOP indicated that an EIR was being prepared and invited comments on the proposed project from public agencies and the public at large. Comments that were received have been addressed during the preparation of the EIR and also are included in Appendix A.

## **PUBLIC REVIEW AND COMMENTS**

The Draft EIR is available for public inspection and copying at the City of Malibu Planning Department, 23555 Civic Center Way, Malibu, CA 90265. Documents referenced in the EIR are available for review at the City Planning Department. Circulating copies are also available at Los Angeles County's Malibu Branch Library located at 23519 Civic Center Way. A copy of the text of the Draft EIR is available on the City's home page.

Organizations and individuals are invited to comment on the information presented in the Draft EIR.

Following a 45-day period of circulation and review of the Draft EIR, all comments and City responses to those comments will be incorporated into a Final EIR prior to certification of the document by the Planning Commission.

## **CONTACT PERSON**

The primary person who may be contacted for additional information is Vincent Bertoni, Interim Planning Director with the City Department of Planning, 23555 Civic Center Way, Malibu, CA 90265-4804. Mr. Bertoni can be reached by phone at (310) 456-2489, ext. 234.

## **ORGANIZATION OF THE EIR**

This Draft EIR is organized into seven chapters plus appendices. This section is the Introduction. The next section, Executive Summary, provides a brief project description and summarizes project impacts, mitigation measures, and alternatives. Beginning the main body of the text, a comprehensive project description is presented in Section 1. The environmental analysis of potential environmental impacts and mitigation developed to reduce these impacts is contained in Section 2. Sources of information used in the analysis also are listed in this section at the end of the discussion and footnoted in the EIR. Section 3 examines alternatives to the proposed project. Long term implications of the project are discussed in Section 4. Section 5 lists issues determined not to be significant in the Initial Study, and Section 6 lists preparers of the EIR. Section 7 contains responses to comments received on the original Draft EIR.

The format of the EIR is intended to present the project and environmental analysis in individual chapters, or sections, as suggested by CEQA. However, several topics in the EIR are interrelated (e.g., traffic and air quality), and the reader is encouraged to review the entire EIR in order to understand the overall scope of the proposed project ("the big picture").

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## **EXECUTIVE SUMMARY**

### **THE PROJECT**

#### **PROJECT BACKGROUND**

In 1984, a large hotel complex was proposed for the two parcels which make up a triangular shaped site located between Civic Center Way, Malibu Canyon Road and Pacific Coast Highway. The County of Los Angeles prepared an EIR for that proposal - the Rancho Malibu Mesa Development - in 1984, evaluating seismic, soils, water, visual, and traffic impacts.<sup>1</sup> The County approved a conditional use permit (CUP) for that proposal in 1985, and in 1986 the Coastal Commission issued a coastal development permit. Subsequently, the project was redesigned to comply with the County's certified Malibu/Santa Monica Mountains Land Use Plan and to respond to landscaping, grading, and visual concerns. The redesigned proposal, which was approved by the County, included a 300-room hotel in separate hillside villa buildings, a separate restaurant, and a separate community use facility.

The CUP and coastal development permit imposed a total of forty-seven conditions on the previous project. Prior to incorporation of the City of Malibu, all but one of these conditions were complied with. The remaining condition related to wastewater disposal. In 1991, the City of Malibu placed a moratorium on all new development and the project was precluded from moving forward.

#### **PROJECT SUMMARY**

The current proposal is a 250-room hotel development and cultural center on the 27.8 acre parcel. This proposed project has 50 less rooms than the 300-room hotel project previously approved for the site.<sup>2</sup> The proposed project incorporates public access, an on-site wastewater treatment and reclamation facility, and other features in compliance with the coastal development permit conditions and the previous County conditions. Amenities provided at the hotel will include a lobby bar, cafe, ballroom, meeting rooms, fitness center & spa, small specialty restaurant and a Cultural Heritage Center. There will be 492 parking spaces provided. Total building

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<sup>1</sup>The EIR for the Rancho Malibu Mesa Development, State Clearinghouse Number 84022910 is incorporated herein by reference. The document is available for review in the Planning Department of the City of Malibu located at 23555 Civic Center Way, Malibu, CA 90265-4804.

<sup>2</sup>For a full comparison of the project previously approved by the County and Coastal Commission and the currently proposed project, please see the response to comment 20-2 in Chapter 7 of this EIR.

square footage would be 242,391 square feet. The Floor Area Ratio (FAR) would be 0.20.

### **Project Location and Boundaries**

The project's 28-acre site occupies the northeast corner of Pacific Coast Highway and Malibu Canyon Road.

### **Design Concept**

The Rancho Malibu Hotel is being proposed as a luxury hotel designed in the "California Rancho" garden and courtyard tradition, as exemplified by the Bel-Air Hotel and the Malibu Lagoon Museum. Rancho Malibu Hotel would be made up of: separate guest villas; support facilities; a cultural heritage center, housing cultural and educational displays, an art gallery and artifact curation; a fitness/health spa for use by hotel guests and local residents; and tennis courts, lawn bowling, and other amenities. The hotel villas would be placed on three descending levels sloping south and east. The hotel's entrance court, lobby, bar/cafe, and spa building would stand at the center of the highest level. Most of the villas, the meeting rooms, ballroom, administration, court yards, pool, and lower bar would surround this central court at a lower level. The remaining villas would be located on the third level, which is the lowest. All levels would be linked by meandering pathways, courtyards, and gardens.

Buildings would be 28 feet above grade and would incorporate earth-tone colors. The buildings would be surrounded by gardens, secluded walkways, and open spaces grown with native vegetation, cultivated native vegetation, ornamental vegetation, and turf grass. The total landscaped area would comprise 17.145 acres, or 61.6 percent of the site.

## **PROJECT OBJECTIVES**

### **Objectives of the Developer/Sponsor**

The project developer, The Malibu Land Company, a division of The Adamson Companies, seeks to develop the site in a manner: consistent with the land use designation for the site contained in the City's General Plan; compatible with surrounding uses; and, that will provide an economic return through room and service charges. To realize these objectives, the developer has proposed a luxury hotel facility that also includes a cultural center public footpath through the site, and dedicated open space on the site's landscaped slopes.

### **Objectives of the City**

The City's objectives for the site are expressed in the Malibu General Plan adopted in November 1995. The Plan designates the site for Commercial Visitor Serving-2 uses (CV-2), such as hotels and restaurants which respect rural character and natural environmental setting. The adopted Interim Zoning Ordinance permits development with Commercial Visitor Serving (CV-2) uses on the site. Other City objectives for development of the project site include ensuring that the site's development does not harm the natural resources and aesthetic values of the area, and preserving the rural residential character of Malibu.

### **Construction**

Construction of the proposed hotel facilities is estimated to last approximately 12 months.

### **Relationship to Local Plans**

In November, 1995 the City adopted its first General Plan for Malibu. The proposed hotel use is consistent with the General Plan's Commercial Visitor Serving - 2 (CV-2) designation for the site. As currently proposed, the project will require a conditional use permit for the hotel use, site plan review for building height, and variances from a number of specific requirements of the Interim Zoning Ordinance.

## **ENVIRONMENTAL IMPACTS**

The City of Malibu has prepared this EIR to examine potentially significant environmental impacts associated with the project, and to identify mitigation measures capable of avoiding or substantially lessening those impacts. A summary of the environmental impacts and mitigation measures is presented in **Table ES-1**.

The analysis contained in this EIR uses the words "significant" and "less than significant" in the discussion of impacts. These words specifically define the degree of impact and coincide with language used in the California Environmental Quality Act (CEQA) Guidelines. As required by CEQA, mitigation measures have been included to avoid or reduce potential significant impacts. Impacts which cannot be completely mitigated, even with the inclusion of all mitigation measures, are identified by CEQA as "unavoidable significant impacts."

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Land Use</b></p> <p>The proposed project land use would not result in any significant impacts associated with Coastal Act consistency.</p>	None Required	Less Than Significant
<p>The proposed hotel development use is consistent with both the City General Plan's land use designation for the site and the City Interim Zoning Ordinance designation.</p>	None Required	Less Than Significant
<p>The proposed project is within the Civic Center Specific Plan area and is consistent with uses anticipated for the parcel under the Plan. No Specific Plan land use compatibility impacts are anticipated to result from the proposed project.</p>	None Required	Less Than Significant
<p>The proposed hotel use is compatible with this existing mix of land uses in the site's vicinity. The proposed project would not result in any significant land use compatibility impacts.</p>	None Required	Less Than Significant
<p>The project proposes a 250-room hotel developed at 0.20 FAR which is of comparable scale and size to the existing development in the Civic Center area. The proposed hotel, at 0.20 FAR, will be compatible in scale to future development. Therefore, no significant impacts related to the intensity of development would result from the proposed project.</p>	None Required	Less Than Significant
<p>The hotel would not obstruct views from residences or other uses in the vicinity, nor would it create a massive urban node on the site. However, any development on the project site would change the site's undeveloped visual character. As such, the project's character appears to be compatible with the community's general character, and the Civic Center area's specific character, so the character compatibility impact is considered less than significant.</p>	None Required	Less Than Significant
<p>It is possible that the time of events could be scheduled such as to be inconsistent with the rural character of the Malibu community; this would be a significant impact of the project.</p>	1.1. The project's conditions of approval shall include limitations on the hours of operations of the hotel's public uses. Public use of the meeting and ballrooms shall be limited to 11:00 a.m to 12:00 a.m.	Less Than Significant
<p>The proposed project includes construction on slopes with grades between 2.5:1 and 3:1 and building heights above 18 feet, up to 28 feet. These are two of the conditions which require approval of a Site Plan Review application, under the Interim Zoning Ordinance. Site Plan Review is intended to ensure that no significant impacts result from construction under the conditions. Any potential physical impacts on the environment associated with building height and construction in slope areas are addressed in Sections 2.2, Geotechnical Hazards, and Section 2.7 Visual Effects.</p>	None Required	Less Than Significant

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>The proposed project is inconsistent with six of the Interim Zoning Ordinance's development standards which are applicable to the proposed project. As a result the proposed project would require a variance from these development standards to allow the floor area ratio, parking, setbacks, height of the rotunda tower, and grading, as proposed. The project applicant has requested a variance from these development standards, as part of the project application. A request for a variance in itself does not constitute a significant physical impact nor does it constitute a land use impact. The requested variances, if granted, would not result in a significant land use impact because they would not conflict with the City's General Plan nor other environmental policies or plans. Furthermore, the variances would not change the characteristics of the hotel in a manner that would make the use incompatible with surrounding uses.</p>	<p>None Required</p>	<p>Less Than Significant</p>
<p><u>Geotechnical</u></p> <p><b>Slope Stability</b></p> <p>Certain existing slopes in the eastern portion of the site do not meet current safety standards. The larger ancient landslide within the Malibu Coast fault zone at and below the eastern site boundary, while not directly impacting the proposed construction, is adversely influenced by the proximity of the landslide.</p>	<p>2.1. The project shall undergo the City development review process, which includes review and approval of all project grading and development plans, design review, and completion of any additional geotechnical analyses as required by the City. The City requirements include implementation of soil engineering measures prepared by certified engineers, construction in accordance with the Uniform Building Code and measures prepared by a registered engineer, having an independent observer on the site to observe compliance with grading measures and plans, and other similar measures.</p> <p>2.3. The final plan for the proposed wastewater treatment and disposal system shall be reviewed and approved by a geotechnical consultant approved by the City, in order to ensure that the final design will not adversely impact local slope stability and off-site landslides. The findings of the geotechnical consultant shall be submitted to and approved by the City Geologist, prior to issuance of the building permit.</p>	<p>Less Than Significant</p>
<p>A review of the design and operational characteristics of the project's preliminary landscape irrigation system concluded that the proposed system will not adversely impact land stability, either onsite or offsite.</p>	<p>None Required</p>	<p>Less Than Significant</p>

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Soil Conditions</b></p> <p>The uncertified fill underlying the north portion of the site has been found to be of suitable quality, however, additional subsurface investigations and testing were recommended to confirm its suitability for the proposed construction atop. Extensive backfill, although compacted, in several long exploratory trenches along the east property line may also require further evaluation to certify its suitability for providing structural support. Since adverse soil conditions exist on the site, this impact is considered significant.</p>	<p>Mitigation Measure 2.1</p>	<p>Less Than Significant</p>
<p><b>Seismic Hazards</b></p> <p>A building setback zone ranging from 70 to 95 feet wide has been established by the property owner along the branch of the Malibu Coast fault zone crossing the south portion of the site. All of the proposed habitable structures are located outside the delineated zone (see Figure 3). Therefore, fault rupture hazard is considered less than significant.</p>	<p>None Required</p>	<p>Less Than Significant</p>
<p>The earthquake hazard analyses have not revealed any unanticipated soil, geologic, or groundwater conditions which would make the proposed project geotechnically infeasible. The depth and nature of the groundwater and soil conditions are not considered to be conducive to liquefaction. Therefore, seismic hazards are considered less than significant.</p>	<p>None Required</p>	<p>Less Than Significant</p>
<p><b>Groundwater</b></p> <p>A substantial amount of the normal rainfall at the site that currently infiltrates to the ground, will be intercepted by the extensive paved area of roadways, parking, and other hardscape, as well as by the roofed areas of proposed buildings. Such surface-water runoff will be collected by the project's onsite drainage system and discharged to the existing offsite storm drains or natural drainage channels. As such, the project will reduce natural groundwater recharge during storms. This is not considered a significant impact since the underlying groundwater aquifer is not used as a source for potable water.</p>	<p>None Required</p>	<p>Less Than Significant</p>
<p>The effluent from the proposed water reclamation facility will be treated and used to irrigate the site. The analysis of the proposed landscape irrigation system concluded that the project will not result in a significant impact on groundwater (see detailed discussion in Section 2.3, Water Quality/Wastewater).</p>	<p>None Required</p>	<p>Less Than Significant</p>



**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Drainage</b></p> <p>The project is not expected to result in a significant impact on stormwater runoff because, to comply with the County's NPDES Permit, the City will require a Storm Water Management Plan (SWMP) in accordance with City Ordinance 157. The required SWMP will address the specific measures for maintaining the offsite storm drainage flow rate to the pre-developed condition and also preventing contaminants from entering the storm water runoff. A large grassy swale area with a standpipe and overflow drain designed to receive all storm water runoff could provide the necessary detention to meet this condition. In addition this would provide the necessary treatment for dry weather flow and the first half-inch of rainfall to remove contaminants.</p>	<p>2.2. The applicant shall submit a revised hydrology report which accounts for the specific site plan and landscaping plan to be developed and which provides for the on-site retention of stormwaters, for review and approval of the Public Works Director prior to issuance of a grading permit.</p> <p>2.4. The project shall develop and implement a State Storm Water Pollution Prevention Plan and City Storm Water Management Plan in accordance with requirements of the County of Los Angeles NPDES permit and of the City of Malibu's Ordinance 157 in order to comply with the Federal Water Pollution Control Act.</p>	<p>Less Than Significant</p>
<p><b>Grading and Erosion Control</b></p> <p>The grading plan for the proposed project is included in Appendix B of the EIR. Because the project exceeds five acres of grading, a state grading permit, including a Storm Water Pollution Prevention Plan (SWPPP), will be required by the Regional Water Quality Control Board, in addition to a grading and erosion control permit from the City. The required SWPPP must address specific measures for minimizing erosion and sediment transport offsite during construction and grading, to the satisfaction of the City Building Official. Due to these requirements, grading and erosion control impacts will be less than significant.</p>	<p>Mitigation Measure 2.4</p>	<p>Less Than Significant</p>
<p><b><u>Water Quality/Wastewater Treatment</u></b></p> <p><b>Zero Balance: Capacity to Process Wastewater on Site</b></p> <p>Based on the "conservative method" of estimating wastewater generation, wastewater generation would exceed landscape capacity. However, with careful selection plumbing design and appliance selection, impacts could be reduced to a level which is less than significant.</p>	<p>3.1 Prior to the issuance of the building permit for the hotel, the applicant shall submit to the City a Plumbing and Appliance Plan and shall demonstrate to the City, using the WAVE software or other software deemed acceptable by the City, that the final design of the hotel shall not exceed a water budget of 15,152,150 gallons per year (equivalent to wastewater generation of 13,636,936 gallons per year). The Plumbing and Appliance Plan submitted shall specify the specific plumbing fixtures and water-using appliances to be incorporated in the hotel design and shall contain a copy of the model runs demonstrating that use of the planned fixtures will not exceed the water budget. The project applicant shall not deviate from the fixtures and appliances specified in the plumbing and appliance plan without the prior written approval of the City.</p> <p>3.2 The applicant shall comply with the minimum standards of the City of Malibu Uniform Plumbing Code.</p>	<p>Less Than Significant</p>

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Zero Runoff</b></p> <p>The design and operation procedures for the proposed irrigation system indicate that the system is capable of achieving the "zero runoff" objective as long as the project is prohibited from dumping excess wastewater.</p>	<p>3.3 Prior to occupancy of the hotel, the applicant shall prepare a plan for disposing of any excess reclaimed water prior to reaching storage capacity. The plan can include any combination of measures to meet the performance criteria of zero wastewater balance and zero runoff and address any potential wastewater excess. These measures may include measures to dispose of excess wastewater such as specification or/and commitment to other users for the project's reclaimed water, use of dual plumbing, provisions to hook-up to the Civic Center Wastewater Treatment Facility when available, procuring a permit to dispose of excess reclaimed water in Las Virgenes or other regional facilities, using off-site laundry service for the hotel, or methods to reduce wastewater generation such as plumbing retrofits. If Bluffs Park is used as a disposal site for the wastewater, the project applicant shall be responsible for the full cost of the installation of the delivery system and associated permitting costs. The Plan shall include appropriate penalties for failure to meet the performance objectives, to the satisfaction of the City Attorney. The Plan shall be reviewed and approved by the Public Works and Planning Director prior to issuance of the Building Permit.</p> <p>3.4 The project shall include an integrated wastewater management and irrigation system, which shall, at a minimum, meet the standards of the system proposed by the applicant and described in this EIR. The system shall be reviewed and approved by the Public Works Director prior to issuance of the building permit for the hotel.</p> <p>3.5. The project applicant shall provide the City Building Official with data about wastewater flows, irrigation usage of reclaimed water, storage capacity, and any other information required to determine that the on-site wastewater system is meeting its performance objective of "zero balance" and "zero runoff". This information shall be submitted on a schedule established by the City, but no less than every 12 months.</p>	<p>Less Than Significant</p>

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SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Groundwater Monitoring</b></p> <p>While the conceptual approach to the groundwater monitoring program is considered to be sound, the following factors need to be addressed as soon as possible: 1) the proposed well 4 is located at the most upgradient portion of the Winter Canyon aquifer as indicated by available groundwater flow data and will not detect potential impacts to the aquifer which may occur downgradient; 2) a baseline condition for a "normal" level of groundwater and a "normal" range of fluctuations in groundwater level needs to be established against which future data may be evaluated and changes determined; 3) the type and frequency of groundwater monitoring needs to be defined, and 4) the guidelines specifying what threshold conditions must be exceeded to require corrective measures, and what such measures should entail.</p>	<p>3.6. The project's groundwater monitoring system design shall be subject to review and approval by the Public Works Director prior to issuance of the Building Permit. The Public Works Director shall have the authority to require additional wells or monitoring devices, if deemed necessary after system design review. The groundwater monitoring plan submitted shall include: 1) an evaluation of any identified water bearing unit for potential inclusion in the groundwater monitoring system, 2) relocation of Well 4 to the downgradient portion of the Winter Canyon aquifer, 3) a technical program for the groundwater monitoring, including data collection and data interpretation and, 4) guidelines for corrective measures as needed.</p> <p>3.7. The final plan for the proposed wastewater treatment and disposal system shall be reviewed and approved by a geotechnical consultant approved by the City, in order to ensure that the final design complies with the requirements of these mitigation measures and the design proposed by the applicant and analyzed in the EIR. The findings of the geotechnical consultant shall be submitted to and approved by the City Geologist prior to issuance of the building permit.</p>	<p>Less Than Significant</p>
<p><b>Adequacy of Wastewater Treatment</b></p> <p>As currently proposed, the wastewater treatment systems appears adequate to provide the required level of treatment.</p>	<p>None Required</p>	<p>Less Than Significant</p>
<p><b><u>Air Quality</u></b></p> <p><b>Construction Impact</b></p> <p>Hotel construction, forecasted to last approximately 12 months, will generate short-term emissions of air pollutants. Dust, or particulate matter, will be generated during excavation, site preparation, and construction. Also, exhaust emissions of air pollutants, including particulate matter, will be generated by construction equipment. However, emissions are below the SCAQMD thresholds for a significant air quality impact.</p>	<p>4.1. In the event that substantial accumulation of dust in the air over the grading operations is observed and a combination of low wind speed and high stability results in substantial dust concentrations at the schools or condominium complexes for a continuous period of more than one hour, one or more of the following additional mitigation measures shall be put in place as appropriate until the wind conditions change to make these measures unnecessary: (a) Grading shall be halted, or (b) Grading shall be moved to a location on the site more distant or such that substantial dust is no longer carried toward the schools or condominium complexes, or (c) Water trucks shall spray continuously behind or into grading vehicles to substantially reduce the amount of dust raised into the air.</p>	<p>Less Than Significant</p>

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>Construction Impacts, Continued.</p>	<p>4.2 The proposed project, in conformance with the City of Malibu General Plan policies, will implement the following measures consistent with the SCAQMD CEQA Air Quality Handbook, to reduce short-term construction impacts as determined appropriate by the City: (a) Configure construction parking to minimize traffic interference; (b) Provide temporary traffic control during all phases of construction activities to improve traffic flow (e.g., flag person); (c) Schedule construction activities that affect traffic flow to off-peak hours (e.g., between 7:00 p.m. and 6:00 a.m. and between 10:30 a.m. and 3:30 p.m.); (d) Develop a construction traffic management plan that includes but is not limited to: Rerouting construction trucks off congested streets, Consolidating truck deliveries, Providing dedicated turn lanes for movement of construction truck and equipment on- and off-site; (e) Use electricity from power poles rather than temporary diesel or gasoline powered generators; (f) Reduce traffic speeds on all unpaved roads to 15 miles per hour or less; (g) Pave construction roads that have a traffic volume of more than 50 daily trips by construction equipment or 150 total daily trips for all vehicles; (h) Apply approved chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (e.g., previously graded areas inactive for four days or more); (i) Replace ground cover in disturbed areas as quickly as possible; (j) Enclose, cover, water twice daily, or apply approved soil binders according to manufacturers' specifications, to exposed piles (e.g., gravel, sand, dirt); (k) Water active sites at least twice daily; (l) Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer); (m) Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers with reclaimed water); (n) Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site.</p>	

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SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>Analysis of the potential effects of fine particulate matter, (PM10, approximately 50% of total dust emissions), emissions from grading and construction activity for the proposed hotel was conducted to ascertain effects on residential uses and schools near the site. Worst-case conditions during grading would permit pollutant concentrations to exceed ambient air quality standards for up to approximately 60 meters downwind from grading activity, if grading is conducted continuously in a concentrated area of the site. Because concentrated grading is not expected along the north edge of the site on Civic Center Way, grading is not expected to cause pollutant concentrations to exceed ambient air quality standards at sensitive receptor locations near the site.</p>	<p>Mitigation Measures 4.1 and 4.2</p>	<p>Less Than Significant</p>
<p><b>Ongoing Project Operation:</b></p> <p>Once construction has been completed, vehicle travel to and from the site will generate air pollutant emissions. Nearly all air pollutant emissions will be generated by vehicles of the hotel guests and visitors. However, the proposed hotel project will not generate pollutants above the SCAQMD daily thresholds.</p>	<p>4.3 To reduce long-term impacts, consistent with the City of Malibu General Plan policies the applicant will implement the following measures as determined feasible by the City: (a) Provide preferential parking spaces for carpools and vanpools; (b) Implement an on-site circulation plan in parking lots to reduce vehicle queuing; (c) Use solar or low-emission water heaters; (d) Use central water heating systems; (e) Use built-in energy-efficient appliances; (f) Provide shade trees to reduce building heating/cooling needs; (g) Use energy-efficient and automated controls for air conditioning; (h) Use double-glass paned windows; (i) Use energy-efficient low-pressure sodium parking lot lights; (j) Use lighting controls and energy-efficient lighting; (k) Substitute materials where feasible (e.g., use water-based paints and other materials which have low life-cycle emissions); (l) Synchronize traffic lights on streets impacted by development; (m) Reschedule truck deliveries and pickups to off-peak hours; (n) Provide on-site truck loading zones; (o) Provide shuttle service for guests and visitors.</p>	<p>Less Than Significant</p>
<p><b>Consistency With Air Quality Management Plan</b></p> <p>A project is considered to be consistent with the <i>Air Quality Management Plan</i> (AQMP) if it is consistent with the population, housing, and employment assumptions that form the foundation of the AQMP, and when it is consistent with the AQMP air pollution control policies and measures. The proposed project is considered consistent with the AQMP.</p>	<p>None Required</p>	<p>Less Than Significant</p>

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SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><u>Traffic and Circulation</u></p> <p><b>Future Weekday Traffic Conditions Without Project</b></p> <p>In the a.m. peak hour, all intersections, except PCH at Malibu Canyon Road and PCH at Topanga Canyon Road will continue to operate at LOS C or better. PCH at Malibu Canyon Road will continue to operate at LOS D, with the ICU deteriorating by 0.02. PCH at Topanga Canyon Road will continue to operate at LOS F. In the p.m. peak hour, three of the eight intersections (PCH at Kanan Dume Road, PCH at Malibu Canyon Road and PCH at Webb Way) will continue to operate at LOS C or better. The intersection of Malibu Canyon Road and Civic Center Way will deteriorate from LOS C to LOS D during the p.m. peak hour. The unsignalized intersection of PCH with Decker Road will worsen from LOS C to LOS D. The Intersection of PCH and Cross Creek will worsen from LOS D to LOS E. The Intersection of PCH and Las Flores Canyon Road will worsen from LOS C to LOS D, and the intersection of PCH at Topanga Canyon Road will remain at LOS D.</p>	<p>Implementation of the Civic Center Specific Plan Traffic Mitigation Fee Program would mitigate cumulative impacts. See Mitigation Measure 5.2.</p>	<p>Less Than Significant</p>
<p><b>Weekend Midday Summer Traffic Conditions Without Project</b></p> <p>In the future without the project, two intersections (Malibu Canyon Road/Civic Center Way and PCH at Topanga Canyon Road) would operate at LOS A; five intersections (PCH/Kanan Dume Road, PCH/Malibu Canyon Road, PCH/Webb Way, PCH at Cross Creek Road and PCH/Las Flores Canyon) would operate at LOS D; and PCH at Decker Road would continue to operate at LOS E.</p>	<p>Implementation of the Civic Center Specific Plan Traffic Mitigation Fee Program would mitigate cumulative impacts. See Mitigation Measure 5.2.</p>	<p>Less Than Significant</p>

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SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Future Traffic Conditions With Project - Weekday Non-Summer Peak Hour Traffic</b></p> <p>The proposed project is estimated to generate 2,160 daily trip ends (one-way trips). The hotel is estimated to generate approximately 1,500 trips per day, the cultural center 410 trips per day, and the spa 250 trips per day. Of these 2,160 daily trips, about 80 trips are expected to occur during the morning peak hour and 180 trips to occur during the afternoon peak hour. In the midday peak hour on Saturday, the project would be expected to generate about 280 midday peak-hour trips.</p>	<p>5.2 To ensure that the applicant pays an equitable share of the cost of mitigating future transportation improvements and programs made necessary by cumulative impacts of the project combined with other projects, including those improvements that may be constructed at the intersection of PCH and Malibu Canyon Road, PCH and Webb Way, Malibu Canyon Road and Civic Center Way, Malibu Canyon Road/Las Virgenes Road at Mulholland Drive, PCH at Cross Creek, PCH at Las Flores Canyon Road, and any other traffic mitigation measures at intersections or along roadways where the project can be reasonably expected to contribute traffic, and traffic mitigation is included in a transportation facilities development fee or equivalent requirement, the applicant shall pay any transportation facilities development fee or participate in any similar financing mechanism that is adopted by the City as part of, or in conjunction with, or in response to, the Civic Center Specific Plan. Furthermore, if the amount of such fee has not been established at the time that the fee would otherwise be due and payable, the applicant shall pay such fee within thirty days after the amount of the fee has been established by the City Council. If the amount of the fee has not been established before occupancy of the project, then prior to occupancy of the project, the applicant shall enter into an agreement with the City to pay the fee within thirty days after the amount of the fee is established by the City Council or such longer period as is established by ordinance. Additionally, the agreement shall provide that if the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the improvements identified in this EIR as mitigation for the project's impacts. The proposed project shall contribute its fair share to any such program adopted for the entire Civic Center area to mitigate summer weekend midday peak traffic impacts of development, unless the City determines that the impacts are not significant.</p> <p>Mitigation Measure 5.1 to 5.8</p>	<p>Less Than Significant</p>

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SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Full Access Option:</b> In the p.m. peak hour, the project with full access (left turn exits permitted) would increase the intersection capacity utilization by two percentage points thus having a significant impact on three of the study intersections: PCH at Malibu Canyon Road, Malibu Canyon Road at Civic Center Way, and PCH at Webb Way. Of these three intersections, the intersection of PCH and Malibu Canyon Road would continue to operate at LOS C. The intersection of Malibu Canyon Road at Civic Center Way would continue to operate at LOS D. The level of service at the intersection of PCH and Webb Way would be worsened from LOS C to LOS D.</p>	<p>If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the improvements identified in this EIR as mitigation for the project's impacts. These measures are only required if the transportation development fee has not been established and the project's fairshare contribution paid prior to the issuance of the occupancy permit for the hotel:</p> <p>5.3 <b>PCH at Malibu Canyon Road:</b> Under the full access scenario, the project would add two percentage points to the intersection capacity utilization in the p.m. peak hour (0.73 to 0.75, LOS C). This impact can be fully mitigated by converting the existing right-turn lane from Malibu Canyon Road to PCH to a free right turn lane (which allows continuous right turns regardless of the signal cycle without stopping so that right turns do not interfere with through and left-turning traffic) and restriping the southbound lanes to a left-turn and a left-through combination lane. This measures may require acquisition of right-of-way from Pepperdine University. The free right turn would require a satisfactory acceleration lane along PCH so that right-turning movements could merge with westbound traffic. If Kanan Road is reopened to through traffic, the number of vehicles making the right turn from Malibu Canyon Road to PCH might be reduced and this measure may no longer be required. However, because the intersection would continue to operate at an acceptable LOS C with the proposed project, and because other improvements may be needed to this intersection to meet long-term cumulative travel demands, the project should be required to contribute its fair share to improvements needed at this intersection based on development identified in the Civic Center Specific Plan. Under the no-left-turn-egress scenario, the project does not have a potentially significant effect at this intersection and no improvement would be necessary. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.</p>	<p>Less Than Significant</p>



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SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>Full Access Continued:</p>	<p>5.4 <u>Malibu Canyon Road at Civic Center Way</u>: The project will result in a two percentage point increase in the ICU value at this intersection in the p.m. peak hour (0.81 to 0.83, LOS D) under either the full access option or the no-left-turn-egress option. To mitigate the impact, the northbound and eastbound free right turn lanes should be eliminated and a second northbound through lane provided. Major signal modifications would be required, and the traffic signal would need to be moved to provide the additional space for the northbound through lane. This mitigation measure would provide sufficient capacity to improve the level of service to compensate for the two percentage point reduction in intersection capacity utilization resulting from project traffic. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.</p> <p>5.5 <u>PCH at Webb Way</u>: Under either access scenario, the project will also result in a two percentage point increase in the ICU value at the intersection of PCH and Webb Way in the p.m. peak hour. This impact can be fully mitigated by providing a third westbound through lane on PCH. This lane may be required to be continuous between Webb Way and Malibu Canyon Road. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.</p>	
<p><u>No-left-turn Egress Option</u>: In the p.m. peak hour, the project with left turn exits prohibited would increase the intersection capacity utilization by two percentage points and thus have a significant impact on only two of the study intersections: PCH at Civic Center Way, and PCH at Webb Way. Under this scenario, the project would contribute less than two percentage points to the ICU value at PCH and Malibu Canyon Road. This option would have a lesser effect on PCH at Malibu Canyon Road because it would not generate as many southbound left turns at this intersection.</p>	<p>Mitigation Measures 5.3 to 5.5</p>	<p>Less Than Significant</p>

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SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Summer Weekend Traffic Impacts</b></p> <p><b>Full Access Option:</b> - If one applies the City's standard level of service criteria to the Saturday midday peak hour, the project would result in a significant impact requiring mitigation at four intersections under the full access scenario. Under the full access scenario, the project would increase the intersection capacity utilization by two percentage points or more at: PCH and Malibu Canyon Road (0.83 to 0.86, LOS D), PCH and Webb Way (0.85 to 0.87, LOS D), PCH and Cross Creek Road (0.83 to 0.85, LOS D), and PCH at Las Flores Canyon (0.88 to 0.88, LOS D).</p>	<p>The following measures would mitigate the project's summer traffic impacts. The City has not yet adopted thresholds of significance for summer traffic impacts, made a policy decision that existing thresholds apply to summer midday traffic, or made a policy of requiring mitigation a summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject these mitigation measures:</p> <p>5.6 The amount of the Civic Center transportation facilities development fee assigned to the project shall include a fair share contribution for mitigation project impacts at PCH and Cross Creek Road.</p>	<p>Less Than Significant</p>
<p>Summer, Full Access, Continued.</p>	<p>5.7 <b>PCH/Las Flores Canyon:</b> An additional westbound through lane is needed to mitigate impacts at this intersection under either of the traffic distribution alternatives. This lane can be provided by converting the westbound right-turn-only lane to a through/right-turn lane. The departure side of the intersection would need to be widened to provide the third westbound lane until this traffic can merge into two lanes. This mitigation measure would provide an ICU value of 0.73 and Level of Service C.</p> <p>5.8 <b>PCH/Cross Creek Road:</b> An additional lane to provide a westbound right-turn lane will be required to mitigate impacts at this intersection under either of the two traffic distribution alternatives. This mitigation measure would provide an ICU value of 0.80 and Level of Service C.</p>	
<p><b>No-left-turn Egress Option:</b> If one applies the City's standard level of service criteria to the Saturday midday peak hour, the project would result in a significant impact requiring mitigation at four intersections under the no-left-turn-egress scenario. Under the no left-turn-egress scenario, the project would increase the intersection capacity utilization by two percentage points or more at: PCH and Malibu Canyon Road (0.83 to 0.85, LOS D), PCH and Webb Way (0.85 to 0.88, LOS D), PCH and Cross Creek Road (0.83 to 0.85, LOS D), and PCH at Las Flores Canyon (0.86 to 0.88, LOS D).</p>	<p>Mitigation Measures 5.6 to 5.8</p>	<p>Less Than Significant</p>

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SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Significant Impact by CMP Criteria</b></p> <p>The addition of project traffic to future traffic conditions would not increase traffic demand on any of the study CMP Intersections by two percent of capacity causing or worsening LOS F. All study CMP Intersections except PCH at Topanga Canyon Road are projected to operate at LOS better than F. The project would have no significant impact on intersection performance at PCH and Topanga Canyon Road, so the project impact on CMP facilities is, therefore, considered to be less than significant.</p>	None Required	Less Than Significant
<p><b>Access</b></p> <p>The impact of the project's site access without mitigation would be considered significant.</p>	<p>5.1 <b>Project Entry Drive and Internal Circulation:</b> The primary project entry drive on Malibu Canyon Road shall be located approximately 800 feet north of PCH to the satisfaction of the City's Traffic Engineer. The project's internal circulation shall be reoriented to ensure that the northerly driveway functions as the primary egress from the site. The entry shall provide full left turn access in and out of the project site. The main access driveway should be striped to allow for two lanes entering the site, which may narrow to a single lane on site, and two lanes, one left and one right-turn lane, for exiting the site. The left-turn lane must be a minimum of 75 feet in length. This intersection shall be designed and signalized at the developer's full expense to the satisfaction of the City's Traffic Engineer.</p>	Less Than Significant
<p><b>Parking</b></p> <p>Based on the analysis for comparable hotel developments contained in the previously discussed <i>Resort Hotel Traffic Study</i>, the proposed project will require about 330 parking spaces to satisfy its parking needs, including 250 spaces for the hotel 44 parking spaces for the fitness center and 36 parking spaces for the Cultural Heritage Center. The project would provide a total of 492 parking spaces on site, including 371 spaces for the resort hotel and 121 spaces for the fitness and cultural heritage centers. The proposed 492 parking spaces are 162 spaces more than the 330 estimated by the traffic study.</p>	None Required	Less Than Significant
<p><b>Biological Resources</b></p> <p><b>Vegetation</b></p> <p>Overall, the project would have a net loss of 14.6 acres of annual grassland/disturbed coastal sage scrub vegetation to structural and landscaping development; conversion of 5.6 acres of disturbed, ornamental landscaping and disturbed coastal scrub to cultivated native landscaping; and 8.04 acres of coastal sage scrub converted to cultivated native landscaping.</p>	Mitigation Measures 6.1 to 6.4	Less Than Significant

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IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Coastal Sage</b></p> <p>Implementation of the project would eliminate 8.04 acres of coastal sage scrub habitat, a sensitive plant community on the site.</p>	<p>6.2. Mitigation for Impacts resulting from the loss of 8.04 acres of undisturbed coastal sage scrub habitat shall be accomplished by providing 30-acres of the "Francisco Property" or an alternative location that <u>better</u> meets the following criteria as off-site replacement habitat: Similar vegetation type (in this case, coastal sage scrub dominated by California encelia, coyote brush, California sagebrush and sawtooth goldenbush), wildlife habitat characteristics, habitat connectivity, amount of habitat area, topography and accessibility, proximity to the project site and the likelihood of future habitat loss due to development potential. Acreage shall not be less than a replacement ratio of 2:1. Off-site mitigation shall be subject to review and approval by the City Biologist prior to issuance of the building permit for the project. Development on the mitigation site shall be restricted through a conservation easement, deed restriction or other mechanism deemed appropriate by the City Attorney. Preservation shall be ensured to the satisfaction of the City Attorney prior to the issuance of the occupancy permit for the project.</p> <p>6.3. The applicant shall submit grading, stormwater management, wastewater disposal and landscaping plans consistent with grading, coastal sage mitigation and stormwater management requirements and a plant list for approval by the City prior to construction. The plant list shall emphasize native drought-tolerant species to the extent feasible considering the need for on-site disposal of treated effluent. The plant list shall avoid invasive non-native species including olive and acacia.</p>	<p>Less Than Significant</p>
<p><b>Wildlife Habitat and Fauna</b></p> <p>The project site provides suitable habitat for an array of invertebrate, mammal, bird and reptile species including several sensitive animals. Direct impacts from development on the site will reduce the existing 27.8 acres of open space by 14.4 acres of structural development and ornamental landscaping. 13.4 acres of open space will remain as cultivated native landscaping. While species which use a broad range of habitat types may continue to use the site, species associated with coastal sage scrub would no longer be able to use it.</p>	<p>Mitigation Measures 6.2 and 6.3</p>	<p>Less Than Significant</p>

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Species Listed or Proposed for Listing as Threatened or Endangered Species</b></p> <p>The peregrine falcon is the only animal species occurring in the general site area and listed as threatened or endangered. While peregrine falcons may occasionally fly over the project site or capture prey above it, there is no suitable nesting habitat on-site and they are unlikely to make regular use of the site. Therefore, the proposed hotel will not significantly affect peregrine falcons.</p>	None Required	Less Than Significant
<p><b>Special Status Plants</b></p> <p>California black walnut trees are located within the coastal sage scrub areas affected by Fuel Modification Plan requirements and are included in the plant palette for the perimeter planting zone. Black walnut trees are a recommended species for fuel modification zones and could be preserved within the fuel modification area. Based on these facts and the threshold criteria for significance, implementation of the project would not substantially diminish the habitat for California black walnut, a sensitive plant species. If, however, black walnut trees are located in the area which requires grading and subsequent restoration, the loss of individual black walnut trees could result, this would be considered a significant impact.</p>	6.1. The landscaping shall incorporate California black walnut ( <i>Juglans californica</i> ) trees in the southeast corner of the site into the landscape design to the satisfaction of the City biologist. The existing black walnut trees are expected to resprout after being burned by the October 1996 fire. If the existing trees are shown to be killed by the fire, an additional 2:1 replacement California black walnut trees shall be incorporated into the landscape design to the satisfaction of the City biologist.	Less Than Significant
<p><b>Invertebrates</b></p> <p>No impact is anticipated for monarch butterflies. The coastal sage scrub habitat suitable for the Santa Monica Mountains shieldback katydid will not be preserved. This species, if present, would be impacted by loss of habitat. No impact is anticipated to the western spadefoot toad due to the low probability of occurrence. Potential adverse impacts exist for seven sensitive reptile species including the coast horned lizard, coastal whiptail, San Diego banded gecko, coastal rosy boa, San Bernardino ringneck snake, coast patch-nosed snake and the silvery legless lizard due to loss of open space habitat and indirect impacts.</p>	Mitigation Measures 6.2 and 6.3	Less Than Significant

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Birds</b></p> <p>Sensitive raptor species that are either known or expected to forage on the site include the northern harrier, black shouldered kite, golden eagle, ferruginous hawk, sharp-shinned hawk, Cooper's Hawk and the merlin. No raptor species are known to nest on the project site. Loss of open space habitat and indirect impacts are expected to reduce foraging opportunities on the site for raptor species. Two other sensitive bird species are expected to utilize the project site including the loggerhead shrike and the southern California rufous-crowned sparrow. Suitable habitat exists for Bell's sage sparrow but the species is rare in the area. Loss of open space habitat for the loggerhead shrike and indirect impacts are expected to have some adverse impacts on this species.</p>	<p>Mitigation Measures 6.2 and 6.3</p>	<p>Less Than Significant</p>
<p><b>Mammals</b></p> <p>Two special status species of bats may occasionally forage on the site. Suitable habitat for the southern grasshopper mouse and the San Diego black-tailed jackrabbit is present and both species are likely to occur on the site. The American badger, a wide-ranging species, may use the site infrequently. Loss of open space habitat and indirect impacts are expected to have some adverse impacts on these species.</p>	<p>Mitigation Measures 6.2 and 6.3</p>	<p>Less Than Significant</p>
<p><b>Open Space and Habitat</b></p> <p>Although the project site is relatively small and in an area with surrounding development, it does provide suitable habitat for a number of sensitive species as explained above. Loss of open space and coastal sage scrub will reduce the amount of habitat available to these species. Based on these facts and the threshold criteria for significance, impacts to sensitive wildlife species are considered to be significant.</p>	<p>Mitigation Measures 6.2 and 6.3</p>	<p>Less Than Significant</p>
<p><b>Habitat Linkage</b></p> <p>The project site is a natural habitat island that provides one of the two links between open space areas of Bluffs Park and the mountains to the north. Large mammals may use the site to move occasionally between these two areas, as would birds. Small mammals, reptiles and amphibians would be most limited in their ability to use the site. However, total elimination of habitat on the site would eliminate the possibility of migration of these species into the habitat area south of Pacific Coast Highway from northern habitat source areas.</p>	<p>Mitigation Measures 6.2 and 6.3</p>	<p>Less Than Significant</p>

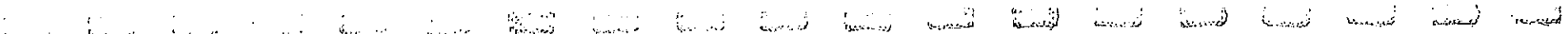
**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Stormwater Runoff</b></p> <p>Since no runoff travels to Malibu Lagoon or the small wetland in the Civic Center area, the proposed hotel will not directly affect these sensitive biological areas. The project is not anticipated to adversely impact intertidal, subtidal or kelp resources offshore of the discharge point because all storm water runoff would be controlled under the conditions of the project Storm Water Pollution Prevention Plan (SWPPP) including flow rates, wastewater disposal, erosion and sediment control and contaminant treatment for dry weather and initial rainfall runoff. Based on the conditions of the SWPPP and the threshold criteria for significance, impacts to marine resources from storm water runoff are considered to be a less than significant impact.</p>	None Required	Less Than Significant
<p><b>Night Lighting</b></p> <p>The proposed hotel would introduce night lighting onto the site and would, in general, reduce the level of concealment and cover available for wildlife. Night lighting would adversely impact the ability of some species to utilize the native landscape area around the developed portions of the site. Although night lighting impacts contribute to cumulative impacts to wildlife species, based on the threshold criteria for significance after mitigation, night lighting is considered to be a less than significant impact.</p>	6.4 To minimize night lighting impacts on the surrounding habitat area, the outdoor lighting system will be low intensity and focused into hotel facilities. It shall be subject to review and approval by the City Building Official prior to issuance of the building permit.	Less Than Significant
<p><b>Visual Effects</b></p> <p><b>Obstruction of Scenic Views or Vistas</b></p> <p>The change in view obstruction is slight, and the view will remain visibly similar to the current situation. No significant impacts on scenic views or vistas would result from the project.</p>	None Required	Less Than Significant
<p><b>Potential for Creation of an Aesthetically Offensive Site Visible to the Public</b></p> <p>Because the site is larger and is more clearly visible from a number of nearby locations than most potential development sites in Malibu, the aesthetic character of the site could be aesthetically offensive if the site were developed in an unusual or highly attention-getting way. The project as proposed has a number of characteristics which avoid such impact. No significant aesthetic impacts will result from the project.</p>	Mitigation Measures 7.1 and 7.2	

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Substantial Modification of Rural or Natural Visual Character of a Visually Prominent Site</b></p> <p>The proposed project will result in substantial modification of the visual character of the site. However, the perimeter vegetation will be cultivated native vegetation. The plant palette will consist primarily of plants which are native to the Santa Monica Mountains. This will help to preserve the character of the site. Although it is not as important visually as the areas across Pacific Coast Highway directly to the south, the site contributes to the limited remaining natural setting around the Civic Center area and in the Pacific Coast Highway Corridor near the Civic Center. Because the areas from which the site is visible still have substantial areas of natural environment within the view, the overall rural setting and character of the view will remain, and the overall effect of the change in the appearance of this site is not considered significant when reviewed within its larger context.</p>	<p>7.2 Scrub Garden Component of Landscape Plan. The landscape plan shall provide an area for native scrub landscaping to preserve the natural visual appearance of the site to the extent feasible within the limitations of site development and onsite disposal of treated effluent. A minimum of one acre of scrub habitat shall be included within the landscape plan. For maximum visual effect, scrub landscaping is encouraged along the margins of the site, along the public pathway along the slope on the north side of the site, and along steep slopes below structures on the north, east and southeast slopes of the site. The landscape maintenance plan shall provide for regular thinning of scrub landscaping to minimize fuel supply and resulting fire danger.</p>	<p>Less Than Significant</p>
<p><b>Grading and Terrain Modification</b></p> <p>The project involves substantial movement of material on the site. A total of approximately 119,000 cubic yards of material will be moved, with 119,000 cubic yards cut from various areas of the site and placed in approximately 119,000 cubic yards of fill in other locations, balancing earth movement on the site so that no net import or export of fill will be required.</p>	<p>None Required</p>	<p>Less Than Significant</p>

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**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPAIRMENTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p><b>Architectural Character</b></p> <p>The architectural style proposed for the project, while still only a general concept, includes tile pitched roofs supported by wood beams, and earth-tone wall surfaces. While this style is consistent with the most common architectural style of homes, public and commercial buildings in the area, it is not normally considered rural. The scale of the buildings is substantially smaller than the largest buildings of the surrounding large developments, including City Hall, Pepperdine University, and Hughes. Structures are smaller but higher than those of the nearby shopping center. With this design, no significant adverse visual impacts related to the character of the architectural design are expected.</p>	<p>7.1 Design Review. The developer shall submit the following for review and approval prior to development. The general conditions to be met and criteria for this review as they relate to visual impact are outlined below. Exceptions to these conditions where necessary to provide for unique and demonstrated excellence and creativity in design may be granted at the discretion of the City.</p> <p>a. <u>Materials and finishes</u> - Materials and finishes used on all exposed surfaces within the project shall be specified in architectural drawings which are provided to the City for review and approval prior to installation. The City's review shall ensure that the following general design standards are met:</p> <p>The project shall have a predominant design theme with a specific limited palette of colors, materials and finishes which are used throughout the project. Such materials and finishes shall have the following general characteristics:</p> <p>Major building surfaces and accents. Major building surfaces shall be light colors and matte finishes which reflect the character of the natural environment in the vicinity of the project. Accent colors used for decorative panels, window and door frames, roof trim, and roof tiles or other roof materials may include darker, more saturated colors as appropriate. The colors of natural sand, sea, sky, earth, leaves and bark found in the natural environment surrounding the site, or unique to natural materials used in construction, shall be used predominately. Garish, bright and unnatural colors or color combinations shall not be used where they would be visible from a distance outside the project site. The intent of this guideline is that the buildings and other constructed features of the project should not draw attention to themselves by contrast in color to the natural landscape.</p> <p>Quality of Construction Materials. Building materials which reflect a character of quality and permanence shall be used.</p>	<p>Less Than Significant</p>

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>Architectural Character, Continued</p>	<p>b. <u>Landscaping</u> - Landscaping shall be used to soften the appearance of buildings. Trees which at maturity are as tall as the roofs of buildings shall be used throughout the periphery of the developed areas of the site to break up the visual appearance of the site and hide structures so that the landscaping within 20 years is designed to conceal a minimum of 50% of each major building surface that would otherwise be visible from off-site locations. Species which minimize fire risk shall be used, as approved by the Fire Department. Shrubbery around the base of structures shall be used to soften the line of the building along the ground. Where basement levels of structures are visible from surrounding areas because of the position of structures on the slope, giving the building an appearance of three-story height, shrubbery shall be used to substantially conceal the lower level.</p> <p>A landscape maintenance plan shall be submitted for approval by the Planning Director and Fire Department. The landscape maintenance plan shall provide for the regular pruning and thinning of vegetation to minimize fuel supply and fire danger.</p> <p>In undeveloped areas of the site, natural, low-scale vegetation shall be preserved and restored to the extent feasible while providing for sufficient on-site disposal of treated effluent. (Biological limitations on landscaping are discussed in Section 2.6.)</p> <p>c. <u>Lighting</u>. Lighting shall be used as necessary for internal circulation and circulation to and from the site as necessary only, and not to draw attention to the site or its features. Limited low-level decorative lighting of internal landscaped areas shall be permitted within this limitation. All exterior lighting shall be directed downward and inward to the site, and shielded to prevent visibility of the sources of light from a distance or pollution of the night sky by unnecessary upward-directed illumination. All exterior lighting fixtures of greater than 150 watts shall use low-pressure sodium lighting to conserve energy and limit pollution of the night sky.</p>	

**TABLE ES-1  
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

IMPACTS	MITIGATION MEASURE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
<p>Architectural Characer, Continued.</p>	<p>d. <u>Signs</u>. Signs shall be limited to those necessary to identify the site and its location, and to provide for safe circulation by people and vehicles. Internally illuminated signs shall be limited to signs necessary to point out emergency routes. Signs shall be compatible with the restrictions on materials and finishes outlined above.</p> <p>e. <u>Building Facades</u>. Large blank areas of building facades visible to the public shall not permitted. Such facades shall be broken by architectural features such as decorative sculptural panels, setbacks, windows, columns, textured surfaces or other architectural details as appropriate.</p> <p>Building facades should reflect a common theme throughout the project, and should show common patterns and rhythms of fenestration, structural details, etc.</p>	<p>Less Than Significant</p>
<p><u>Cultural Resources</u></p> <p>There are two cultural resource areas within the boundaries of the project site: CA-LAN-266 site, including the CA-LAN-1715 area. The proposed Rancho Malibu Hotel development plan includes in-situ preservation of prehistoric cultural resources by capping or covering the deepest and most sensitive portion of the CA-LAN-266 site, including the CA-LAN-1715 area. About 90 percent of this site will be capped. In addition, the City will require the developer to implement a cultural resource management plan (CRMP) covering 100 percent of the site. The CRMP's conditions will be incorporated into deed restrictions for the property to ensure the protection of this archaeological site in perpetuity for future generations. The implementation of the CRMP will preserve 90 percent of the CA-LAN-266 site, including the CA-LAN-1715 area, and protect the remaining ten percent of the undisturbed site area.</p>	<p>8.1 The applicant shall implement a Cultural Resource Management Plan (CRMP) as approved by the City's archaeologist. The CRMP shall include detailed instructions for removal of vegetation, capping, and surface collection/mapping of each specific sub-area of the site, monitoring, curation of any recovered archaeological materials, documentation, and utilization of these materials for displays and interpretive programs about prehistoric Native Americans who lived in this area. The CRMP shall be implemented under the City's supervision. No construction activity in any affected area shall be permitted until the City determines that the CRMP for that area is fully completed. A representative of the area's Native American peoples shall be consulted, present, and/or otherwise appropriately involved in the implementation of the CRMP.</p> <p>8.2 In the event that a major new archaeological discovery is made, construction activity in that area shall be terminated and the City shall be notified of such findings. The Planning Director, in consultation with the City Archaeologist, shall determine CRMP procedures to be implemented at the affected location, including any modifications to the CRMP as appropriate.</p> <p>8.3 The project shall include Chumash cultural motifs in lobby art and other interior decoration as appropriate to provide a means to recognize the cultural origins of the project site.</p>	<p>Less Than Significant</p>

## **UNAVOIDABLE ADVERSE SIGNIFICANT**

CEQA defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the project. Approval of a project with unavoidable significant impacts requires adoption of a Statement of Overriding Considerations by the lead agency. Such a statement finds that the lead agency has reviewed the EIR, has balanced the benefits of the project against its unavoidable significant effects, and considered the significant effects to be acceptable.

**The proposed project would not result in any significant unavoidable adverse impacts after mitigation.**

## **POTENTIALLY SIGNIFICANT ADVERSE IMPACTS THAT CAN BE MITIGATED AND IMPACTS CONSIDERED BUT FOUND NOT TO BE SIGNIFICANT**

Table ES-1 summarizes the significant adverse impacts that can be mitigated and the impacts which were found not to be significant.

## **BENEFICIAL IMPACTS**

The proposed project would have the following beneficial local and regional effects:

- Provision of additional visitor-serving overnight accommodations as required by the California Coastal Act.
- Improvement of the jobs/housing balance by providing jobs in a housing-rich and jobs-poor area, consistent with the Regional Growth Management Plan.
- Preservation of the biological resource rich, 30-acre Francisco Property.

## **ALTERNATIVES TO THE PROJECT**

The following seven alternatives to the project are evaluated in Chapter 3:

- Alternative A: No Project (Visitor Serving Commercial use) / 0.15 FAR
- Alternative B: Luxury Hotel and Theme Restaurant / 0.20 FAR
- Alternative C: Condominium Complex / 0.15 FAR
- Alternative D: 250 Room Business Suites Hotel / 0.15 FAR
- Alternative E: Luxury Hotel and Cultural Center with Restricted Spa Use / 0.20 FAR

- Alternative F:       Luxury Hotel and Cultural Center / 0.15 FAR
- Alternative G:       Largest hotel with on-site wastewater balance and on-site preservation of coastal sage scrub
- Alternative H:       No Development

In addition, two alternatives were considered but were found to be infeasible: development of the project at an alternative location and developing the site with a public or quasi-public use.

Alternatives were selected with the objective of reducing significant effects of the proposed project. Several alternatives involving a smaller hotel were included since many impacts, including traffic, biological resources, and wastewater related impacts are to some extent a function of the amount of development on the site. Reducing the intensity of development reduces these local impacts of the proposed project.

The rationale for the selection of alternatives was as follows:

1. Since the project exceeds the standard for intensity of development under the Interim Zoning Ordinance (IZO), alternatives have been included which consider development up to the permitted Floor Area Ratio (FAR) of 0.15 allowed under the IZO.
2. Since the site includes existing coastal sage scrub habitat, alternatives were considered which increase the potential to preserve this habitat on site. The amount of habitat that can be preserved is a complex function of where buildings are located in relation to the coastal sage scrub habitat area (which determines fuel clearance and fuel modification zones which, in turn, affect the quality of the preserved scrub habitat), the building footprint and parking required to support the specific development (which determines the amount of the site that can be used for irrigation for wastewater disposal) and the type and intensity of use of the site (which determines the amount of wastewater generated).
3. An alternative to reduce traffic impacts by restricting spa use to hotel guests only.

## **COMPARISON OF THE ALTERNATIVES**

The following alternatives would be environmentally inferior to the proposed project and would result in additional significant impacts:

- Alternative A - No Project (Visitor Serving Commercial Use / 0.15 FAR): This alternative would result in significant land use, geotechnical, air quality, traffic, biological resource, and archeological impacts. Wastewater impacts would be less than significant. Biological resource impacts would be less than the project. As with the proposed project, geotechnical, biological resource and archeological impacts could be mitigated to a level which is less than significant. This alternative would result in less wastewater-related impacts than the proposed project. It would have substantially greater traffic and air quality and land use impacts than the proposed project. Air quality and land use impacts would be significant and unmitigated impacts. Without preparation of a detailed traffic study, it is not known whether the traffic impacts of this alternative could be mitigated to less than significant. This alternative would therefore result in greater impacts than the proposed project. For these reasons, this alternative is considered to be slightly environmentally inferior to the proposed project.
- Alternative B - Luxury Hotel and Theme Restaurant / 0.20 FAR: As this alternative would have somewhat more impact than the proposed project in the areas of air quality, traffic and circulation, and water quality/wastewater treatment, and similar impacts in the areas of land use, geotechnical hazards, biological resources, visual and aesthetic effects and archaeological resources. This alternative is considered to be environmentally inferior to the proposed project.
- Alternative C - Condominium Complex / 0.15 FAR: This alternative could achieve on-site wastewater balance. Preservation of the coastal sage would be possible under this alternative. However, this alternative is considered environmentally inferior to the proposed project, even though it could reduce some of the project impacts - particularly impacts on coastal sage scrub and wastewater disposal, because it would result in additional adverse impacts - including significant adverse impacts on public facilities and services, and an adverse land use impact by conflicting with local and regional land use plans which may not be mitigatable.

The following alternatives would be environmentally superior to the project and to Alternatives A, B and C:

- Alternative D - 250 Room Business Suites Hotel / 0.15 FAR: This alternative would be able to balance wastewater on-site, but would have greater visual and impacts. This alternative would have less impact than the project in the impact areas of air quality, traffic and circulation, biological resources and water quality/wastewater treatment. This alternative would be capable of achieving on-site wastewater balance, with off-site mitigation of coastal sage habitat. Up to 20% of the coastal sage could be preserved

on-site. It would have similar impacts in the areas of land use and archaeological resources and slightly greater visual and aesthetic effects. For these reasons, this alternative is considered to be slightly superior environmentally to the proposed project.

- Alternative E - Luxury Hotel and a Cultural Center with Restricted Spa Use/ 0.20 FAR: This alternative would have similar impacts to the project in the areas of land use, geotechnical hazards, water quality/wastewater treatment, air quality, biological resources, visual and aesthetic effects and archaeological resources and fewer impacts in the area of traffic and circulation. For these reasons, this alternative is considered to be environmentally superior to the proposed project.
- Alternative F - Luxury Hotel and a Cultural Center / 0.15 FAR: As this alternative would have less impact than the project in the impact areas of air quality, traffic and circulation, and wastewater, and somewhat less impact in the areas of land use and visual and aesthetic effects. With preservation of the some of the coastal sage habitat, biological resources impacts could also potentially be less. This alternative is therefore considered to be environmentally superior to the proposed project.
- Alternative G - Largest Luxury Hotel With On-Site Water Balance and On-Site Habitat Preservation: This alternative would have substantially less impact than the project in the impact areas of air quality, traffic and circulation, biological resources and water quality/wastewater treatment, and somewhat less impacts in the areas of land use and visual and aesthetic effects. For these reasons this alternative is considered to be environmentally superior to the proposed project.
- Alternative H - No Development: This alternative would have the least impact of all the alternatives in the impact areas of geotechnical hazards, water quality/wastewater treatment, air quality, traffic and circulation, biological resources, visual and aesthetic effects and archaeological. However, the project site is a private property that can be developed in accordance with the City of Malibu Land Use Plans. The City General Plan designates the project site for commercial visitor-serving uses such as hotels, developed at a maximum of up to 0.25 FAR. The Interim Zoning Ordinance (IZO) allows development up to a 0.15 FAR. To preclude any development from occurring on the site in the future, either the City, or other public or private party would need to purchase the site and to deed the site in perpetuity as an open space land preserve. At the present time, there is no indication that any public or private entity would be interested in purchasing the property for this purpose now or at any time in the future. Therefore, this development alternative is neither realistic nor feasible. In addition, this scenario is not a

reasonable alternative to the proposed project as defined by CEQA. CEQA requires alternatives that "... could feasibly attain most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects [of the project].." This alternative would prevent the project from being developed in any form, and therefore would preclude the achievement of the basic objectives of the project, which are to provide luxury hotel accommodations at a coastal location serving the region and national and international visitors to the California coast. The Malibu/Santa Monica Mountains Land Use Plan calls for the provision of visitor access to the coast through the provision of hotels and other visitor serving uses. This alternative would be contrary to this objective.

## **THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

Alternative H, the No Development Alternative would be the environmentally superior alternative, although it would result in an additional land use impact. However, the No Development (or No Project) alternative does not fulfill the project objectives and it is likely to be infeasible since it would require either the City, or other public or private party to purchase the site and to deed the site in perpetuity as an open space land preserve. At the present time, there is no indication that any public or private entity would be interested in purchasing the property for this purpose now or at any time in the future.

The CEQA Guidelines require, that when the environmentally superior alternative is the "no project" alternative, that the EIR identify an environmentally superior alternative amount the other alternatives.<sup>3</sup> In this case Alternative G would be the environmentally superior alternative.

Alternative G - Largest Hotel With On-Site Water Balance and On-Site Habitat Preservation: This alternative would have less impact than the proposed project in all but one of the issue area. Land use, traffic, air quality, wastewater, biological resources, and visual impacts would be less. It would have a comparable archaeological resources impact. For these reasons, this alternative is considered the "Environmentally Superior Alternative."

## **AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED**

To date, major areas of controversy raised by the public or public agencies regarding environmental impacts associated with the proposed Rancho Malibu Hotel have included the compatibility of the project scale and character with the community character, on-site wastewater disposal system and wastewater disposal

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<sup>3</sup>See CEQA Guidelines Section 15126(d)(4).



from cumulative development in the Civic Center area, and the potential for affecting habitat linkage between Santa Monica Mountains and the coast. These issues are analyzed in the EIR.

### **MITIGATION MONITORING PROGRAM**

In accordance with Section 21081.6 of CEQA, a mitigation monitoring program will be adopted by the City of Malibu if the project is approved. The monitoring program is designed to ensure compliance with adopted mitigation measures in this EIR. A mitigation monitoring program for the proposed Rancho Malibu Hotel project has been developed separately from the EIR document, and is available for review at the City of Malibu Planning Department, 23555 Civic Center Way, Malibu, CA 90265-4804.

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# 1. PROJECT DESCRIPTION

## PROJECT BACKGROUND

In 1984, a large hotel complex was proposed for the two parcels which make up a triangular shaped site located between Civic Center Way, Malibu Canyon Road and Pacific Coast Highway. The County of Los Angeles prepared an EIR for that proposal - the Rancho Malibu Mesa Development - in 1984, evaluating seismic, soils, water, visual, and traffic impacts.<sup>1</sup> The County approved a conditional use permit (CUP) for that proposal in 1985, and in 1986 the Coastal Commission issued a coastal development permit. Subsequently, the project was redesigned to comply with the County's certified Malibu/Santa Monica Mountains Land Use Plan and to respond to landscaping, grading, and visual concerns. The redesigned proposal, which was approved by the County, included a 300-room hotel in separate hillside villa buildings, a separate restaurant, and a separate community use facility.

The CUP and coastal development permit imposed a total of forty-seven conditions on the previous project. Prior to incorporation of the City of Malibu, all but one of these conditions were complied with. The remaining condition related to wastewater disposal. In 1991, the City of Malibu placed a moratorium on all new development and the project was precluded from moving forward.

## PROJECT SUMMARY

The current proposal is a 250-room hotel development. This proposed project has 50 less rooms than the 300-room hotel project previously approved for the site.<sup>2</sup> The proposed project incorporates public access, an on-site wastewater treatment and reclamation facility, and other features in compliance with the coastal development permit conditions and the previous County conditions.

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<sup>1</sup>The EIR for the Rancho Malibu Mesa Development, State Clearinghouse Number 84022910 is incorporated herein by reference. The document is available for review in the Planning Department of the City of Malibu located at 23555 Civic Center Way, Malibu, CA 90265-4804.

<sup>2</sup>For a full comparison of the project previously approved by the County and Coastal Commission and the currently proposed project, please see the response to comment 20-2 in Chapter 7 of this EIR.

## **PROJECT LOCATION AND BOUNDARIES**

The project's 28-acre site occupies the northeast corner of Pacific Coast Highway and Malibu Canyon Road. Figure 1 shows the site's location and boundaries.

## **PROJECT OBJECTIVES**

### **Objectives of the Developer/Sponsor**

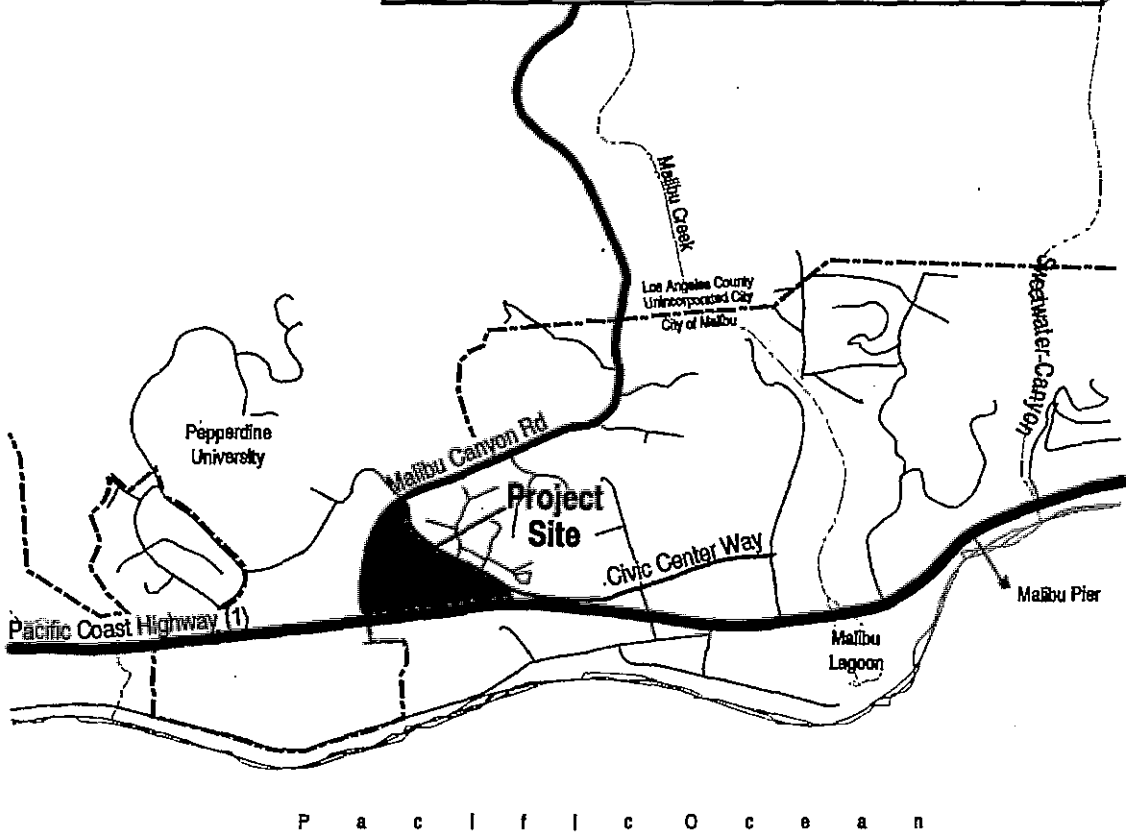
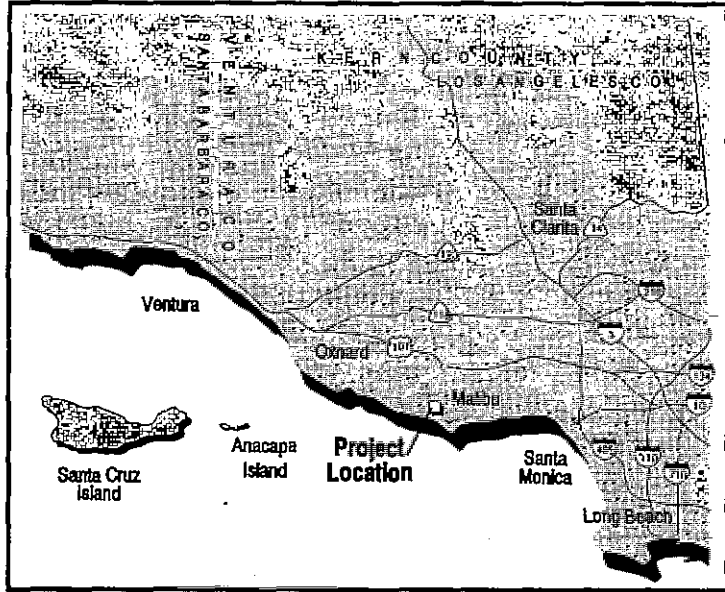
The project developer, The Malibu Land Company, a division of The Adamson Companies, seeks to develop the site in a manner: consistent with the land use designation for the site contained in the City's General Plan; compatible with surrounding uses; and, that will provide an economic return through room and service charges. To realize these objectives, the developer has proposed a luxury hotel facility that also includes a cultural center public footpath through the site, and dedicated open space on the site's landscaped slopes.

### **Objectives of the City**

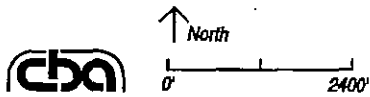
The City's objectives for the site are expressed in the Malibu General Plan adopted in November 1995. The Plan designates the site for Commercial Visitor Serving-2 uses (CV-2), such as hotels and restaurants which respect rural character and natural environmental setting. The adopted Interim Zoning Ordinance permits development with Commercial Visitor Serving (CV-2) uses on the site. Other City objectives for development of the project site include ensuring that the site's development does not harm the natural resources and aesthetic values of the area, and preserving the rural residential character of Malibu.

## **EXISTING CONDITIONS**

Most of the 28-acre project site is a gently sloping bluff, but the southern edge of the site is a steep south-facing slope above Pacific Coast Highway, and part of the eastern edge is a steep northeast-facing slope above Winter Canyon. Currently, the site is mostly undeveloped and covered with native vegetation and ornamental plants from a previous nursery operation. Portions of the site have been graded in the past, and a dirt service road remains on the site.



SOURCE: Cotton/Beland/Associates, Inc.



**Figure 1**  
**Project Regional and Street Location**

## **Project Characteristics**

### **Design Concept**

The Rancho Malibu Hotel is being proposed as a luxury hotel designed in the "California Rancho" garden and courtyard tradition, as exemplified by the Bel-Air Hotel and the Malibu Lagoon Museum. Rancho Malibu Hotel would be made up of separate guest villas; support facilities; a cultural heritage center, housing cultural and educational displays, an art gallery and artifact curation; a fitness/health spa for use by hotel guests and local residents; and tennis courts, lawn bowling, and other amenities. The hotel villas would be placed on three descending levels sloping south and east. The hotel's entrance court, lobby, bar/cafe, and spa building would stand at the center of the highest level. Most of the villas, the meeting rooms, ballroom, administration, court yards, pool, and lower bar would surround this central court at a lower level. The remaining villas would be located on the third level, which is the lowest. All levels would be linked by meandering pathways, courtyards, and gardens.

Buildings would be 28 feet above grade and would incorporate earth-tone colors. Figure 2 shows the proposed site plan.

The buildings would be surrounded by gardens, secluded walkways, and open spaces grown with native vegetation, cultivated native vegetation, ornamental vegetation, and turf grass. The total landscaped area would comprise 17.145 acres, or 61.6 percent of the site.

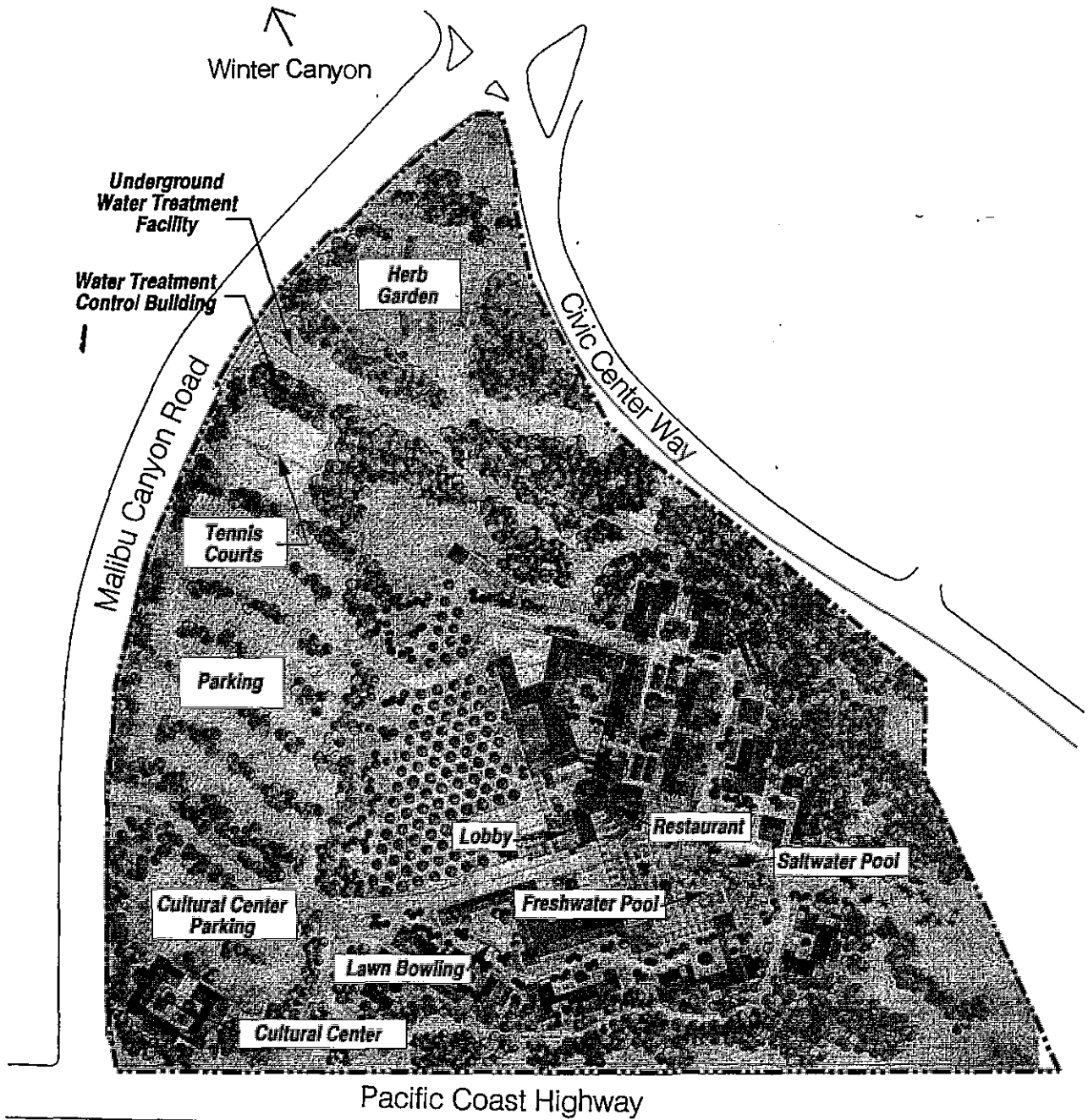
### **Design and Building Characteristics**

Design and building area characteristics are summarized below:

Site size:	27.8 acres
Number of Rooms:	250
Square Footage:	242,391
Floor Area Ratio (FAR):	0.20
Building Height:	28 feet above grade, except for a rotunda which would peak at 35 feet above grade

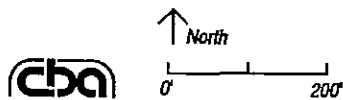
#### **Facilities:**

Villa #1	19,085 square feet
Villa #2	11,555 square feet
Villa #3	13,059 square feet
Villa #4	19,619 square feet



Source: Moore Ruble Yudell, Architects & Planners, September 1996

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**Figure 2**  
**Illustrative Site Plan**

Villa #5	11,544 square feet
Villa #6	7,847 square feet
Villa #7	19,712 square feet
Villa #8	9,165 square feet
Villa #9	9,165 square feet
Villa #10	6,429 square feet
Villa #11	19,113 square feet

Administration	8,699 square feet
Lobby	5,800 square feet
Lobby Bar	3,000 square feet
Cafe	4,200 square feet
Support Facilities (Kitchen, guest services, maintenance)	10,972 square feet
Housekeeping	1,955 square feet
Mechanical/Storage	11,350 square feet
Receiving	4,566 square feet
Ballroom	5,000 square feet
Meeting Rooms	9,616 square feet
Garden Units	2,461 square feet
Retail & Garden Units	5,449 square feet
Fitness Center & Spa	10,000 square feet
Specialty Restaurant	4,060 square feet
Cultural Heritage Center (Swimming pools, tennis courts, lawn bowling)	9,000 square feet

Parking: 492 spaces (397 spaces for hotel and 95 spaces for the Cultural Heritage Center.)

Wastewater Treatment: On-site full reclamation facility, including groundwater monitoring wells and moisture sensors for drip and spray irrigation with reclaimed water.

Landscaping: Total 17.145 acres, or 61.67 percent of the 27.8-acre site, will be irrigated, landscape. Cultivated native vegetation will be used along the perimeter of the site. Turf grass will be used for open spaces in the center of the site.



Grading:	Approximately 119,000 cubic yards balanced on site.
Traffic Circulation:	Ingress/egress via Malibu Canyon Road. Will include infrastructure improvements at intersections and travel lanes off-site.
Signage:	Low scale, with no internal electric or neon lighting.
Lighting:	Low-intensity, directed inward on site.
Mechanical Equipment:	All screened and sheltered.
Electrical:	All underground.
Public Trails:	Dedicated public nature pathway traverses the site, parallel to Civic Center Way.
Open Space:	Dedicated open space on sloped landscaped areas.

**Operational Characteristics**

Cultural Heritage Center	8 a.m - 6 p.m.
Specialty (Hotel) Restaurant:	11 a.m. - 10 p.m.
Cafe:	7 a.m. - 10 p.m.
Lobby Bar:	11 a.m. - 1 a.m.
Ballroom:	No Specific Hours - mostly evening use for weddings, bar mitzvahs, charity functions, hotel guest events, community functions, etc. The ballroom is often used at night by the same hotel guests who are using the meeting rooms during the day.
Meeting Rooms:	9 a.m. - 6 p.m. - Use by community groups (i.e. local groups and service organizations) and hotel guests (i.e. business and other small group meetings)
Fitness Center & Spa:	5 a.m. - 10 p.m. - Use by hotel guests and local residents.

Guest Transportation:

Shuttle vans for use off-site within and outside of the community. Electric jitneys for on-site transportation.

### **Construction**

Construction of the proposed hotel facilities is estimated to last approximately 12 months.

### **Relationship to Local Plans**

In November, 1995 the City adopted its first General Plan for Malibu. The proposed hotel use is consistent with the General Plan's Commercial Visitor Serving - 2 (CV-2) designation for the site. As currently proposed, the project will require a conditional use permit for the hotel use, site plan review for building height, and variances from a number of specific requirements of the Interim Zoning Ordinance.

### **Surrounding Land Uses**

The project site is separated from surrounding uses by major roadways. The only property adjoining the project site is the Malibu Bay Company's property, used as leach fields for treatment of sewage from the Malibu Colony Plaza located on the ocean side of Pacific Coast Highway. To the northwest of the site on the hills above Malibu Canyon Road, is the Pepperdine University campus. To the east, across Civic Center Way, are three condominium complexes, a church, school, and the Civic Center. To the west, across Malibu Canyon Road and at some distance from the site is a large single family development, the Malibu Country Estates. To the south, the site adjoins the Pacific Coast Highway. Across Pacific Coast Highway are Malibu Bluff Park, a community center, Malibu Lagoon, beaches, and the Malibu Colony Plaza shopping center.

### **Uses of the EIR**

#### **City of Malibu**

This EIR will be used by the City of Malibu in the following actions on the project:

##### Planning Commission

- Approval of a Conditional Use Permit No. 96-005 for hotel use and Variance request No. 96-010 for reduced parking, increased setbacks, Floor Area Ratio (FAR), volume of grading, and height of rotunda tower (height above 28 feet).

- Site Plan Review No. 96-015 for height up to 28 feet and construction on slopes between 2.5:1 and 3:1.

#### Various City Departments

- Approvals of lot tie covenant, grading, building, design, landscape, Stormwater Management Plan (SWMP), reclamation facility, and other public works permits, including roadway improvements.

#### Other Agencies

In addition to the City, other public agencies will be involved in granting permits for specific facilities which come under their jurisdiction. The following agencies may use this EIR in their decision making:

##### California Water Quality Control Board, Los Angeles Region

- Approval of all necessary permits for the use of reclaimed water for irrigation from the on-site reclamation facility.
- Approval of Stormwater Pollution Prevention Plan (SWPPP).

##### South Coast Air Quality Management District

- Approval of all necessary permits for the on-site reclamation facility.

##### California Coastal Commission

- Approval to either amend the existing Coastal Development Permit (CDP) granted in 1986 or issue a new CDP.

##### County of Los Angeles Health Department

- Approval of all necessary permits for the use of reclaimed water.

##### Los Angeles County Fire Department

- Approval of a Fuel Modification Plan.

##### Caltrans

- Approval of all necessary permits for modifications in the Pacific Coast Highway right-of-way and curb cuts, and utility construction along Malibu Canyon Road.

- Provision of a Caltrans encroachment permit, in all instances where work on the project falls within or affects the State right-of-way, such as construction, signalization, grading, changes to hydraulic run-off, etc.

## 2. ENVIRONMENTAL IMPACT ANALYSIS

As required by CEQA, this section describes the environmental setting, identifies potential environmental impacts, and develops mitigation measures to avoid or substantially lessen any significant effects of the project.

The EIR analyzes the environmental issue areas identified for further analysis in the Initial Study (Appendix A). Analysis of each impact issue area includes the following components:

- **Environmental Setting:** A discussion of the existing conditions, services, and physical environment of the site.
- **Thresholds Used to Determine Significance of Impacts:** The amount or type of impact which constitutes a substantial or potentially substantial adverse change in the environment. Some thresholds are quantitative (e.g., air quality, transportation/circulation), while others are qualitative (e.g. visual effects). The thresholds are intended to help the reader understand why the EIR has concluded that a particular impact is considered significant or not significant.

Thresholds include: those stipulated by CEQA and CEQA Guidelines; those established by City of Malibu, county, state and federal agencies; and those developed specifically for the project to address unique concerns, such as wastewater treatment.

- **Project Impacts:** An evaluation of the proposed project's impacts in quantitative and qualitative terms. Based on the "Thresholds Used to Determine Significance," project impacts are determined to be "significant" or "less than significant."
- **Mitigation Measures:** A discussion of the measures required by the City to minimize potential significant adverse impacts.
- **Level of Significance After Mitigation:** A determination of the project's remaining level of impact after all required and recommended mitigation measures are implemented.

The environmental issues discussed in this EIR include:

- 2.1 Land Use and Planning
- 2.2 Geotechnical Hazards

- 2.3 Water Quality/Wastewater Treatment
- 2.4 Air Quality
- 2.5 Transportation/Circulation
- 2.6 Biological Resources
- 2.7 Visual Effects
- 2.8 Cultural Resources

In addition, long term cumulative and growth-inducing impacts of the proposed hotel development are discussed in Section 4 of this EIR.

## **2.1 LAND USE AND PLANNING**

This section discusses primary land use impacts of the proposed project, that is, the project's consistency with applicable land use plans and policies. Secondary land use impacts, such as traffic, air quality, visual effects, and others, are discussed in the EIR sections immediately following.

### **ENVIRONMENTAL SETTING**

The project site consists of a gentle hill rising above the Pacific Coast Highway, between Malibu Canyon Road and Civic Center Way. It is open land grown with trees, shrubs, grasses, and other vegetation. About a third of the 28-acre site is covered with relatively undisturbed native coastal vegetation. Much of the flatter, top portion of the site was used in the past for a nursery.

To the northwest, across Malibu Canyon Road, are Pepperdine University and the Malibu Country Estates single family residences. To the south, across Pacific Coast Highway are the Malibu Bluffs Park and Community Center, the Malibu Road and Malibu Colony single family residences, an automobile tow yard, an animal care facility, the Malibu Colony Plaza Shopping Center, two gas stations, a post office building, a private golf course, and the Malibu Lagoon. To the northeast, across Civic Center Way, are three condominium complexes, two churches, two schools, the Hughes Research Laboratories, and the Malibu Knolls single family residences. To the east are a tennis club, two nurseries, professional office buildings, a civic center complex, a public utility building, a lumber yard, a storage yard, the Cross Creek Center and Malibu Country Mart shopping centers.

### **THRESHOLDS FOR DETERMINING SIGNIFICANCE OF IMPACT**

Based on CEQA Guidelines, land use impacts are considered significant if the proposed project will conflict with the City General Plan designation or conflict with applicable environmental plans or policies adopted by other agencies. Impacts are also considered significant if the proposed project will be incompatible with existing land uses in the vicinity.

A substantial change in the use of the site (such as from a vacant site to a developed site), if consistent with local policy, is not considered a significant land use impact. Nonetheless, land use impacts which are not significant may result in secondary effects, such as traffic and utility effects, which may be significant.

## PROJECT IMPACT

### Consistency with Land Use Plans

#### California Coastal Commission

The project site is located within the coastal zone, and any development on the site requires an approval by the Coastal Commission to ensure consistency with coastal plans and policies. The proposed project is a reduced room version of the Rancho Malibu Mesa Hotel complex previously proposed for the site.<sup>1</sup> The County approved a conditional use permit (CUP) for that proposal in 1985, and in 1986, the Coastal Commission issued a coastal development permit approval. Subsequently, the project was redesigned to comply with the County's certified Malibu/Santa Monica Mountains Land Use Plan and to respond to landscaping, grading, and visual concerns. The redesigned proposal, which was approved by the County, included a 300-room hotel in separate hillside villa buildings, a separate restaurant, and a separate community use facility.

The currently proposed project reduces the size of the hotel to 250 rooms, replaces the separate restaurant with a cultural heritage center, and includes an on-site water reclamation facility to comply with the coastal development permit conditions. This modified proposal is consistent with previous approvals and, thus, is consistent with land use plans for coastal development which call for the provision of overnight visitor accommodations within the coastal zone. **The proposed project land use would not result in any significant impacts associated with Coastal Act consistency.**

However, as detailed in Section 2.5, Traffic and Circulation, the proposed parking for the project is less than that typically required by the Coastal Commission based upon past Commission actions. This and all other design elements of the project will be reviewed by the Coastal Commission prior to either approval to amend the existing Coastal Development Permit or issuance of a new Coastal Development Permit. **Since development cannot occur without Coastal Commission approval, no significant unmitigated Coastal Act consistency impacts are anticipated.**

#### City of Malibu

The proposed hotel development use is consistent with both the City General Plan's land use designation for the site and the City Interim Zoning Ordinance designation. Both the General Plan and the Interim Zoning Ordinance designate the project site for Commercial Visitor Serving Uses-2 (CV-2). The CV-2 designation provides for

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<sup>1</sup> See: *EIR for the Rancho Malibu Mesa Development*, SCH # 84022910.



uses such as hotels and restaurants which respect rural character and natural environmental setting.

Under the General Plan designation, CV-2 uses can be developed at a maximum floor area ratio (FAR) of from 0.15 to 0.25.<sup>2</sup> The project is proposed to be developed at 0.20 FAR. **The proposed project would not result in any significant impacts associated with General Plan consistency.**

The City is currently in the process of preparing a Specific Plan for the Civic Center Area. A draft version of the Civic Center Specific Plan has been completed, but has not yet been approved or received environmental review. It is anticipated that the Draft Plan will be modified by the City Planning Commission and City Council during the summer and fall of 1997, and then be subject to an EIR.<sup>3</sup> The proposed project is within the Civic Center Specific Plan area and is consistent with uses anticipated for the parcel under the Plan. **No Specific Plan land use compatibility impacts** are anticipated to result from the proposed project. The Plan, as currently proposed, would include some modification to roadway network in the Specific Plan area and construction of a wastewater treatment plant that can accept effluent from both new and existing development in the Plan area.<sup>4</sup>

#### **Hotel Land Use Compatibility**

The project site is separated from surrounding land uses by Malibu Canyon Road, Civic Center Way, and Pacific Coast Highway, and no developed parcels directly abut the site. These roadways provide a buffer between the proposed hotel and land uses in the site's vicinity. In addition, the project will include landscaping along the site's boundary, providing additional buffering. The proposed hotel will not adjoin any residential uses.

The surrounding uses include three large condominium complexes, Pepperdine University campus, Civic Center public and professional offices, two schools, two churches, shopping plazas, motels, a hotel and other commercial recreation uses along the Pacific Coast Highway's stretch west of Carbon Canyon Road and through the Civic Center. The proposed hotel use is compatible with this existing mix of land uses in the site's vicinity. **The proposed project would not result in any significant land use compatibility impacts.**

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<sup>2</sup> *City of Malibu General Plan*, November, 1995.

<sup>3</sup> Page I-1, *Draft City of Malibu Civic Center Specific Plan*, July 1997.

<sup>4</sup> Since the Civic Center Specific Plan has not yet been adopted and it is anticipated that the Draft Plan will be modified, the analysis in the EIR is based on existing roadway and wastewater disposal conditions.

## Size and Scale Compatibility

The area residents have expressed concerns about the scale and character of the proposed hotel. Major concerns include the size of the proposed hotel (250 rooms) - considered by some to be too large for this location, and the provision of conference, ballroom, banquet facilities, and other amenities - considered to indicate a convention-type hotel, incompatible with Malibu's character as a rural residential community situated in a unique and fragile natural environment. These issues are discussed below.

The project site is adjacent to the Civic Center area, which is one of the more intensively developed commercial and office areas of Malibu, however, there are several larger undeveloped parcels in the vicinity as well. The Malibu Country Estates single family homes and other low-density residential developments are located to the northwest of the site, at quite a distance. A small number of single-family homes are located along the hills below Malibu Canyon Road above the Civic Center, but are buffered from the site by distance and by more intense school and multi-family residential uses. This location of the project site places it on the perimeter of the Civic Center area, rather than in the nearby residential areas of the City. The project proposes a 250-room hotel developed at 0.20 FAR which is of comparable scale and size to the existing development in the Civic Center area which includes: several governmental and public offices; shopping plazas east of the Civic Center serving residents and tourists; Maison de Ville, Malibu Canyon Village, and Malibu Pacifica condominium complexes housing more than 400 residents; Pepperdine University campus serving several thousand students; and Hughes Research Lab with about two-hundred employees. The proposed 250 hotel rooms on a 28-acre site will result in a lower intensity development than many of the existing uses discussed above, including the three condominium complexes totaling 169 units on about 10 acres of land.

In the future, under the Civic Center Specific Plan, vacant land between the site and Malibu Lagoon is expected to be developed with a mix of uses, further defining the area as a civic and commercial core. These uses will most probably be developed at within a range of 0.15 to 0.20 FAR specified in the Draft Specific Plan, although Draft Plan provides for density bonuses.<sup>5</sup> The proposed hotel, at 0.20 FAR, will be compatible in scale to future development. The proposed FAR is consistent with the FAR specified in the Draft Specific Plan for the parcel on which the proposed project would be located. **Therefore, no significant impacts related to the intensity of development would result from the proposed project.**

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<sup>5</sup>For more detail please see Chapter IV of the Draft Civic Center Specific Plan.

Section 4, Alternatives to the Project, discusses several of alternative smaller sized hotels. Secondary land use impacts related to the size of the hotel, such as traffic, wastewater treatment, geology, and biology are discussed in the EIR sections immediately following. Visual impacts of the hotel are discussed in Section 2.7 of this EIR.

### **Character Compatibility**

The project is a luxury hotel and, as such, is expected to incorporate quality design, architectural treatment, building materials, and landscaping. The proposed design indicates the use of separate villas, meandering pathways, patios and plazas, numerous gardens, and extensive landscaping. The physical design of the site is intended to create an intimate character by placing structures on three descending levels, sloping to the east and south. The lobby building and motor court would be located at the center of the highest level, while villas, tennis courts and other amenities would be placed in semi-circles on the two lower levels. All levels would be linked by meandering pathways with plazas and gardens. Except for the rotunda, which would peak at 35 feet above grade, the hotel villas and other buildings would be two-story structures, no taller than 28 feet above grade, comparable in height to the surrounding development. As illustrated in Section 2.7, Visual Effects, the hotel would not obstruct views from residences or other uses in the vicinity, nor would it create a massive urban node on the site. However, any development on the project site would change the site's undeveloped visual character (see Section 2.7, Visual Effects, of this EIR).

The hotel design includes a ballroom and meeting rooms, which comprise about 14,600 square feet of floor area. This size does not allow for holding large conventions, banquets, or events, since the meeting rooms could comfortably accommodate no more than about 320 persons, and the ballroom, no more than 133 persons.<sup>6</sup> Most events in the ballroom are expected to be held in the evenings or on weekends, while conferences and meeting would be held during the day. However, both facilities could be combined if needed to accommodate events with about 400 people. These facilities account for less than six percent of the hotel's total floor area, which indicates that it will primarily function as a luxury hotel, rather than a convention-type hotel and banquet facility. **As such, the project's character appears to be compatible with the community's general character, and the Civic Center area's specific character, so the character compatibility impact is considered less than significant.** It is possible that the time of events could be scheduled such as to be inconsistent with the rural character of the Malibu

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<sup>6</sup>Calculated on the basis of 1 person per 30 square feet of usable space. (Usable space is a net space for tables, displays, refreshment serving, etc., left after mechanical devices and other structural features are accounted for).

community; **this would be a significant impact of the project.** However, as part of the Conditional Use Permit for the project the City can limit the number and times of these events to ensure that the hotel functions are consistent with the City's goal of protecting the rural character of Malibu community.

### **Development Standards of the Interim Zoning Ordinance<sup>7</sup>**

The City of Malibu has reviewed the proposed project's consistency with the development standards contained in the Interim Zoning Ordinance. Minor inconsistencies with development standards, in and of themselves, are not considered a significant project impacts, since as detailed below, the City's Site Plan Review and Variance procedures are designed to ensure that design approval will not be granted unless the effect of the inconsistencies are minor.

### **Site Plan Review**

The proposed project includes construction on slopes with grades between 2.5:1 and 3:1 and building heights above 18 feet, up to 28 feet.<sup>8</sup> These are two of the conditions which require approval of a Site Plan Review application, under the Interim Zoning Ordinance.<sup>9</sup> Site Plan Review is intended to ensure that no significant impacts result from construction under the conditions outlined in Chapter 9420 of the Interim Zoning Ordinance.

The Planning Director may approve or conditionally approve an application (for Site Plan review) only if the Planning Director affirmatively finds that the proposal meets all of the following:

1. That the project does not adversely affect the neighborhood character;
2. That the project protects the natural resources and complies with the City's land use policies, goals and objectives, as defined by staff;
3. That the project provides maximum feasible protection to significant public and private views, as defined in 9303.A.17 of the Interim Zoning Ordinance;

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<sup>7</sup> *City of Malibu Interim Zoning Ordinance*, February, 1993.

<sup>8</sup> Four of the villas are located within portions of slopes between 2.5:1 and 3:1. The site plan includes two story buildings that are 28 feet in height.

<sup>9</sup> See Article IX, Chapter 9420, Section 9423 of the Interim Zoning Ordinance

4. That the project does not affect solar access, as defined by staff;
5. That the project will not adversely affect the City's ability to prepare a General Plan;
6. That the project is likely to be consistent with the General Plan . . . and, even if the project is ultimately inconsistent with the General Plan, there is no probability of a substantial detriment to or interference with the future adopted General Plan;
7. The proposed project complies with all applicable requirements of state and local law.

The proposed project includes construction on slopes and building heights between 18 and 28 feet which require Site Plan review. Any potential physical impacts on the environment associated with building height and construction in slope areas are addressed in Sections 2.2, Geotechnical Hazards, and Section 2.7 Visual Effects.

### **Variance Request**

The proposed project is inconsistent with six of the Interim Zoning Ordinance's development standards which are applicable to the proposed project.<sup>10</sup> As a result the proposed project would require a variance from these development standards to allow the floor area ratio, parking, setbacks, height of the rotunda tower, and grading, as proposed. As detailed in Article IX, Chapter 9460, Section 9465 of the Interim Zoning Ordinance:

The (Planning) Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes all of the following findings of fact:

- A. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.
- B. The granting of such variance or modification will not be detrimental to the public interest, safety, health or welfare, and

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<sup>10</sup>Letter to Michael Vignieri (project applicant) from the City of Malibu, dated January 3, 1997.

will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

- C. The granting of the variance will not constitute a special privilege to the applicant or property owner.
- D. The granting of such variance or modification will not be contrary to or in conflict with the general purposes and intent of this Chapter, not to the goals, objectives and polices of the General Plan. . .
- E. The variance or modification request is consistent with the purpose and intent of the zone(s) in which the site is located.
- F. The subject site is physically suitable for the proposed variance or modification.
- G. The variance or modification permit complies with all requirements of state and local law.
- H. All or any necessary conditions have been imposed on the variance or modification as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the City.

The following is a summary of the aspects of the project that are inconsistent with the development standards contained in the Interim Zoning Ordinance for commercial development and that would require approval of a variance from the Planning Commission:<sup>11</sup>

1. Floor Area Ratio: Maximum floor area ratio for CV-2 land uses under the Interim Zoning Ordinance is 0.15, which would limit development to approximately 182,000 square feet. The proposed project includes 242,391 square feet of development, which represents a FAR of 2.0. Sections 2.3 (Water Quality/Water Treatment) and 2.6 Biological Resources discuss the physical impacts on the environment which would result from development at this level of density.

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<sup>11</sup>The project applicant has detailed a number of reasons why the applicant feels a variance is warranted. (See letter from Michael Vignieri to Emmanuel M. Ursu dated March 6, 1997). Some of these reasons have been included in the text discussion which follows.

2. Number of Parking Spaces: Under the Interim Zoning Ordinance, the proposed project would be required to include approximately 1303 parking spaces based on the uses currently proposed. The proposed project includes provision of 492 parking spaces.

The traffic study (Appendix D to this EIR) determined that the number of parking spaces proposed is adequate based on the proposed use of the hotel. The reasons for this conclusion are detailed in Section 2.5, Traffic/Circulation, and in the Traffic Analysis for the proposed project contained in Appendix D of this EIR.

Provision of additional parking, with its associated increase in hardscape could result in greater impacts on wastewater, runoff and landscaping.

3. Location of Parking Spaces: Under the Interim Zoning Ordinance, parking spaces need to be within 300 feet of the use they are intended to serve.

It is unlikely that locating of some the parking more than 300 feet from the entrance to the hotel would result in adverse parking impacts on other uses or activities. The hotel is expected to use some of the more distant parking spaces for valet parking and employee parking. Provision of parking at the setbacks required could result in some two story development on site and the possible need for some tuck-under parking or a parking structure.

4. Setbacks: The Interim Zoning Ordinance requires a front yard setback of 20% of lot depth, including parking areas; a minimum side yard setback of 10% of lot width; cumulative side yard setbacks of 25% of lot width; and, a rear yard setback of 15% of lot depth. In the case of the proposed project, the front yard setback would be 259 feet. The following features do not meet the front yard setback: the cultural center is setback 25 feet; the parking lot is setback 15 feet; and, the tennis courts are setback 55 feet. In the case of the proposed project, the required minimum side yard setback would be 97 feet. The following features do not meet the minimum side yard setback along Pacific Coast Highway: the cultural center is setback 23 feet; Villa 1 is setback 60 feet; Villa 2 is setback 54 feet; Villa 3 is setback 60 feet; and Villa 4 is setback 90 feet. In the case of the proposed project, the cumulative setback requirement would be 241 feet (144 feet from the north property line). The following structures do not meet the cumulative side yard setback along Civic Center Way: Villa 11 is setback 94 feet and Villa 10 is setback 84 feet. In the case of the proposed project, the required rear yard setback would be 194 feet. The following structure does not meet the rear yard setback: Villa 6 would be setback 135 feet from the east property line.

Strict compliance with Interim Zoning Ordinance standards could result in: (1) a greater concentration of the proposed uses in the center of the project site and (2) more two-story buildings, rather than the one-story buildings currently proposed. The proposed setbacks are in part due a number of the unique characteristics of the parcel: the large size, triangular shape, the fact that the site boundaries are defined by three major roads, its elevation above its residential neighbors, the presence of an archeological site on the property, and the presence of a branch of the Malibu Coast Fault on the site (see Section 2.2 for a complete description).

Section 2.7, Visual Effects, discusses the degree to which the project could create visual impacts and includes mitigation measures which reduce the level of impact to less than significant.

5. Height Above 28 Feet: The lobby tower is proposed to be 35 feet in height. Under the Interim Zoning Ordinance, the height of structures would be limited to 28 feet above grade.

The proposed rotunda is the only design element within the complex which would exceed the height limitation. The rotunda has been designed to function as an architectural feature and landmark for the site.

Section 2.7, Visual Effects, discusses the degree to which the project could result in visual impacts and includes mitigation measures which reduce the level of impact to less than significant.

6. Grading: Under the Interim Zoning Ordinance grading is limited to 1,000 cubic yards, excluding foundation and substructure excavation. The proposed project would include 119,00 cubic yards of grading.

The specific impacts of grading on the site are discussed in Section 2.2 (Geotechnical Hazards), Section 2.4 (Air Quality), and Section 2.7 (Visual Effects) of this EIR. No unmitigatable grading-related impacts are identified.

The project applicant has requested a variance from these development standards, as part of the project application. A request for a variance in itself does not constitute a significant physical impact nor does it constitute a land use impact. The requested variances, if granted, would not result in a significant land use impact because they would not conflict with the City's General Plan nor other environmental policies or plans. Furthermore, the variances would not change the characteristics of the hotel in a manner that would make the use incompatible with surrounding uses.



## MITIGATION MEASURES

The following mitigation measure addresses the land use impacts of the proposed project:

- 1.1. The project's conditions of approval shall include limitations on the hours of operations of the hotel's public uses. Public use of the meeting and ballrooms shall be limited to 11:00 a.m to 12:00 am.

Mitigation measures for secondary land use impacts, such as traffic, wastewater treatment, visual effects, and others, are addressed in the EIR sections immediately following.

## LEVEL OF SIGNIFICANCE AFTER MITIGATION

Based on the thresholds of significance, land use impacts after mitigation will be **less than significant**.

## REFERENCES

*City of Malibu General Plan*, November, 1995.

*City of Malibu Interim Zoning Ordinance*, February, 1993.

## **2.2 GEOTECHNICAL HAZARDS**

This section includes information provided by an updated geotechnical assessment prepared for the project by Leighton and Associates (Leighton & Associates, *Updated Geotechnical Assessment for Rancho Malibu Hotel EIR*, July 26, 1995), included in this EIR as Appendix B. It also includes information from the hydrology analysis prepared for the project (Robert Bein, William Frost & Associates, *Rancho Malibu Hotel Hydrology Analysis*, December 10, 1996), included in this EIR as Appendix F.

## **ENVIRONMENTAL SETTING**

### **Soils**

#### **Slope Stability**

Extensive field explorations of the project site in 1989 included bulldozer trenches and boreholes. These explorations uncovered two ancient landslides on the east-facing slope, descending toward Civic Center Way along the site's east boundary. Both landslides occurred when the sea level was considerably lower than it is at present and are considered to be very old, most probably over 10,000 years old. Subsequent erosion of the toe portions of the slides, followed by deposition of alluvium in the bottom of the canyon as a result of rising sea level, has tended to stabilize the upslope remnants by providing a natural buttress.

#### **Soil Conditions**

Laboratory testing of soil and bedrock from the site confirmed the presence of some highly expansive materials locally within the more clayey bedrock which are only exposed at the surface near the proposed community use facility building in the north portion of the site. Based on the boring log descriptions and testing, the bulk of the terrace deposits covering most of the site, however, appear to be dominantly granular soil of low expansion potential.

#### **Seismic Hazards**

A branch of the Malibu Coast Fault was found to traverse the southern portion of the site, rather than the southeast corner as previously thought. This fault has been found to be approximately 75,000 years old and is therefore classified as potentially active by State criteria.<sup>1</sup> (A potentially active fault under State criteria is a fault on

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<sup>1</sup> Michael Phipps, CEG, former City Geologist. May 6, 1996.

which displacement has occurred between 11,000 and 1.5 million years ago, i.e. last movement is pre-Quaternary).

The closest active branch of the Malibu Coast Fault zone is across Pacific Coast Highway, approximately 200 feet south of the project site. The most northerly of the two fault lines (traces) within the fault zone projects toward the project site and the northwest corner of the special studies zone (Alquist-Priolo Zone) encroaches approximately 200 feet into the south central portion of the project site (see Figure 3). Exploratory trenching in this area in 1989 concluded that no evidence was found to consider this fault to be active. This Malibu Coast Fault is considered by the City to be the controlling seismic hazard because of its proximity and potential for a maximum credible earthquake of 6.8 magnitude. A map of the site's geologic features is shown in Figure 3.

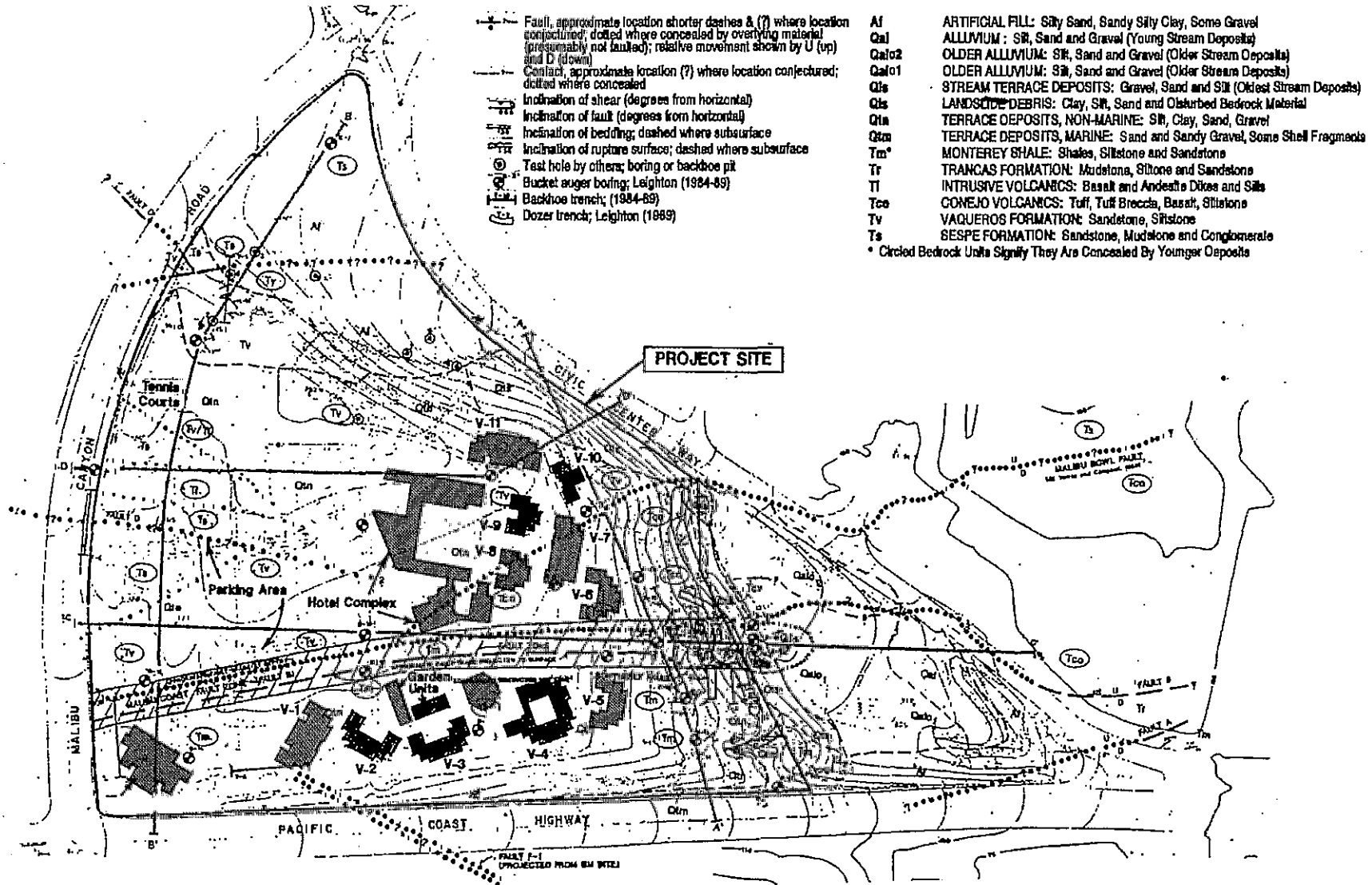
### **Groundwater**

Subsurface investigations conducted on the site between 1982 and 1989 indicate that depth to groundwater has ranged between 23 and 55 feet in the bedrock formations, and 36 feet or more in a permeable sand layer at the base of the terrace deposits overlying the bedrock. Most of the groundwater appears to be minor seepage perched on less permeable layers within or at the base of the terrace deposits, and at localized deeper levels within the bedrock. Although no perennial springs or persistent ground-surface water seepages are known to exist within the site, heavy seasonal rains are likely to cause zones of moisture to appear on the face of steeper slopes as a result of infiltrating water migrating laterally on the less permeable layers.

The flow direction of migrating groundwater appears to be generally at low gradient toward the south, and at somewhat steeper gradient along the top of the bedrock toward the south and southeast in the western half of the site. In the eastern half, the bedrock surface slopes mainly eastward directing groundwater toward Civic Center Way.

### **Drainage**

The project site lies in the City's Drainage Area Number 10-A (DA-10A). This area drains to southeast underneath Pacific Coast Highway. All runoff from the site is caught by the existing culvert at Pacific Coast Highway. No runoff drains into Malibu Lagoon or the small wetland in the Civic Center area. Figure 4 illustrates existing drainage patterns.



Source: Leighton & Associates, Inc., July, 1995  
k:/875/geology.dwg 7/30/97 ppm

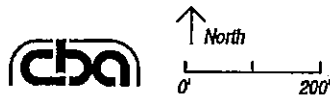
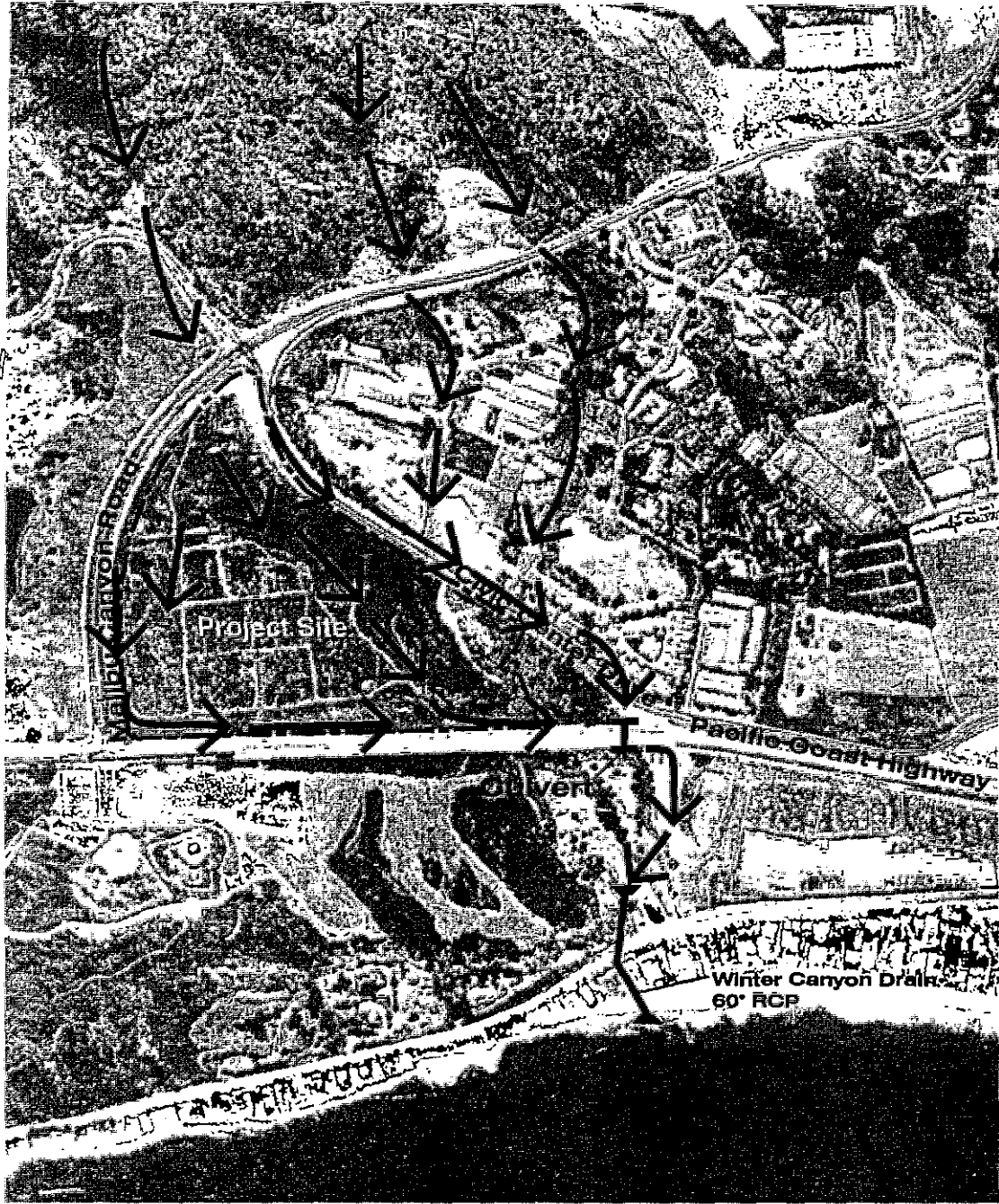


Figure 3  
Geologic Map



SOURCE: RRM Design Group: Hydrology, Drainage and Water Table  
 (Background information for Malibu Civic Center  
 Specific Plan ) Figure 20, p. IV19.

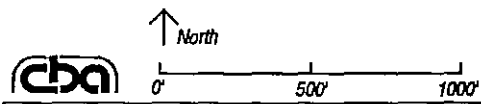


Figure 4  
 Existing Drainage Patterns

All development is required to comply with the provisions of the County of Los Angeles National Pollution Discharge Elimination System (NPDES) Permit which implements the Federal Water Pollution Control Act. To comply with the NPDES Permit, an applicant must prepare a Stormwater Management Plan (SWMP) in accordance with City Ordinance 157 to address specific measures for maintaining the off-site storm drainage flow rate at or below the redevelopment rate and preventing contaminants from entering the runoff.

### **Grading and Erosion Control**

If a project requires grading of more than five acres, a State grading permit, including a Stormwater Pollution Prevention Plan (SWPPP), is required by the Regional Water Quality Control Board. The City will also require the applicant to obtain a grading and erosion control permit.

## **THRESHOLDS FOR DETERMINING SIGNIFICANCE OF IMPACT**

Geotechnical impacts are considered significant if the project will result in or expose people to seismic hazards, landslide hazards or soils hazards. Due to the existing concerns about a rising groundwater table and its potential effect on slope stability, especially in the Malibu Bluffs Park area. Project impact will also be considered significant if the project will affect the groundwater table through ground discharges.

## **PROJECT IMPACT**

### **Soils**

#### **Slope Stability**

The geotechnical investigations, including slope stability analyses, indicated that certain existing slopes in the eastern portion of the site do not meet current safety standards. The larger ancient landslide within the Malibu Coast fault zone at and below the eastern site boundary, while not directly impacting the proposed construction, is adversely influenced by the proximity of the landslide. **The slope stability hazard is, therefore, considered to be a significant impact.** However, available engineering measures included in the project's grading plan, as required by the City including removal and recompaction of soils, or placement of stable buttresses, and other techniques will reduce this impact to a level below significance. The City will review the project's plan for compliance with engineering standards and City requirements.

A review of the design and operational characteristics of the project's preliminary landscape irrigation system concluded that the proposed system will not adversely impact land stability, either onsite or offsite.<sup>2</sup> (See discussion in Section 2.3 of this EIR).

### **Soil Conditions**

The uncertified fill underlying the north portion of the site has been found to be of suitable quality, however, additional subsurface investigations and testing were recommended to confirm its suitability for the proposed construction atop. Extensive backfill, although compacted, in several long exploratory trenches along the east property line may also require further evaluation to certify its suitability for providing structural support.

Since adverse soil conditions exist on the site, this impact is considered **significant**. However, available standard engineering measures can reduce this hazard to a level below significance, and these measures are incorporated into the project as required by the City's standard review process.

### **Seismic Hazards**

A building setback zone ranging from 70 to 95 feet wide has been established by the property owner along the branch of the Malibu Coast fault zone crossing the south portion of the site. All of the proposed habitable structures are located outside the delineated zone (see Figure 3). Therefore, fault rupture hazard is considered **less than significant**.

The earthquake hazard analyses conducted for the site since the 1984 environmental assessment for the previous proposal, have not revealed any unanticipated soil, geologic, or groundwater conditions which would make the proposed project geotechnically infeasible. The depth and nature of the groundwater and soil conditions are not considered to be conducive to liquefaction. The project, like any other development in the City, will incorporate State and the City of Malibu seismic safety requirements and guidelines into the design and construction of all facilities on the site, reducing seismic impacts to current safety levels. The project does not include parking structures or other structure types that were found to be inadequately designed in recent earthquakes. Therefore, seismic hazards are considered **less than significant**.

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<sup>2</sup>See Letter from Richard Lung, CEG 111, of Leighton and Associates, Inc. to Michael Vignieri dated June 11, 1996 contained in Appendix B.

## Groundwater

A substantial amount of the normal rainfall at the site that currently infiltrates to the ground, will be intercepted by the extensive paved area of roadways, parking, and other hardscape, as well as by the roofed areas of proposed buildings. Such surface-water runoff will be collected by the project's onsite drainage system and discharged to the existing offsite storm drains or natural drainage channels. As such, the project will reduce natural groundwater recharge during storms. This is **not considered a significant impact** since the underlying groundwater aquifer is not used as a source for potable water.

The effluent from the proposed water reclamation facility will be treated and used to irrigate the site. The analysis of the proposed landscape irrigation system concluded that the project will not result in a significant impact on groundwater (see detailed discussion in Section 2.3, Water Quality/Wastewater).<sup>3</sup>

## Drainage

Appendix F contains a detailed hydrology map and calculations.

The grading plans approved for an earlier proposal for hotel development on the site, before the incorporation of the City of Malibu, include provisions for construction of subdrainage to intercept and discharge potential groundwater which tends to accumulate behind proposed compacted fills, such as in the landslide removal areas, and retaining walls. The City requires any project applicant to prepare and submit detailed grading plans for review and approval by the City Building Official.

The project is **not expected to result in a significant impact** on stormwater runoff because, to comply with the County's NPDES Permit, the City will require a Storm Water Management Plan (SWMP) in accordance with City Ordinance 157. The required SWMP will address the specific measures for maintaining the offsite storm drainage flow rate to the pre-developed condition and also preventing contaminants from entering the storm water runoff. A large grassy swale area with a standpipe and overflow drain designed to receive all storm water runoff could provide the necessary detention to meet this condition. In addition this would provide the necessary treatment for dry weather flow and the first half-inch of rainfall to remove contaminants.

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<sup>3</sup> *ibid.*



## Grading and Erosion Control

The grading plan for the proposed project is included in Appendix B of the EIR. Because the project exceeds five acres of grading, a state grading permit, including a Storm Water Pollution Prevention Plan (SWPPP), will be required by the Regional Water Quality Control Board, in addition to a grading and erosion control permit from the City. The required SWPPP must address specific measures for minimizing erosion and sediment transport offsite during construction and grading, to the satisfaction of the City Building Official. Appendix F included in this EIR contains detailed descriptions of structural and non-structural controls and other Best Management Practices (BMPs) used to satisfy these requirements. Due to these requirements, grading and erosion control impacts will be **less than significant**.

## **MITIGATION MEASURES**

The following mitigation measure will reduce soil stability and soil condition related impacts to a less than significant level:

- 2.1. The project shall undergo the City development review process, which includes review and approval of all project grading and development plans, design review, and completion of any additional geotechnical analyses as required by the City. The City requirements include implementation of soil engineering measures prepared by certified engineers, construction in accordance with the Uniform Building Code and measures prepared by a registered engineer, having an independent observer on the site to observe compliance with grading measures and plans, and other similar measures.
- 2.2. The applicant shall submit a revised hydrology report which accounts for the specific site plan and landscaping plan to be developed and which provides for the on-site retention of stormwaters, for review and approval of the Public Works Director prior to issuance of a grading permit.
- 2.3. The final plan for the proposed wastewater treatment and disposal system shall be reviewed and approved by a geotechnical consultant approved by the City, in order to ensure that the final design will not adversely impact local slope stability and off-site landslides. The findings of the geotechnical consultant shall be submitted to and approved by the City Geologist, prior to issuance of the building permit.

The following measure is a standard condition of approval designed to ensure mitigation of drainage as well as adequate grading and erosion control:

- 2.4. The project shall develop and implement a State Storm Water Pollution Prevention Plan and City Storm Water Management Plan in accordance with requirements of the County of Los Angeles NPDES permit and of the City of Malibu's Ordinance 157 in order to comply with the Federal Water Pollution Control Act.

### **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

These existing City requirements and guidelines together with conditions of approval imposed on the project by the California Coastal Commission and the existing State safety requirements, adequately reduce any potential geotechnical impact to a **less than significant level**.

## **2.3 WATER QUALITY/WASTEWATER TREATMENT**

This section summarizes the conclusions of technical evaluations prepared for the project applicant by Perry & Associates Collaborative and Harold Welborn and Associates as well as the independent review performed by City staff and the City's consultant, Montgomery Watson. The previous Draft EIR for the project contained a discussion based on technical evaluations prepared by Perry & Associates Collaborative and Harold Welborn and Associates in March of 1996. This information was reviewed by Montgomery Watson prior to inclusion in the DEIR, in April, 1996. During the public comment period on the previous Draft EIR, a number of comments were received requesting additional detail on the derivation of wastewater numbers and questioning their validity.

On December 17, 1996 additional documentation regarding the wastewater calculations, prepared by Harold Welborn and Associates, was submitted by the project applicant to aid in the response to comments. It addressed the revised project description discussed in this Revised Draft EIR. This information was reviewed by Montgomery Watson on February 24, 1997 and subsequently by City staff.

A draft response to comments and Revised Draft EIR was then prepared. The Revised Draft EIR was reviewed extensively by City staff. The project applicant was also provided with a review copy. The project applicant then requested the ability to submit additional wastewater documentation to the City for consideration in the revised EIR. In an effort to ensure as accurate and complete an EIR as possible, the City permitted the project applicant to provide additional information from Harold Welborn & Associates and Perry & Associates Collaborative, dated April 21, 1997 and July 16, 1997.

Information regarding a voluntary U.S. Environmental Protection Agency (EPA) program aimed at helping the lodging industry achieve efficient hotel water management, was included in the July 16, 1997 submission documentation. In July of 1997, City staff contacted the WAVE program to obtain additional information about hotel water use.

The purpose of these various evaluations and discussions was to determine the adequacy of the proposed on-site wastewater reclamation facility to achieve a "zero-balance" objective, and to evaluate the proposed system's potential for impacts on groundwater and slope stability in the area. All of the studies, letters and calculations described in this section are contained in Appendix C of this EIR.

## ENVIRONMENTAL SETTING

Currently, most properties in the City use individual or joint septic systems for sewage disposal. There are also five small, package sewer treatment plants within the city serving condominiums and commercial uses. Pepperdine University and Malibu Country Estates single family residential development, which are located northwest of the site, across Malibu Canyon Road, jointly share one plant. The three condominium complexes to the east, across Civic Center Way jointly share a facility at the Maison de Ville complex.

The City of Malibu was originally within Los Angeles County Sanitation District No. 33, which was formed in 1965. The District, which was dissolved in 1994, began planning for a regional sewer system in 1964, but efforts to expand sewage facilities in Malibu were defeated by voters in public elections.<sup>1</sup> The voters defeated these plans in order to limit future growth and development and preserve Malibu's rural character.

Malibu recently adopted its first General Plan and Interim Zoning Ordinance. These documents contain requirements for all sewage and wastewater created on a residential or commercial property to be processed on that property or by a neighborhood sewage treatment facility.<sup>2</sup>

Previously, a hotel with 300 rooms was proposed on the project site. That proposal was approved by the County in 1985 and California Coastal Commission in 1986, subject to forty-seven conditions. One of these conditions required the resolution of the wastewater disposal issue through either the processing of the effluent on the project site or the use of a community sewer. In order to meet the condition, the project applicant has proposed an on-site "zero-balance" water system which combines a reclamation treatment plant with landscaping designed to balance the reclaimed water generation. The landscaping has been designed to use 100 percent of the reclaimed water to meet irrigation demands on the site.

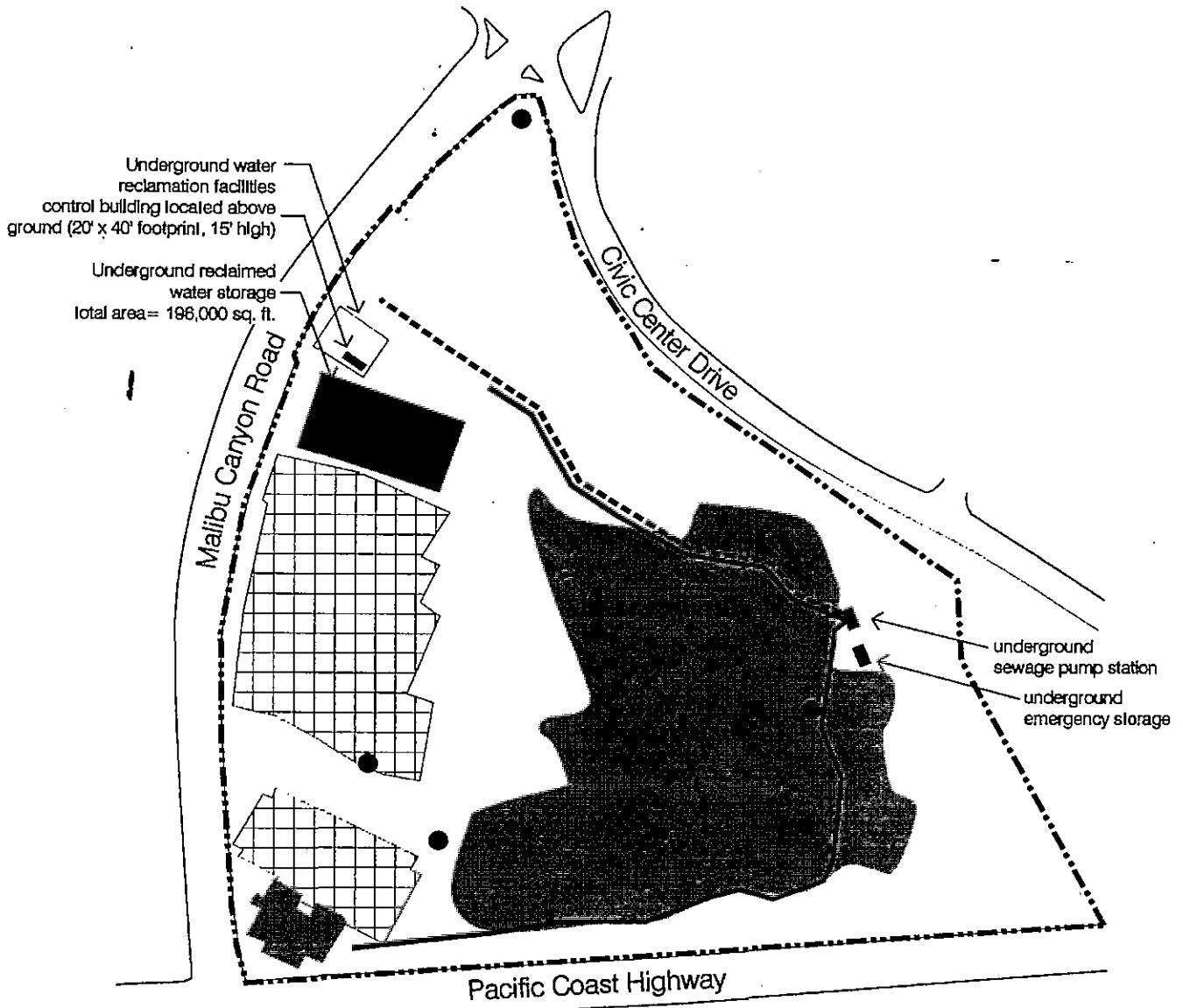
The components of the proposed water reclamation system are illustrated in **Figure 5**.<sup>3</sup> The system consists of an underground treatment plant and monitoring wells to monitor groundwater discharge and quality.







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<sup>1</sup> 1992 Malibu Wastewater Management Study, Philip Williams and Associates and Peter Warshall and Associates, March, 1992 and *Final Environmental Impact Report for the City of Malibu General Plan*, November, 1995.

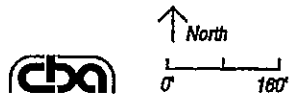
<sup>2</sup> City of Malibu General Plan, November, 1995 and City of Malibu Interim Zoning Ordinance, December 19, 1996.

<sup>3</sup> *Rancho Malibu Mesa Hotel Zero Balance Reclamation Addendum to the Alternative Wastewater Treatment and Disposal Report*. Psomas and Associates. August, 1991.



-  Force Main
  -  Gravity Line
  -  Monitoring Well
  -  Underground Reclaimed Water Storage
-  Hotel Villas and Facilities
  -  Parking

SOURCE: The Adamson Companies, 1991.



**Figure 5**  
**Wastewater System**

The method proposed for achieving the required level of treatment for reclaimed water to be used for irrigation is an extended aeration treatment with tertiary treatment provided by filtration and disinfection. The wastewater treatment plant would include equalization and emergency storage to equalize flow rate and store excess reclaimed water with a storage capacity of 5.14 million gallons; splitter box for control of flow into treatment processes; aeration basins to aerate the wastewater flow for 18-24 hours and return activated sludge; an effluent pump station to feed effluent into the filtration process; and filtration facilities with chemical contact facilities and pressure filters. Effluent pumped to the filters would enter the contact vessels where chemicals would be added to aid in the flocculation process. The filters would then remove any remaining particles in the effluent. Either before or after leaving the filters, liquid hypochlorite solution would be added for disinfection. Odor control would incorporate the covering of unit processes that generate odors and the subsequent "scrubbing" of all air or other gases that would be vented to the atmosphere. The system includes an underground seasonal storage reservoir with 5.14 million-gallon capacity, which is considered to be adequate for the project storage needs by the system's designers.

The landscaped area within the site would be irrigated primarily by an overhead spray system. This system is proposed to serve 14.9 acres (87 percent) of the total 17.15 acres of landscaping. The remaining 2.25 acres would be irrigated by a subgrade system consisting of emitter lines placed about six inches below the finished grade and feeding water to the root zone. The subgrade irrigation would be used for a citrus grove area and courtyard spaces.

To ensure that the irrigation water is applied at a rate that matches the needs and absorption rates of the landscape throughout the year, the proposed irrigation system includes moisture sensing stations. Moisture sensing stations would consist of a series of sensors at varying depths and locations which would relay information to a central computer unit. The central controlling computer unit would operate the irrigation system on a daily watering schedule. Input from moisture sensors in the ground and up-to-date weather information would be used to program the watering schedule. In response to the continuous flow of data from moisture sensors and meteorological sources, the computer would adjust or interrupt the regularly programmed water schedule as needed to match the reported conditions. The proposed system also includes a system of groundwater monitoring wells to monitor the level and quality of groundwater aquifers underlying the site.

California Department of Water Resources identifies groundwater basins used for potable water in California. These definitions are used by the Regional Water Control Boards to establish groundwater quality objectives in the Basin Plan. The project site is located outside any of the identified groundwater basins and thus, there are no corresponding Basin Plan objectives. Nonetheless, the issue of

groundwater is important due to the concern over rising water table and its effect on slope stability at Malibu Bluffs Park.

## **THRESHOLDS FOR DETERMINING SIGNIFICANCE OF IMPACTS**

Impacts are considered significant if 1) the project will not have the capacity to process all its wastewater on the site, or 2) the disposal of processed water through irrigation could substantially affect groundwater levels or ground stability in the area, or 3) the proposed processing system is not adequate to provide the required level of sewage treatment.

### **PROJECT IMPACT**

#### **Zero Balance: Capacity to Process Wastewater on Site**

The project's capacity to process wastewater on the site is dependent on two factors: the amount of wastewater produced and the ability to dispose of the wastewater on-site, primarily through landscape irrigation.

#### **Irrigation Demand**

Perry and Associates Collaborative prepared a landscape plan and wastewater reclamation report for the project.<sup>4</sup> A detailed description of the landscape plan is included in the Biological Resources section of this EIR. (See Figure 13 and Table 8). The landscape plan provides for 17.15 acres of landscaping. Subgrade irrigation would be used to irrigate 2.25 acres of landscape; 14.9 acres would be irrigated by overhead spray systems.

Perry has estimated annual average wastewater usage for irrigating landscape areas at between 13,636,939 and 14,149,724 gallons per year, depending on the irrigation efficiency of the spray irrigation system.<sup>5</sup> The estimate of 13,636,939 gallons per year is based on the irrigation efficiency figure contained in the City's landscape ordinance. The ordinance is designed to help conserve water by limiting the amount of fresh water used for landscape purposes. The proposed project is unique in that the intent of the landscaping and irrigation system is to dispose of treated wastewater by maximizing evaporation and evapotranspiration, rather than

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<sup>4</sup>Perry & Associates Collaborative, *Rancho Malibu Hotel Wastewater Reclamation Report Zero Balance Addendum for Landscape Analysis*, March 18, 1996, and the letter from Perry & Associates to Michael Vignieri dated July 16, 1997, entitled "Support Documentation of Landscape Water Use Estimates", included this EIR as part of Appendix C.

<sup>5</sup>The irrigation efficiency of the subgrade irrigation is 100%.

to conserve on the use of fresh water.<sup>6</sup> The documentation contained in Appendix C provides a detailed description of the irrigation devices and water scheduling system which will be used to maximize the ability to dispose of the treated wastewater through irrigation.

The irrigation figures were calculated with the assumption of a four-month winter season in which rainfall would account for all landscape water needs.<sup>7</sup> During this four month period it has been assumed that rainfall would supply 100% of the moisture the hotel landscape might need during the winter and that the treated wastewater from the hotel and related facilities would be diverted to storage for use during spring, summer, and fall months, as needed.

The estimates of irrigation demand are based on a landscape plan for the project, which includes 13.4 acres of "cultivated native" landscaping.<sup>8</sup> They do not assume the preservation of 8.04-acre coastal sage scrub habitat on-site, which would substantially reduce demand for irrigation water.<sup>9</sup>

### **Wastewater Generation**

In order to achieve on-site balance of wastewater, wastewater generation for the project would need to be in the range of 13,636,939 to 14,149,724 gallons per year. Levels outside that range would result over time in the accumulation of excess wastewater, which could not be disposed of on-site.

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<sup>6</sup>Because the proposed project uses reclaimed water, it is not subject to the irrigation limitations contained in the City's landscape ordinance.

<sup>7</sup>The assumption that no irrigation will be required in the winter is intended as a conservative scenario. Some irrigation demand is anticipated during winter months. These estimates will be refined to provide month-by-month projections for landscape irrigation needs, and allow for long term adjustments, since as landscaping matures, it will provide more shade and protection from wind and thus reduce irrigation requirements. It is not anticipated that irrigation demands will be reduced as the plants mature and shade increases. Also, the final landscape palette will carefully consider the exact location of specific plants within the site, particularly the Julia Phelps Ceanothus and Our Lords Candle (*Yucca whipplei*) which do not do well with ample irrigation, and Coast Live Oak and Lemonade Berry, which require good drainage. See: *Review of Zero Balance Addendum for Rancho Malibu Hotel*, Montgomery Watson with Takata Associates, April 6, 1996.

<sup>8</sup>For more details on the landscape plan, please see the discussion in Section 2.6, Biological Resources.

<sup>9</sup>Tierra Madre Consultants, biological consultant for the EIR, indicates that this habitat cannot accept irrigation water during the dry season because of potential problems with mildew, rot and invasion by other species.



The project's likely wastewater generation has been the subject of much study and debate and the calculation method was questioned heavily in the comments on the Draft EIR. Three methods of calculation have now been used in order to determine the magnitude of wastewater which the proposed project is likely to generate: (1) a methodology based the Los Angeles County Sanitation District Number 8 connection fee ordinance; (2) a methodology which calculates water use by hotel room based on plumbing fixtures and behavior; and (3) the U.S. EPA's WAVE model. Each of these methods is described in turn. The hotel project's actual water use and wastewater generation will ultimately depend on the actual hotel design and room occupancy, the hotel's plumbing system and fixtures, and hotel's water using appliances.

**L.A. County Sanitation District Generation Rates** - The "Ordinance Prescribing the Connection Fee Rate and Mean Loadings per Unit of Usage for County Sanitation District No. 8 of Los Angeles County" contains wastewater generation rates by land use type. The ordinance rates were developed sometime in the late 1970s/early 1980s.<sup>10</sup> The hotel rate most likely represents the average water use/waste water from a cross-section of hotel types and subsumes within the number average hotel occupancy and room occupancy.<sup>11</sup> The rates predate the common use of low-flow devices.

**Ordinance Rate Method** - Based on the rates contained in the ordinance, hotel wastewater generation is estimated at 55,886 gallons per day, or 20,398,390 gallons per year, which exceeds the wastewater absorption capacity of the site. The wastewater generation calculation is detailed below:

1. Hotel - 250 rooms:  
Flow rate = 125 gpd per guest room (includes allowance for reception/lobby, administration, housekeeping, laundry, room service and other normal hotel services).<sup>12</sup> Total flow main hotel facilities: (250 rooms) x (125 gpd) = 31,250.00 gpd

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<sup>10</sup>Based on phone conversation with Zafar Mahdi, Senior Engineer in Financial Planning Section, County Sanitation District, June 24, 1997. City staff have been unable to locate a description of the methodology used to develop the rates.

<sup>11</sup>Ibid. City staff have been unable to locate a description of the methodology used to develop the rates.

<sup>12</sup>The rate of 125 gallons per day is based on the following assumptions: an average person generates 100 gallons per day of wastewater and average hotel room occupancy is 1.25 persons per room, according to the Los Angeles County Department of Public Works.

2. Ballroom/Banquet Facilities (5,000 sf):  
 Flow rate = 1000 gpd per 1000 sf (based on "Restaurant" user category). Total flow ballroom/banquet areas: (5,000 sf) x (1000 gpd/1000 sf) = 5,000.00 gpd
  3. Meeting Rooms (9,616 sf):  
 Flow rate = 350 gpd per 1000 sf (based on "Auditorium" user category). Total flow Meeting areas: (9,616 sf) x (350 gpd/1000 sf) = 3,366.60 gpd
  4. Restaurants - each with kitchen  
 (Specialty Restaurant @ 4,060 sf, Cafe @ 4,200 sf,, for a total of 8,260 sf). Flow rate = 1000 gpd/1000 sf  
 Total flow Restaurants: (8,260 sf) x (1000 gpd/1000 sf) = 8,260.00 gpd
  5. Fitness Center/Spa (10,000 sf)  
 Flow rate = 600 gpd/1000 sf (with showers). Total flow Fitness Center/Spa: (10,000 sf) x (600 gpd/1000 sf) = 6,000.00 gpd
  6. Lobby Bar (3,000 sf)  
 Flow rate = 350 gpd/1000 sf. Total flow Lobby Bar: (3,000 sf) x (350 gpd/1000 sf) x = 1,050.00 gpd
  7. Cultural Heritage Center (8,400 sf)  
 Flow rate = 100 gpd/1000 sf. Total flow Center: (8,400 sf) x (100 gpd/1000 sf) = 840.00 gpd
  8. Cultural Heritage Center Office (600 sf)  
 Flow rate = 200 gpd/1000 sf. Total flow Center office: (600 sf) x (200 gpd/1000 sf) = 120.00 gpd
- Estimated Sewage Flow = 55,885.60 gpd

**Welborn Method #1** - Harold Welborn & Associates prepared a wastewater calculation for the project based on the ordinance rates, but adjusted the rates to allow for: (1) a 50 percent low-flow reduction for the hotel rooms and cultural center, (2) 25 percent low-flow reduction for the remaining hotel uses, (3) 20 percent reduction on the restaurant square footage based on the assumption that only 80 percent of the gross area would be used for dining, (4) sludge removal, and (5) the

provision of a fifteen percent contingency factor.<sup>13</sup> This approach to the revised project with Cultural Center yields an estimate for wastewater generation of 36,985 gallons per day, or 13,499,525 gallons per year, which is consistent with the wastewater absorption capacity of the site. This wastewater generation calculation is detailed below:<sup>14</sup>

1. Hotel - 250 rooms:  
 Flow rate = 125 gpd per guest room (includes allowance for reception/lobby, administration, housekeeping, laundry, room service and other normal hotel services).<sup>15</sup> Using low flow fixtures in all hotel facilities, a 50% reduction in flow can was expected.  
 Total flow main hotel facilities: (250 rooms) x (125 gpd) x (50%) = 15,625 gpd
  
2. Ballroom/Banquet Facilities (5,000 sf):  
 Flow rate = 1000 gpd per 1000 sf (based on "Restaurant" user category). Using low flow fixtures in all hotel facilities, a 25% reduction in flow was expected. Total flow ballroom/banquet areas: (5,000 sf) x (1000 gpd/1000 sf) x (75%) = 3,750 gpd
  
3. Meeting Rooms (9,616 sf):  
 Flow rate = 350 gpd per 1000 sf (based on "Auditorium" user category). Using low flow fixtures in all hotel facilities, a 25% reduction in flow was expected. Total flow Meeting areas: (9,616 sf) x (350 gpd/1000 sf) x (75%) = 2,524 gpd

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<sup>13</sup>The water conserving devices assumed in developing these projections include:

- ULF toilets throughout (max. 1.6 gal/flush)
- Low volume shower heads throughout (max. 2.5 gal/minute)
- High efficiency commercial laundry washing machines
- High efficiency commercial dish washing machines
- Insulated, recirculating hot water distribution system
- Reduced pressure water system for all on-site domestic uses

<sup>14</sup>See letter dated February 18, 1997 from Harold Welborn & Associates to Michael Vignieri contained in Appendix C. All numbers are as presented in the letter, including the calculation of the contingency amount, which represents 15.39% of the total.

<sup>15</sup>The rate of 125 gallons per day is based on the following assumptions: an average person generates 100 gallons per day of wastewater and average hotel room occupancy is 1.25 persons per room, according to the Los Angeles County Department of Public Works.

4.	Restaurants - each with kitchen (Specialty Restaurant @ 4,060 sf, Cafe @ 4,200 sf, for a total of 8,260 sf). Flow rate = 1000 gpd/1000 sf. Using low flow fixtures in all restaurant facilities, a 25% reduction in flow was expected. Rate further reduced based on assumption that only 80 % of sq ft would be used for dining. Total flow Restaurants: (8,260 sf) x (1000 gpd/1000 sf) x (75%) x (80%)=	4,956 gpd
5.	Fitness Center/Spa (10,948 sf) Flow rate = 600 gpd/1000 sf (with showers). Using low flow fixtures in all hotel facilities, a 25% reduction in flow was expected. Total flow Fitness Center/Spa: (10,000 sf) x (600 gpd/1000 sf) x (75%) =	4,500 gpd
6.	Lobby Bar (3,000 sf) Flow rate = 350 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 25% reduction in flow was expected. Total flow Lobby Bar: (3,000 sf) x (350 gpd/1000 sf) x (75%) =	788 gpd
7.	Cultural Heritage Center (8,400 sf) Flow rate = 100 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 50% reduction in flow was expected. Total flow Center: (8,400 sf) x (100 gpd/1000 sf) x (50%) =	420 gpd
8.	Cultural Heritage Center Office (600 sf) Flow rate = 200 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 25% reduction in flow was expected. Total flow Center office: (600 sf) x (200 gpd/1000 sf) x (50%) =	60 gpd
	Estimated Sewage Flow =	32,623 gpd
	Deduction for sludge removal =	(570) gpd
	Subtotal =	32,052 gpd
	Contingency (approximately 15%)=	4,932 gpd
	<b>TOTAL</b>	<b>= 36,985 gpd</b>

**Montgomery Watson Method** - Harold Welborn & Associate's use of these low flow deductions and the County's generation rates was reviewed by the City's

consultant, Montgomery Watson. Montgomery Watson found the ordinance to be "a reasonable basis" for the calculations.<sup>16</sup> In addition, a 25 percent reduction for low-flow devices was felt to be reasonable. However, Montgomery Watson indicated concern with the use of a 50 percent reduction for low-flow devices in the hotel rooms and indicated that a 25 percent reduction would be more appropriate. The review did not address the issue of sludge removal. When the calculations are redone based on: (1) a 25 rather than 50 percent low-flow reduction for the hotel rooms and cultural center, (2) 25 percent low-flow reduction for the remaining hotel uses, (3) no reduction in the restaurant square footage based on an assumption that only 80 percent of the gross area would be used for dining, (4) no discount for sludge removal, and (5) the provision of a five percent contingency, wastewater generation is estimated at 44,010 gallons per day or 16,063,617 gallons per year, which exceeds the absorption capacity of the site.<sup>17</sup> This "conservative wastewater generation scenario" is detailed below:

1. Hotel - 250 rooms:

Flow rate = 125 gpd per guest room (includes allowance for reception/lobby, administration, housekeeping, laundry, room service and other normal hotel services).<sup>18</sup> Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow main hotel facilities: (250 rooms) x (125 gpd) x (75%) = 23,437.50 gpd

2. Ballroom/Banquet Facilities (5,000 sf):

Flow rate = 1000 gpd per 1000 sf (based on "Restaurant" user category). Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow ballroom/banquet areas: (5,000 sf) x (1000 gpd/1000 sf) x (75%) = 3,750.00 gpd

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<sup>16</sup>See letter dated February 24, 1997 included in Appendix C from Jeffrey D. Mohr, P.E to Irena Finkelstein.

<sup>17</sup>Harold Welborn & Associates prepared a wastewater calculation for the original project (with theme restaurant) based on the ordinance rates, but adjusted the rates to allow for: (1) a 50 percent low-flow reduction for the hotel rooms, and (2) a 5 percent contingency, resulting in a calculation for the original project of 36,985 gallons per day. See letter dated December 17, 1996. This is the basis of the five percent contingency.

<sup>18</sup>The rate of 125 gallons per day is based on the following assumptions: an average person generates 100 gallons per day of wastewater and average hotel room occupancy is 1.25 persons per room, according to the Los Angeles County Department of Public Works.

3. Meeting Rooms (9,616 sf):  
 Flow rate = 350 gpd per 1000 sf (based on "Auditorium" user category). Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected.  
 Total flow Meeting areas:  $(9,616 \text{ sf}) \times (350 \text{ gpd}/1000 \text{ sf}) \times (75\%) =$  2,524.20 gpd
  
  4. Restaurants - each with kitchen  
 (Specialty Restaurant @ 4,060 sf, Cafe @ 4,200 sf, for a total of 8,260 sf). Flow rate = 1000 gpd/1000 sf. Using low flow fixtures in all restaurant facilities, a 25% reduction in flow can be expected. Total flow Restaurants:  $(8,260 \text{ sf}) \times (1000 \text{ gpd}/1000 \text{ sf}) \times (75\%) =$  6,195.00 gpd
  
  5. Fitness Center/Spa (10,948 sf)  
 Flow rate = 600 gpd/1000 sf (with showers). Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow Fitness Center/Spa:  $(10,000 \text{ sf}) \times (600 \text{ gpd}/1000 \text{ sf}) \times (75\%) =$  4,500.00 gpd
  
  6. Lobby Bar (3,000 sf)  
 Flow rate = 350 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow Lobby Bar:  $(3,000 \text{ sf}) \times (350 \text{ gpd}/1000 \text{ sf}) \times (75\%) =$  787.50 gpd
  
  7. Cultural Heritage Center (8,400 sf)  
 Flow rate = 100 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow Center:  $(600 \text{ sf}) \times (100 \text{ gpd}/1000 \text{ sf}) \times (75\%) =$  630.00 gpd
  
  8. Cultural Heritage Center Office (600 sf)  
 Flow rate = 200 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow Center office:  $(600 \text{ sf}) \times (200 \text{ gpd}/1000 \text{ sf}) \times (75\%) =$  90.00 gpd
- Estimated Sewage Flow = 41,914.20 gpd  
 5% Overall Contingency = 2,095.71 gpd
- TOTAL = 44,009.91 gpd**

**Welborn Method # 2** - In response to the review by Montgomery Watson and their recalculation, the project applicant submitted a revised calculation by Harold Welborn Associates which utilized the 25% reduction for low-flow devices, in accordance with Montgomery Watson's review, but included an additional 20% reduction, to reflect an anticipated hotel occupancy rate of 80%.<sup>19</sup> The combined 25% and 20% reductions on hotel flow rates equals a 40% reduction, and yields the following wastewater estimate for a total of 38,157 gallons per day or 13,927,305 gallons per year, which is consistent with the absorption capacity of the site. This wastewater generation calculation is detailed below:<sup>20</sup>

1. Hotel - 250 rooms:  
 Flow rate = 125 gpd per guest room (includes allowance for reception/lobby, administration, housekeeping, laundry, room service and other normal hotel services).<sup>21</sup> Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Additional 20 % reduction for occupancy. Total flow main hotel facilities: (250 rooms) x (125 gpd) x (60%) = 18,750 gpd
  
2. Ballroom/Banquet Facilities (5,000 sf):  
 Flow rate = 1000 gpd per 1000 sf (based on "Restaurant" user category). Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow ballroom/banquet areas: (5,000 sf) x (1000 gpd/1000 sf) x (75%) = 3,750 gpd
  
3. Meeting Rooms (9,616 sf):  
 Flow rate = 350 gpd per 1000 sf (based on "Auditorium" user category). Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected.

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<sup>19</sup>See letter from Harold Welborn to Michael Vignieri dated April 21, 1997. City staff have been unable to obtain documentation of the assumptions included in the ordinance rates in order to determine whether a deduction for room occupancy is appropriate. Based on discussions with Sanitation District staff regarding the likely estimation method, it would appear that average hotel and room occupancy is subsumed within the rates, but there is no documentation to resolve the issue definitively.

<sup>20</sup>i.e. 0.75 (flow rate) x .80 (occupancy rate) = 0.60.

<sup>21</sup>The rate of 125 gallons per day is based on the following assumptions: an average person generates 100 gallons per day of wastewater and average hotel room occupancy is 1.25 persons per room, according to the Los Angeles County Department of Public Works.

	Total flow Meeting areas: (9,616 sf) x (350 gpd/1000 sf) x (75%) =	2,524 gpd
4.	Restaurants - each with kitchen (Specialty Restaurant @ 4,060 sf, Cafe @ 4,200 sf, for a total of 8,260 sf). Flow rate = 1000 gpd/1000 sf. Using low flow fixtures in all restaurant facilities, a 25% reduction in flow can be expected. Additional 20% reduction for hotel occupancy. (.75 x .80 = .60) Total flow Restaurants: (8,260 sf) x (1000 gpd/1000 sf) x (60%) =	4,956 gpd
5.	Fitness Center/Spa (10,948 sf) Flow rate = 600 gpd/1000 sf (with showers). Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow Fitness Center/Spa: (10,000 sf) x (600 gpd/1000 sf) x (75%) =	4,500 gpd
6.	Lobby Bar (3,000 sf) Flow rate = 350 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow Lobby Bar: (3,000 sf) x (350 gpd/1000 sf) x (75%) =	788 gpd
7.	Cultural Heritage Center (8,400 sf) Flow rate = 100 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow Center: (8,400 sf) x (100 gpd/1000 sf) x (75%) =	630 gpd
8.	Cultural Heritage Center Office (600 sf) Flow rate = 200 gpd/1000 sf. Using low flow fixtures in all hotel facilities, a 25% reduction in flow can be expected. Total flow Center office: (600 sf) x (200 gpd/1000 sf) x (75%) =	90 gpd
	Estimated Sewage Flow	= 35,988 gpd
	Deduction for sludge removal =	(570) gpd
	Subtotal =	35,418 gpd
	8% Overall Contingency	= 2,739 gpd
	<b>TOTAL<sup>22</sup></b>	<b>= 38,157 gpd</b>

<sup>22</sup>Numbers are as presented in Welborn letter of April 21, 1997. Actual contingency represents 7.73%, rather than 8%.



The key differences between these four estimates is reflected in the estimates of wastewater generation from the hotel guest rooms, which are the source of approximately half the project wastewater generation. The key issues are: (1) the appropriate discount for the use of low-flow devices and (2) whether or not a discount for hotel occupancy is appropriate. The wastewater generation for hotel guest rooms, based on each of the calculation methods is as follows:

1.	County Sanitation District rate (no discount):	31,250 gpd
2.	Welborn estimate #1 (50% low flow discount):	15,625 gpd
3.	Estimate based on Montgomery Watson ("conservative estimate" - 25% low flow discount):	23,438 gpd
4.	Welborn estimate #2 (25% low flow discount and 20% occupancy discount):	18,750 gpd

Methods 1 and 3 result in an estimate of wastewater generation which is above the absorptive capacity of the site. Methods 2 and 4 result in an estimate of wastewater generation which is consistent with the absorptive capacity of the site. Given the controversy over wastewater generation rates, this EIR adopts caution and concludes, at this point in the analysis, that wastewater impacts are **significant**.

**Room Generation By Plumbing Fixture** - In order to help to determine which of the calculation methods most clearly reflects the likely wastewater generation of the project, the project applicant was asked to submit an estimate of wastewater generation by hotel room, based on the plumbing fixtures to be used, hotel and room occupancy, and average guest behavior. That analysis is included in Appendix C. Key factors used in the analysis provided by the project applicant are summarized below.<sup>23</sup>

The key components of hotel room wastewater generation are: (1) shower/bath use, (2) sink use, (3) toilet use, and (4) laundry. The estimates provided by the project applicant range from a high of 16,890 gpd to a low of 10,820 gpd depending on whether low-flow or ultra low flow devices are used and whether 8 or 12 pounds of laundry per day per occupied room is used in the calculation. The calculations assume: 80% hotel occupancy; 1.5 guests per occupied room; 1 shower per day per guest; an average shower length of five minutes; 5 minutes of sink use per day per guest; 8 toilet uses per day per guest; and 8 to 12 pounds of laundry per occupied room. Documentation for the water use rates for the fixtures and

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<sup>23</sup>See letter from Harold Welborn to Michael Vignieri dated July 16, 1997 and Appendices a-j of the letter.

appliances is included in the analysis provided by the project applicant. Some documentation for user behavior has also been provided.<sup>24</sup>

Increasing assumed shower length from 5 minutes to 7 minutes and holding all other factors constant results in an estimate of 18,765 gpd rather than the estimate of 16,890 gpd provided by the applicant. If average shower length is closer to 10 minutes, or the average number of showers per day in combination with shower time results in a figure which is closer to an average of 10 minutes of shower time per day per guest, the wastewater estimate would increase to 20,640 gpd. Since the factors used for guest behavior provided by the applicant are based on very limited studies, and since final hotel plumbing and appliance selection has not yet occurred, this EIR, again adopting caution, concludes that the analysis is not persuasive. The conclusion that wastewater impacts are **significant** remains.

Although the analysis provided by the project applicant does not provide conclusive evidence that wastewater impacts will be less than significant, it does provide documentation of the fact that the use of low-flow devices may reduce wastewater generation and that the applicant has options, such as the use of off-site laundry facilities, which can substantially reduce wastewater generation. For example, the use of off-site laundry services could reduce wastewater generation by 1,314,000 to 1,971,000 gallons per year.<sup>25</sup> It may be possible in the course of fixture and appliance selection to reduce wastewater generation to a level which results in less than significant impacts.

**U.S. EPA WAVE Model**<sup>26</sup> - The ability to reduce wastewater generation to a level which is in balance with the landscape plan through careful selection of plumbing fixtures and water using appliances is further supported by the U.S. EPA's WAVE model. WAVE is a voluntary (non-regulatory) partnership that encourages hotels to survey water use and to implement water-awareness and efficiency programs. The WAVE program has developed a Windows-based software package that enables the survey and tracking of water use with "unprecedented ease and

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<sup>24</sup> Ibid. See Appendix C of this EIR.

<sup>25</sup> Wastewater generation is typically 90% of water use. Use of off-site laundry facilities, could for example, reduce water use by 4,000 to 6,000 gallons per day, or 1,460,000 to 2,190,000 gallons per year.

<sup>26</sup> Data from the wave model, corrected for 80% occupancy suggests a daily guest room water use of 25,638 gallons per day. See data sheets from model in Appendix C, and adjust for daily rather than annual use.

accuracy.<sup>27</sup> In developing the software package, a survey of the water use of 500 hotels, performed by the Cornell School of Hotel Management, was used as an input. The software program is designed to allow hotel operators to:

- Evaluate hundreds of efficiency options using built-in tables and databases.
- Perform "what-if" analyses to determine performance parameters of selected products.
- Select, customize and print site-specific forms to guide the collection of data.
- Calculate the true incremental cost of water and project budgets based on historical rate and occupancy patterns.
- Customize budgeting and expense reports for use in departmental projections.

As a courtesy to the City, the Director of the WAVE program ran an estimate of potential hotel water use using the basic project description contained in Chapter 1. Since the software is designed to make use of very specific information about hotel plumbing fixtures and water using appliances, a number of assumptions had to be made about the likely characteristics of the project after final design. The purpose of the analysis was to determine whether careful design could result in a project with wastewater generation characteristics which would balance the landscape plan, rather than to precisely estimate the project's wastewater generation. The WAVE program yielded a wastewater generation estimate in the range of 27,500 to 32,000 gallons per day (10,037,500 to 11,680,000 gallons per year), exclusive of the cultural center.<sup>28</sup> Use of the WAVE software demonstrates that with careful selection of the plumbing and water using fixtures is should be possible to achieve wastewater balance.

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<sup>27</sup>See more detailed description of the WAVE program contained in Appendix C.

<sup>28</sup>Two model runs were done, one at 75% occupancy and one at 90% occupancy. Typical luxury hotel occupancy is around 74%. The model runs assumed low flow fixtures: 2 gallons per minute faucets, 2.5 gallon per minute shower heads, 1.6 gallon per flush toilets. Room occupancy in the model for a luxury/resort hotel is 1.85 persons per room. Assumptions were made about the likely number of meals which would be served in the hotel restaurant. The model run did not include on-site pool and laundry water use. It was the feeling of the person who ran the model that pool and laundry water use would not exceed an additional 10% of the figures given. Since wastewater generation is generally about 90% of water use, the wastewater number cited would include pool and laundry use (the additional 10%). Telephone conversations with John Flowers, Director WAVE Program, July 1997.

EPA makes the WAVE software available for free to hotels which agree to become WAVE partners and which sign a Memorandum of Understanding with the EPA. Charter members of the program include Hyatt Corporation, ITT Sheraton, Outrigger Hotels, Saunders Hotel Group and Westin Resorts. The program is strictly voluntary and the EPA has asked that the City not require participation in the program. The project sponsor has, however, voluntarily agreed to participate in the WAVE Program. For this reason, WAVE participation has been included in the mitigation measures.

### **Generation of Reclaimed Water versus Capacity for Irrigation**

#### **Zero Balance**

Based on the "conservative method" of estimating wastewater generation, wastewater generation would exceed landscape capacity. Without careful selection and monitoring of the hotel's plumbing fixtures, water using appliances, and water use, it is unclear if zero balance could be achieved. For this reason, wastewater generation zero balance impacts are classified as **significant**. However, with careful selection plumbing design and appliance selection, impacts could be reduced to a level which is less than significant.

#### **Zero Runoff**

The proposed irrigation system is designed to provide water to the root zones of the plants that exactly matches the feeding needs of the landscape. The moisture monitoring system would regulate water applications and eliminate the potential for overwatering and percolation of excess water to the ground below the root zones. During wet months, treated effluent not used for irrigation would be stored in the 5.14 million gallon underground tank. With a daily generation of 44,010 gallons of wastewater, the tank could store about 116 days generation of wastewater during a wet season when irrigation could not be used.<sup>29</sup> Based on the conservative method of estimating wastewater generation, there is sufficient capacity to store the annual effluent excess during an average rain year.

As an additional measure of safety for emergency situations, the plant includes an auxiliary power supply to run all vital components of the plant. During a power loss there would be no loss of process and equipment control, alarms, or treatment efficiency. In general, the design and operation procedures for the proposed irrigation system indicate that the system is capable of achieving the "zero runoff"

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<sup>29</sup>This number is based on the Montgomery Watson methodology, also referred to as the "conservative" methodology.

objective as long as the project is prohibited from dumping excess wastewater. Groundwater runoff impacts would be **less than significant**.

### **Groundwater Monitoring**

The proposed system includes groundwater monitoring wells (see Figure 5). The wells are a safeguarding component of the proposed "zero balance" wastewater system and tools for verifying that the proposed system is performing as designed.

The groundwater monitoring system would consist of six or more wells, as determined appropriate by the City. Wells 1 and 2, located in the southwest portion of the site, are intended to determine if the Malibu Coast fault acts as a groundwater barrier. Well 3, located near the top of the easterly descending slope, is intended to monitor eastward flow north of the fault in the basal terrace deposit aquifer. Well 4, located in the northernmost corner of the site, is intended to monitor groundwater within the Winter Canyon aquifer. Wells 5 and 6, located on the south side of Pacific Coast Highway, are intended to monitor downgradient flow towards the residences along Malibu Road. The current proposed locations of these six wells is stated to be subject to "certain adjustment to accommodate access or other physical constraints. Also, the final design of the wells may include modification of typical specifications depending on the geologic conditions encountered during the well installation." While the conceptual approach to the groundwater monitoring program is considered to be sound, the following factors need to be addressed as soon as possible: 1) the proposed well 4 is located at the most upgradient portion of the Winter Canyon aquifer as indicated by available groundwater flow data and will not detect potential impacts to the aquifer which may occur downgradient; 2) a baseline condition for a "normal" level of groundwater and a "normal" range of fluctuations in groundwater level needs to be established against which future data may be evaluated and changes determined; 3) the type and frequency of groundwater monitoring needs to be defined, and 4) the guidelines specifying what threshold conditions must be exceeded to require corrective measures, and what such measures should entail.

The proposed groundwater monitoring system is considered adequate<sup>30</sup> since the refined final design and operating procedures prepared by the applicant will include the following as required by the City: 1) evaluation of an identified water bearing unit for potential inclusion in the groundwater monitoring system, 2) relocation of Well 4 to the downgradient portion of the Winter Canyon aquifer, 3) completion of a technical program for the groundwater monitoring, including data collection and data interpretation and, 4) guidelines for corrective measures as needed, prepared

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<sup>30</sup>Rancho Malibu Mesa Hotel Zero Balance Reclamation Addendum to the Alternative Wastewater Treatment and Disposal Report. Psomas and Associates, August 1991.

by the applicant prior to the commencement of hotel operation and as approved by the City geologist. **No significant groundwater impacts are therefore anticipated.**

### **Adequacy of Wastewater Treatment**

The proposed treatment process would generate a diluted sludge of 0.5 to 3.0 percent solids which would be hauled off site by a licensed hauler to a licensed facility, similar to process currently used by the Malibu Mesa facilities. The expected solids per day, following treatment using the proposed anaerobic digestors, is approximately 30 pounds per day. At 4 percent solids, this would require the removal of 1,500 gallons - a typical truck volume - from the site twice per month. The facility would use liquid hypochlorite solution or ozonation as part of the tertiary treatment of effluent to achieve the proposed standard of 2.2 fecal coliforms per 100mL. As currently proposed, the wastewater treatment systems appears adequate to provide the required level of treatment, and this impact is considered **less than significant**.

### **Possible Means of Reducing Excess Wastewater**

Additional means of reducing or disposing of excess wastewater generated on the project site, in addition to on-site irrigation, may be available to the applicant during years with heavy rainfall. First, new building codes allow commercial development to use reclaimed water in toilets, and this feature may be considered for the proposed hotel to reduce the use of potable water and the resultant projected wastewater flows. Second, Bluff Park, located across Pacific Coast Highway from the project, currently purchases approximately 5.4 million gallons of water for irrigation per year. The park is a potential site for disposal of any excess wastewater that would be generated by the project. Third, laundry could be washed off-site.

## **MITIGATION MEASURES**

The following mitigation measures are required to reduce or eliminate project impacts related to zero balance:

- 3.1 Prior to the issuance of the building permit for the hotel, the applicant shall submit to the City a Plumbing and Appliance Plan and shall demonstrate to the City, using the WAVE software or other software deemed acceptable by the City, that the final design of the hotel shall not exceed a water budget of 15,152,150 gallons per year (equivalent to wastewater generation of 13,636,936 gallons per year). The Plumbing and Appliance Plan submitted shall specify the specific plumbing fixtures and water-using appliances to be

incorporated in the hotel design and shall contain a copy of the model runs demonstrating that use of the planned fixtures will not exceed the water budget. The project applicant shall not deviate from the fixtures and appliances specified in the plumbing and appliance plan without the prior written approval of the City.

- 3.2 The applicant shall comply with the minimum standards of the City of Malibu Uniform Plumbing Code.
- 3.3 Prior to occupancy of the hotel, the applicant shall prepare a plan for disposing of any excess reclaimed water prior to reaching storage capacity. The plan can include any combination of measures to meet the performance criteria of zero wastewater balance and zero runoff and address any potential wastewater excess. These measures may include measures to dispose of excess wastewater such as specification or/and commitment to other users for the project's reclaimed water, use of dual plumbing, provisions to hook-up to the Civic Center Wastewater Treatment Facility when available, procuring a permit to dispose of excess reclaimed water in Las Virgenes or other regional facilities, using off-site laundry service for the hotel, or methods to reduce wastewater generation such as plumbing retrofits. If Bluffs Park is used as a disposal site for the wastewater, the project applicant shall be responsible for the full cost of the installation of the delivery system and associated permitting costs. The Plan shall include appropriate penalties for failure to meet the performance objectives, to the satisfaction of the City Attorney. The Plan shall be reviewed and approved by the Public Works and Planning Director prior to issuance of the Building Permit.
- 3.4 The project shall include an integrated wastewater management and irrigation system, which shall, at a minimum, meet the standards of the system proposed by the applicant and described in this EIR. The system shall be reviewed and approved by the Public Works Director prior to issuance of the building permit for the hotel.
- 3.5 The project applicant shall provide the City Building Official with data about wastewater flows, irrigation usage of reclaimed water, storage capacity, and any other information required to determine that the on-site wastewater system is meeting its performance objective of "zero balance" and "zero runoff". This information shall be submitted on a schedule established by the City, but no less than every 12 months.
- 3.6 The project's groundwater monitoring system design shall be subject to review and approval by the Public Works Director prior to issuance of the

Building Permit. The Public Works Director shall have the authority to require additional wells or monitoring devices, if deemed necessary after system design review. The groundwater monitoring plan submitted shall include: 1) an evaluation of any identified water bearing unit for potential inclusion in the groundwater monitoring system, 2) relocation of Well 4 to the downgradient portion of the Winter Canyon aquifer, 3) a technical program for the groundwater monitoring, including data collection and data interpretation and, 4) guidelines for corrective measures as needed.

- 3.7. The final plan for the proposed wastewater treatment and disposal system shall be reviewed and approved by a geotechnical consultant approved by the City, in order to ensure that the final design complies with the requirements of these mitigation measures and the design proposed by the applicant and analyzed in the EIR. The findings of the geotechnical consultant shall be submitted to and approved by the City Geologist prior to issuance of the building permit.

## **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

With full implementation of the mitigation measures, project impacts would be reduced to a **less than significant level**.

## **REFERENCES**

1992 Malibu Wastewater Management Study. Philip Williams and Associates and Peter Warshall and Associates. March, 1992.

Final Environmental Impact Report for the City of Malibu General Plan. November, 1995.

City of Malibu General Plan. November, 1995.

Rancho Malibu Mesa Hotel Zero Balance Reclamation Addendum to the Alternative Wastewater Treatment and Disposal Report. Psomas and Associates. August, 1991.

Review of Wastewater Issues - Rancho Malibu Hotel. Harold Welborn & Associates. March 15, 1996.

Rancho Malibu Hotel Wastewater Reclamation Report - Zero Balance Addendum for Landscape Analysis. Perry & Associates. March 18, 1996.



Review of Zero Balance Addendum for Rancho Malibu Hotel. Montgomery Watson  
with Takata Associates. April 6, 1996.

Rancho Malibu Hotel - Wastewater Flow Generation Projections. Harold Welborn  
and Associates. December 17, 1996.

## **2.4 AIR QUALITY**

### **ENVIRONMENTAL SETTING**

#### **Regional Air Quality**

The City of Malibu lies within the South Coast Air Basin (SCAB). The basin is part of a large coastal plain with many connecting valleys and low hills. The plain is bounded on the southwest by the Pacific Ocean, on the west by the Santa Monica Mountains, on the north by the San Gabriel Mountains, and on the east by the San Jucund Mountains.

The Basin's dense population centers, heavy vehicular traffic, and industry generate most of the air pollutants resulting in levels of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), ozone (O<sub>3</sub>), and fine particulate matter (PM10) exceeding both the national and state ambient air quality standards for these pollutants. The entire Basin has been declared an extreme nonattainment area for ozone, and serious nonattainment area for carbon monoxide.

Within the South Coast Air Quality Management District's (SCAQMD) area, which includes the City of Malibu, nearly 90 percent of PM10 emissions are generated by vehicles of all types. The vehicles also generate over 80 percent of nitrogen oxides, and 55 percent of volatile organic compounds which are both precursors to ozone. Nearly 100 percent of carbon monoxide emissions are generated by on-road and off-road vehicles.<sup>1</sup>

Nonetheless, Malibu and other coastal cities enjoy good air quality, as the Pacific Ocean's breezes carry air pollutants away from coastal areas and into the inland valleys. Only occasionally, Santa Ana winds reverse this climatological pattern, and bring air pollutants from inland areas to the coast.

#### **Air Quality Plans**

In accordance with federal Clean Air Act requirements, the State of California must submit State Implementation Plans (SIPs) which demonstrate how nonattainment areas will meet a number of federal health-based standards by specific deadlines.

To bring the Basin in compliance with the SIP, in September of 1994, the South Coast Air Quality Management District (SCAQMD) and Southern California Association of Governments (SCAG) adopted a revised 1994 *Air Quality*

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<sup>1</sup> 1994 *Air Quality Management Plan*. South Coast Air Quality Management District and Southern California Association of Governments. September 9, 1994.

*Management Plan (AQMP).* The 1994 AQMP's goal is to bring the Basin into compliance with all federal requirements, as well as with state requirements for oxides of nitrogen and carbon monoxide, by the year 2010; and with the remaining state standards for ozone and particulates soon afterward. To achieve this goal, the AQMP includes a wide range of measures, including growth management based on balancing jobs and housing; land use development minimizing vehicular travel; transportation demand and system management; energy conservation; reduction of mobile and stationary emissions, market incentives, and others.

The Plan establishes two tiers of air pollution control strategies. The first tier includes short-term strategies that employ the best known current technology and management practices to reduce pollutant emissions. The second tier comprises long-term approaches that include already-demonstrated but commercially unavailable technologies, as well as "on the horizon" advances in technology. Fundamental control measures include extensive use of clean fuels; rapid introduction of electric vehicles; conserving natural gas and electricity; reducing emissions from all sources; and reducing vehicular trips and travel.

The state standards for ozone and particulate matter will not be attained by the year 2010 under the Plan. Attainment of these standards will require development of additional, as yet unknown measures and technologies, in addition to full implementation of the 1994 AQMP.

### **Local Air Quality**

SCAQMD monitors air quality in the Basin through a network of 37 monitoring stations. The Los Angeles County North West Coast monitoring station is the closest to the City of Malibu. In 1995 the station recorded ozone levels which exceeded federal standards on one day and state standards on 19 days. No other pollutant was recorded to exceed standards. PM<sub>10</sub> is not monitored at this station.

Malibu has two predominate wind flow patterns. During the nighttime and early morning hours, wind flow is typically toward the south from the Santa Monica Mountains out to sea at approximately 2 to 3 meters per second. Once solar heating has warmed air over the mountains and the Los Angeles Basin, the winds change to flow to the east toward Santa Monica. This change in wind patterns may occur as early as 8:00 a.m. on warm summer days or as late as midafternoon in the winter and spring.

### **Sensitive Receptors**

While high concentrations of air pollutants pose health problems for the general population, they particularly affect children, the elderly, and the sick. Thus, schools,

child care centers, hospitals, convalescent homes, retirement homes, and residences, are considered sensitive receptors. Typical health problems attributed to smog include respiratory ailments, pulmonary ailments, cough, headaches, and eye, throat, and nose irritations.

The proposed hotel site is located in an area developed with a mix of uses, including the Civic Center, Pepperdine University campus, schools, churches, multifamily, and single family uses. Neither residences nor schools nor any other sensitive uses directly abut the site. Sensitive receptors closest to the site include the three condominium complexes, approximately 150 feet from the site, and Our Lady of Malibu and Webster schools, approximately 500 feet from the site, across Civic Center Way to the north.

## **THRESHOLDS FOR DETERMINING SIGNIFICANCE OF IMPACTS**

According to CEQA, a project will have a significant air quality impact if it violates any ambient air quality standard, substantially contributes to an existing or projected air quality violation, or exposes sensitive receptors to substantial pollutant concentrations exceeding federal or state standards. Among criteria used by SCAQMD to evaluate a project's air quality impacts are the project's capability to emit pollutants exceeding the established threshold values for individual projects, and the project's consistency with the regional *Air Quality Management Plan*. Threshold values for short-term construction emissions are shown in **Table 1**, and for long-term operational emissions in **Table 2**.

## **PROJECT IMPACT**

### **Construction Impact**

Hotel construction, forecasted to last approximately 12 months, will generate short-term emissions of air pollutants. Dust, or particulate matter, will be generated during excavation, site preparation, and construction. Also, exhaust emissions of air pollutants, including particulate matter, will be generated by construction equipment.

Approximately 119,000 cubic yards of grading will be balanced on site to accommodate underground excavation for the water reclamation facility, structural foundations, and utility infrastructure for water, gas, electricity, and communications. This phase of construction will generate the most dust and air pollutants from heavy equipment. Once grading is completed within the first weeks of construction, the air pollutant emissions will drop substantially. Estimated average daily construction-related emissions are summarized in **Table 1**. As shown, these emissions are below the SCAQMD thresholds for a significant air quality impact.

**Table 1**  
**Estimated Average Daily Construction Air Pollutant Emissions**

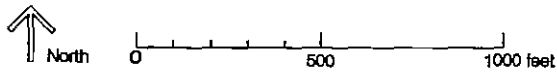
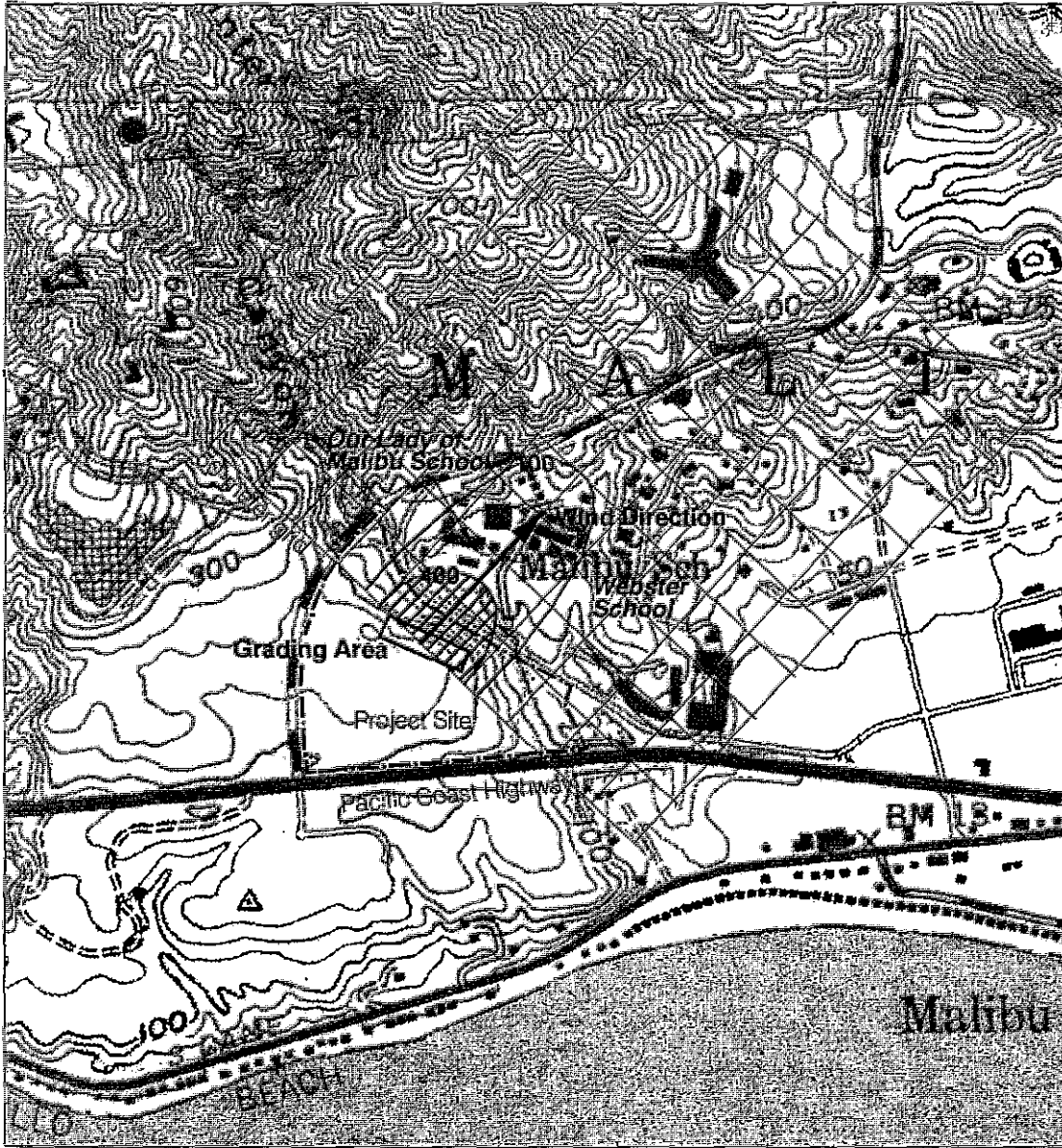
Source of Emissions	Total Emissions (pounds per day)			
	ROG	NOx	CO	PM <sub>10</sub>
Workers' Travel	1	neg	18	1
Cut and Fill/Grading <sup>1</sup>				16
Construction Equipment <sup>2</sup>	5	55	23	6
Materials Hauling	2	10	23	23
<b>Total</b>	<b>8</b>	<b>65</b>	<b>64</b>	<b>46</b>
SCAQMD Construction Thresholds	75	100	550	150

ROG = Reactive organic gases  
 NO<sub>x</sub> = Oxides of nitrogen  
 CO = Carbon monoxide  
 PM10 = Suspended particulates smaller than 10 microns.


1. Emissions from cut and fill/grading are based on 140,000 cubic yards of grading balanced on site, i.e. per previous Draft EIR. Emissions for the proposed project would be approximately 15% less. (See Appendix F for calculations.)
2. Emissions from heavy construction equipment will drop substantially after the grading phase is completed within the first weeks of the construction period.

Source of emission factors: South Coast Air Quality Management District, *CEQA Air Quality Handbook*, U.S. Environmental Protection Agency, *Fugitive Dust and Background Document for Best Available Control Measures*, September 1992.

Nonetheless, analysis of the potential effects of fine particulate matter, (PM10, approximately 50% of total dust emissions), emissions from grading and construction activity for the proposed hotel was conducted to ascertain effects on residential uses and schools near the site. **Figure 6** shows the extent of the area in which fine particulate matter would exceed ambient air quality standards for anticipated normal worst-case conditions in which the wind was slow and blowing directly toward Our Lady of Malibu and Webster Elementary schools from grading concentrated nearest the school on the northeast side of the site.



—100— PM10 concentration, 1-hour average, micrograms per cubic meter.

 Concentrations exceed ambient air quality standard of 50 micrograms per cubic meter 24-hour average based on 3 hours worst-case conditions.

Particulate concentrations based on calculations from Appendix F, Table F-4  
 Wind speed 2 meters/second, stability class B (unstable)

**Figure 6**

**Worst-case School Impact from Grading**



Worst-case conditions for concentration of pollutant emissions include low wind speeds (1 to 2 meters per second) and stable air (stability class D, E or F). These conditions allow pollutant emissions to accumulate in the air and minimize their dispersion. These two conditions are highly unusual during the daytime in coastal areas. Low wind speeds are normally associated with stable air only in early morning hours before sunrise, when construction would not be under way. The terrain of the site and the coastal location make it likely that in worst case conditions, wind speeds will normally be moderate and air will be moderately unstable in the vicinity of the site.

As shown in **Figure 6**, the normal worst-case conditions expected during grading would permit pollutant concentrations to exceed ambient air quality standards for up to approximately 60 meters downwind from grading activity, if grading is conducted continuously in a concentrated area of the site. Because concentrated grading is not expected along the north edge of the site on Civic Center Way, grading is not expected to cause pollutant concentrations to exceed ambient air quality standards at sensitive receptor locations near the site.

If low wind speeds and stable air occur, impacts will be obvious because of the dust accumulating in the air. Adverse impact can be prevented by stopping grading or moving grading operations to another location on the site at such times that the following factors combine:

1. Low wind speeds (less than 2 meters per second).
2. Stable air, such that movement is smooth and continuous in the same direction.
3. Wind is blowing directly for an extended period toward the two schools and three condominium complexes from the area of grading operations.
4. Grading is being conducted continuously in a concentrated area on the north side of the site along Civic Center Way.

Table 1 shows estimated construction-related daily emissions of air pollutants for the proposed hotel. As shown, construction emissions **will not result in a significant adverse impact on air quality**, since the average daily emissions will be below the SCAQMD thresholds. Nonetheless, to protect existing uses in the vicinity, mitigation measures will be required of the project to reduce dust and emissions from construction vehicles.

### Ongoing Project Operation

Once construction has been completed, vehicle travel to and from the site will generate air pollutant emissions. Nearly all air pollutant emissions will be generated by vehicles of the hotel guests and visitors.

Traffic analysis prepared for the project (see Section 2.5 - Traffic/Circulation) estimates that the proposed hotel and restaurant, and will generate approximately 2,160 daily vehicle trips. This new vehicular traffic will generate additional air pollutant emissions, as shown in Table 2, below.

**Table 2**  
**Year 1997 Projected Daily Air Pollutant Emissions of the Project**

Pollutant	Emissions (pounds per day)			
	Vehicular Emissions	Stationary Emissions	Total Project Emissions	SCAQMD Threshold
CO - Carbon Monoxide	529	1	530	550
ROG - Reactive Organic Gases	46	negligible	46	55
NO <sub>x</sub> - Oxides of Nitrogen	41	6	47	55
PM10 - Fine Particulates	5	negligible	5	150

Source: Traffic data from WPA Traffic Engineering, June 1995 as revised.  
Other factors from Air Resources Board URBEMIS3 and SCAQMD CEQA Air Quality Handbook, updated November 1993.

Assumptions and Calculations: See Appendix G for worksheets. Calculations based on project description contained in the prior Draft EIR. That version of the project would generate 2,400 trips compared to 2,160 trips for the project. Project emissions would therefore be 10% less than shown in the Table.

As shown, the proposed hotel project will not generate pollutants above the SCAQMD daily thresholds, and this impact is considered to be **less than significant**.

### Consistency With Air Quality Management Plan

A project is considered to be consistent with the *Air Quality Management Plan* (AQMP) if it is consistent with the population, housing, and employment



assumptions that form the foundation of the AQMP, and when it is consistent with the AQMP air pollution control policies and measures.

The proposed project will provide hotel facilities, and it will not affect existing housing or create demand for additional housing. The project's potential for providing new employment is limited; the previous 300-room proposal was estimated to provide jobs for at most 347 employees from outside the City.<sup>2</sup> These new jobs are expected to be filled by residents from surrounding cities who will commute to the site from their places of residence. As such, the project will not have the potential to induce large numbers of people to move to Malibu from other regions. By providing employment in a jobs-poor community, the proposed project will contribute to the regional goals of balancing jobs and housing. The proposed project is also an in-fill development within an already urbanized area, it is located near a major transportation corridor along Pacific Coast Highway, and it includes measures to reduce vehicular travel and the resultant air pollutants, such as provision of shuttle services for guests and visitors. All these components are consistent with the land use development patterns promoted by the AQMP, and with the regional population, housing, and employment projections that form the Plan's foundation. Therefore, the proposed project is considered consistent with the AQMP.

The proposed project, in conformance with the City of Malibu General Plan policies, will implement the following measures consistent with the SCAQMD *CEQA Air Quality Handbook*, to reduce short-term construction impacts as determined appropriate by the City:

- Configure construction parking to minimize traffic interference
- Provide temporary traffic control during all phases of construction activities to improve traffic flow (e.g., flag person)
- Schedule construction activities that affect traffic flow to off-peak hours (e.g., between 7:00 p.m. and 6:00 a.m. and between 10:30 a.m. and 3:30 p.m.)
- Develop a construction traffic management plan that includes but is not limited to:
  - Rerouting construction trucks off congested streets
  - Consolidating truck deliveries

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<sup>2</sup>Final Environmental Impact Report for Rancho Malibu Mesa. Bright and Associates, December 1984.

- Providing dedicated turn lanes for movement of construction truck and equipment on- and off-site
- Use electricity from power poles rather than temporary diesel or gasoline powered generators
- Reduce traffic speeds on all unpaved roads to 15 miles per hour or less
- Pave construction roads that have a traffic volume of more than 50 daily trips by construction equipment or 150 total daily trips for all vehicles
- Apply approved chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (e.g., previously graded areas inactive for four days or more)
- Replace ground cover in disturbed areas as quickly as possible
- Enclose, cover, water twice daily, or apply approved soil binders according to manufacturers' specifications, to exposed piles (e.g., gravel, sand, dirt)
- Water active sites at least twice daily
- Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer)
- Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers with reclaimed water)
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site.

To reduce long-term impacts, consistent with the City of Malibu General Plan policies the applicant will implement the following measures as determined feasible by the City:

- Provide preferential parking spaces for carpools and vanpools

- Implement an on-site circulation plan in parking lots to reduce vehicle queuing
- Use solar or low-emission water heaters
- Use central water heating systems
- Use built-in energy-efficient appliances
- Provide shade trees to reduce building heating/cooling needs
- Use energy-efficient and automated controls for air conditioning
- Use double-glass paned windows
- Use energy-efficient low-pressure sodium parking lot lights
- Use lighting controls and energy-efficient lighting
- Substitute materials where feasible (e.g., use water-based paints and other materials which have low life-cycle emissions)
- Synchronize traffic lights on streets impacted by development
- Reschedule truck deliveries and pickups to off-peak hours
- Provide on-site truck loading zones
- Provide shuttle service for guests and visitors

## **MITIGATION MEASURES**

The following mitigation measure is required to prevent exceeding the state ambient air quality standard for fine particulate matter during initial site grading:

- 4.1. In the event that substantial accumulation of dust in the air over the grading operations is observed and a combination of low wind speed and high stability results in substantial dust concentrations at the schools or condominium complexes for a continuous period of more than one hour, one or more of the following additional mitigation measures shall be put in place as appropriate until the wind conditions change to make these measures unnecessary:
  - Grading shall be halted, or

- Grading shall be moved to a location on the site more distant or such that substantial dust is no longer carried toward the schools or condominium complexes, or
- Water trucks shall spray continuously behind or into grading vehicles to substantially reduce the amount of dust raised into the air.

4.2 The proposed project, in conformance with the City of Malibu General Plan policies, will implement the following measures consistent with the SCAQMD *CEQA Air Quality Handbook*, to reduce short-term construction impacts as determined appropriate by the City:

- Configure construction parking to minimize traffic interference.
- Provide temporary traffic control during all phases of construction activities to improve traffic flow (e.g., flag person).
- Schedule construction activities that affect traffic flow to off-peak hours (e.g., between 7:00 p.m. and 6:00 a.m. and between 10:30 a.m. and 3:30 p.m.).
- Develop a construction traffic management plan that includes but is not limited to:
  - Rerouting construction trucks off congested streets
  - Consolidating truck deliveries
  - Providing dedicated turn lanes for movement of construction truck and equipment on- and off-site
- Use electricity from power poles rather than temporary diesel or gasoline powered generators.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.
- Pave construction roads that have a traffic volume of more than 50 daily trips by construction equipment or 150 total daily trips for all vehicles.
- Apply approved chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (e.g., previously graded areas inactive for four days or more).
- Replace ground cover in disturbed areas as quickly as possible.

- Enclose, cover, water twice daily, or apply approved soil binders according to manufacturers' specifications, to exposed piles (e.g., gravel, sand, dirt).
- Water active sites at least twice daily.
- Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer).
- Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers with reclaimed water).
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site.

4.3 To reduce long-term impacts, consistent with the City of Malibu General Plan policies the applicant will implement the following measures as determined feasible by the City:

- Provide preferential parking spaces for carpools and vanpools.
- Implement an on-site circulation plan in parking lots to reduce vehicle queuing.
- Use solar or low-emission water heaters.
- Use central water heating systems.
- Use built-in energy-efficient appliances.
- Provide shade trees to reduce building heating/cooling needs.
- Use energy-efficient and automated controls for air conditioning.
- Use double-glass paned windows.
- Use energy-efficient low-pressure sodium parking lot lights.
- Use lighting controls and energy-efficient lighting.

- Substitute materials where feasible (e.g., use water-based paints and other materials which have low life-cycle emissions).
- Synchronize traffic lights on streets impacted by development.
- Reschedule truck deliveries and pickups to off-peak hours.
- Provide on-site truck loading zones.
- Provide shuttle service for guests and visitors.

No additional mitigation measures are required since air quality impacts at all other times will be less than significant.

## **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

With implementation of the mitigation measures, air quality impacts would be less than significant.

## **REFERENCES**

*California South Coast Air Basin Hourly Wind Flow Patterns*, South Coast Air Quality Management District, 1977.

"1995 Air Quality" table. South Coast Air Quality Management District. June, 1995.

*CEQA Air Quality Handbook*. South Coast Air Quality Management District. May 1993 with November 1993 update.

*Final Environmental Impact Report for Rancho Malibu Mesa*. Bright and Associates, December 1984.

*City of Malibu General Plan*. November, 1995.

## **2.5 TRAFFIC/CIRCULATION**

This section includes information from a traffic study prepared for the project by WPA Traffic Engineering, in March, 1997 and an addendum to that report dated July 21, 1997. The addendum addresses the project as proposed in this revised Draft EIR. A copy of the study is contained in Appendix D of this EIR. The study investigated both the weekday a.m. and p.m. peak hour commuter traffic. In addition, the study included an analysis of summer Saturday midday traffic in order to determine if major difference exist between summer and non-summer traffic levels.

## **ENVIRONMENTAL SETTING**

### **Existing Roadways**

Major roadways providing access to the project site are Pacific Coast Highway (PCH) (S.R. 1), Malibu Canyon Road, and Civic Center Way. In addition, four other local roadways, Webb Way, Kanan Dume Road, Las Flores Canyon Road, and Decker Road (SR 23), could be used by guests and visitors for accessing the site.<sup>1</sup> **Figure 7** on the following page shows the roadway network and existing 24-hour traffic volumes on the roadways serving the site.

### **Study Intersections**

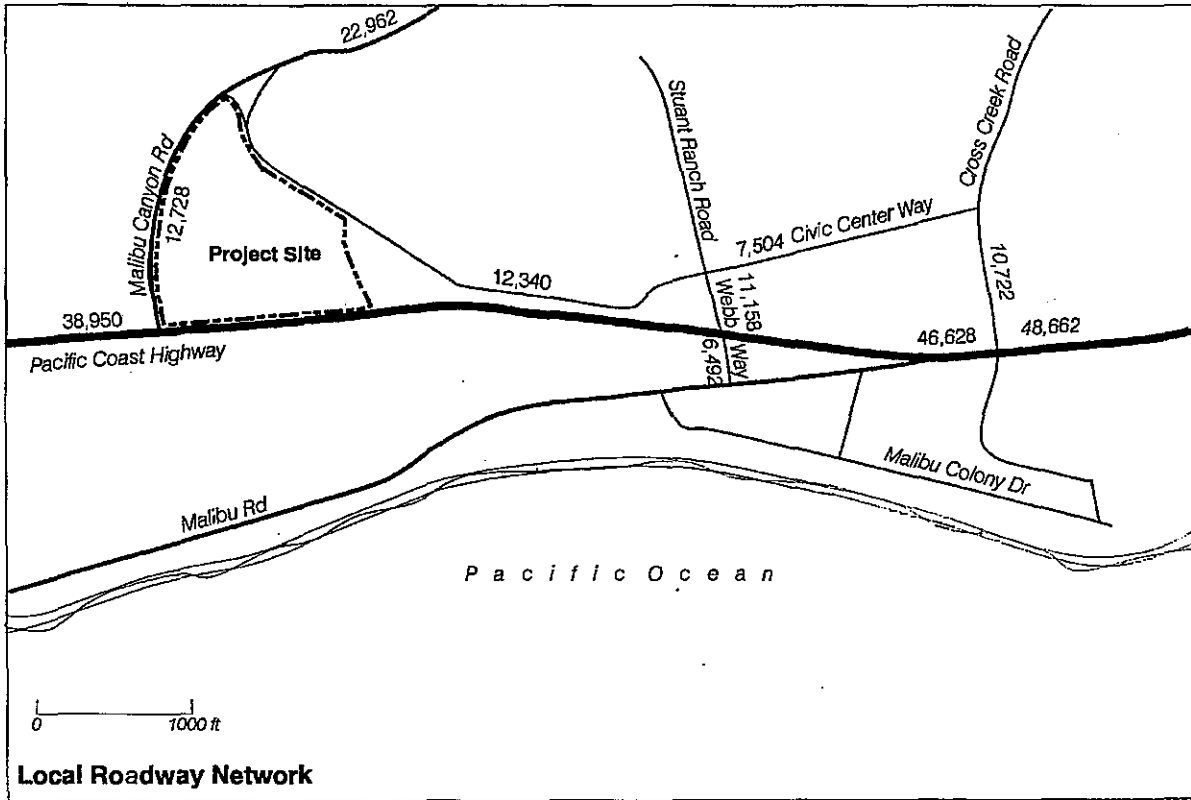
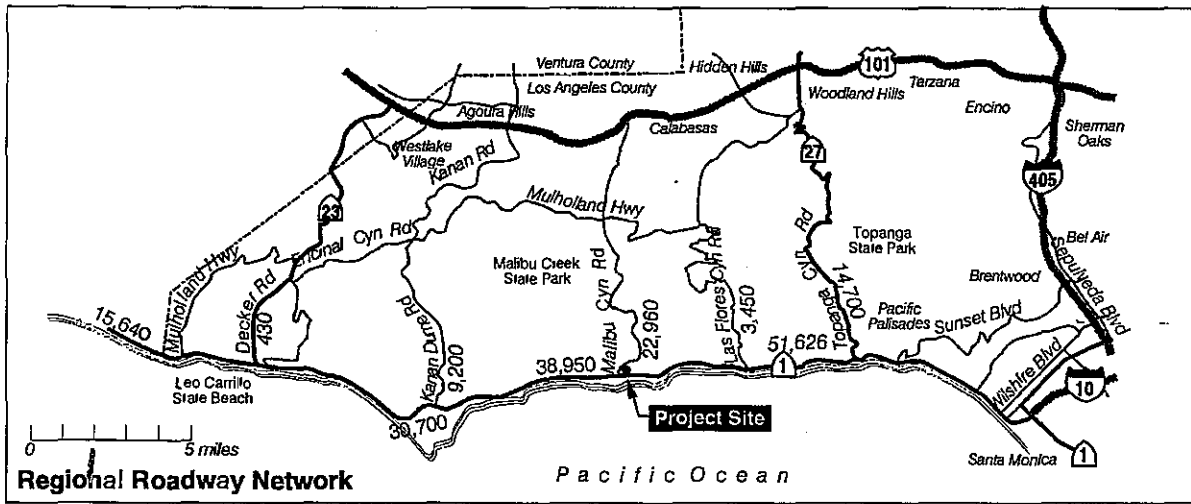
An analysis of current traffic conditions was conducted for the eight intersections most likely to be affected by the project. These intersection were selected for analysis based on the Los Angeles County Congestion Management Program (CMP) guidelines and consultations with City staff.

The following eight intersections were analyzed in the traffic study:

- PCH and Decker Road (CMP intersection)
- PCH and Kanan Dume Road (CMP Intersection)
- PCH and Malibu Canyon Road (CMP intersection)
- Malibu Canyon Road and Civic Center Way
- PCH and Webb Way
- PCH and Cross Creek Road
- PCH and Las Flores Canyon Road (CMP intersection)
- PCH and Topanga Canyon Road (CMP Intersection)

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<sup>1</sup>Kanan Dume Road, as of the publication of this revised Draft EIR (August 1997) is closed. However, the City has identified funds and a timetable for reconstruction of two lanes of Kanan Dume Road. Existing traffic data was collected when Kanan Dume Road was still open. Project impacts and mitigations consider the current situation with Kanan Dume Road.



Source of traffic counts: All Thursday counts in August or September.  
 PCH: Caltrans counts, 1994.  
 Other counts: Traffic Data Services, Inc., 1996 traffic counts for Malibu Civic Center Specific Plan.  
*italic*: Based on 2 x one-way traffic count.

**Figure 7**  
**Existing Roadway Network and Daily Traffic Volumes**



Five of these intersections: PCH/Malibu Canyon Road, PCH/Kanan Dume Road, PCH/Las Flores Canyon Road, PCH/Decker Road and PCH/Topanga Canyon Road are CMP intersections included in the Los Angeles County CMP. On an annual basis, cities are required to report on new permitted development within their jurisdiction, and to submit deficiency mitigation plans to offset the effects of development on the CMP system. Deficiency mitigation may take the form of capital improvements, transportation demand management measures, or land use planning. The CMP does not require that CMP deficiency mitigation efforts be done on a project basis.

Morning and afternoon peak hour traffic counts from the City of Malibu, hourly Caltrans counts, hourly and peak-hour traffic counts for the Civic Center Specific Plan (in preparation), and field data (such as roadway and intersection alignments and measurements and summer Saturday counts) were used in analyzing existing traffic conditions. The results of this analysis are presented in **Table 3**, which is included under the discussion of impacts. The table describes the existing traffic conditions by using Intersection Capacity Utilization (ICU) values and Level of Service (LOS) descriptions.

### **Measures of Traffic Conditions**

LOS of an intersection is a qualitative description of that intersection's ability to meet travel demand. LOS is ranked from LOS A, representing the "best" operating conditions, to LOS F, representing the "worst" operating conditions. ICU is a measure of how much of the available intersection capacity is used by traffic during the peak travel time, i.e. morning and afternoon "rush hours". The lower the ICU value is, the better is Level of Service at an intersection.<sup>2</sup>

### **Existing Traffic Conditions**

The results of the traffic analysis of existing traffic conditions for the weekday a.m. and p.m. peak hours at the eight study intersections are presented in Table 3 which is included in the impact discussion. The results of traffic analysis for existing traffic conditions during the summer Saturday weekend peak hours at the eight study intersections are presented in Table 4, included in the impact discussion.

### **Non-Summer Conditions**

Currently, all but one of the study intersections are operating LOS C or better during the morning peak hours. All but two are operating at LOS C or better in the afternoon peak hours. The intersection of PCH and Topanga Canyon Road

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<sup>2</sup>For intersections, LOS A corresponds to ICU values from 0.00 to 0.60, LOS B to values from 0.61 to 0.70, LOS C to values from 0.71 to 0.80, LOS D to values from 0.81 to 0.90, LOS E to values from 0.91 to 1.00 and LOS F to values above 1.00.

currently operates at LOS F during the morning peak hour, and LOS D during the afternoon peak hour. The intersection of PCH and Cross Creek Road currently operates at LOS C in the morning peak hour, and LOS D during the afternoon peak hour.

### **Summer Conditions**

During the summer Saturday midday peak hour, three intersections (Malibu Canyon/Civic Center Way, PCH/Cross Creek Road and PCH/Topanga Canyon Road) operate at LOS C or better, four intersections (PCH/Kanan Dume Road, PCH/Malibu Canyon Road, PCH/Webb Way and PCH/Las Flores Canyon) operate at LOS D and one (the unsignalized intersection at PCH/Decker Road) operates at LOS E during the midday peak hour.

## **THRESHOLDS FOR DETERMINING SIGNIFICANCE OF IMPACTS**

### **Traffic Impacts**

- The Malibu General Plan Circulation Element indicates that where LOS of service at signalized intersections and roadways is below LOS C [assumed to mean LOS D or worse], the City shall ensure that proposed development maintains the then current LOS. Where LOS at signalized intersections and roadways is at LOS C or above [assumed to mean LOS C or better], the City shall ensure that the proposed development (1) does not cause a degradation of LOS greater than or equal to 2 percent in the circumstances set forth in Land Use Implementation Measure 70 and (2) does not degrade LOS below LOS C.<sup>3</sup>
- The Malibu General Plan requires applicants to mitigate any impact to an intersection where the change in the volume/capacity ratio is greater than or equal to 0.02 [assumed to mean two percentage points, or 2% of capacity], or any impact which worsens an intersection's LOS F rating.<sup>4</sup>
- The Malibu General Plan indicates that Caltrans considers that acceptable operation on PCH to be LOS D.<sup>5</sup>
- The Congestion Management Program for Los Angeles County considers a project to result in a significant impact on a CMP facility if that project

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<sup>3</sup> (Circulation Element Policy 1.1.1).

<sup>4</sup> General Plan Land Use Implementation Measure 70.

<sup>5</sup> *Malibu General Plan*, November, 1995, *Circulation & Infrastructure Element*, page 4-9.

increases traffic demand on the facility by two percent of capacity (i.e., increases ICU value by 0.02) causing or worsening LOS F.

### **Access Impacts**

A project will result in a significant impact if the location of access points to the site will result in inadequate line of sight, insufficient distance or stacking room for motorists entering or exiting the site, and/or create traffic flow problems on roadways serving the site.

### **Parking Impact**

A project will result in a significant impact if it provides insufficient on-site parking for the proposed use and operations, or imbalanced distribution of parking within the site as determined through a project-specific traffic and parking analysis.

### **Summer Traffic Impacts**

The City of Malibu has not adopted any thresholds of significance specifically for summer, weekend, or midday traffic impacts. To date, traffic analyses for the City have been based on non-summer periods, and have addressed the a.m and p.m. peak hour impacts for proposed projects.

## **PROJECT IMPACT**

### **Project Trip Generation**

The project's trip generation rates for the hotel component of the project are based on a study conducted in 1986 to establish representative trip generation rates for luxury hotels.<sup>6</sup> A luxury hotel was defined as a hotel facility which acts as a primary destination with a variety of amenities on site. Hence guests are primarily visiting the hotel and not just seeking convenient accommodations in the area. This is different from a more typical hotel whose guests are visiting an area for business or recreation and have selected the particular hotel as a suitable place to stay, and from which they undertake their various activities in the area. The typical luxury hotel was defined to have the following characteristics:

- provides luxury accommodations with "in-house" conference and meeting facilities, restaurants, shops, tennis courts, etc;
- has on-site or adjacent amenities such as spa, tennis courts, golf course, beach, and/or other recreational attractions;

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<sup>6</sup> *Resort Hotel Traffic Study*, Austin-Foust Associates, December 1986.

- provides various forms of guest transportation services, particularly to and from the nearest major airport.

The study assumed that a luxury hotel has an average occupancy rate of 85 percent, ten percent higher than the 75 percent rate for conventional hotels, which allowed the researchers to define trip generation rates on a "per room", rather than "per occupied room" basis.<sup>7</sup>

The following four hotels were surveyed in the study:

- Hotel del Coronado - Coronado Island, California
- La Costa - San Diego County, California
- Marriott Hotel - Newport Beach, California
- Hyatt at Hilton Head - South Carolina

While each of these four hotels is unique in certain ways, each has similar features that are related to traffic characteristics. All four offer a variety of recreational facilities, but at the same time they are not entirely isolated, and have surrounding features of sufficient interest to encourage off-site travel. These hotels are, therefore, representative of a luxury hotel that provides a range of recreational amenities, most of which are on-site, and which serves as a "destination resort" for the visitors. Trip Generation was referenced to obtain rates applicable to the proposed additional area for the fitness center/spa and cultural center.<sup>8</sup>

Based on analysis of data collected through the hotel surveys, the daily trip (ADT) rate of 6.0 trips per room was established as being as high or higher than the rate for all three California hotels, and slightly higher than the overall average rate of 5.9. The a.m. peak rate of 0.30 trips per room was based on the 7:00 to 8:00 a.m. data, which was the highest of the two a.m. hourly periods (the second period surveyed was from 8:00 to 9:00 a.m.). The p.m. peak rate which was used was 0.45 trips per room, which was slightly higher than the 0.40 average for the highest 5:00 to 6:00 p.m. period, in order to establish a rate that represented an upper range of trip generation. As all these rates are higher than the averages from the survey data, they are considered to be both representative and unlikely to be exceeded by a "luxury hotel" as defined above.

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<sup>7</sup> Standard hotel trip generation rates published by the Institute of Transportation Engineers (ITE) for conventional hotels are rates per occupied room. When comparing ITE rates to those of the resort hotel study, the ITE rates should be adjusted to account for the level of occupancy for conventional hotels.

<sup>8</sup> Institute of Transportation Engineers (ITE) Trip Generation, 5th Edition, 1991, and 5th Edition Update, 1995.

Based on ITE rates, the fitness center is estimated to generate 0.14 inbound and 0.16 outbound trips per 1,000 square feet in the a.m. peak hour and 2.58 inbound and 1.72 outbound trips per 1,000 square feet in the p.m. peak hour. The cultural center is estimated to generate 0.82 inbound and 0.17 outbound trips per 1,000 square feet in the a.m. peak hour and 2.28 inbound and 2.46 outbound trips per 1,000 square feet in the p.m. peak hour.

The 24-hour Saturday trip rates used were the same as the weekday rate for the hotel. Saturday midday peak hour trip rates are higher than weekday p.m. peak trip rates, with 0.39 inbound and 0.43 outbound trips per room for the hotel. The Saturday rates for the fitness center were estimated to be the same as the weekday p.m. peak hour rates, namely 2.58 inbound and 1.72, outbound trips per 1,000 square feet. The Saturday rates for the cultural center were estimated to be 2.80 inbound and 2.02 outbound trips per 1,000 square feet.

Based on these trip generation rates, the proposed project is estimated to generate 2,160 daily trip ends (one-way trips). The hotel is estimated to generate approximately 1,500 trips per day, the cultural center 410 trips per day, and the spa 250 trips per day.<sup>9</sup> Of these 2,160 daily trips, about 80 trips are expected to occur during the morning peak hour and 180 trips to occur during the afternoon peak hour. In the midday peak hour on Saturday, the project would be expected to generate about 280 midday peak-hour trips.

#### **Trip Distribution to Roadway Network**

Trips were distributed to the local street network based on generalized trip distribution factors in the Los Angeles County CMP guidelines, the type of land use proposed, the regional land use attractors, project access restrictions and the surrounding street system. Of hotel trips, 10% were allocated to the west on PCH, 50% were allocated to the east on PCH, and 40% were allocated north on Malibu Canyon Road. Of fitness center trips, 60% were allocated west on PCH, 30% were allocated east on PCH and 10% were allocated north on Malibu Canyon Road. Of the cultural center trips, 20% were allocated west on PCH, 45% were allocated east in PCH were allocated north on Malibu Canyon Road.

Two different allocations to the local street network were made within these regional distributions. One was made based on the assumption that no left turns would be permitted out of the project site onto Malibu Canyon Road. Under this scenario, westbound traffic on PCH would make a U-turn at Civic Center Way. The second

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<sup>9</sup>Daily trips for the spa based on peak hour spa trips. Peak hour spa trips are estimated to represent 10 percent of total trips.

allocation was made based on the assumption that left turns would be permitted from the site onto Malibu Canyon Road. The resulting distribution of weekday p.m. peak hour trips for each of these two scenarios is illustrated in **Figure 8**.

### **Future Traffic Conditions Without Project**

To project future traffic conditions at project completion, an ambient growth rate of 0.74% per year, or 3% from 1996 to the year 2000, was used to account for general growth in traffic and for any other projects that may be developed in the area. This growth rate was based on CMP guidelines for growth in traffic for Westside cities.

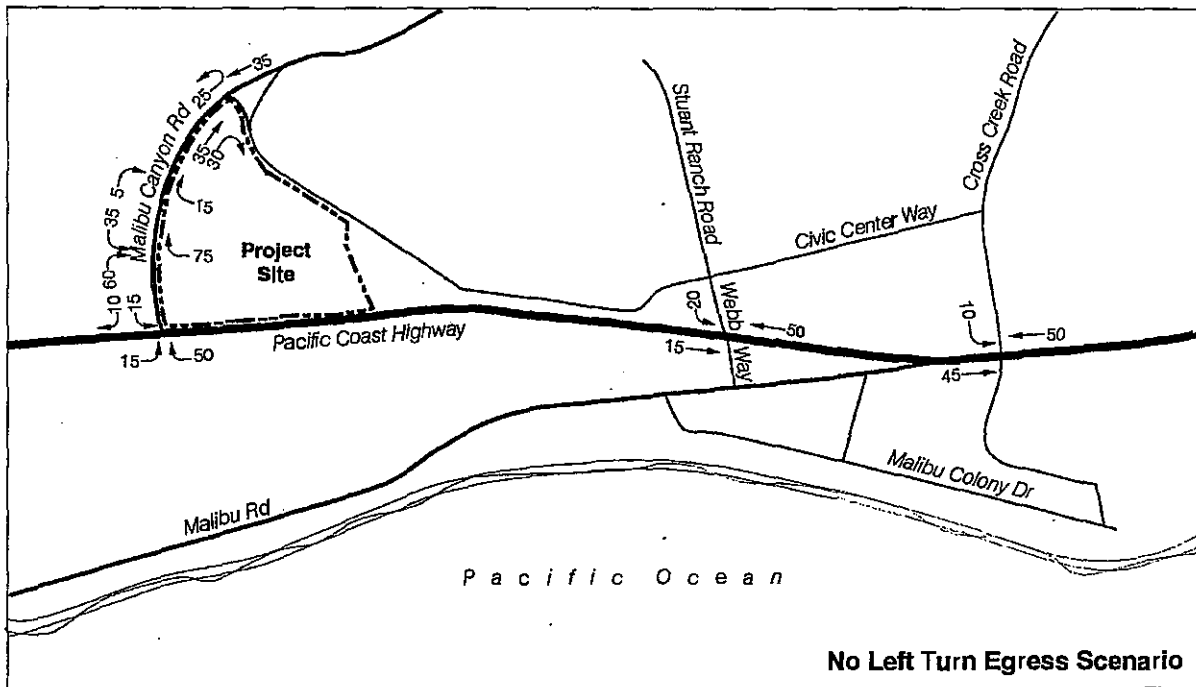
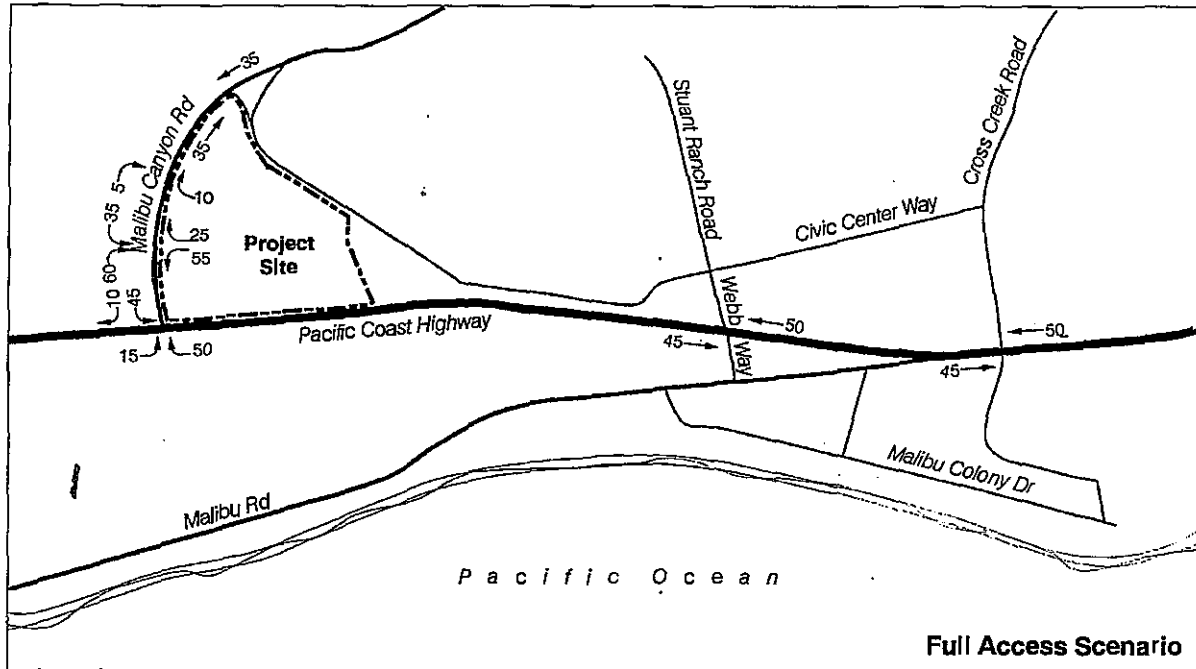
### **Weekday Non-Summer Peak Hour Traffic**

In addition to background growth, the future traffic conditions include traffic from the Pepperdine University Lower Campus development. These volumes were added for weekday traffic only, since weekend traffic volumes for this project were not available. The volume of weekend Pepperdine traffic is sufficiently low that it is subsumed within the general background weekend traffic growth estimate.

The second column in **Table 3** shows the results of the analysis of future traffic conditions without the proposed Rancho Malibu Hotel.

Table 3 shows that in the a.m. peak hour, all intersections, except PCH at Malibu Canyon Road and PCH at Topanga Canyon Road will continue to operate at LOS C or better. PCH at Malibu Canyon Road will continue to operate at LOS D, with the ICU deteriorating by 0.02. PCH at Topanga Canyon Road will continue to operate at LOS F.

In the p.m. peak hour, three of the eight intersections (PCH at Kanan Dume Road, PCH at Malibu Canyon Road and PCH at Webb Way) will continue to operate at LOS C or better. The intersection of Malibu Canyon Road and Civic Center Way will deteriorate from LOS C to LOS D during the p.m. peak hour. The unsignalized intersection of PCH with Decker Road will worsen from LOS C to LOS D. The intersection of PCH and Cross Creek will worsen from LOS D to LOS E. The intersection of PCH and Las Flores Canyon Road will worsen from LOS C to LOS D, and the intersection of PCH at Topanga Canyon Road will remain at LOS D.



0 1000 ft

**Figure 8**  
**Weekday PM Peak Hour Project Traffic Distribution**

**Table 3  
Weekday Traffic Conditions With and Without the Project**

Intersection	Existing ICU/LOS (1996)	Future Without Project ICU/LOS	Future with Project: Full Access		Future with Project: No left turn egress	
			ICU/LOS	Project change in ICU	ICU/LOS	Project change in ICU
<b>AM Peak Hour</b>						
PCH/Decker Rd (unsignalized)+	C	C	C	na	C	na
PCH/Kanan Dume Rd+	0.41/A	0.42/A	0.43/A	+0.01	0.43/A	+0.01
PCH/Malibu Canyon Rd+	0.84/D	0.86/D	0.87/D	+0.01	0.87/D	+0.01
Malibu Canyon/Civic Center Way	0.52/A	0.56/A	0.57/A	+0.01	0.57/A	+0.01
PCH/Webb Way	0.62/B	0.64/B	0.64/B	—	0.64/B	—
PCH/Cross Creek Rd	0.73/C	0.75/C	0.75/C	—	0.75/C	—
PCH/Las Flores Canyon Rd+	0.76/C	0.78/C	0.78/C	—	0.78/C	—
PCH/Topanga Canyon Rd+	1.19/F	1.23/F	1.23/F	—	1.23/F	—
<b>PM Peak Hour</b>						
PCH/Decker Rd (unsignalized)+	C	D	D		D	
PCH/Kanan Dume Rd+	0.70/B	0.72/C	0.72/C	—	0.72/C	—
PCH/Malibu Canyon Rd+	0.72/C	0.73/C	0.75/C	+0.02	0.74/C	+0.01
Malibu Canyon/Civic Center Way	0.77/C	0.81/D	0.83/D	+0.02	0.83/D	+0.02
PCH/Webb Way	0.76/C	0.79/C	0.81/D	+0.02	0.81/D	+0.02
PCH/Cross Creek Rd	0.88/D	0.91/E	0.92/E	+0.01	0.92/E	+0.01
PCH/Las Flores Canyon Rd+	0.79/C	0.82/D	0.83/D	+0.01	0.83/D	+0.01
PCH/Topanga Canyon Rd+	0.87/D	0.89/D	0.89/D	—	0.89/D	—

**Bold Face:** LOS: LOS D or worse. Change in ICU: Project change 0.02 or greater, LOS with project LOS C or worse.

+ CMP Intersection.

Source: WPA Traffic Engineering, March 1, 1997 (Appendix D to this EIR).

### Weekend Midday Summer Traffic

Table 4, column 2 shows that in the future without the project, two intersections (Malibu Canyon Road/Civic Center Way and PCH at Topanga Canyon Road) would operate at LOS A; five intersections (PCH/Kanan Dume Road, PCH/Malibu Canyon Road, PCH/Webb Way, PCH at Cross Creek Road and PCH/Las Flores Canyon) would operate at LOS D; and PCH at Decker Road would continue to operate at LOS E.



**Table 4  
Summer Saturday Traffic Conditions With and Without the Project**

Intersection	Existing ICU/LOS (1996)	Future Without Project ICU/LOS	Future with Project: Full Access		Future with Project: No left turn egress	
			ICU/LOS	Project change in ICU	ICU/LOS	Project change in ICU
<b>Midday Peak Hour</b>						
PCH/Decker Rd (unsignalized)+	E	E	E	na	E	na
PCH/Kanan Dume Rd+	0.84/D	0.86/D	0.87/D	+0.01	0.87/D	+0.01
PCH/Malibu Canyon Rd+	0.81/D	0.83/D	0.86/D	+0.03	0.85/D	+0.02
Malibu Canyon/Civic Center Way	0.44/A	0.46/A	0.50/A	+0.04	0.50/A	+0.04
PCH/Webb Way	0.82/D	0.85/D	0.87/D	+0.02	0.88/D	+0.03
PCH/Cross Creek Rd	0.79/C	0.83/D	0.85/D	+0.02	0.85/D	+0.02
PCH/Las Flores Canyon Rd+	0.84/D	0.86/D	0.88/D	+0.02	0.88/D	+0.02
PCH/Topanga Canyon Rd+	0.49/A	0.50/A	0.52/A	+0.02	0.52/A	+0.02

**Bold Face:** LOS: LOS D or worse. Change in ICU: Project change 0.02 or greater, LOS with project LOS C or worse.

+ CMP Intersection.

Source: WPA Traffic Engineering, March 1, 1997 (Appendix D to this EIR).

**Future Traffic Conditions With Project**

**Weekday Non-Summer Peak Hour Traffic Impacts**

**A.M.:** Table 3 summarizes weekday peak hour traffic impacts on the roadway system serving the project site. In the a.m. peak hour, the project generates only 85 trips, which is not a large enough increment to have a significant effect at any of the study intersections. **Weekday a.m. peak period impacts would be less than significant.** As shown in Table 3, the addition of project traffic will increase demand on most of the study intersections by one percent or less and will not change LOS at any intersection.

**P.M.:** In the p.m. peak hour, the project with full access (left turn exits permitted) would increase the intersection capacity utilization by two percentage points thus having a **significant impact** on three of the study intersections:

- PCH at Malibu Canyon Road,
- Malibu Canyon Road at Civic Center Way, and
- PCH at Webb Way.

Of these three intersections, the intersection of PCH and Malibu Canyon Road would continue to operate at LOS C. The intersections of Malibu Canyon Road at

Civic Center Way would continue to operate at LOS D. The level of service at the intersection of PCH and Webb Way would be worsened from LOS C to LOS D.

In the p.m. peak hour, the project with left turn exits prohibited would increase the intersection capacity utilization by two percentage points and thus have a **significant impact** on only two of the study intersections:

- PCH at Civic Center Way, and
- PCH at Webb Way.

This option would have a lesser effect on PCH at Malibu Canyon Road because it would not generate as many southbound left turns at this intersection.

In general, traffic peaks generated by the proposed hotel facility will not coincide with the 8 a.m. and 5 p.m. regular peak hours. The check-in and check-out times for the guests and peak hours for a restaurant and similar facilities will be in late morning and in the evening after peak commuter traffic periods, adding little traffic to the rush hour flows. Also, single events held at the hotel facilities, such as meetings, weddings, receptions, and other similar events, will generally not have their peak volumes during the weekday evening peak commute period when the project has the greatest impact on intersection performance.

### **Weekday Non-Summer Peak Hour Traffic Mitigations**

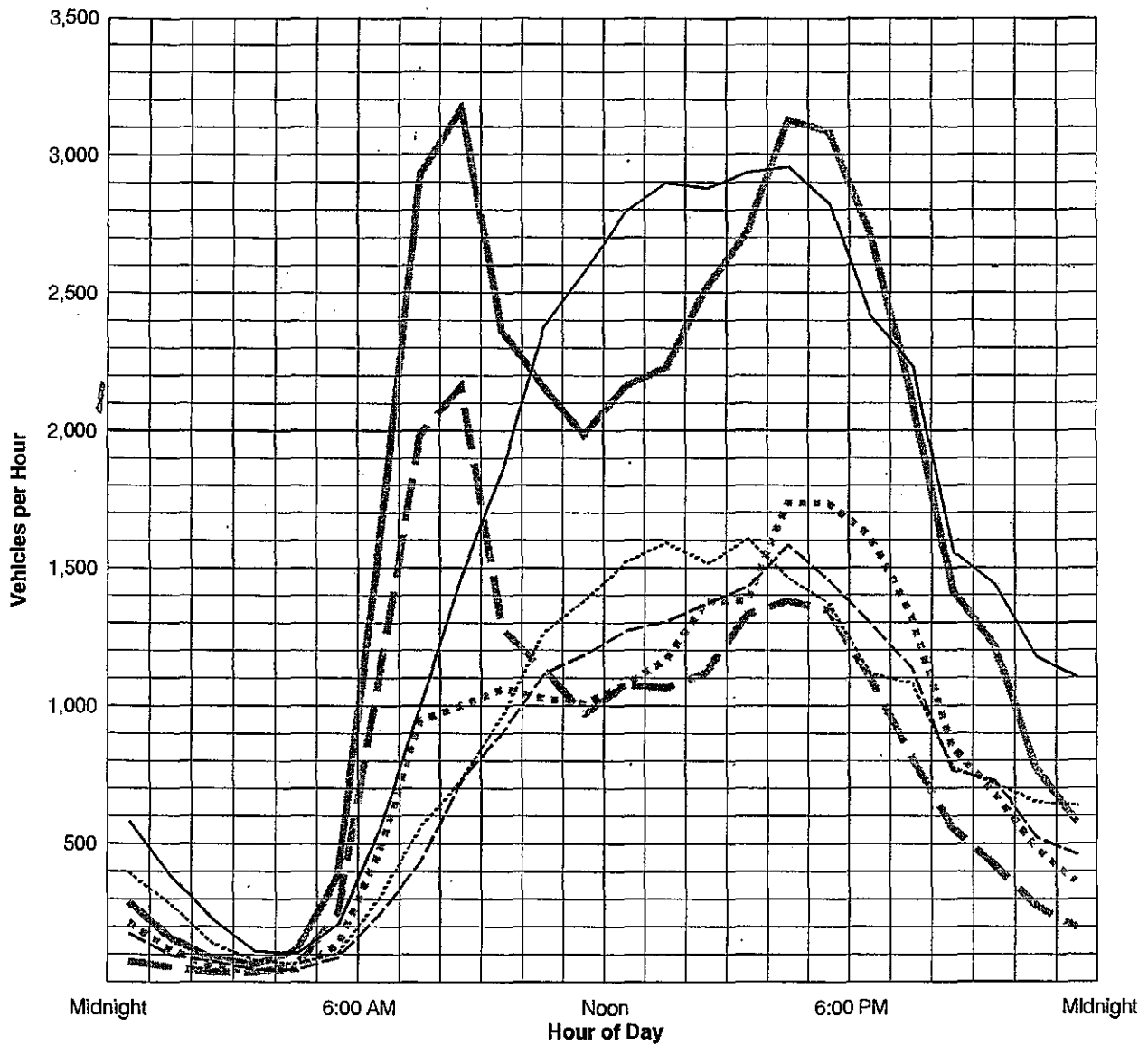
**PCH at Malibu Canyon Road:** Under the full access scenario, the project would add two percentage points to the intersection capacity utilization in the pm. peak hour (0.73 to 0.75, LOS C). This impact can be fully mitigated by converting the existing right-turn lane from Malibu Canyon Road to PCH to a free right turn lane (which allows continuous right turns regardless of the signal cycle without stopping so that right turns do not interfere with through and left-turning traffic) and restriping the southbound lanes to a left-turn and left-through combination lane. This measure may require acquisition of right-of-way from Pepperdine University. The free right turn would require a satisfactory acceleration lane along PCH so that right-turning movements could merge with westbound traffic. If Kanan Dume Road is reopened to through traffic, the number of vehicles making the right turn from Malibu Canyon Road to PCH might be reduced and this measure may no longer be required. However, because the intersection would continue to operate at an acceptable LOS C with the proposed project, and because other improvements may be needed to this intersection to meet long-term cumulative travel demands, the project should be required to contribute its fair share to improvements needed at this intersection based on development identified in the Civic Center Specific Plan. Under the no-left-turn-egress scenario, the project does not have a potentially significant effect at this intersection.

**Malibu Canyon Road at Civic Center Way:** At the intersection of Malibu Canyon Road and Civic Center Way the proposed hotel would add less than one percentage point to the ICU value in the morning peak hour, and the intersection would continue to operate at LOS C with or without the project. However, the project would result in a two percentage point increase in the ICU value at this intersection in the p.m. peak hour (0.81 to 0.83, LOS D) under either the full access option or the no-left-turn-egress option. To mitigate the impact, the northbound free right turn lane should be eliminated and second northbound through lane provided. Major signal modifications would be required, and the traffic signal would need to be moved to provide the additional space for the northbound through lane. This mitigation measure would provide sufficient capacity to improve the level of service to compensate for the two percentage point reduction in intersection capacity utilization resulting from project traffic. Because development of the Civic Center Specific Plan area may result in additional requirements for this intersection which would change the recommended mitigation for the hotel project, this mitigation measure is not recommended now. Instead, the project should be required to contribute its fair share to future improvements at this intersection in conjunction with the Civic Center Specific Plan, which may include additional improvements at this intersection.

**PCH at Webb Way:** Under either access scenario, the project would result in a two percentage point increase in the ICU value at the intersection of PCH and Webb Way in the p.m. peak hour. This impact can be fully mitigated by providing a third westbound through lane on PCH. This lane may be required to be continuous between Webb Way and Malibu Canyon Road. However, because the Civic Center Specific Plan program is investigating alternate circulation patterns in the Civic Center area, this intersection may have a different role in the future. Rather than specify mitigation now, it is more appropriate to require that the project contribute its fair share to future improvements to provide additional capacity at intersections with PCH in the Civic Center area.

### **Summer Weekend Traffic Impacts**

Figure 9 shows hourly traffic volumes on PCH at Webb Way for Thursday, September 5, 1996 and Saturday, September 7, 1996. This figure illustrates the difference in peak travel demand between weekends and weekdays. On weekdays, traffic peaks are concentrated at peak journey-to-work times at 7:00-9:00 a.m. and 4:00-6:00 p.m. Weekday peaks are highly directional, particularly in the morning peak hour, when more than two-thirds of the traffic is eastbound. After the morning peak, traffic drops off until the 11:00 a.m. - 12:00 noon minimum. Starting at noon, traffic volume rises again until the afternoon peak from 4:00 p.m. - 6:00 p.m., after which it falls off rapidly.



Hourly traffic volumes on Pacific Coast Highway at Webb Way

<b>Weekday</b>	<b>Saturday</b>
Thursday, September 5, 1996	Saturday, September 7, 1996
— Total	— Total
— Westbound	— Westbound
— Eastbound	— Eastbound

Source: Traffic Data Services, Inc., traffic counts for Malibu Civic Center Specific Plan.

**Figure 9**  
**Weekday and Weekend Traffic Volumes on Pacific Coast Highway**

Saturday traffic has no clear morning peak. Traffic rises gradually until noon, then remains continuously high throughout the afternoon, falling off after 6:00 p.m. Total daily traffic was slightly higher on Thursday (39,849 vehicles) than on Saturday (38,897) for the dates for which the graph was prepared. Saturday traffic did not quite reach the peaks reached on Thursday in the peak commute periods. The maximum hourly traffic for Saturday was 3,053 vehicles per hour between 4:00 and 5:00 pm. The peaks on Thursday were 3,164 from 8:00 a.m. to 9:00 a.m. and 3,123 from 4:00 p.m. to 5:00 p.m. However, total afternoon traffic (noon - 6:00 p.m.) was slightly higher on Saturday, with 19,915 vehicles between noon and 6:00 p.m. on Saturday compared to 18,533 for the same period on Thursday. Saturday traffic is much less directional, with somewhat higher eastbound flows from 4:00 p.m. until 8:00 p.m. and westbound flows at other times. Total traffic was 48% eastbound and 52% westbound on Saturday, and nearly perfectly balanced on Thursday.

Because the Saturday midday peak conditions occur only one-fifth as often as weekday peak conditions, it is reasonable to adopt a different Level of Service criterion and mitigation requirement for these impacts. In addition, Saturday peak conditions are worst during the summer months.

Table 4 shows project impacts during the midday summer Saturday peak. This table shows that if one applies the City's standard level of service criteria to the Saturday midday peak hour, the project would result in a **significant impact** requiring mitigation at four intersections under the full access scenario and four intersections with the no-left-turn-egress scenario. Under the full access scenario, the project would increase the intersection capacity utilization by two percentage points or more at:

- PCH and Malibu Canyon Road (0.83 to 0.86, LOS D),
- PCH and Webb Way (0.85 to 0.87, LOS D),
- PCH and Cross Creek Road (0.83 to 0.85, LOS D), and
- PCH at Las Flores Canyon (0.86 to 0.88, LOS D).

Under the no left-turn-egress scenario, the project would increase the intersection capacity utilization by two percentage points or more at:

- PCH and Malibu Canyon Road (0.83 to 0.85, LOS D),
- PCH and Webb Way (0.85 to 0.88, LOS D),
- PCH and Cross Creek Road (0.83 to 0.85, LOS D), and
- PCH at Las Flores Canyon (0.86 to 0.88, LOS D).

## Summer Weekend Traffic Mitigation Measures

The discussion of mitigation measures for summer midday traffic impacts is provided for informational purposes. Since the City has not adopted any thresholds of significance for summer midday traffic or made a policy decision the existing thresholds apply to summer midday traffic, these mitigations have not been included as required mitigations for the project.

The mitigation measures for weekday peak hour impacts at PCH and Malibu Canyon Road and PCH at Webb Way would be expected to provide mitigation for the Saturday midday peak hours as well. Potential mitigation measures for impacts at PCH and Cross Creek Road should be evaluated in the Civic Center Specific Plan, and the project should be required to contribute its fair share to mitigation of these impacts. The effect on the other intersections studied would remain the same.

**PCH/Las Flores Canyon:** An additional westbound through lane is needed to mitigate impacts at this intersection under either of the traffic distribution alternatives. This lane can be provided by converting the westbound right-turn-only lane to a through/right-turn lane. The departure side of the intersection would need to be widened to provide the third westbound lane until this traffic can merge into two lanes. This mitigation measure would provide an ICU value of 0.73 and Level of Service C.

**PCH/Cross Creek Road:** An additional lane to provide a westbound right-turn lane will be required to mitigate impacts at this intersection under either of the two traffic distribution alternatives. This mitigation measure would provide an ICU value of 0.80 and Level of Service C.

## **Significant Impact by CMP Criteria**

As shown in Table 3, the addition of project traffic to future traffic conditions would not increase traffic demand on any of the study CMP intersections by two percent of capacity causing or worsening LOS F. All study CMP intersections except PCH at Topanga Canyon Road are projected to operate at LOS better than F. The project would have **no significant impact** on intersection performance at PCH and Topanga Canyon Road, so the project impact on CMP facilities is, therefore, considered to be **less than significant**.

## **Access**

**Full Access Option:** Two access options were evaluated in the traffic analysis. One option would provide full access, with left turns both into and out of the site, at the main entrance driveway from Malibu Canyon Road, approximately 400 feet

north of the intersection of PCH and Malibu Canyon Road. The main access driveway should be striped to allow for two lanes entering the site, which may narrow to a single lane on site, and two lanes, one left and one right-turn lane, for exiting the site. The left-turn lane must be a minimum of 75 feet in length. A second driveway, with right turns only in and out, would provide alternate access approximately 400 feet north of the main entrance drive. A raised median along Malibu Canyon Road would provide access control. Under this option, the proposed project would contribute two percentage points to the ICU value at three intersections in the p.m. peak hour: PCH at Malibu Canyon Road, Malibu Canyon Road at Civic Center Way, and PCH at Webb Way. PCH and Malibu Canyon Road would continue to operate at LOS C. The intersections of Malibu Canyon Road at Civic Center Way and PCH at Webb Way would continue to operate at LOS D.

**No-left-turn Egress Option:** An alternate access option would provide left turns in but no left turns out at the main entrance drive. This option would reduce left turns at the PCH/Malibu Canyon Road intersection in order to minimize impact on that intersection. Right turns only would be permitted onto Malibu Canyon Road from the project site. Under this option, westbound traffic would make a U turn at Civic Center Drive and Malibu Canyon Road. A raised median would prevent left turns out of the project site. All eastbound traffic would use Civic Center Way to reach PCH eastbound. Under this scenario, the project would contribute less than two percentage points to the ICU value at PCH and Malibu Canyon Road. It would contribute two percentage points to the ICU value at Civic Center Way and Malibu Canyon Road, and two percentage points to the intersection capacity utilization at PCH and Webb Way.

Under either option, a traffic signal is recommended at the main project driveway on Malibu Canyon Road. A signal is not warranted based on traffic volumes for the summer weekday traffic conditions. A signal is warranted based on traffic volumes for the summer Saturday traffic conditions. A number of additional reasons justify the traffic signal in addition to traffic warrants:

- A signal would provide safe left turns in and out of the site, discouraging the use of Civic Center Way. The City wishes to discourage additional use of Civic Center Way, which provides local access to residences and schools.
- A signal would compensate for sight distance problems there may be for vehicles entering or exiting the site due to the horizontal and vertical alignment of Malibu Canyon Road.

The main access driveway would be located about 400 feet north of the intersection of Malibu Canyon Road and PCH. The driveway would provide for left and right turns in, and right turn out. The other driveway would be restricted to right turns

in and out only. As illustrated in **Figure 10**, a landscaped raised median to be provided as a condition of approval of the proposed project along Malibu Canyon Road would restrict secondary access to right turns in and out only. The project applicant would also be required to widen the roadway at the existing signal at the intersection of Malibu Canyon Road and Civic Center Drive. These improvements, constructed to the satisfaction of the City Traffic Engineer, would result in adequate line of sight, distance, and stacking room, and will prevent traffic flow problems. **Thus, the impact of the project's site access without mitigation would be considered significant.**

**Parking**

Based on the analysis for comparable hotel developments contained in the previously discussed *Resort Hotel Traffic Study*, the proposed project will require about 330 parking spaces to satisfy its parking needs, including 250 spaces for the hotel 44 parking spaces for the fitness center and 36 parking spaces for the Cultural Heritage Center.<sup>10</sup> The project would provide a total of 492 parking spaces on site, including 371 spaces for the resort hotel and 121 spaces for the fitness and cultural heritage centers.

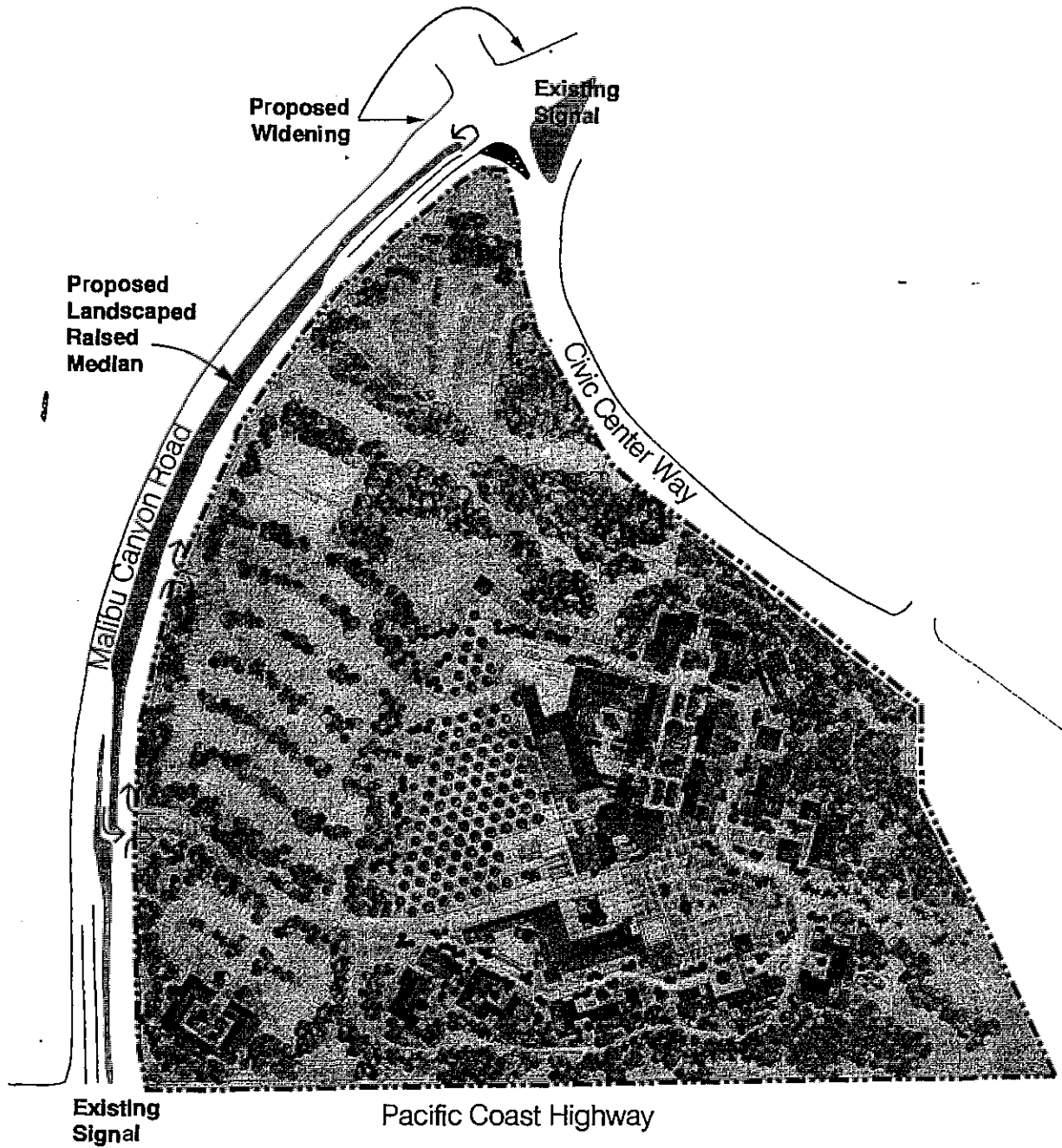
**Table 5  
City of Malibu Parking Requirements**

Facility	Parking Rate	Spaces Required
Cultural Heritage Center	9,000 square feet at 1 space per 250 square feet	36.0
Hotel	2 per room	500.0
	plus one per average shift employee (40 employees assumed)	40.0
Ballroom	5,000 square feet at 1 space/35 square feet	143.0
Meeting rooms	9,616 square feet at 1 space/35 square feet	275.0
Eating/drinking areas	11,260 square feet (lobby bar, cafe and specialty restaurant) at 1 space/100 square feet	113.0
Public recreation	10,000 square feet (spa/fitness center) at 1 space/100 square feet	100.0
Total Spaces		1207.0

Source of parking rates: City of Malibu, memo to Michael Vignieri, January 3, 1997.

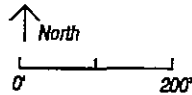
<sup>10</sup>*Resort Hotel Traffic Study*, Austin-Foust Associates, December, 1986.





Note: Malibu Canyon Road is a two-way, four lane roadway

Source: City of Malibu, Public Works



**Figure 10**  
**Project Access**  
**and Proposed Roadway Improvements**

The proposed 492 parking spaces are 162 spaces more than the 330 estimated by the traffic study.

The City's parking rates for hotel facilities are higher than typical parking standards for hotels as outlined in the project traffic report. In particular, a parking rate of two spaces per room for hotel rooms is usually applied to the entire hotel facility, rather than added to requirements for internal restaurants and other facilities. Provision of parking at the rate required by the City would result in substantial additional coverage of the site by impervious surfaces and elimination of substantial landscaping.

One of the conditions imposed on the previously proposed 300-room hotel project by the Coastal Commission was that no more than 930 parking spaces be provided on the site. The amount of parking proposed complies with this condition. The Coastal Commission's parking requirements are as follows, based on standards provided in comments on the Draft EIR: 2 spaces, plus 1 space for each of the first 30 rooms (30 spaces), plus 1 space for each 2 guest rooms from 31 to 60 (15 spaces), plus 1 space for each 3 guest rooms over 60 (63 spaces), plus 1 space per 100 square feet of floor area used for consumption of food or beverages, or public recreation areas (100 spaces), plus 1 space for each 35 square feet of assembly or meeting rooms (418 spaces), plus 1 space for each 250 square feet of Cultural Heritage Center (36 spaces), for a total of 777 spaces for the project.

The parking need of 371 spaces estimated by the traffic study and the 492 spaces proposed by the project is considerably less than the 1,207 spaces required by the City of Malibu and the 777 spaces required by the Coastal Commission. The provision of 492 spaces would seem to be adequate for the project as proposed, and parking impacts would be **less than significant**, but a variance to the City's parking ordinance would be required.

## MITIGATION MEASURES

While realistic and feasible mitigation measures have been identified to fully mitigate the impacts of the hotel project on weekday peak hour traffic at intersections affected by the project, the studies currently under way for the Civic Center Specific Plan may determine that these mitigation measures are not appropriate considering the long-term objectives for circulation in the Civic Center area. In addition, cumulative analysis based on the adopted Civic Center Specific Plan may identify other traffic impacts of the proposed project when considered together with other development in the Civic Center area. Therefore it is appropriate for the proposed project to contribute its fair share to circulation improvements needed as a result of anticipated development throughout the Civic Center area in the long term, considering the full cumulative impact of this development and that in the Civic Center, and the complementary nature of some improvements that may reduce the need for other improvements. With this in mind,

the following mitigation measures are included as conditions of approval of the proposed project.

- 5.1 **Project Entry Drive and Internal Circulation:** The primary project entry drive on Malibu Canyon Road shall be located approximately 800 feet north of PCH to the satisfaction of the City's Traffic Engineer. The project's internal circulation shall be reoriented to ensure that the northerly driveway functions as the primary egress from the site. The entry shall provide full left turn access in and out of the project site. The main access driveway should be striped to allow for two lanes entering the site, which may narrow to a single lane on site, and two lanes, one left and one right-turn lane, for exiting the site. The left-turn lane must be a minimum of 75 feet in length. This intersection shall be designed and signalized at the developer's full expense to the satisfaction of the City's Traffic Engineer.
  
- 5.2 To ensure that the applicant pays an equitable share of the cost of mitigating future transportation improvements and programs made necessary by cumulative impacts of the project combined with other projects, including those improvements that may be constructed at the intersection of PCH and Malibu Canyon Road, PCH and Webb Way, Malibu Canyon Road and Civic Center Way, Malibu Canyon Road/Las Virgenes Road at Mulholland Drive, PCH at Cross Creek, PCH at Las Flores Canyon Road, and any other traffic mitigation measures at intersections or along roadways where the project can be reasonably expected to contribute traffic, and traffic mitigation is included in a transportation facilities development fee or equivalent requirement, the applicant shall pay any transportation facilities development fee or participate in any similar financing mechanism that is adopted by the City as part of, or in conjunction with, or in response to, the Civic Center Specific Plan. Furthermore, if the amount of such fee has not been established at the time that the fee would otherwise be due and payable, the applicant shall pay such fee within thirty days after the amount of the fee has been established by the City Council. If the amount of the fee has not been established before occupancy of the project, then prior to occupancy of the project, the applicant shall enter into an agreement with the City to pay the fee within thirty days after the amount of the fee is established by the City Council or such longer period as is established by ordinance. Additionally, the agreement shall provide that if the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the improvements identified in this EIR as mitigation for the project's impacts. The proposed project shall contribute its fair share to any such program adopted for the entire Civic Center area to mitigate summer weekend midday peak traffic impacts of development, unless the City determines that the impacts are not significant.

If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the improvements identified in this EIR as mitigation for the project's impacts. These measures are only required if the transportation development fee has not been established and the project's fairshare contribution paid prior to the issuance of the occupancy permit for the hotel:

- 5.3 **PCH at Malibu Canyon Road:** Under the full access scenario, the project would add two percentage points to the intersection capacity utilization in the p.m. peak hour (0.73 to 0.75, LOS C). This impact can be fully mitigated by converting the existing right-turn lane from Malibu Canyon Road to PCH to a free right turn lane (which allows continuous right turns regardless of the signal cycle without stopping so that right turns do not interfere with through and left-turning traffic) and restriping the southbound lanes to a left-turn and a left-through combination lane. This measure may require acquisition of right-of-way from Pepperdine University. The free right turn would require a satisfactory acceleration lane along PCH so that right-turning movements could merge with westbound traffic. If Kanan Road is reopened to through traffic, the number of vehicles making the right turn from Malibu Canyon Road to PCH might be reduced and this measure may no longer be required. However, because the intersection would continue to operate at an acceptable LOS C with the proposed project, and because other improvements may be needed to this intersection to meet long-term cumulative travel demands, the project should be required to contribute its fair share to improvements needed at this intersection based on development identified in the Civic Center Specific Plan. Under the no-left-turn-egress scenario, the project does not have a potentially significant effect at this intersection and no improvement would be necessary. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.
- 5.4 **Malibu Canyon Road at Civic Center Way:** The project will result in a two percentage point increase in the ICU value at this intersection in the p.m. peak hour (0.81 to 0.83, LOS D) under either the full access option or the no-left-turn-egress option. To mitigate the impact, the northbound and eastbound free right turn lanes should be eliminated and a second northbound through lane provided. Major signal modifications would be required, and the traffic signal would need to be moved to provide the additional space for the northbound through lane. This mitigation measure would provide sufficient capacity to improve the level of service to compensate for the two percentage point reduction in intersection capacity

utilization resulting from project traffic. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.

- 5.5 **PCH at Webb Way:** Under either access scenario, the project will also result in a two percentage point increase in the ICU value at the intersection of PCH and Webb Way in the p.m. peak hour. This impact can be fully mitigated by providing a third westbound through lane on PCH. This lane may be required to be continuous between Webb Way and Malibu Canyon Road. If the City determines that the Civic Center Specific Plan has been indefinitely delayed or if the transportation development fee appears unlikely to be adopted then the applicant shall construct (or shall reimburse the City for constructing) the described improvement.

The following measures would mitigate the project's summer traffic impacts. The City has not yet adopted thresholds of significance for summer traffic impacts, made a policy decision that existing thresholds apply to summer midday traffic, or made a policy of requiring mitigation a summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject these mitigation measures:

- 5.6 The amount of the Civic Center transportation facilities development fee assigned to the project shall include a fair share contribution for mitigation project impacts at PCH and Cross Creek Road
- 5.7 **PCH/Las Flores Canyon:** An additional westbound through lane is needed to mitigate impacts at this intersection under either of the traffic distribution alternatives. This lane can be provided by converting the westbound right-turn-only lane to a through/right-turn lane. The departure side of the intersection would need to be widened to provide the third westbound lane until this traffic can merge into two lanes. This mitigation measure would provide an ICU value of 0.73 and Level of Service C.
- 5.8 **PCH/Cross Creek Road:** An additional lane to provide a westbound right-turn lane will be required to mitigate impacts at this intersection under either of the two traffic distribution alternatives. This mitigation measure would provide an ICU value of 0.80 and Level of Service C.

## LEVEL OF SIGNIFICANCE AFTER MITIGATION

Reasonable and feasible mitigation measures are identified above to mitigate each of the project's potentially significant impacts on the circulation system based on weekday and peak-hour traffic to a less than significant level. In addition, the

City would require the project to contribute its fair share to a mitigation program developed for the entire Civic Center area in order to mitigate the cumulative impact of Civic Center development. Project impacts on the circulation system will be reduced to a **less than significant level**.

## REFERENCES

*Resort Hotel Traffic Study*, Austin-Foust Associates, December, 1986.

*Rancho Malibu Traffic Analysis - Addendum Report*, WPA Traffic Engineering, Inc., July 21, 1997.

## **2.6 BIOLOGICAL RESOURCES**

This section evaluates the project's potential impacts on biological resources based on the information from the biological study prepared for the project in June, 1995, by Tierra Madre Consultants, the City's General Plan, and the General Plan EIR. This section has been expanded by direct incorporation of portions of the biological report contained in Appendix E. The biological study included a site survey conducted in March of 1995, and a focused rare plant survey conducted in May of 1995. Information from an assessment of a proposed mitigation site prepared by Tierra Madre Consultants in February 1997, as part of the response to comments effort is also included in the text and in Appendix E.

### **ENVIRONMENTAL SETTING**

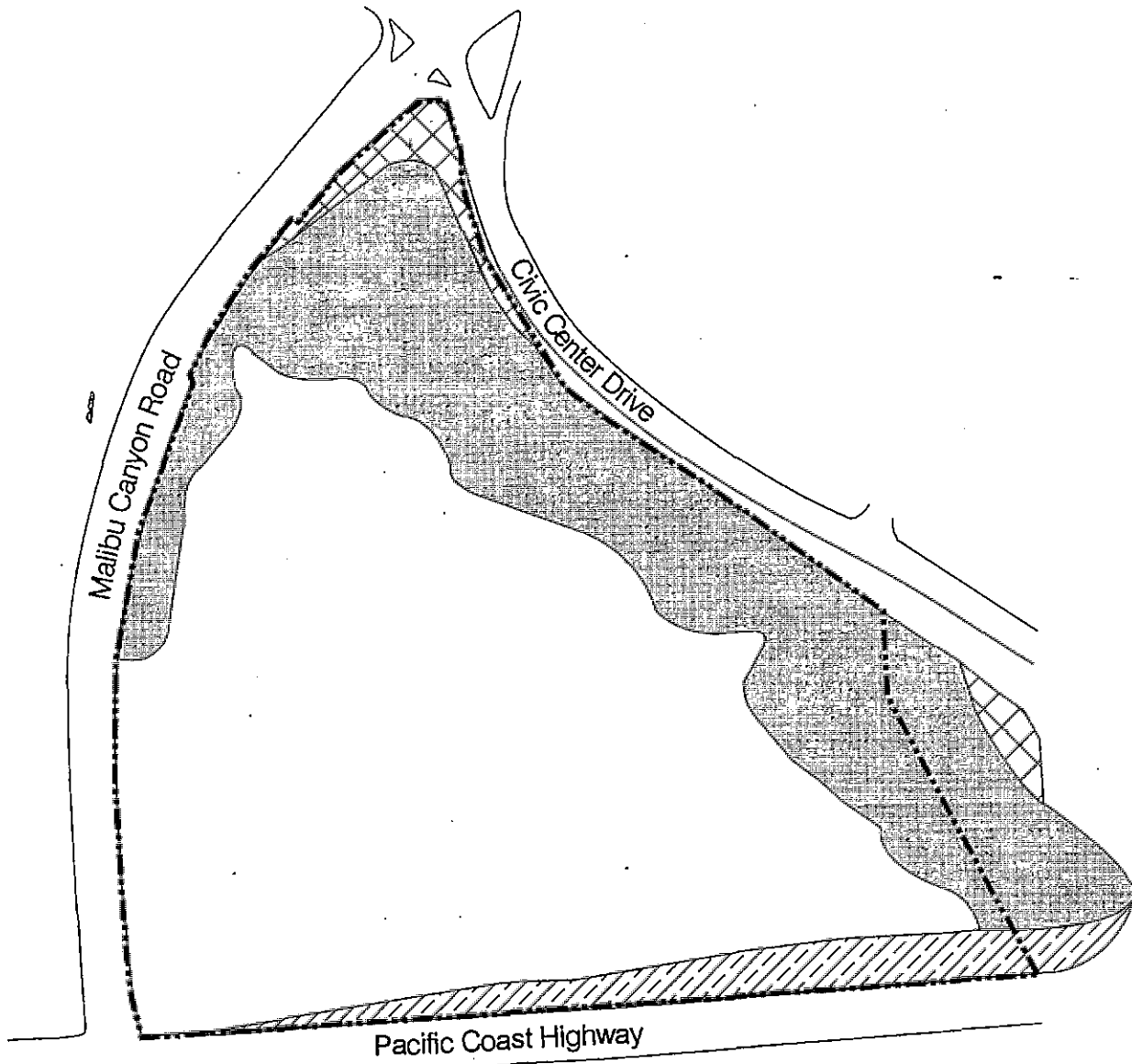
According to the Malibu General Plan, the project site is considered a locally disturbed sensitive resource area.





#### **Vegetation**

The description of the vegetation on the project site which follows is based on the biological study that was prepared in June 1995 for the previous DEIR. The project site was burned during the October 1996 Calabasas fire and vegetation that was mature in 1995 is now in the initial stages of the post-fire recovery and growth cycle. The present site vegetation is made up of seedlings and resprouts of the vegetation existing prior to the fire.

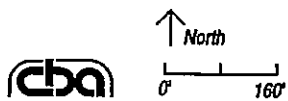
Most of the project site is covered by coastal sage scrub dominated by coyote brush, California sagebrush, California encelia, and sawtooth golden bush. **Figure 11** shows the existing vegetation on the site. On the northeast facing slope above Winter Canyon, laurel sumac and a few California black walnut trees grow intermixed with the low-growing coastal scrub species. In the southeast corner, a steep slope is covered with dense coastal sage scrub vegetation.

Patches of annual grassland, dominated by annual fescue, occur throughout the site, mainly in areas disturbed by previous grading and activity. Much of the bluff has been used as a commercial tree farm, and ornamental trees, nursery supplies, and access road are still in place. An existing tank facility is currently used for temporary storage of sewage. Trucks access this facility from Malibu Canyon Road using an unpaved access road. Roadsides and abandoned dirt roads support mostly weedy vegetation dominated by annual grasses, black mustard, star-thistle, and other non-native species. The slope above Pacific Coast Highway support degraded coastal sage scrub and non-native ornamental species, including iceplant, fountain grass, and Eucalyptus.



-  Undisturbed coastal sage scrub - 8.04 Acres
  -  Ornamental landscaping
  -  Disturbed (roadside parking areas)
  -  Mixed annual grasslands/disturbed coastal sage scrub/ornamental trees - 18.00 Acres
- } 1.76 Acres

Source: *Tierra Madre Consultants*



**Figure 11**  
**Existing Vegetation**



No plant species observed on the site during field surveys are listed as endangered or threatened under state or federal Endangered Species Act, and focused surveys for rare plants determined that no listed or candidate species occur on the site.

The total acreage of the major vegetation types is approximately 8.04 acres of undisturbed coastal sage scrub and 1.76 acres of disturbed, ornamental vegetation and 18 acres of annual grassland/disturbed coastal sage scrub. **See Figure 11.**

The City of Malibu and the California Department of Fish and Game consider coastal sage scrub community as a sensitive, threatened plant community due to development pressure on areas which support this type of plant community.

### **Special Status Species**

Plants or animals may be considered "sensitive" due to declining populations, vulnerability to habitat change, or restricted distributions. Certain species have been listed as threatened or endangered under state or federal Endangered Species Acts. Others have been designated on lists and inventories published by the California Department of Fish and Game (CDF&G), the US Fish and Wildlife Service (FWS), and California Native Plant Society (CNPS). A total of 53 special status species (21 plants, 2 insects, 1 amphibian, 7 reptiles, 17 birds and 5 mammals) occur in habitats similar to those on the project site in the Santa Monica Mountains and adjacent coastal plain. Habitat, distribution, agency status, and likelihood of occurrence on the project site are listed in Appendix 1 to the biological report. An additional 16 special status species occur in other habitats or adjacent geographical ranges; they are listed in the Appendix but are not described in detail.

### **Special Status Plants**

One special status plant species, California black walnut, was observed during the field visit. Tierra Madre Consultants concludes that all other special status plants are absent based on the results of the focused rare plant survey (Appendix 1 to Appendix E of the EIR). California black walnut trees are also considered a locally important species of limited distribution. These trees were burned during the 1996 fire, but are expected to resprout.

### **Special Status Invertebrates**

The monarch butterfly spends winters in California forests and eucalyptus groves. The eucalyptus stand on-site is unlikely to support large clusters of monarchs, and none were observed during the field visit, but monarchs probably fly over and alight on the site during migration. Monarch larvae feed on milkweeds. One milkweed species was recorded during the field visit, and monarchs could lay their eggs on

site, but only the wintering sites are recognized as sensitive by the California Department of Fish and Game. The Santa Monica Mountains shieldback katydid may occur in dense coastal sage scrub in the southeastern corner of the site; probability of its occurrence is unknown. Neither insect is listed or proposed for listing under state or federal Endangered Species Acts.

### **Special Status Amphibians and Reptiles**

The only special status amphibian with any potential of occurring on the site is the western spadefoot toad; Tierra Madre Consultants concludes that the likelihood of occurrence is low. Habitat throughout the property is suitable for seven special status reptiles and Tierra Madre Consultants concludes there is a moderate to high potential that each of these animals may occur. They are coast horned lizard, coastal whiptail, San Diego banded gecko, coastal rosy boa, San Bernardino ringneck snake, and coast patch-nosed snake. None of these species is listed or proposed for listing under state or federal Endangered Species Acts.

### **Special Status Birds**

Eleven of the 17 sensitive bird species considered in Appendix 1 are birds of prey (raptors). Several of these are migratory, and occur locally only during winter (sharp-shinned hawk, merlin). Others occur locally year-round, but are more numerous during winter because birds from other areas winter in southern California. (e.g., golden eagle, Cooper's hawk.). All of these sensitive raptors may forage over the project area, at least occasionally, during the seasons when they occur locally. Year-around resident special status raptors nest in woodlands or forests (black-shouldered kite, long-eared owl, Cooper's hawk, sharp-shinned hawk), cliff faces (golden eagle, peregrine falcon, prairie falcon), wetlands (northern harrier) or grasslands (burrowing owl). Black-shouldered kites could nest in the eucalyptus stand on-site, but no sign of nesting activity has been noted there by K. Garrett (pers. comm.). No suitable nesting habitat for the other special status raptors occurs on the site. Of these raptors, only the peregrine falcon is protected under Endangered Species Acts.

Six additional special status bird species occur in the area. Two of these, loggerhead shrike and southern California rufous-crowned sparrow, are likely to occur on the site during breeding season. Bell's sage sparrow has a low-moderate probability of occurrence. California horned lark and tricolored blackbird are absent during breeding season and have a low probability of occurrence during winter. The coastal California cactus wren is absent year-around, due to absence of suitable habitat. None of these species is listed or proposed for listing under state or federal Endangered Species Acts. California gnatcatcher, a federally listed Threatened species, occurs in coastal sage scrub but does not occur in the Santa

Monica Mountains (K. Garrett, pers. comm.) and is therefore not included in Appendix 1 of Appendix E.

### **Special Status Mammals**

Two special status bats may occur in the region (Appendix 1 of Appendix E). Either of these may forage occasionally over the area, but neither is likely to use the property for day roosting, since no adequate habitat is available. Two special status small mammal species (southern Grasshopper mouse and San Diego black-tailed jackrabbit) occur in the region. Suitable habitat occurs throughout the site, and both species are likely to occur. One special status wide-ranging mammal, American badger, may use the site periodically.

### **Wildlife Habitat and Fauna**

Coastal sage scrub provides suitable habitat for a wide array of vertebrate wildlife, including several sensitive animals. Small mammal sign observed on the site included scat and burrows of mice (*Peromyscus sp.* and perhaps others), pocket gophers, ground squirrels, and wood rats. A small mammal trapping survey would be needed to identify nocturnal species. Coyote scat was observed and coyotes likely use the site regularly. Other wide-ranging large mammals (e.g., mountain lion and American badger) may use the site periodically, but must cross major roads to access it.

Characteristic chaparral birds seen or expected on the site include California quail, California towhee, rufous-sided towhee, wrentit, and scrub jay. Southern California supports many raptors, including sensitive species, especially during winter. Black-shouldered kites have been reported from the site (K. Garrett, pers. comm.) and sharp-shinned hawks probably forage over the site regularly. Other raptors, including golden eagle and Cooper's hawk may also use the site occasionally.

Amphibians and reptiles are usually inactive during late fall and winter, and only one species (western fence lizard) was seen during the survey. Rocks, vegetation, and scrap lumber throughout the site provide cover and (probably) hibernation sites for reptiles, probably including side-blotched lizard, gopher snake, and coachwhip. Because there is no perennial fresh water on the site, Tierra Madre Consultants presumes that most amphibians are absent. A few species, including Western spadefoot (a toad), may breed in temporary pools, but during the March visit no tadpoles were observed in pooled water on the site, and Western spadefoots are unlikely to occur.

## **Habitat Linkage**

The site is surrounded by heavily traveled roads (Pacific Coast Highway, Malibu Canyon Road and Civic Center Drive). Pepperdine University is adjacent to the site on the west; a large area of natural open space is directly north (diagonally across the Malibu Canyon Road/Civic Center Drive intersection); scattered commercial and residential development occurs to the northeast across Civic Center Drive; developed recreational areas and undeveloped open space are to the south across Pacific Coast Highway.

## **Stormwater Runoff**

The project site is located within the Winter Canyon watershed, which has a total area of approximately 238 acres<sup>5</sup>. The site drains to southeast underneath Pacific Coast Highway. All runoff from the site is caught by the existing culvert beneath PCH and drains to the ocean as indicated in Figure 4.

## **THRESHOLDS FOR DETERMINING SIGNIFICANCE OF IMPACTS**

The project will have a significant impact on biological resources if it will substantially affect: 1) rare or endangered species of animal or plant listed or proposed for listing under the State or Federal Endangered Species Act, 2) plant communities or plant species considered as sensitive, threatened, by federal, state, and local conservation agencies due to limited or declining populations, 3) environmentally sensitive habitat areas (ESHAs), 4) communities that are considered locally important, 5) the movement of any resident or migratory fish or wildlife species, 6) habitat for fish, wildlife or plants or 7) species that are considered sensitive or locally important.

## **PROJECT IMPACT**

### **Vegetation**

#### **Background**

The vegetation on the project site consists of about 8.04 acres of undisturbed, coastal sage scrub, 18 acres of disturbed coastal sage scrub interspersed with annual grassland and ornamental trees, and 1.76 acres of disturbed and ornamental landscaping. The coastal sage scrub was burned in the 1996 fire, and is in the initial stages of post-fire regrowth. The undisturbed coastal sage scrub is considered a sensitive and threatened plant community; and a locally important plant community. Loss or substantial alteration of this habitat would constitute a significant impact on biological resources within the Malibu Coastal Zone.

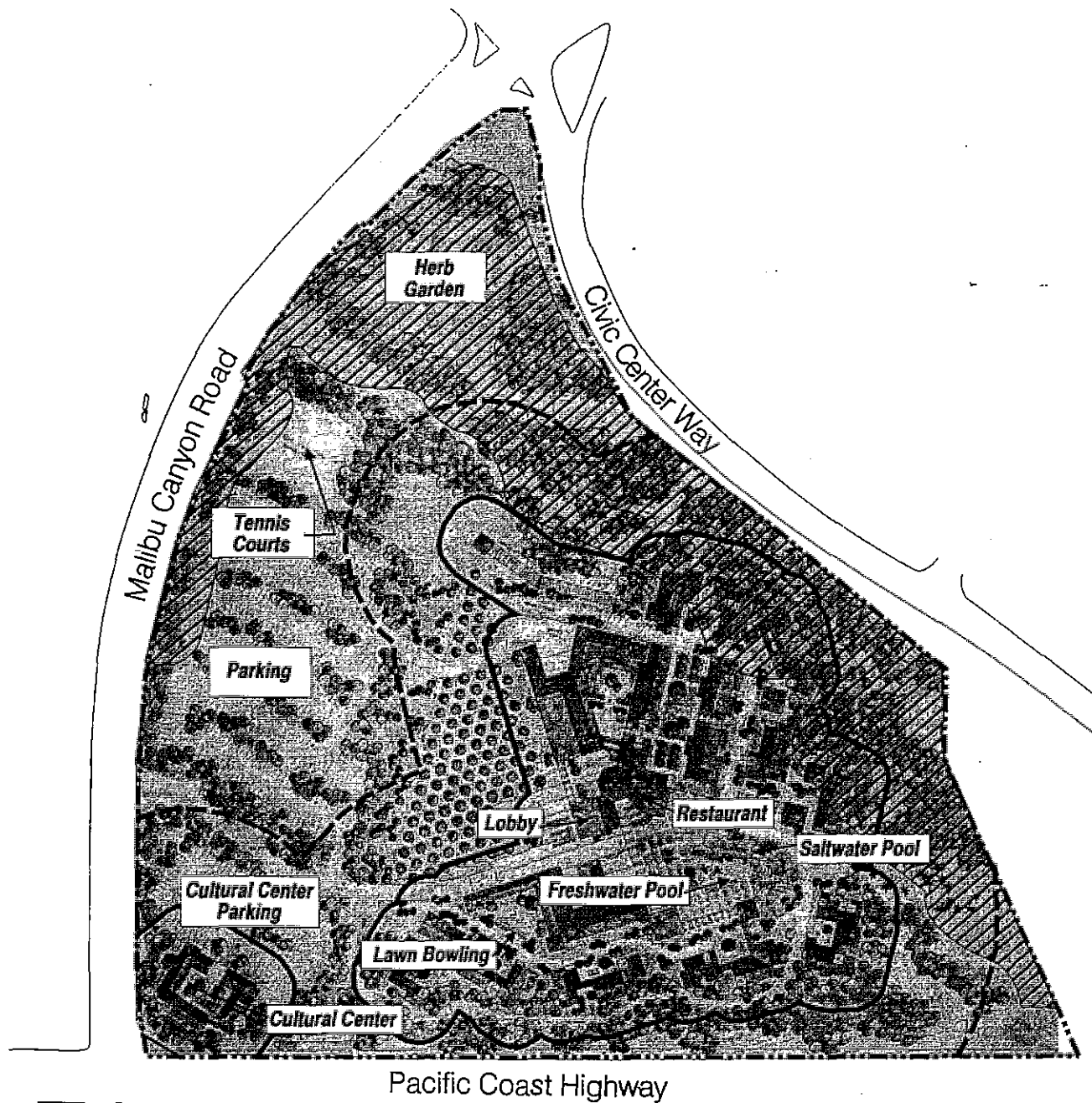
## The Project Plan




Grading proposed for the hotel will affect 19.76 acres of disturbed grassland/coastal sage scrub, ornamental landscaping and disturbed vegetation and 2.0 acres of 8.04 acres of undisturbed coastal sage scrub.

**Fuel Modification** - The project applicant will be required to develop a Fuel Modification Plan in consultation with the Fire Department. The Fire Department has provided guidelines for Fuel Modification Plans in a draft document entitled Fuel Modification Plan Requirements. These guidelines outline the fuel modification objectives which are to be reflected in a Fuel Modification Plan developed in recognition of the specifics of the individual project, including the nature of development, the nature of surrounding use, construction type, slopes, vegetation and irrigation. While the precise consequences of the Fuel Modification Plan requirements on the preservation of coastal sage scrub habitat cannot be determined prior to review by the Fire Department, it is clear that the guidelines will require either that the amount of coastal sage scrub maintained in its natural state on the project site be reduced, or that the site plan be modified to eliminate some structures or to move structures away from the coastal sage scrub habitat area.

In general, the Fuel Modification Plan would require the complete removal of highly flammable species, including key components of the coastal sage scrub habitat (including sage) from within 50 feet of structures. In the case of the proposed project, this close-in removal zone would include approximately 1.3 acres of the existing undisturbed coastal sage scrub habitat.

In addition, the Fuel Modification Plan would require management of the habitat, including a program of thinning and irrigation which is yet to be determined, within a secondary zone extending 200 to 300 feet from buildings, depending on slope and other factors. These zones are illustrated in **Figure 12**. Much of the coastal sage scrub habitat on the site would fall into this secondary zone (between 50 and 200 to 300 feet from structures). At least some fuel management would be required within this zone. While some preservation of coastal sage scrub may be possible within much this secondary zone, it will not be possible to retain the habitat undisturbed and free of human intrusion and still meet Fuel Modification Plan requirements. It is estimated that up to 4 acres of coastal sage scrub can be retained in a sufficiently natural state to qualify as preserved on-site habitat under the Fuel Modification Plan requirements, with minimal modifications to the site plan. However, approximately 3.9 acres of undisturbed coastal sage may be required to be removed to meet Fuel Modification Plan Requirements. The potential effect of Fuel Modification Plan requirements on the landscape is illustrated in **Figure 12**.

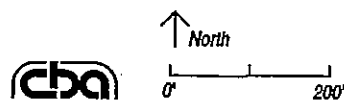


-  Existing undisturbed coastal sage scrub
-  50' Fuel Clearance Boundary
-  200' Fuel Modification Boundary

Area of coastal sage scrub affected by fuel modification zones	
0 - 50' (removed)	1.3 acres
50 - 200' (modified)	2.6 acres
>200' (unaffected)	4.1 acres

Source of Site Plan: Moore Ruble Yudell, Architects & Planners, September 1996.

k:\876\fuelzone.ds4 7/30/97 ppm



City of Malibu

**Figure 12**  
**Fuel Modification Zones**

Rancho Malibu Hotel EIR

**Wastewater Landscape Requirements** - In addition, as detailed in Section 2.3, Water Quality/Wastewater Treatment, of this EIR, the proposed project cannot achieve zero wastewater balance with preservation of the coastal sage. Therefore it is estimated that the proposed project would result in the removal of 8.04 acres of undisturbed coastal sage. This undisturbed coastal sage has been replaced with cultivated native vegetation in the resulting project landscape plan.

**Table 6** summarizes the expected vegetative changes that would result from compliance with fuel modification and wastewater disposal requirements. **Table 7** summarizes the resulting project landscape plan, and **Figure 13** shows the post-project vegetation proposed for the site.

Overall, the project would have a net loss of 14.6 acres of annual grassland/disturbed coastal sage scrub vegetation to structural and landscaping development; conversion of 5.6 acres of disturbed, ornamental landscaping and disturbed coastal scrub to cultivated native landscaping; and 8.04 acres of coastal sage scrub converted to cultivated native landscaping.

#### **Coastal Sage**

Based on these facts and the threshold criteria for significance, implementation of the project would eliminate coastal sage scrub habitat, a sensitive plant community on the site. This is considered a **significant impact**.

#### **Wildlife Habitat and Fauna**

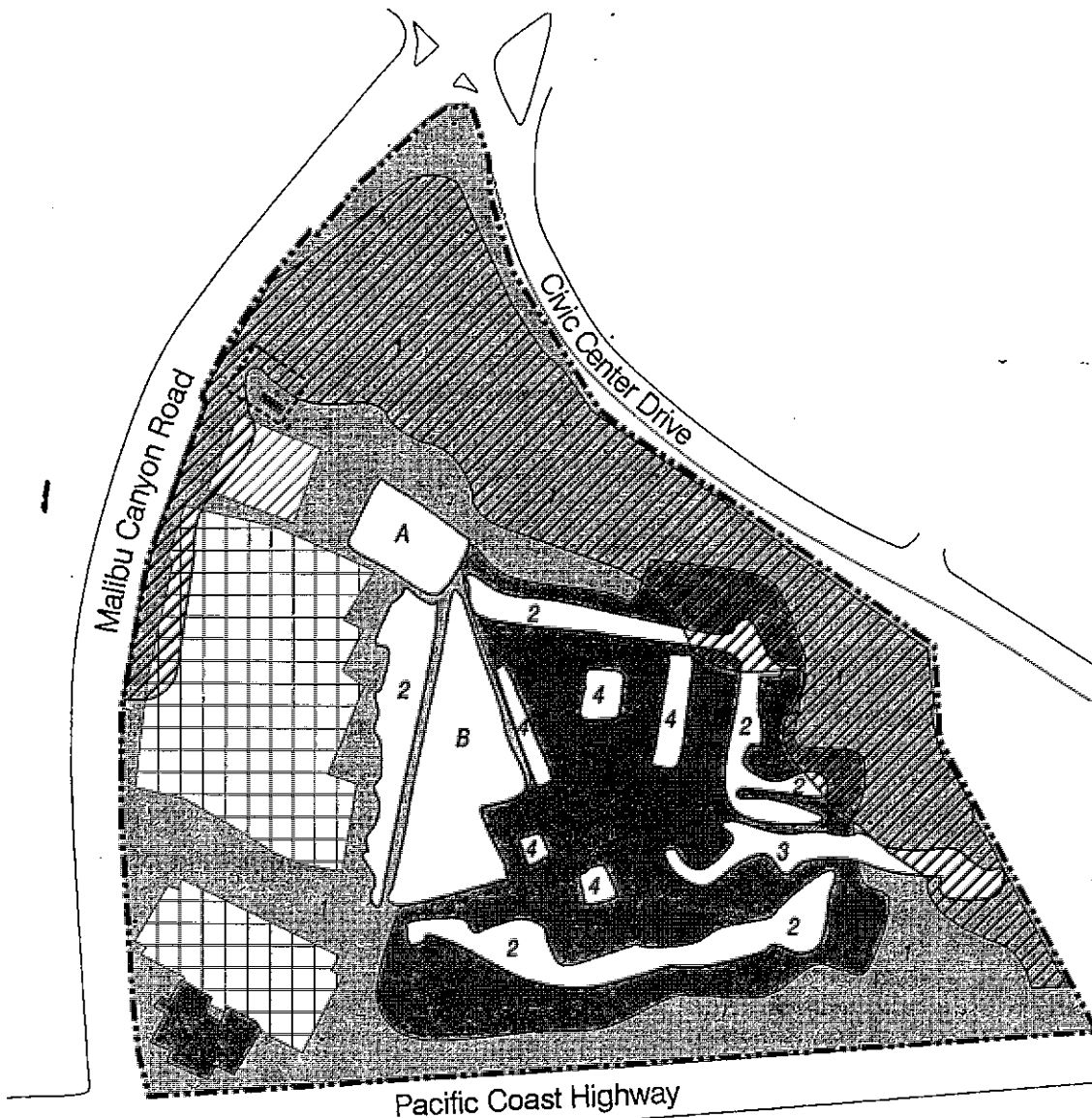
The project site provides suitable habitat for an array of invertebrate, mammal, bird and reptile species including several sensitive animals. Direct impacts from development on the site will reduce the existing 27.8 acres of open space by 14.4 acres of structural development and ornamental landscaping. 13.4 acres of open space will remain as cultivated native landscaping. While species which use a broad range of habitat types may continue to use the site, species associated with coastal sage scrub would no longer be able to use it. Indirect impacts including noise, light, wastewater irrigation and human activity will further reduce the utility of the remaining open space to some wildlife species. The combination of both direct and indirect impacts will substantially diminish habitat for wildlife on the project site. **Based on the threshold criteria for significance, loss of wildlife habitat is considered a significant impact.**


**Table 6**

**Expected Vegetation Changes  
Associated with the Proposed Project  
and with Requirements for Fuel Modification and Wastewater Disposal**

Site Conditions				
Vegetation Type(acres)	Existing Condition	Proposed Project	Proposed Project with Fuel Modification	Proposed Project with Fuel Modification and Wastewater Disposal
Grassland/Disturbed Coastal Sage Scrub	18	0	0	0
Disturbed/Ornamental	1.76	0	0	0
Coastal Sage Scrub preserved/restored	8.04	8.04	4.14	0
Coastal Sage Scrub modified	0	0	2.6	0
Landscaping: "Cultivated Native"	0	5.36	6.66	13.4
Landscaping: Other	0	3.76	3.76	3.76
Structural Development	0	10.64	10.64	10.64
<b>TOTAL</b>	<b>27.8</b>	<b>27.8</b>	<b>27.8</b>	<b>27.8</b>





 Existing Undisturbed Coastal Sage Scrub  
8.04 Acres

Proposed Structures (10.64 acres)

 Buildings

 Tennis Courts

 Parking

Proposed Landscaping (17.16 acres)

 Zone 1 - Perimeter Landscaping  
"Cultivated Native" 13.4 Acres

 Zone 2 Villa Courts & Pathways  
"String of Mediterranean Courts" 1.35 acres

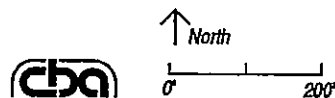
Zone 3 Pool Terrace, Perimeter  
"Arroyo" 0.37 acres

Zone 4 Public/Semi-Public Spaces  
"Traditional Historic California Courts" 0.43 acres

Specialty  
Zone A Turf Grass 0.44 acres

Specialty  
Zone B Citrus Grove/Turf Grass 1.17 acres

Source: Moore Ruble Yudell, Architects & Planners, November 1995



**Figure 13**  
**Post-Project Vegetation**

**Table 7**  
**Area of Landscape by Zone**

**Zone #1 - Perimeter Landscape: 'Cultivated Native' and Preserved or Restored Coastal Sage Scrub**

(8.04 acres, or 60% of this zone, are to be preserved or restored as coastal sage scrub habitat, modified as required by Fire Department review and fuel modification plan. 5.36 acres will be planted with native species with moderate water requirements.)

- a) Moderate water requiring native & drought adapted plantings (98%) = 572,255 s.f.
  - b) Moderate water requiring planting in main parking lot (2%) = 11,250 s.f.
- Zone #1 total square footage: 583,505 s.f.

**Preliminary Plant List**

- California Sycamore  
*Platanus Racemosa*
- Coastal Live Oak  
*Quercus Agrifolia*
- Monterey Cypress  
*Cupressus Macrocarpa*
- California Bay  
*Umbellularia Californica*

**Zone #2 - Villa Courts: 'String of Mediterranean Courts'**

- a) Moderate water requiring trees, shrubs, and vines (60%) = 35,212 s.f.
  - b) High water requiring cool season turfgrass landscape (40%) = 23,475 s.f.
- Zone #2 total square footage: 58,687 s.f.

**Preliminary Plant List**

- Citrus (mixed variety)  
*Rutaceae*
- Italian Cypress  
*Cupressus Sempervirens*
- Jacaranda  
*J. Mimosifolia*
- Silk Tree  
*Albizia Julibrissin*
- Rusty Leaf Fig  
*Ficus Rubiginosa*
- Banana  
*Musa*
- Nichol's Willow Leafed Peppermint  
*E. Nicholii*
- Bougainvillea  
*Nycta Ginaceae*
- Bird of Paradise  
*Strelitziaceae*
- Australian Tea Tree  
*Leptospermum Lacvigatum*
- Arbutus Marina

**Table 7 (continued)  
Area of Landscape by Zone**

**Zone #3 - Pool Terrace, Perimeter 'Arroyo'**

- a) Moderate to high water requiring trees, shrubs, and vines (100%) = 15,945 s.f.  
 Zone #3 total square footage: 15,945 s.f.

**Preliminary Plant List**

- Mexican Fan Palm  
*Washingtonia Robusta*
- Senegal Date Palm  
*Phoenix Reclinata*
- Agave (mixed variety)
- Yucca (mixed variety)

**Zone #4 - Public/Semi-Public Spaces: 'Traditional Historic California Courts'**

- a) Moderate water requiring trees, shrubs, and vines (100%) = 18,733 s.f.  
 Zone #4 total square footage: 18,733 s.f.

**Preliminary Plant List**

- Citrus (mixed variety)  
*Rutaceae*
- Coastal Live Oak  
*Quercus Agrifolia*
- California Sycamore  
*Platanus Racemosa*

**Specialty Zone A - Turfgrass**

- a) High water requiring cool season turfgrass landscape (100%) = 19,200 s.f.  
 Specialty Zone A total square footage: 19,200 s.f.

**Specialty Zone B - Citrus Grove - Turfgrass**

- a) Moderate to high water requiring trees (55%) = 27,925 s.f.  
 b) High water requiring cool season turfgrass landscape (45%) = 22,850 s.f.  
 Specialty Zone B total square footage: 50,775 s.f.

746,845 s.f.  
(17.15 Acres)

**Special Status Species**

**Species Listed or Proposed for Listing as Threatened or Endangered Species**

The peregrine falcon is the only animal species occurring in the general site area and listed as threatened or endangered. While peregrine falcons may occasionally fly over the project site or capture prey above it, there is no suitable nesting habitat on-site and they are unlikely to make regular use of the site. Therefore, the proposed hotel will not significantly affect peregrine falcons.

## Other Special Status Species

### **Special Status Plants**

California black walnut trees are located within the coastal sage scrub areas affected by Fuel Modification Plan requirements and are included in the plant palette for the perimeter planting zone. Black walnut trees are a recommended species for fuel modification zones and could be preserved within the fuel modification area. Based on these facts and the threshold criteria for significance, implementation of the project would not substantially diminish the habitat for California black walnut, a sensitive plant species. If, however, black walnut trees are located in the area which requires grading and subsequent restoration, the loss of individual black walnut trees could result, this would be considered a **significant impact**.

### **Invertebrates**

**No impact** is anticipated for monarch butterflies. The coastal sage scrub habitat suitable for the Santa Monica Mountains shieldback katydid will not be preserved. This species, if present, would be **impacted by loss of habitat**.

### **Reptiles and Amphibians**

**No impact** is anticipated to the western spadefoot toad due to the low probability of occurrence. **Potential adverse impacts** exist for seven sensitive reptile species including the coast horned lizard, coastal whiptail, San Diego banded gecko, coastal rosy boa, San Bernardino ringneck snake, coast patch-nosed snake and the silvery legless lizard **due to loss of open space habitat and indirect impacts**.

### **Birds**

Sensitive raptor species that are either known or expected to forage on the site include the northern harrier, black shouldered kite, golden eagle, ferruginous hawk, sharp-shinned hawk, Cooper's Hawk and the merlin. No raptor species are known to nest on the project site. **Loss of open space habitat and indirect impacts are expected to reduce foraging opportunities on the site for raptor species**.

Two other sensitive bird species are expected to utilize the project site including the loggerhead shrike and the southern California rufous-crowned sparrow. Suitable habitat exists for Bell's sage sparrow but the species is rare in the area. **Loss of open space habitat for the loggerhead shrike and indirect impacts are expected to have some adverse impacts on this species**.

## Mammals

Two special status species of bats may occasionally forage on the site. Suitable habitat for the southern grasshopper mouse and the San Diego black-tailed jackrabbit is present and both species are likely to occur on the site. The American badger, a wide-ranging species, may use the site infrequently. **Loss of open space habitat and indirect impacts are expected to have some adverse impacts on these species.**

## Open Space and Habitat

Although the project site is relatively small and in an area with surrounding development, it does provide suitable habitat for a number of sensitive species as explained above. Loss of open space and coastal sage scrub will reduce the amount of habitat available to these species. **Based on these facts and the threshold criteria for significance, impacts to sensitive wildlife species are considered to be significant.**

## Habitat Linkage

Significant wildlife habitat and open space occurs in the Santa Monica Mountains to the north, at Malibu Lagoon about one mile east and south of Pacific Coast Highway along the coast. **Figure 14** shows the site in relation to major areas of open space, roads and hypothetical migration routes.

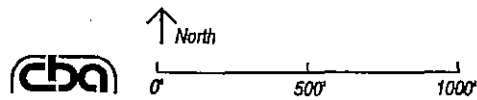
The presence of heavily traveled roads surrounding the site, particularly Pacific Coast Highway, would impact the ability of ground-dwelling animals to move between the major open space areas in the Santa Monica Mountains to the north and the coastal bluff areas to the south. Currently, part of the project site is enclosed with a chain link fence which further restricts movement.

Despite these limitations, the project site is a natural habitat island that provides one of the two links between open space areas of Bluffs Park and the mountains to the north. Large mammals may use the site to move occasionally between these two areas, as would birds. Small mammals, reptiles and amphibians would be most limited in their ability to use the site. However, total elimination of habitat on the site would eliminate the possibility of migration of these species into the habitat area south of Pacific Coast Highway from northern habitat source areas.

Development on the site will reduce the existing 27.8 acres of natural open space by 10.64 acres of structural development and 3.76 acres of ornamental landscaping. The remaining 13.4 acres would contain cultivated native landscaping, representing 13.4 acres of open space and native vegetation. The cultivated native landscaping would occur along the eastern property boundary in



Source: Tierra Madre Consultants



City of Malibu

**Figure 14**  
**Hypothetical Habitat Linkages**

the area that provides the optimum connection between open space areas to the north and south of Pacific Coast Highway (**Figures 12 and 14**).

The concentration of native plantings along the eastern site boundary provides optimum connectivity between open space areas to the north and Bluffs Park to the south of Pacific Coast Highway. However, the cultivated native landscape area would be regularly irrigated and will be structurally different than the existing coastal sage scrub community. Species tolerant of human presence and which utilize a broad range of habitat types may continue to use the site for movement between these habitat areas. Species more narrowly associated with summer dry, native coastal sage scrub and chaparral communities would be restricted in their ability to use the site. For these species, the development would further isolate their habitat area to the south of Pacific Coast Highway from source populations in the larger open space areas to the north of the project site.

Based on these facts and the threshold criteria for significance, implementation of the project would substantially diminish or interfere with wildlife movement and is considered a **significant impact**.

#### **Stormwater Runoff**

Since no runoff travels to Malibu Lagoon or the small wetland in the Civic Center area, the proposed hotel will not directly affect these sensitive biological areas (see Section 2.2, Geotechnical Hazards, for more information). The project is not anticipated to adversely impact intertidal, subtidal or kelp resources offshore of the discharge point because all storm water runoff would be controlled under the conditions of the project Storm Water Pollution Prevention Plan (SWPPP) including flow rates, wastewater disposal, erosion and sediment control and contaminant treatment for dry weather and initial rainfall runoff (see Chapter 2.2, Geotechnical Hazards, Storm water Runoff at Page 23). Based on the conditions of the SWPPP and the threshold criteria for significance, impacts to marine resources from storm water runoff are considered to be a **less than significant impact**.

#### **Night Lighting**

The proposed hotel would introduce night lighting onto the site and would, in general, reduce the level of concealment and cover available for wildlife. Night lighting would adversely impact the ability of some species to utilize the native landscape area around the developed portions of the site. Although night lighting impacts contribute to cumulative impacts to wildlife species, based on the threshold criteria for significance after mitigation, **night lighting is considered to be a less than significant impact**.

## CUMULATIVE IMPACTS

Overall, the proposed project will be only one element of development anticipated to occur under Malibu General Plan land use designations. The long-term Citywide buildout under the General Plan was found to result in a significant unavoidable impact on biological resources in Malibu and within the entire Malibu Coastal Zone even after the implementation of all land use policies and implementation measures designed to reduce impacts on rare, endangered, and locally sensitive plant and animal species.

## MITIGATION MEASURES

The following mitigation measure is required to ensure that the project will not result in significant impacts on California black walnut trees:

- 6.1. The landscaping shall incorporate California black walnut (*Juglans californica*) trees in the southeast corner of the site into the landscape design to the satisfaction of the City Biologist. The existing black walnut trees are expected to resprout after being burned by the October 1996 fire. If the existing trees are shown to be killed by the fire, an additional 2:1 replacement California black walnut trees shall be incorporated into the landscape design to the satisfaction of the City biologist.

The following mitigation measure is included for wildlife, sensitive species, coastal sage scrub habitat and wildlife movement impacts:

- 6.2. Mitigation for impacts resulting from the loss of 8.04 acres of undisturbed coastal sage scrub habitat shall be accomplished by providing 30-acres of the "Francisco Property" or an alternative location that better meets the following criteria as off-site replacement habitat:
  - Similar vegetation type (in this case, coastal sage scrub dominated by California encelia, coyote brush, California sagebrush and sawtooth goldenbush), wildlife habitat characteristics, habitat connectivity, amount of habitat area, topography and accessibility, proximity to the project site and the likelihood of future habitat loss due to development potential.
  - Acreage shall not be less than a replacement ratio of 2:1.

Off-site mitigation shall be subject to review and approval by the City Biologist prior to issuance of the building permit for the project. Development on the mitigation site shall be restricted through a conservation easement, deed restriction or other mechanism deemed appropriate by the City



Attorney. Preservation shall be ensured to the satisfaction of the City Attorney prior to the issuance of the occupancy permit for the project.

- 6.3. The applicant shall submit grading, stormwater management, wastewater disposal and landscaping plans consistent with grading, coastal sage mitigation and stormwater management requirements and a plant list for approval by the City prior to construction. The plant list shall emphasize native drought-tolerant species to the extent feasible considering the need for on-site disposal of treated effluent. The plant list shall avoid invasive non-native species including olive and acacia.

The following mitigation measure is required for night lighting effects:

- 6.4. To minimize night lighting impacts on the surrounding habitat area, the outdoor lighting system shall be low intensity and focused into hotel facilities. It shall be subject to review and approval by the City Building Official prior to issuance of the building permit.

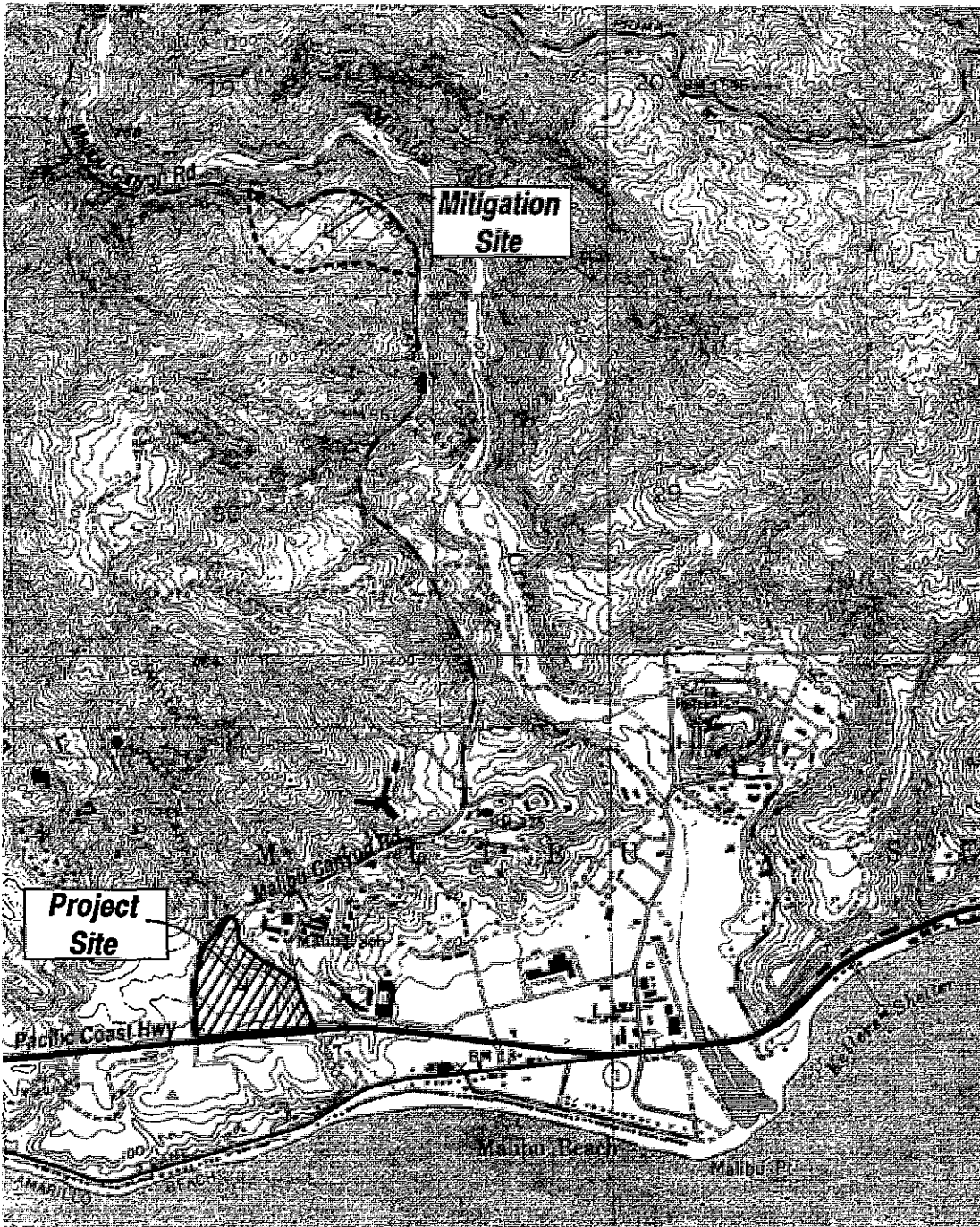
## **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

### **Analysis of the Proposed Offsite Mitigation Site**

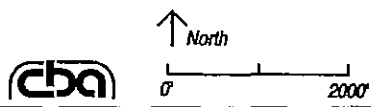
The applicant has offered a portion of the Francisco property, located on the southwest side of Malibu Canyon Road one mile north of the Hughes facility, as a replacement for the 8.04 acres of coastal sage scrub on the proposed hotel site (**See Figure 15**). The criteria established by the City Biologists for evaluating any proposed mitigation site are:

- Similar vegetation type (in this case, coastal sage scrub dominated by California encelia, coyote brush, California sagebrush and sawtooth goldenbush), wildlife habitat characteristics, habitat connectivity, amount of habitat area, topography and accessibility, proximity to the project site and the likelihood of future habitat loss due to development potential.
- Acreage shall not be less than a replacement ratio of 2:1.

**Vegetation Type and Amount of Habitat Area-** The Francisco site contains a larger proportion of chaparral plants than the proposed hotel site and lacks the dominant plant species found closer to the coast, particularly *Baccharis pilularis*, *Artemisia californica*, and *Encelia californica*. The Francisco mitigation site is dominated by chaparral species which is distinct from the coastal sage scrub plant community that occurs on the project site. Chaparral is a more common and less threatened vegetation type both in the Malibu coastal zone and statewide.



SOURCE: Tierra Madre Consultants



**cba**  
City of Malibu

**Figure 15**  
**Offsite Biologic Mitigation Area**

112

Rancho Malibu Hotel EIR

The buildable area of this portion of the Francisco property is approximately 30 acres. Dedication of the site in its entirety represents a replacement ratio of 3.7 acres preserved off-site for each one acre of coastal sage scrub developed at the hotel site. Although the vegetation type is not the same, the mitigation site has a higher replacement acreage ratio of 3.7:1. "A higher replacement ratio is reasonable since a rare and threatened plant community is being replaced by a more common vegetation type. Removal of the development potential of the proposed off-site mitigation property provides substantial biological benefit that compensates for the difference in vegetation between the two sites."<sup>1</sup>

**Proximity to the Project Site** - The off-site mitigation site is adjacent to Malibu Creek State Park and is designated as potential state acquisition land. The site is within two miles of the Malibu City limits and meets the criterion for proximity.

**Likelihood of Future Habitat Loss Due to Development Potential** - The mitigation site is located within the County of Los Angeles. The Malibu/Santa Monica Land Use Plan designation (which also serves as the County General Plan designation) for the site is "Mountain Land (M2)." This designation allows for very low intensity rural development. Principal permitted uses include very low-density residential development (one dwelling unit per 20 acres) and low intensity recreational uses. The City of Malibu has conducted a preliminary assessment of the development potential of the site. According to the Interim Planning Director, the property contains potential development sites that have relatively flat topography and desirable views. No site specific geologic and septic feasibility studies have been performed. However, according to the City Geologist, the entire proposed mitigation site is located in a recent landslide area.<sup>2</sup> Based on this preliminary evaluation the development potential is classified as low. Given the low development potential compared to the project site, the higher replacement ratio of 3.7:1 is appropriate.

**Topography and Accessibility** - The mitigation site may be the only buildable location, based on topography and road access, in the Canyon between the Hughes facility and the tunnel.<sup>3</sup>

**Wildlife Habitat Characteristics** - The Francisco property is a 577-acre parcel that is on the priority acquisition list of the Santa Monica Mountains Conservancy and is currently being appraised for acquisition with Los Angeles County Proposition

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<sup>1</sup>Letter from Tierra Madre Consultants to Marti Witter, City Biologist, February 21, 1997, contained in Appendix E.

<sup>2</sup>This is based on a preliminary review of the available published regional geologic maps of the area.

<sup>3</sup>Letter from Tierra Madre Consultants to Marti Witter, City Biologist, February 21, 1997, contained in Appendix E.

A funds. Because the total cost of the priority acquisition properties exceeds the amount of available acquisition funds, direct purchase of the Francisco property is not assured. Preservation of the site would remove the need to use Proposition A funds to purchase the site and would leave funds free for other acquisitions.

The Francisco property is part of the area identified as the core wildlife habitat area of the Malibu Creek watershed. Preservation of the core habitat areas of the Santa Monica Mountains, including Topanga State Park, Malibu Creek State Park, Zuma/Trancas Canyons and Point Magu State Park is critical to preserving the full range of wildlife species that are characteristic of the Santa Monica Mountains. According to Tierra Madre Consultants:

- | The mitigation site may be the only buildable location, based on topography and road access, in the Canyon between the Hughes facility and the tunnel. Its preservation as open space would keep that entire stretch of the canyon as wildlands. This is a very substantial benefit to the wildlife and ability to manage the region for fires. Development of this site in the future would be very intrusive, potentially affecting the raptor nest sites on the adjoining cliff faces, large mammal movement through the canyon at night, and the contiguity of the chaparral vegetation.<sup>4</sup>

**Habitat Connectivity** – In areas outside the core habitat areas where development has fragmented natural habitat, remaining habitat areas that provide connectivity between blocks of habitat are significant to maintaining wildlife populations. The Francisco property is significant as part of a core wildlife habitat area and provides a linkage between other core areas. However, it does not provide the same kind of unique linkage between potentially isolated habitat areas as does the proposed project site. However, due to the proposed 3.7:1 replacement ratio in a significant wildlife habitat area, including habitat for raptors and large mammals, and the zoning and development pressures on the project site which are likely to impact the linkage value of the project site, it is concluded that Francisco Property provides an acceptable linkage trade-off.

### **Conclusion**

With incorporation of the above mitigation measures, project impacts on California black walnut trees, wildlife and sensitive species will be **less than significant**. If off-site mitigation on the proposed mitigation site is used, project impacts on coastal sage scrub and wildlife movement would be adverse, **but less than significant**.

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<sup>4</sup>Letter from Tierra Madre Consultants to Marti Witter, City Biologist, February 21, 1997, contained in Appendix E.

## REFERENCES

*Biological Assessment for Rancho Malibu Hotel.* Tierra Madre Associates. June 1995.

*Final Environmental Impact Report for the City of Malibu General Plan.* November, 1995.

*Rancho Malibu Hotel Wastewater Reclamation Report - Zero Balance Addendum for Landscape Analysis.* Perry & Associates. March 18, 1996.

Paul Edelman, Santa Monica Conservancy. June 4, 1996 telephone communications.

*Malibu General Plan.* November, 1995.

Larry LaPre, Tierra Madre Consultants. February 1997 consultations.

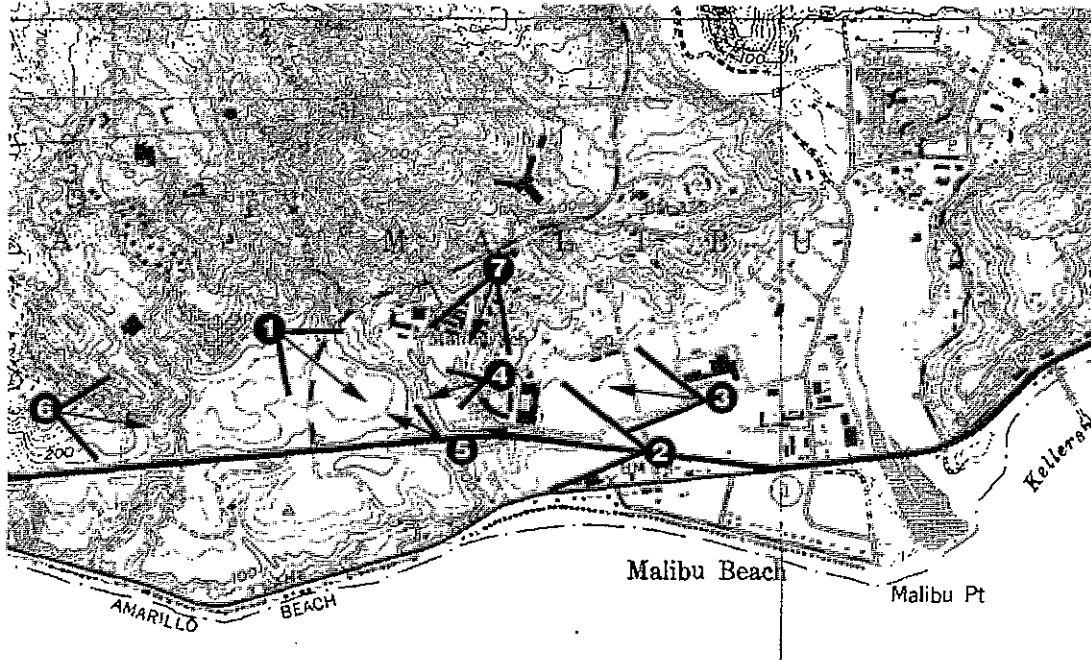
## **2.7 VISUAL AND AESTHETIC EFFECTS**

The term "aesthetics" usually implies a subjective effect or a personal opinion. To the extent possible, this section attempts to minimize the subjective component of the evaluation of these impacts by considering information about the project that can be evaluated objectively, such as a structure's visibility from its surrounding area, the visual similarity of structures with each other and with their surrounding environment, the scale, height and massing of structures compared to other structures in the area, the articulation of surfaces compared to other developments in the area, and so on. For example, a building considered "beautiful" in itself may intrude on an area because it is much larger than any surrounding building, or it may interrupt a panoramic view. A building considered "ugly" in itself may be compatible with its neighbors of the same scale, color, materials, setbacks, and architectural style. The natural landscape, topography, and introduced landscaping also contribute to the aesthetic environment. Together, the built and the natural environments combine to create an overall visual image of a project.

### **ENVIRONMENTAL SETTING**

The project site is an undeveloped bluff top that is visible, and in some cases visually prominent, as viewed from Pacific Coast Highway (PCH), from the Malibu Civic Center, and adjacent areas. From the east, the site is visible from the ridge line just east of Malibu Creek and from most of the Civic Center area. Its visibility from the western portion of the Civic Center area is limited by the existing structures of the Maison de Ville and Malibu Canyon Village condominium complexes. From the west, the site is visible from Pepperdine University and a small number of homes in Malibu Country Estates which have an easterly view. **Figures 17 through 19** show the project site in its present condition as viewed from a number of surrounding locations. **Figure 16** shows the locations from which the photo's were taken.

Most of the site is covered with low, scrubby natural, or mixed native and introduced vegetation which was burned in the 1996 Calabasas fire. There are few isolated trees taller than 10 feet high on the top of the bluff and in landscaped areas along PCH. As viewed from as far away as Malibu Creek, the bluff appears to be below the skyline, formed by more distant bluffs and hills to the west. As the observer approaches Webb Way, the perspective changes, and parts of the project site gradually becomes silhouetted against the sky. When viewed from Webb Way, the southern portion of the site appears to be on the skyline, while the northern half still appears to be below the more distant ridge line.



- View 1, from Pepperdine campus above project site (Figure 17).
- View 2, from Pacific Coast Highway at Webb Way (Figure 17).
- View 3. From in front of City Hall on Civic Center Way (Figure 18).
- View 4. From DeVille Way behind Maison de Ville (Figure 19).
- View 5. From Pacific Coast Highway near the southeast corner of the project site (Figure 18).
- View 6. From opposite 24637 Blue Dane Lane, Malibu Country Estates (Figure 20).
- View 7. From Malibu Knolls Road just below Malibu Canyon Road (Figure 20).

**Figure 16**  
**Photo Locations and View Angles**





This photo shows the project site as viewed from the Pepperdine University campus.



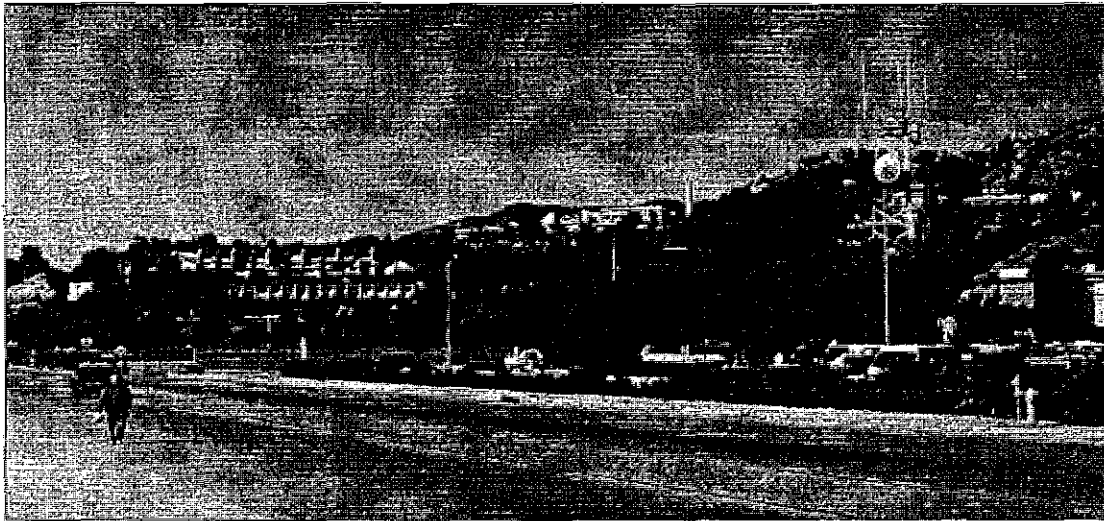
This photo shows existing conditions on the project site as viewed from Pacific Coast Highway looking directly west from just east of Webb Way in the Civic Center area. The project site is visible directly ahead above the point where Pacific Coast Highway turns toward the left.

**Figure 17**  
**Photos of Existing Conditions**





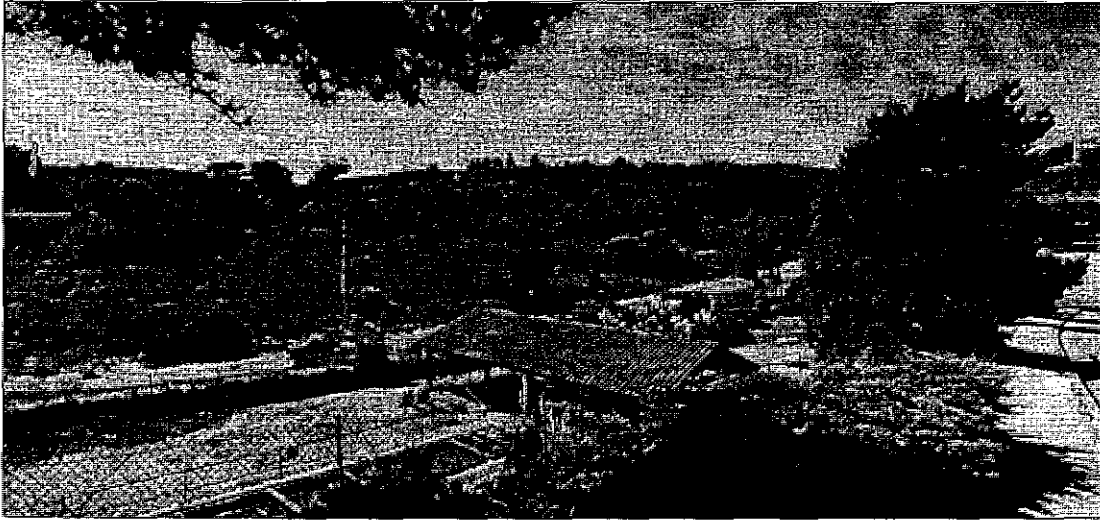
This photo shows the southeast corner of the project site as viewed traveling westbound on Pacific Coast Highway. Other than freeway landscaping immediately adjacent to the highway, this eastward-facing slope is covered by mostly of native vegetation. Pepperdine University is visible over the site to the right side of the photo.



As viewed from Civic Center Way in front of City Hall, the eastward-facing slope is largely concealed by the large structures of the Maison de Ville multi-family housing development. The top of the bluff is just visible over the top of these structures. Pepperdine University is visible above the site to the right of center of the photo.

*Figure 18*  
*Photos of Existing Conditions*





This photo shows the site as viewed from the northeast, looking over Civic Center Way from DeVille Way behind the Maison de Ville residential project. Parts of this eastern-facing slope would remain in open space if the project is approved. The more level area at the bottom of the slope is a separate parcel in different ownership and is not a part of the proposed project.



Trees on project site across  
Malibu Canyon Road

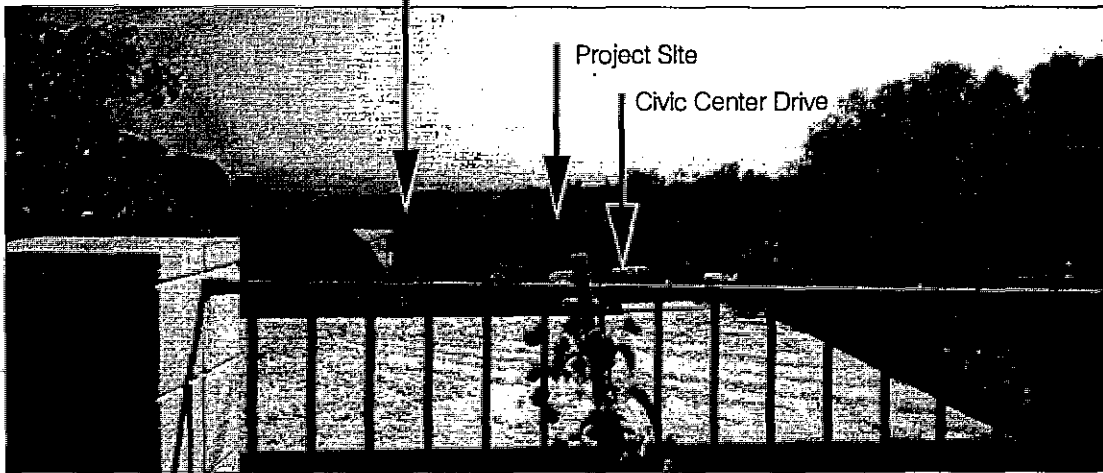


This photo shows the view of the site from the west, as seen from Blue Dane Drive in Malibu Country Estates, opposite 24637. Homes in this area which have east-facing views and are at higher elevations can see over the Pepperdine University lawn to the project site.

Pacific Coast Highway Road Cut

Project Site

Civic Center Drive



This photo shows the site as viewed from the north, from Malibu Knolls Road near its intersection with Malibu Canyon Road. Homes in the Malibu Knolls area are relatively close to the project and some have unobstructed views directly over the site.

Figure 20

Photos of Existing Conditions



The existing large structures of Pepperdine University, Maison de Ville, and the Hughes Research Center are prominently visible as one travels westward along this stretch of PCH. These large structures are in general architecturally designed to emphasize the horizontal, with long, continuous roof lines and deeply inset windows and balconies. These large structures have building heights above 40 feet for the Hughes facility, 40 to 50 feet for Pepperdine University, and 45 to 50 feet for the Maison de Ville complex. All include continuous horizontal facades (interrupted by setbacks and vertical detailing) of substantial length. Building lengths include approximately 650 feet in length (Pepperdine University), 550 feet (Hughes research facility), and 400 feet (Maison de Ville). The Civic Center complex has a length of approximately 600 feet, interrupted by a 100-foot gap between the City Hall and structures to the east.

### **Local Policies and Standards**

The City of Malibu in its General Plan has established rural character and the natural environment as the core of the City's vision and mission for the future. Although not specifically stated, it has been assumed for purposes of environmental analysis that the visual and aesthetic aspect of this character is important. To put aesthetic character in context of the City's vision statement, the vision statement is repeated below in full. Portions of the mission statement discussing rural character and the natural environment are also quoted:

*Vision Statement* - Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations.

*Mission Statement* - Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare.

Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

The Conservation Element of the City's General Plan does not include the project site as one of the key scenic elements of the City's environment. The site is within the ocean viewshed boundary, indicating that it has scenic views toward the ocean.

Pacific Coast Highway is officially designated in the Malibu General Plan and by the State of California as an eligible scenic highway, so visual character along the highway is of significance.

### **THRESHOLD FOR DETERMINING SIGNIFICANCE OF IMPACTS**

The project would have a significant visual and aesthetic impact if its implementation would result in the elimination or substantial obstruction of any scenic vista or view open to the public, would create an aesthetically offensive site open to public view, or would substantially modify the rural or natural visual character of a visually prominent site.

The modification of the visual appearance of the site from open space to a developed condition is a substantial change. However, such a change by itself, unless it eliminates or blocks scenic views, results in the creation of an aesthetically offensive site open to public view, or substantially modifies the rural or natural character of a visually prominent site or area, is not considered a significant adverse aesthetic impact under CEQA.

### **PROJECT IMPACT**

In order to determine whether the project will have a significant adverse visual or aesthetic effect, this impact analysis attempts to answer the following questions about the proposed project:

1. Do views of the existing site provide a scenic view or vista visible to the public which has substantial value, importance or uniqueness, the loss of which would result in a significant visual effect?
2. Will development of the site obstruct important or unique scenic views or vistas of other areas?

3. Will the development of the site create an aesthetically offensive view open to the public?

The following question relates to the City's vision statement and mission statement:

4. Will the project substantially modify the rural or natural visual character of a visually prominent site?

### **Scenic Value of the Existing Site**

Although the more visible parts of the site as viewed from the east and north are in general covered with natural or disturbed natural vegetation, the site is not particularly visually prominent except from locations immediately adjacent to the site on Pacific Coast Highway, Civic Center Way, and the residential areas immediately north of Civic Center Way, including Malibu Knolls, which are relatively close to the project. The Malibu Bluffs area to the south of Pacific Coast Highway is much more prominent because the foreground is not concealed by existing development, and the background is the sky rather than distant ridge lines of the Santa Monica Mountains. As viewed from the west, the site is generally low in the view, and can be seen from only a few homes in the Malibu Country Estates project, and from Pepperdine University.

The site does not show any unique or unusual topography such as rock outcrops or prominent bluffs. The vegetation shows evidence of substantial disturbance and includes a number of non-native plants used for landscaping, including eucalyptus and cypress. Dirt roads and power or telephone lines transect the site. The site does not form the horizon or the boundary between land and sea as viewed from readily accessible locations or a substantial number of homes. While it is visible from the road north of Maison de Ville, few of these units have a substantial view of the site. Its principal visual value is as an area of vegetation-covered open space which provides relief from developed areas as one travels along Pacific Coast Highway, Malibu Canyon Road, or Civic Center Way.

Based on these factors, the site itself is not considered to have high scenic value in its current condition. Therefore the development of the site is not considered to eliminate a scenic view or vista open to the public that is of sufficient value to be significant.

Although this potential effect is **not considered significant**, it could be reduced by preserving key areas of open space along steep slopes which are visible from PCH, Malibu Canyon Road and Civic Center Way, provided that these areas can be maintained in or restored to a condition of natural-appearing native vegetation. A

barren, cut slope with bench drains and non-native landscaping should not be considered to provide this visual quality.

### Obstruction of Scenic Views or Vistas

Figure 16 shows the locations from which photographs were taken to illustrate the potential visual impact of the proposed project. The photo at the top in Figure 20 shows the potential visual significance of the site when viewed from the west. This photo was taken with a 35 mm lens from the lawn of the Pepperdine University campus below the main campus parking lot, and includes a horizontal angle of approximately 50 degrees. It is intended to show the visual prominence and impact on views to the ocean over the site as seen from the Malibu Country Estates, immediately west of Pepperdine University. For most of these homes their view in the direction of the project is of the Pepperdine campus, which blocks the view of the site. For those few homes from which the site is visible, it may form part of the boundary between land and sea in the view, but only for a short distance and only for the most southerly part of the project site. This small visual effect for a small number of homes is not a significant obstruction of a scenic view or vista open to the public. The nearest homes in this project are approximately 1800 feet from the project site.

From this distance, the 28-foot height of structures on the hotel property is an angle of only 0.9 degrees. The horizontal distance along the site where it forms the land horizon against the sea is approximately 400 feet, from Pacific Coast Highway to that point where the ridge above the Malibu Pier becomes the horizon line. This is an angle of about 12 degrees as viewed from the nearest homes to the west.

The photo at the bottom of the page in Figure 20 shows the potential visual significance of the site when viewed from the east. The photo is a view looking east from Webb Way, across from the existing shopping center, approximately 600 feet east of the point where Pacific Coast Highway starts its climb up the hill to its intersection with Malibu Canyon Road. For a short distance along Pacific Coast Highway, the structures on the site will block more distant views upward to Pepperdine University and the hills above. The change in view obstruction is slight, and the view will remain visibly similar to the current situation. The change in the view will be that the boundary between the middle and far distance is a developed hilltop with a hotel and landscaping rather than the current shrubbery. The project will not result in significant view reduction from the east. **No significant impacts on scenic views or vistas would result from the project.**

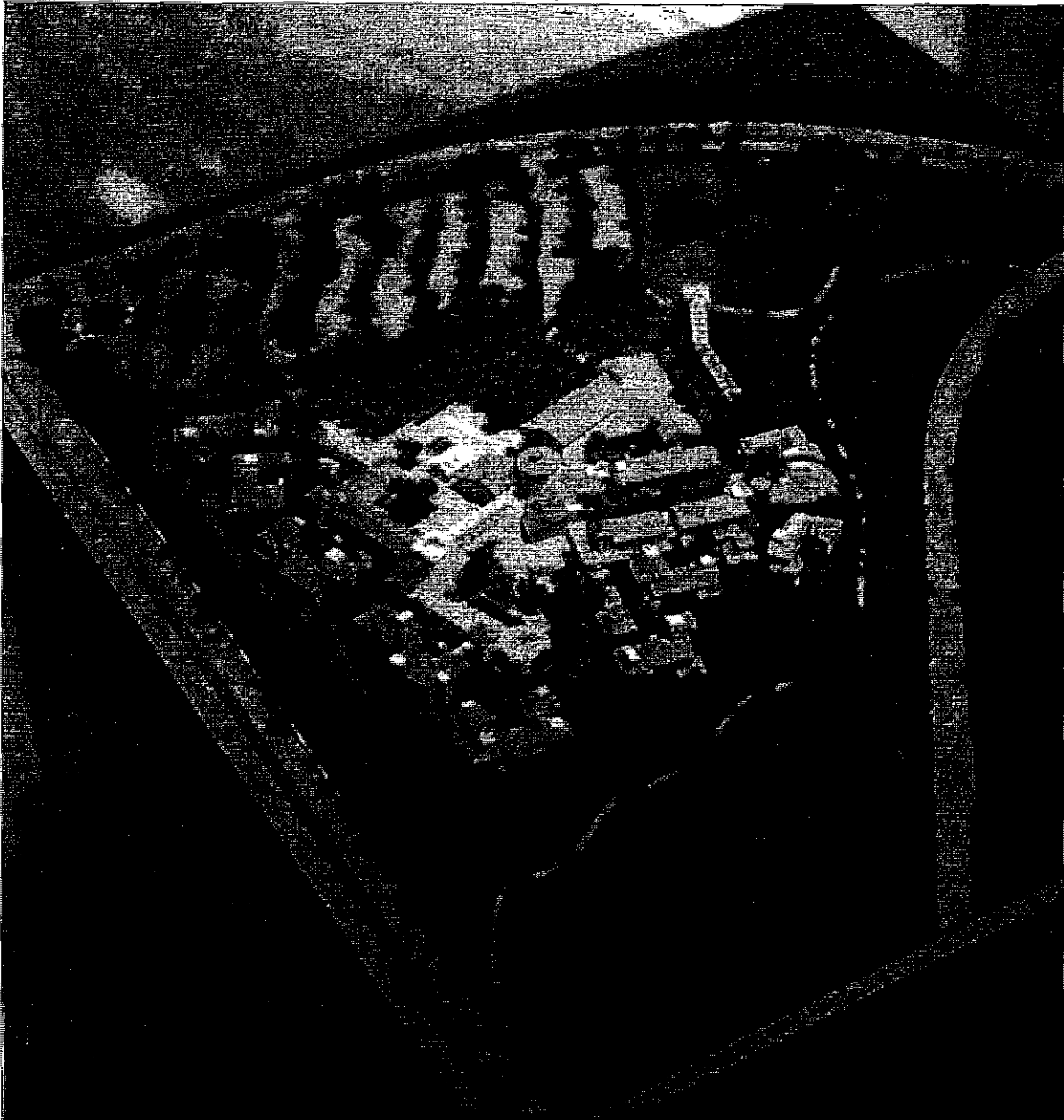
### **Potential for Creation of an Aesthetically Offensive Site Visible to the Public**

Because the site is larger and is more clearly visible from a number of nearby locations than most potential development sites in Malibu, the aesthetic character of the site could be aesthetically offensive if the site were developed in an unusual or highly attention-getting way. Aesthetic concerns are therefore more important for this project than they might be for a more typical site which is much smaller and less visible. The construction of a 242,391 square-foot hotel on the project site would have the potential to create an aesthetically offensive site open to public view if it were developed as a single large high-rise structure, or as a large, bulky structure which was visually prominent, or had large, blank or simple facades. A physical model of the project has been prepared by the applicant and photographs of the model have been made to illustrate visual impacts (see **Figures 21 and 22**).

The project as proposed has a number of characteristics which avoid such impact. These characteristics include the following:

1. The project is not designed as a single large structure, but as a number of similar but not identical smaller structures in a campus-like setting, creating visual variety and interest. Using many smaller structures provides the opportunity to break up the view of buildings with landscaping and views through the site, and eliminates the potential for large, blank facades. Although the overall development is of a density similar to Pepperdine University or the Hughes Research Laboratories, the individual proposed structures are substantially smaller than any of these facilities. The longest continuous structures proposed are the combination of the lobby and the meeting and administration area, which are connected by covered passageways. These structures have a continuous horizontal dimension of approximately 320 feet. This structure is broken up into multiple levels and cut by deep insets which separate functional areas. The three largest of the hotel villa structures are approximately 140 feet in width. The remaining structures are 110 feet in width or less.
2. The proposed project is constructed on three separate levels, joined by stairways, multiple-level buildings, meandering walks, and ramps. This multi-level construction further adds to the visual interest of the project.
3. Substantial setbacks from the edges of the property minimize the potential for large, tall structures to have an oppressive or looming appearance as viewed from surrounding areas.

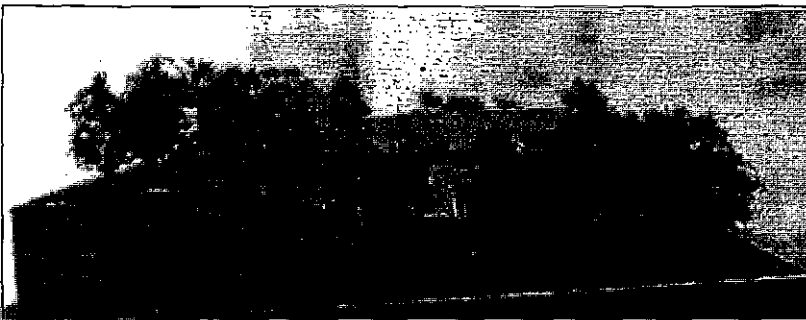




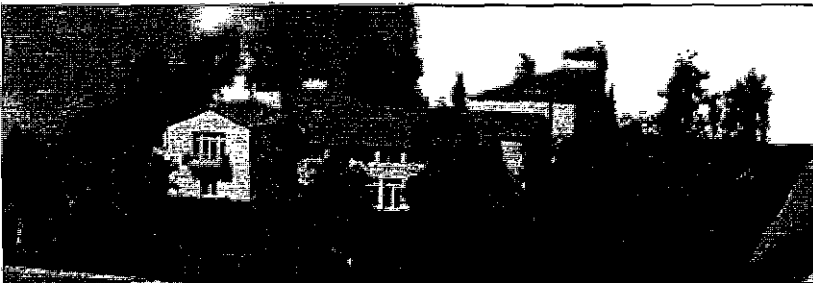
This photo shows the project model as viewed from the air looking from the southeast. Pacific Coast Highway is along the left side of the photo, Malibu Canyon Road is at the top, and Civic Center Way is on the right.



This photo shows the project model as viewed from the air looking from the southeast. Pacific Coast Highway is along the left side of the photo, Malibu Canyon Road is at the top, and Civic Center Way is on the right.



These photos show the models of individual villa structures. These photos show the architectural character of the project as proposed by the applicant.



*Figure 22*  
*Photos of Project Model*

4. The proposed extensive landscaping, including cultivated native vegetation along the perimeter of the site, will help soften the visual character of the development and better integrate it into the natural hills and vegetation in the foreground and background.
5. Landscaping of parking areas provides for substantial shielding of vehicles from view by provision of continuous planter areas between all parking rows, and a continuous landscaped buffer around the entire parking area.

With these measures, the potential for the project to create an aesthetically offensive site visible to the public will be eliminated. **No significant aesthetic impacts will result from the project.**

#### **Substantial Modification of Rural or Natural Visual Character of a Visually Prominent Site**

The proposed project will result in substantial modification of the visual character of the site. Although the vegetation on the site is substantially modified from its natural condition by years of prior use, its appearance is similar to that of surrounding natural areas of chaparral and coastal scrub. Although it is not as important visually as the areas across Pacific Coast Highway directly to the south, the site contributes to the limited remaining natural setting around the Civic Center area and in the Pacific Coast Highway Corridor near the Civic Center.

#### **Grading and Terrain Modification**

The project involves substantial movement of material on the site. A total of approximately 119,000 cubic yards of material will be moved, with 119,000 cubic yards cut from various areas of the site and placed in approximately 119,000 cubic yards of fill in other locations, balancing earth movement on the site so that no net import or export of fill will be required. Approximately 20,000 cubic yards of earth needs to be removed to provide the treated effluent storage tank, and a small percentage of the grading is needed to repair failed slopes on the site to provide satisfactory slope stability. The grading is to flatten and widen the top of the hill to provide a more efficient building site and easier movement by visitors around the developed site and to regrade slopes in order to meet the required 1.5:1 slope maximum. If distributed uniformly over the entire 28-acre site, the total of 119,000 cubic yards of earth moved would have an average depth of 3.3 feet.

## Architectural Character

The architectural style proposed for the project, while still only a general concept, includes tile pitched roofs supported by wood beams, and earth-tone wall surfaces. While this style is consistent with the most common architectural style of homes, public and commercial buildings in the area, it is not normally considered rural. The scale of the buildings is substantially smaller than the largest buildings of the surrounding large developments, including City Hall, Pepperdine University, and Hughes. Structures are smaller but higher than those of the nearby shopping center.

With this design, no significant adverse visual impacts related to the character of the architectural design are expected. Nonetheless, since at the present time the details of the design of individual structures, the details of landscaping, and the specific materials, finishes and colors to be used in the construction are not yet finalized, some significant adverse effects are possible because of the site's large size and visibility. Mitigation measures have been developed to avoid adverse impacts which may result from inappropriate details of project design. These measures will be included in conditions of the project approval and in the City's review and approval of the project's plans and specifications for these architectural and ornamental features, before construction is allowed.

The proposed landscaping will help to restore a rural and natural character to the site by concealing buildings and hard edges of improved areas of the site. However, the interior landscaping is intended to include a variety of species which can utilize substantial amounts of water in order to provide for the on-site disposal of treated wastewater from the hotel. Therefore the type of vegetation will be different from than naturally occurring on bluffs in the Malibu area. Taller trees and denser shrubbery associated with riparian areas will be expected to replace the natural vegetation on much of the site. The perimeter vegetation will be cultivated native vegetation. The plant pallet will consist primarily of plants which are native to the Santa Monica Mountains. This will help to preserve the character of the site.

This project site is the last visually prominent major site expected to be developed in the Civic Center area. Additional individual home sites may be developed in the hills near the site, and additional development may take place at Pepperdine University. However, once this site is developed, the general character of the hills around the Civic Center will be established.

Because the site appears to be covered with natural vegetation today, the change in character of this site could be considered by many reasonable Malibu residents

as an adverse aesthetic effect on the site itself, based on the General Plan Vision Statement and Mission Statement. This effect results from the change in the appearance of the site from a condition of natural-appearing vegetation to a developed, landscaped site with a number of structures which are neither rural nor natural in character. Whether or not these structures are attractive in their own right, attractively landscaped and substantially concealed is not relevant to this determination of effect.

However, the elimination of this site as part of the natural landscape will not be significant if the change in the overall character of the visual landscape from most areas around the site is not significant. Because the areas from which the site is visible still have substantial areas of natural environment within the view, the overall rural setting and character of the view will remain, and the overall effect of the change in the appearance of this site is not considered significant when reviewed within its larger context.

The much more visually prominent natural areas south of Pacific Coast Highway from the site will remain in open space. Substantial permanent open space along the steep slopes of the Santa Monica Mountains will remain. The site itself is the most prominent feature in the view from only a very limited area immediately around the site. From most of the Civic Center area and from along Pacific Coast Highway, the site is only a small proportion of the total view. By retaining natural-appearing vegetation in visually important areas of the site, the rural and natural character can be retained to the extent possible while permitting the development to take place, and **no significant character impacts** would result. It is not feasible to totally eliminate this change in the character of the site because the substantial area needed for on-site disposal of treated effluent severely limits the total amount of scrub vegetation that can be included in the landscape plan.

## MITIGATION MEASURES

To avoid adverse aesthetic impacts from the project's large size and high visibility from nearby areas, the following mitigation measures are required. If design guidelines are adopted for the site pursuant to the Civic Center Specific Plan and prior to the granting of a building permit, the City may modify the following mitigation measures to comply with Specific Plan guidelines.

- 7.1 **Design Review.** The developer shall submit the following for review and approval prior to development. The general conditions to be met and criteria for this review as they relate to visual impact are outlined below. Exceptions to these conditions where necessary to provide for unique and demonstrated

excellence and creativity in design may be granted at the discretion of the City.

- a. Materials and finishes - Materials and finishes used on all exposed surfaces within the project shall be specified in architectural drawings which are provided to the City for review and approval prior to installation. The City's review shall ensure that the following general design standards are met:

The project shall have a predominant design theme with a specific limited palette of colors, materials and finishes which are used throughout the project. Such materials and finishes shall have the following general characteristics:

Major building surfaces and accents. Major building surfaces shall be light colors and matte finishes which reflect the character of the natural environment in the vicinity of the project. Accent colors used for decorative panels, window and door frames, roof trim, and roof tiles or other roof materials may include darker, more saturated colors as appropriate. The colors of natural sand, sea, sky, earth, leaves and bark found in the natural environment surrounding the site, or unique to natural materials used in construction, shall be used predominately. Garish, bright and unnatural colors or color combinations shall not be used where they would be visible from a distance outside the project site. The intent of this guideline is that the buildings and other constructed features of the project should not draw attention to themselves by contrast in color to the natural landscape.

Quality of Construction Materials. Building materials which reflect a character of quality and permanence shall be used.

- b. Landscaping - Landscaping shall be used to soften the appearance of buildings. Trees which at maturity are as tall as the roofs of buildings shall be used throughout the periphery of the developed areas of the site to break up the visual appearance of the site and hide structures so that the landscaping within 20 years is designed to conceal a minimum of 50% of each major building surface that would otherwise be visible from off-site locations. Species which minimize fire risk shall be used, as approved by the Fire Department. Shrubbery around the base of structures shall be used to soften the line of the building along the ground. Where basement levels of structures are visible from surrounding areas because of the position

of structures on the slope, giving the building an appearance of three-story height, shrubbery shall be used to substantially conceal the lower level.

A landscape maintenance plan shall be submitted for approval by the Planning Director and Fire Department. The landscape maintenance plan shall provide for the regular pruning and thinning of vegetation to minimize fuel supply and fire danger.

In undeveloped areas of the site, natural, low-scale vegetation shall be preserved and restored to the extent feasible while providing for sufficient on-site disposal of treated effluent. (Biological limitations on landscaping are discussed in Section 2.6.)

c. Lighting. Lighting shall be used as necessary for internal circulation and circulation to and from the site as necessary only, and not to draw attention to the site or its features. Limited low-level decorative lighting of internal landscaped areas shall be permitted within this limitation. All exterior lighting shall be directed downward and inward to the site, and shielded to prevent visibility of the sources of light from a distance or pollution of the night sky by unnecessary upward-directed illumination. All exterior lighting fixtures of greater than 150 watts shall use low-pressure sodium lighting to conserve energy and limit pollution of the night sky.

d. Signs. Signs shall be limited to those necessary to identify the site and its location, and to provide for safe circulation by people and vehicles. Internally illuminated signs shall be limited to signs necessary to point out emergency routes. Signs shall be compatible with the restrictions on materials and finishes outlined above.

e. Building Facades. Large blank areas of building facades visible to the public shall not be permitted. Such facades shall be broken by architectural features such as decorative sculptural panels, setbacks, windows, columns, textured surfaces or other architectural details as appropriate.

Building facades should reflect a common theme throughout the project, and should show common patterns and rhythms of fenestration, structural details, etc.

To minimize the effect of eliminating a natural-appearing site which is visually prominent from nearby locations and contributes to the natural, rural scenic character of the City, the following mitigation measures are included as conditions of approval of the proposed project:

- 7.2 Scrub Garden Component of Landscape Plan. The landscape plan shall provide an area for native scrub landscaping to preserve the natural visual appearance of the site to the extent feasible within the limitations of site development and onsite disposal of treated effluent. A minimum of one acre of scrub habitat shall be included within the landscape plan. For maximum visual effect, scrub landscaping is encouraged along the margins of the site, along the public pathway along the slope on the north side of the site, and along steep slopes below structures on the north, east and southeast slopes of the site.

The landscape maintenance plan shall provide for regular thinning of scrub landscaping to minimize fuel supply and resulting fire danger.

## **LEVEL OF SIGNIFICANCE IMPACT AFTER MITIGATION**

With full implementation of the mitigation measures, visual and aesthetic effects will be reduced to a **less than significant level**.



## **2.8 ARCHAEOLOGICAL RESOURCES**

This section summarizes conclusions of archaeological reports prepared for the proposed project by HEART (Historical, Environmental, Archaeological, Research Team) in November, 1995 and May, 1996 which is incorporated by reference. The reports were prepared to review previous studies conducted for the site, and to develop mitigation measures to reduce potential impacts as appropriate.

### **ENVIRONMENTAL SETTING**

Results of a records search indicate that seven prehistoric archaeological sites (CA-LAN-31; CA-LAN-266; CA-LAN-319; CA-LAN-406; CA-LAN-479; CA-LAN-1417; and CA-LAN-1715) have been recorded within one-half mile of the project site. Two (CA-LAN-266 and CA-LAN-1715) of these sites are located within the boundaries of the proposed Rancho Malibu Hotel site. However, the review of data for these two sites indicates that CA-LAN-1715 is most probably a portion of CA-LAN-266 site.

**CA-LAN-266 Site:** The site was first recorded on March 11, 1961 by Chester King and Mike Glassow. The site dimensions were approximately 20 yards by 40 yards, and artifacts included flake scrapers, core scrapers, and chert, quartzite and basalt lithic materials. Fourteen artifacts collected from CA-LAN-266 in 1962 are curated at the Fowler Museum, UCLA, under accession number 339.

In 1980, Beth Padon conducted an on-foot reconnaissance of a 3.15-acre parcel located directly north of the site area recorded in 1961, which did not yield any cultural remains of archaeological or historic nature. Padon prepared and submitted a site record for the CA-LAN-266 and noted that "the unique value of LAN-266 derives from the fact that few open coastal prehistoric sites remain in this area. Furthermore, it lies in close proximity to, and in potential association with, the nearby large Chumash village, Hu Maliwu."

In 1984, Ronald Bissell of RMW Paleo Associates conducted an archaeological survey of an entire 28-acre area, which encompasses CA-LAN-266. During this survey, 30 chert flakes were found. Two probable manos (tools used in grinding of corn) and a fragment of abalone shell were also located, and some of the flake material appeared utilized.

In 1990, Bissell conducted a Phase II Study of CA-LAN-266. (At that time, a new site, CA-LAN-1715, a possible locus of CA-LAN-266, was recorded.) According to Mr. Bissell, the site was surface collected and 14 one-by-one meter units were excavated. Richard Angula served as the Chumash observer during the course of

the study. The study yielded 647 artifacts. The preliminary results of the Phase II testing of CA-LAN-266 revealed an extensive prehistoric archaeological site based on surface artifact distributions and subsurface testing. This is an extremely sensitive area containing surface artifacts, as well as subsurface archaeological site's soils with a maximum depth of 50 centimeters (20 inches) in portions of the area. The data collected during the test excavation have been recently examined and the site is considered an important archaeological resource. The site was most probably a hunting encampment with hard seeds collected and processed. Vegetable fiber work, animal hide processing, and woodwork are also indicated by the tools in the assemblage. The artifacts indicate the site's occupation at the time when the mortar and pestle technology was being introduced, at a period of time preceding the use of the bow and arrow.

**CA-LAN-1715 Area:** CA-LAN-1715 was recorded by Ron Bissell on January 12, 1990, as a separate archaeological site. The review of existing data, however, indicates that this site was most probably a portion of the CA-LAN-266 site. This area is described as consisting of a light surface scatter of chipped and ground stone artifacts over a 200-square meter area.

Eight surface artifacts (five flakes, two cores, and a single mano) were found at this location. One unit was excavated, and it revealed extensively disturbed subsurface soils with no artifactual materials. In addition to the disturbed soils, portions of this area remain undisturbed, and, potentially, may contain additional artifacts.

## **THRESHOLDS FOR DETERMINING SIGNIFICANCE OF IMPACTS**

The proposed Rancho Malibu Hotel will have a significant impact on archaeological resources if its construction or operation will damage an important prehistoric archaeological site.

## **PROJECT IMPACT**

The proposed Rancho Malibu Hotel development plan includes in-situ preservation of prehistoric cultural resources by capping or covering the deepest and most sensitive portion of the CA-LAN-266 site, including the CA-LAN-1715 area. About 90 percent of this site will be capped. In addition, the City will require the developer to implement a cultural resource management plan (CRMP) covering 100 percent of the site. The CRMP's conditions will be incorporated into deed restrictions for the property to ensure the protection of this archaeological site in perpetuity for future generations.

The CRMP includes detailed instructions for removal of vegetation, capping, and surface collection/mapping of each specific sub-area of the site, monitoring each phase of the process, curation of any recovered archaeological materials, documentation, and utilization of these materials for displays and interpretive programs about prehistoric Native Americans who lived in this area.

Upon completion of the implementation of the CRMP, a detailed report will be prepared and filed with the South Central Coastal Information Center, UCLA Institute of Archaeology. The material remains recovered at the site could be utilized in interpretive programs and displays within the proposed design of the project, incorporating site data into displays, dioramas, a demonstration settlement, and/or similar exhibits to provide information about the history of Tongva/Gabrielino and Chumash Native Americans.

The CRMP will be implemented under the City's supervision. The City will not permit any project activity to proceed on the site until the management plan is implemented to its satisfaction.

The implementation of the CRMP will preserve 90 percent of the CA-LAN-266 site, including the CA-LAN-1715 area, and protect the remaining ten percent of the undisturbed site area.

## **MITIGATION MEASURES**

- 8.1 The applicant shall implement a Cultural Resource Management Plan (CRMP) as approved by the City's archaeologist. The CRMP shall include detailed instructions for removal of vegetation, capping, and surface collection/mapping of each specific sub-area of the site, monitoring, curation of any recovered archaeological materials, documentation, and utilization of these materials for displays and interpretive programs about prehistoric Native Americans who lived in this area. The CRMP shall be implemented under the City's supervision. No construction activity in any affected area shall be permitted until the City determines that the CRMP for that area is fully completed. A representative of the area's Native American peoples shall be consulted, present, and/or otherwise appropriately involved in the implementation of the CRMP.
- 8.2 In the event that a major new archaeological discovery is made, construction activity in that area shall be terminated and the City shall be notified of such findings. The Planning Director, in consultation with the City Archaeologist, shall determine CRMP procedures to be implemented at the affected location, including any modifications to the CRMP as appropriate.

- 8.3 The project shall include Chumash cultural motifs in lobby art and other interior decoration as appropriate to provide a means to recognize the cultural origins of the project site.

### **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

With implementation of the mitigation measures, project impacts will be reduced to a level which is **less than significant**.

### **REFERENCES**

1. *Cultural Resources Management Plan for the Rancho Malibu Hotel*. Robert Wlodarski, HEART. November, 1995.
2. *Cultural Resource Summary for the Rancho Malibu Hotel*. Robert Wlodarski, HEART. May, 1996.

### **3. ALTERNATIVES TO THE PROJECT**

The following discussion considers alternative development scenarios for the project site. CEQA Guidelines require discussing a reasonable range of alternatives which

...could feasibly attain most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects [of the project]... An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative."<sup>1</sup>

The analysis of alternatives provides another method for mitigating impacts of a project - by evaluating different size, scale, use, or location for the project to reduce impacts, rather than imposing specific mitigation measures on the project as proposed to mitigate each individual impact.

Alternatives were selected with the objective of reducing significant effects of the proposed project. Several alternatives involving a smaller hotel were included since many impacts, including traffic, biological resources, and wastewater related impacts are to some extent a function of the amount of development on the site. Reducing the intensity of development reduces these local impacts of the proposed project.

The rationale for the selection of alternatives was as follows:

1. Since the project exceeds the standard for intensity of development under the Interim Zoning Ordinance (IZO), alternatives have been included which consider development up to the permitted Floor Area Ratio (FAR) of 0.15 allowed under the IZO.
2. Since the site includes existing coastal sage scrub habitat, alternatives were considered which increase the potential to preserve this habitat on site. The amount of habitat that can be preserved is a complex function of where buildings are located in relation to the coastal sage scrub habitat area (which determines fuel clearance and fuel modification zones which, in turn, affect the quality of the preserved scrub habitat), the building footprint and parking required to support the specific development (which determines the amount of the site that can be used for irrigation for wastewater disposal) and the type and intensity of use of the site (which determines the amount of wastewater generated).

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<sup>1</sup>CEQA Guidelines Section 15126.

3. An alternative to reduce traffic impacts by restricting spa use to hotel guests only.

The following seven alternatives to the project are evaluated in this section:

- Alternative A: No Project (Visitor Serving Commercial use) / 0.15 FAR
- Alternative B: Luxury Hotel and Theme Restaurant / 0.20 FAR
- Alternative C: Condominium Complex / 0.15 FAR
- Alternative D: 250 Room Business Suites Hotel / 0.15 FAR
- Alternative E: Luxury Hotel and Cultural Center with Restricted Spa Use / 0.20 FAR
- Alternative F: Luxury Hotel and Cultural Center / 0.15 FAR
- Alternative G: Largest hotel with on-site wastewater balance and on-site preservation of coastal sage scrub
- Alternative H: No Development

Impacts of these alternatives are summarized and compared in Table 8 at the end of this section.

## **REJECTED ALTERNATIVES**

In addition, the following three other alternatives were considered but were found to be infeasible:

- Developing the project at an alternative location
- Developing the site with a public or quasi-public use

## **ALTERNATIVE LOCATION**

This alternative would involve constructing the proposed project at a different location. However, the applicant does not own property in Malibu or the surrounding area suitable for a seaside resort hotel. The only property near the coast that the applicant owns, other than land which is in perpetual easement agreements, is a small, 3 to 5-acre property on the northwest corner of Pacific Coast Highway (PCH) and John Tyler Road, near the Malibu Country Estates effluent treatment facilities. That property is zoned for residential use. The project site is the only property of adequate size, at a location desirable for luxury hotel development, that is designated for visitor-oriented commercial uses in the General Plan.

The only large amount of vacant land in the project's vicinity and within the general location are vacant properties within the Civic Center area, east of the project site. Even if an adequately-sized property were owned by the applicant at this location, developing the proposed hotel would simply relocate most of the project impacts, including traffic and

wastewater disposal, about one half mile - to one mile - to the east. Vehicles coming and going from the hotel would still arrive via PCH and Malibu Canyon Road, and project traffic would use the congested Malibu Canyon Road and Civic Center Way intersection. These vehicles would emit the same amount of air pollutants into the air. The same amount of wastewater would need to be disposed of, whether by means of a single treatment facility for the entire Civic Center area or an individual on-site plant. Unless there would be a single disposal system for the entire area, the project would use the same amount of reclaimed water for irrigation, at this location, as at the proposed site. In addition, since this area is basically flat, the hotel villas and buildings would be much more visible from PCH, Civic Center Way, and Malibu Road. At this location, the hotel would be one element of an overall development under the Specific Plan, "fitting" into the Specific Plan design and character, rather than a unique self-contained and intimate luxury hotel.

Locating the project within this area would also temporarily postpone, rather than avoid, impacts on vegetation, cultural resources, and the visual character of the site because developing the proposed hotel at another location would not preclude development from occurring on the project site. The project site would not stay vacant, but would eventually be developed for some visitor-oriented commercial uses, consistent with the General Plan land use designations. That development would also include grading and construction of buildings, and landscaping. As a result, the native vegetation and cultural resources would be affected by any development that would take place on the site. At an allowable intensity of development of up to 0.15 FAR, these effects would be somewhat less than the proposed project's (see discussion of Alternative D).

Overall, neither this location nor other locations in vicinity of the project site, have any unique physical characteristics or features that would substantially reduce or avoid project impacts. Also, locating the project outside the Civic Center area or its immediate vicinity, on land north or northwest of PCH, would place a hotel facility in low-intensity single family residential neighborhoods and create land use conflicts and greater impacts.

## **DEVELOPMENT WITH PUBLIC OR QUASI-PUBLIC USE**

This alternative considers developing the project site with a public or quasi-public use, such as a museum complex (possibly similar in character to the Getty Museum), arts or cultural center, nature or ecology center, or a similar facility. Depending on that facility's attractiveness and rules of operation, it could generate traffic from visitors, tourists, and employees comparable to that of the proposed hotel, particularly on weekends and holidays. Such a facility would probably use less water and generate less effluent than the proposed project, and thus, reduce the amount of reclaimed water to be disposed of through irrigation. Depending on the design, visual impacts could be similar or different than the proposed project. A single-structure facility would appear more massive while the visual effects of a design with several smaller structures would be comparable to the

proposed project. Vegetation and cultural resources would also be affected by this type of development, as it would require grading for structures, parking, and landscaping. Depending on the facility's size and design, this alternative could result in the elimination of less of the coastal sage scrub and other native vegetation and, possibly, in less impacts on cultural resources.

However, there is no indication that any public or private entity would be interested in purchasing the property for such a development. Therefore, this development alternative is neither realistic nor feasible at the present time.

## **PROJECT ALTERNATIVES**

### **ALTERNATIVE A: NO PROJECT (VISITOR SERVING COMMERCIAL / 0.15 FAR)**

CEQA requires an evaluation of a "no project" alternative to consider impacts of a development that would be reasonably expected to occur in the foreseeable future if the proposed project were not approved.

#### **Description**

Under this alternative, the project site would eventually be developed in conformance with the General Plan and Interim Zoning Ordinance designations. Under the General Plan and the Interim Zoning Ordinance, the project site is designated for visitor serving commercial uses. The General Plan designation allows hotels, restaurants, visitor-oriented retail, and some professional office uses developed at a maximum of 0.15 to 0.25 FAR. The Interim Zoning Ordinance would permit development up to a maximum FAR of 0.15. Under the FAR established by the Interim Zoning Ordinance, approximately 180,000 square feet of development could be constructed on the site.<sup>2</sup>

This alternative assumes development with half visitor-oriented retail and half professional office, with restaurants and similar support uses serving customers and clients. Specifically, this alternative would include: a 10,000 square foot Theme Restaurant, 80,000 square feet of retail use and 90,000 square feet of office uses. Approximately 611 parking spaces would be required to serve these uses.<sup>3</sup> The site area would be covered

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<sup>2</sup>27.8 acres X 43,560 sq ft per acre X 0.15 FAR = 181,645 square feet of development allowable.

<sup>3</sup>Under the IZO, 1 parking space is required for every 250 sq. ft. of office, 1 space for each 225 sq. ft. of retail and 1 per every 50 sq. ft. of restaurant service area. Up to a 25 percent reduction is allowed for shared uses, with Planning Commission approval. This would result in a need for 611 parking spaces.



with approximately 4.0 acres of buildings, 7 acres of parking<sup>4</sup> and 0.4 acres of non-parking hardscaping, leaving 16.4 acres for landscaping or native habitat.

### **Land Use and Planning**

Depending on the site design, this alternative could have similar grading, height and setback issues as the proposed project. The No Project alternative would provide visitor serving uses consistent with the Malibu/Santa Monica Mountains Local Coastal Plan, but would reduce the ability to provide additional hotel rooms within the City. This would be a **significant impact**. However, this development would have a **beneficial impact** in the form of the provision of more jobs than the proposed hotel use, in an area which is jobs-popr and housing-rich, in conformance with the Regional Growth Management Plans.

### **Geotechnical Hazards**

Depending on the site design, this alternative would result in similar or greater exposure of persons to geotechnical hazards, depending on the ability to design a site plan which avoids the geotechnical hazards on the site. As with the project, impacts could be reduced to a **less than significant** level through implementation mitigation measures similar to those specified for the proposed project.

### **Water Quality and Wastewater**

As with the proposed project, wastewater from this alternative will be treated in an on-site full reclamation facility and the reclaimed water would be used for drip and spray irrigation.

This alternative would include 90,000 square feet of office use, 80,000 square feet of retail use and 10,000 square feet of theme restaurant use. This would result in the generation of approximately 31,500 gallons per day of wastewater, or 11,497,500 gallons of wastewater per year.<sup>5</sup> This alternative would result in less wastewater generation than the proposed project. With landscaping of the coastal sage scrub area, 12,489,523 gallons per year of wastewater could be handled on-site. Landscaping would therefore be able to adequately handle wastewater disposal requirements. With preservation of the coastal sage, approximately 9,057,343 gallons per year of wastewater could be disposed of on-

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<sup>4</sup>Based on the assumption of 500 square feet per parking space (inclusive of driveways, internal circulation, and turning movement areas), and 611 parking spaces. There are 43,560 square feet in an acre.

<sup>5</sup>Based on 750 gallons per day per square foot of restaurant use (1,000 gallons per day plus low flow reduction), 150 gallons per day per 1,000 square feet of retail and 200 gallons per day per 1,000 square feet of office uses.

site.<sup>6</sup> Approximately 25% of the coastal sage could be preserved on-site while achieving wastewater balance. **Wastewater impacts would therefore be less than significant.** However, this alternative would be subject to the same mitigation measures as the proposed project, in order to ensure the proper functional of the wastewater system. The City is unaware of any water management software like the WAVE software which could be used to estimate more precisely wastewater generation for these uses.

### Air Quality

This alternative would generate about three and a half times more traffic than the proposed project. Consequently, air pollutant emissions from vehicles would also increase proportionally, resulting in daily carbon monoxide, reactive organic gas and nitrogen oxide emissions above the SCAQMD thresholds. This constitutes a **significant unmitigated impact on air quality**. Impacts would be greater than the proposed project which would result in emissions below the SCAQMD's thresholds of significance.

### Traffic/Circulation

Development under this alternative would generate up to 7,560 trips, with the office component generating approximately 1,800 trips, retail component 4,800 trips, and restaurants about 960 trips.<sup>7</sup> Even if half of these trips were joint destination trips, that is, to shops and restaurants, or to office and restaurants and shops, development under this alternative would still generate nearly 3,780 daily trips, or about 1.75 times more traffic than the proposed project. This volume of traffic would add more than two percent of demand on most study intersections and create **more significant traffic impacts**, than the proposed project.

### Biological Resources

This alternative would require less removal of coastal sage scrub for fuel modification purposes than the proposed project, since the site would be developed at a lower density

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<sup>6</sup>Irrigation use without preservation of the coastal: (16.4 acres X 43,560 sq ft/acre X 9.8 gallons per square foot per year =7,000,963) plus (7 acres of parking X 43,560 sq feet per acre X 18 gallons per square foot per year=5,488,560) for a total landscape demand of 12,489,523 gallons per year. The gallons per square foot per year for landscaping is based on the average of the irrigation for moderate villa courts and moderate Zone 2 landscaping for the proposed project. Irrigation for parking is based on the same rate as for the proposed project. Preservation of the coastal sage would reduce landscape irrigation demands by (8.04 X 43,560 X 9.8) or 3,432,179 gallons per year for a total landscape demand of 9,057,343 gallons per year.

<sup>7</sup>*Trip Generation, 5th Edition*. Institute of Transportation Engineers (ITE). January 1991. Based on 95 trips per 1,000 square feet of restaurant, 60/1,000 square feet for retail uses, and 20/1,000 square feet for office uses.

and could have greater setbacks from slope areas and areas containing coastal sage scrub. Approximately 25% of the sage could be preserved and meet wastewater disposal requirements. Therefore, this alternative would result in less severe biological resource impacts to those of the proposed project. However, impacts would be **significant**. Impacts could be further reduced if landscaping was done with high water demand plants and shrubs, rather than moderate demand plantings, as assumed for purposes of analysis. This alternative would result in some human intrusion into the sage scrub habitat. It is unclear the degree to which this intrusion and potential fuel modification requirements would impact the coastal sage under this alternative. In addition, it is unclear how much of the coastal sage would need to be preserved on-site in order to avoid wildlife corridor impacts. The amount of preserved sage on site under this alternative may be below the level required to avoid corridor impacts. Thus, there remains the **potential for significant biological resource impacts** to the coastal sage. Under this alternative, less off-site habitat would be preserved. As with the project, impacts could be reduced to a **less than significant** level through implementation mitigation measures similar to those specified for the proposed project.

#### **Visual and Aesthetic Effects**

Visual impacts would depend on the nature of the site plan and architecture. Assuming the same level of site sensitivity as the proposed project, impacts would be somewhat less, due to the lower FAR. As with the project, impacts could be reduced to a **less than significant** level through implementation mitigation measures similar to those specified for the proposed project.

#### **Archaeological Resources**

The impact on archaeological resources would be similar to that of the proposed project. As with the project, impacts could be reduced to a **less than significant** level through implementation mitigation measures similar to those specified for the proposed project.

#### **Conclusion**

This alternative would result in significant land use, geotechnical, air quality, traffic, biological resource, and archeological impacts. Wastewater impacts would be less than significant. Biological resource impacts would be less than the project. As with the proposed project, geotechnical, biological resource and archeological impacts could be mitigated to a level which is less than significant. This alternative would result in less wastewater-related impacts than the proposed project. It would have substantially greater traffic and air quality and land use impacts than the proposed project. Air quality and land use impacts would be significant and unmitigated impacts. Without preparation of a detailed traffic study, it is not known whether the traffic impacts of this alternative could be

mitigated to less than significant. This alternative would therefore result in **greater impacts than the proposed project**.

## **ALTERNATIVE B: LUXURY HOTEL AND THEME RESTAURANT / 0.20 FAR**

This alternative considers developing the proposed hotel with 250 rooms and a Theme Restaurant and would be the same as the project proposed in the original DEIR.

### **Land Use**

The alternative would be consistent with the Malibu General Plan land use and zoning designations for commercial visitor-oriented land uses but would not meet the 0.15 FAR established in the interim zoning ordinance. Use impacts could be reduced to a **less than significant** level through implementation the same mitigation measure as for the proposed project.

### **Geotechnical Hazards**

The alternative would have the same geotechnical impacts as the proposed project. If mitigation measures recommended for the project are implemented for this alternative, geotechnical impacts would be similar to those of the proposed project, and **less than significant**.

### **Water Quality/Wastewater Treatment<sup>8</sup>**

As with the proposed project, wastewater from this alternative will be treated in an on-site full reclamation facility and the reclaimed water would be used for drip and spray irrigation. This alternative would generate approximately 48,013 gallons per day of wastewater, 4,004 gallons more than the project's daily volume of 44,009. Based on this estimate, this alternative would produce 17,524,604 gallons per year of reclaimed water. A total of 17.15 acres of landscaping would be available for wastewater disposal, yielding projected irrigation needs of 13,636,936 gallons per year, the same as the project. Wastewater generated exceeds the projected irrigation needs by 3,887,668 gallons per year. This alternative would therefore result in more severe **significant wastewater impacts** than the proposed project.

If mitigation measures recommended for the project are implemented for this alternative, water quality and wastewater treatment impacts would be similar to those of the proposed

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<sup>8</sup>Wastewater calculated using the "conservative method," as described in Section 2.3 of this EIR.

project and would be classed as **less than significant after mitigation**, if the water budget can be met and/or an acceptable wastewater disposal plan is prepared by the applicant and approved by the City. This alternative would require greater care in final design in order to meet the established wastewater budget.

### Air Quality

Air quality impacts during construction would be similar to those of the proposed project. If mitigation measures recommended for project construction are implemented for this alternative, construction air quality impacts would be similar to those of the proposed project and **less than significant**. Operational air quality impacts generated by this alternative would be greater than the project because the traffic volume generated by this alternative would be about 11% more than the proposed project. Operational air quality impacts would be greater than those of the proposed project but would still be **less than significant**.

### Traffic/Circulation

This alternative would generate about 2,400 trips per day, or about 11% more than the proposed project. As with the proposed project, both ingress and egress would be provided via Malibu Canyon Road only. Infrastructure improvement at the Malibu Canyon Road intersection and off-site travel lanes would be part of this alternative as it would with the project. If mitigation measures recommended for the project are implemented for this alternative, traffic, and circulation impacts would be similar to those of the proposed project and **less than significant**.

### Biological Resources

The impact of this alternative on biological resources would be similar to those of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, impacts on biological resources would be **less than significant**.

### Visual and Aesthetic Effects

This alternative would include the same level of development as the proposed project. The impact of this alternative on visual quality and aesthetics of the project site would be similar to that of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, visual and aesthetic impacts would be **less than significant**.

## Archaeological Resources

The impact of this alternative on archaeological resources would be similar to that of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, impacts on archaeological resources would be **less than significant**.

## Conclusion

As this alternative would have somewhat more impact than the proposed project in the areas of air quality, traffic and circulation, and water quality/wastewater treatment, and similar impacts in the areas of land use, geotechnical hazards, biological resources, visual and aesthetic effects and archaeological resources. This alternative is considered to be **environmentally inferior to the proposed project**.

## **ALTERNATIVE C: CONDOMINIUM COMPLEX / 0.15 FAR**

This alternative would involve the development of the site with a multifamily complex instead of a hotel. The complex would be similar to the three condominium complexes located east of the site, across Civic Center Way. At a maximum density of 6 units per acre allowed under the City's Interim Zoning Ordinance, the site could be developed with up to 167 units. For purposes of analysis, the units were assumed to be housed in several 28-foot-tall, two-story buildings. The units would be 1,500 square feet on the average, but would be expected to include a variety of sizes from studios to three-bedroom apartments. This alternative would require the provision of 709 parking spaces.<sup>9</sup> The 334 enclosed spaces would be provided in a structure located under the building, with the remaining 375 spaces provided in a surface parking lot. The site would be covered with approximately 4.0 acres of buildings, 4.3 acres of parking, 1.6 acres of hardscape and 17.9 acres of landscaping or native vegetation.<sup>10</sup>

## Land Use and Planning

This alternative is inconsistent with the City land use plans, coastal plan, and regional Growth Management Plans. These would be **significant impacts**. The City's Interim Zoning Ordinance and the General Plan designate the site for non-residential, visitor serving uses. A General Plan amendment and Zoning Ordinance amendment would be

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<sup>9</sup>Under the IZO, parking requirements for multi-family units in the multi-family district are 2 enclosed and 2 unenclosed spaces for each dwelling unit plus 1 guest parking space for each 4 units. Based on this rate 709 parking spaces would be required.

<sup>10</sup>Based on the assumption of 500 square feet per parking space (inclusive of driveways, internal circulation, and turning movement areas), and 375 surface parking spaces. There are 43,560 square feet in an acre.

required for this alternative. The Malibu/Santa Monica Mountains Land Use Plan also calls for the provision of visitor access to the coast through the provision of hotels and other visitor serving uses; this residential development may, therefore, not be able to obtain a Coastal Development Permit. The Regional Growth Management Plan requires balancing jobs and housing to reduce traffic congestion and air pollution. This alternative would add new housing, in an area that is already housing-rich and jobs-poor. **It is unclear whether this impact can be mitigated.**

### Geotechnical Hazards

The alternative would have similar geotechnical impacts to the proposed project. If mitigation measures recommended for the project are implemented for this alternative, geotechnical impacts would be similar to those of the proposed project, and **less than significant.**

### Water Quality and Wastewater<sup>11</sup>

As with the proposed project, wastewater from this alternative will be treated in an on-site full reclamation facility and the reclaimed water would be used for drip and spray irrigation.

The residential units would generate approximately 19,539 gallons of wastewater per day, or 7,131,735 gallons per year. This is 8,931,882 gallons per year less wastewater than the proposed project. Without preservation of the coastal sage scrub, 11,012,839 gallons per year of wastewater could be disposed of on the site.<sup>12</sup> If 8.04 acres of coastal sage scrub is preserved on-site, landscaping water demand would be reduced to 7,580,660 gallons per year, indicating that wastewater can be disposed of on-site while preserving almost all of the existing coastal sage scrub habitat. The wastewater impacts of this alternative would be **less than significant.** However, this alternative would be subject to the same mitigation measures as the proposed project, in order to ensure the proper functioning of the wastewater system. The City is unaware of any water management software similar to the WAVE software, for condominium projects.

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<sup>11</sup>Wastewater calculated using the "conservative method," as described in Section 2.3 of this EIR. (167 units x 156 galls per day x 0.75 = 19,539.

<sup>12</sup>Irrigation use without preservation of the coastal sage: (17.9 acres X 43,560 sq ft/acre X 9.8 gallons per square foot per year =7,641,295) plus (4.3 acres of parking X 43,560 sq feet per acre X 18 gallons per square foot per year=3,371,544) for a total landscape demand of 11,012,839 gallons per year. The gallons per square foot per year for landscaping is based on the average of the irrigation for moderate villa courts and moderate Zone 2 landscaping for the proposed project. Irrigation for parking is based on the same rate as for the proposed project. Preservation of the coastal sage would reduce landscape irrigation demands by (8.04 X 43,560 X 9.8) 3,432,179 gallons per year for a total of 7,580,660 gallons per year.

## Air Quality

Air quality impacts during construction would be similar to those of the proposed project. If mitigation measures recommended for project construction are implemented for this alternative, construction air quality impacts would be similar to those of the proposed project and **less than significant**. Operational air quality impacts generated by this alternative would be less than generated by the project because the traffic volume generated by this alternative would be about 37% less than generated by the project (see Traffic/Circulation below). Operational air quality impacts would be less than those of the proposed project and **less than significant**.

## Traffic/Circulation

This alternative would generate approximately 1,340 daily trips,<sup>13</sup> or about 37 percent fewer trips than the proposed project. However, the peak of residential trips occurs during the rush hours as people leave homes for work and school in the morning and come home from work during the evening peak hour. This alternative could result in a greater percentage of trips in the morning peak hour in the peak traffic direction, adding more cars to the morning congestion at the Malibu Canyon Road and Civic Center Way intersection. This alternative has the potential for **more severe impacts**.

## Biological Resources

Under this alternative almost all of the 8.04-acres of undisturbed coastal sage scrub habitat could be preserved. Biological resource impacts would therefore be **less than significant**. This alternative would result in some human intrusion into the sage scrub habitat. It is unclear the degree to which this intrusion and potential fuel modification requirements would impact the coastal sage under this alternative. These factors would represent **potentially significant impacts** to the coastal sage. This alternative would be subject to the same mitigation measures as the proposed project, in order to ensure that no impacts result during and after construction.

## Visual and Aesthetic Effects

The impact of this alternative on visual quality and aesthetics of the project site would be less than that of the proposed project since less surface parking would be provided and preservation of coastal sage scrub on-site would be feasible. Structures to be constructed would be similar in scale and character to those of the proposed hotel. If mitigation

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<sup>13</sup> *Trip Generation, 5th Edition*. Institute of Transportation Engineers (ITE). January 1991. Based on 8 trips per day per unit.



measures recommended for the project are implemented for this alternative, visual and aesthetic impacts would be **less than significant**.

### **Archaeological Resources**

The impact of this alternative on archaeological resources would be similar to that of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, impacts on archaeological resources would be **less than significant**.

### **Other Impacts**

This alternative would create new impacts on public services and facilities in primarily in the form of an impact on schools. It would generate new students for the Malibu/Santa Monica Unified School District. Enrollment in the Malibu's two elementary schools and one middle/high school has increased substantially since 1980 and the classrooms are nearing capacity. Increased demand for schools would therefore impose a **significant impact**. Like all residential developments, this alternative would also increase demand for all other public services and facilities, such as parks, libraries, and hospitals. These would be additional, but **less than significant impacts** of this alternative.

### **Conclusion**

Overall, this alternative is considered **environmentally inferior to the proposed project** because even though it could reduce some of the project impacts - particularly impacts on coastal sage scrub, it would create new adverse impacts - including significant adverse impacts on public facilities and services, and an adverse land use impact which may be unmitigable, by conflicting with local and regional land use plans.

## **ALTERNATIVE D: 250 ROOM BUSINESS SUITES HOTEL / 0.15 FAR**

This alternative consists of the development of a 250-room business suites hotel on the project site. A business suites hotel (similar to a Marriott Courtyard, Hampton Inn or Embassy Suites Hotel) caters to business customers who typically stay longer than one or two days (often staying a week, a month, or more) and need a hotel suite suitable for meetings with clients or coworkers. Rooms would be similar in size to the proposed project.<sup>14</sup> Such hotels typically do not provide conference facilities or stand-alone

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<sup>14</sup>Guestrooms in an Embassy Suites hotel are generally in the 466-564 square foot range. Source: Protrius Hotel Corp.

restaurants, or even a hotel restaurant, but often are limited to a continental breakfast buffet and evening buffet in a large lounge. A business suites hotel may include meeting rooms and an exercise room. They may include kitchens in the suite and on-site coin laundries for guests. Because of the limited availability of restaurants in the immediate area of the hotel, this hotel was assumed to provide a small on-site cafe.

This alternative would include 250 hotel rooms, a 1,000 square foot lobby bar and a 4,000 square foot restaurant. Assuming the same parking reductions as for the proposed project, this alternative would include 350 parking spaces. The alternative could be developed at a FAR of 0.15 if there is approximately 6,400 square feet of reduction in administrative and facilities uses, assuming a similar room size, resulting in the following site coverage: 4 acres of buildings, 1.6 acres of hardscape and 4 acres of parking,<sup>15</sup> leaving 18.2 acres available for landscaping or native vegetation.

The facilities for this hotel would be developed much more economically than those of the proposed hotel, and would generally have a central courtyard rather than the extensive landscaped grounds, plazas, and walkways. Such a hotel would be less likely to include a pool and spa. Guest rooms would be expected to be constructed with more rooms per structure, with three or four wings of 50 to 70 rooms making up the structure.

### Land Use

It should be possible to design a 250 room business hotel that is consistent with the 181,000 square foot, 0.15 FAR ceiling for the site established by the requirement of the Interim Zoning Ordinance.<sup>16</sup> This alternative would therefore be consistent with the 0.15 FAR for the site established by the Interim Zoning Ordinance. The alternative would be consistent with the Malibu General Plan land use and zoning designations for commercial visitor-oriented land uses. **No land use impacts** are anticipated to result from this alternative.

### Geotechnical Hazards

The alternative would have similar geotechnical impacts to the proposed project. If mitigation measures recommended for the project are implemented for this alternative,

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<sup>15</sup>Based on the assumption of 500 square feet per parking space (inclusive of driveways, internal circulation, and turning movement areas), and 350 parking spaces. There are 43,560 square feet in an acre.

<sup>16</sup>For example: (average of 485 square feet per room plus an average of 139 square feet per room for guest support facilities) X 250 rooms = 156,000 square feet plus 17,300 square feet of public areas (such as the bar, cafe, meeting rooms, circulation, toilets, etc.) plus 5,085 square feet for back of house, plus 1,760 square feet for administration = 180,145 square feet.

geotechnical impacts would be similar to those of the proposed project, and **less than significant**.

### Water Quality/Wastewater Treatment<sup>17</sup>

As with the proposed project, wastewater from this alternative will be treated in an on-site full reclamation facility and the reclaimed water would be used for drip and spray irrigation.

This alternative would generate approximately 28,035 gallons per day of wastewater, 19,978 gallons less than the project's daily volume of 48,013. Based on this estimate, this alternative would produce 10,232,775 gallons per year of reclaimed water. Because of more compact development, the lack of conference facilities, and the lack of a Cultural Center, this alternative would require less parking and building area than the proposed project, allowing an estimated 18.2 acres of landscaping. This amount of landscaping yields a projected irrigation need of 10,905,681 gallons per year without preservation of the coastal sage scrub.<sup>18</sup> Landscaping would be capable of handling wastewater demands, therefore, **no significant wastewater impacts** would result from the alternative. However, this alternative would be subject to the same mitigation measures as the proposed project, in order to ensure the proper functioning of the wastewater system. With preservation of the coastal sage, the landscaping would be capable of absorbing 7,473,502 gallons of wastewater per year. Thus, up to 20% of the coastal sage habitat could be preserved on-site while achieving wastewater balance. If all 8.04 acres of coastal sage scrub is preserved on-site, the wastewater generated would exceed irrigation needs by 2,759,273 gallons. With careful water system design and selection of water using appliance, it is possible that up to half the coastal sage scrub habitat could be preserved on-site.

### Air Quality

Air quality impacts during construction would be similar to those of the proposed project. If mitigation measures recommended for project construction are implemented for this alternative, construction air quality impacts would be similar to those of the proposed

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<sup>17</sup>Wastewater calculated using the "conservative method," as described in Section 2.3 of this EIR.

<sup>18</sup>Irrigation use without preservation of the coastal sage assumes: (18.2 acres X 43,560 sq ft/acre X 9.8 gallons per square foot per year =7,769,361) plus (4 acres of parking X 43,560 sq feet per acre X 18 gallons per square foot per year=3,136,320) for a total landscape demand of 10,905,681 gallons per year. The gallons per square foot per year for landscaping is based on the average of the irrigation for moderate villa courts and moderate Zone 2 landscaping for the proposed project. Irrigation for parking is based on the same rate as for the proposed project. Preservation of the coastal sage would reduce landscape irrigation demands by (8.04 X 43,560 X 9.8) 3,432,179 gallons per year for a total of 7,473,502 gallons per year.

project and less than significant. Operational air quality impacts generated by this alternative would be less than generated by the project because the traffic volume generated by this alternative would be about 16% less than generated by the project (see Traffic/Circulation below). Operational air quality impacts would be less than those of the proposed project and **less than significant**.

### Traffic/Circulation

Elimination of some hotel facilities, together with a higher probable vacancy rate, would reduce traffic to 1810 trips per day, about 100 trips a day less than the project or about 16% less than the proposed project.<sup>19</sup> As with the proposed project, both ingress and egress would be provided via Malibu Canyon Road only. Infrastructure improvement at the Malibu Canyon Road intersection and off-site travel lanes would be part of this alternative as it would with the project. If mitigation measures recommended for the project are implemented for this alternative, traffic and circulation impacts would be similar to those of the proposed project and **less than significant**.

### Biological Resources

Under this alternative it may be possible to preserve up to 20% of the coastal sage on-site. This alternative would result in some human intrusion into the sage scrub habitat. It is unclear the degree to which this intrusion and potential fuel modification requirements would impact the coastal sage under this alternative. In addition, it is unclear how much of the coastal sage would need to be preserved on-site in order to avoid wildlife corridor impacts. The amount of preserved sage on-site under this alternative may be below the level required to avoid corridor impacts. Thus, there remains the **potential for significant biological resource impacts** to the coastal sage. Under this alternative, less off-site habitat would be preserved. If mitigation measures recommended for the project are implemented for this alternative, impacts on biological resources would be **less than significant**.

### Visual and Aesthetic Effects

The impact of this alternative on visual quality and aesthetics of the project site would be somewhat greater than that of the proposed project, since this project would be expected to be constructed in a more monolithic style compared to the rambling villa style of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, visual and aesthetic impacts would be **less than significant**.

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<sup>19</sup>Trip Generation 5th Edition, Institute of Traffic Engineers. Based on 7.72 trips per room for a business hotel and 250 rooms.

## **Archaeological Resources**

The impact of this alternative on archaeological resources would be similar to that of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, impacts on archaeological resources would be **less than significant**.

## **Conclusion**

As this alternative would have less impact than the project in the impact areas of air quality, traffic and circulation, biological resources and water quality/wastewater treatment; similar impacts in the areas of land use and archaeological resources; and slightly greater visual and aesthetic effects. This alternative is considered to be **slightly superior environmentally to the proposed project**.

## **ALTERNATIVE E: LUXURY HOTEL AND CULTURAL HERITAGE CENTER WITH SPA OPEN TO HOTEL GUESTS ONLY/ 0.20 FAR**

This alternative considers developing the proposed hotel with 250 rooms and a Cultural Heritage Center. It would be the same as the project except that the Health Club and Spa would be open to hotel guests only.

## **Land Use**

The alternative would be consistent with the Malibu General Plan land use and zoning designations for commercial visitor-oriented land uses but would not meet the 0.15 FAR established in the interim zoning ordinance. Impacts would be the same as for the proposed project. Use impacts could be reduced to a **less than significant** level through implementation the same mitigation measures as for the proposed project.

## **Geotechnical Hazards**

The alternative would have similar geotechnical impacts to the proposed project. If mitigation measures recommended for the project are implemented for this alternative, geotechnical impacts would be similar to those of the proposed project, and **less than significant**.

## **Water Quality/Wastewater Treatment**

As with the proposed project, wastewater from this alternative will be treated in an on-site full reclamation facility and the reclaimed water would be used for drip and spray irrigation. This alternative would generate approximately the same volume of wastewater as the project. If mitigation measures recommended for the project are implemented for this

alternative, water quality and wastewater treatment impacts would be similar to those of the proposed project and would be classed as **less than significant after mitigation**.

### **Air Quality**

Air quality impacts during construction would be the same as for the proposed project. If mitigation measures recommended for project construction are implemented for this alternative, construction air quality impacts would be similar to those of the proposed project and **less than significant**. Operational air quality impacts generated by this alternative would be about the same as generated by the project because the traffic volume generated by this alternative would be about the same as generated by the proposed project (see Traffic/Circulation below). Operational air quality impacts would be about the same as those of the proposed project but would still be **less than significant**.

### **Traffic/Circulation**

Daily traffic volumes about 250 trips per day less than the project. As with the proposed project, both ingress and egress would be provided via Malibu Canyon Road only. Under this alternative, there would be **no need for mitigation** at the study intersection of Pacific Coast Highway and Webb Way under the full access scenario. Under the no left-turn scenario, there would be **no mitigation needed** at the study intersection of Pacific Coast Highway and Malibu Canyon Road. This is due to the reduction in peak period spa related traffic. If the other mitigation measures recommended for the project are implemented for this alternative, traffic and circulation impacts would be similar to those for the proposed project and **less than significant**.

### **Biological Resources**

The impact of this alternative on biological resources would be similar to those of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, impacts on biological resources would be **less than significant**.

### **Visual and Aesthetic Effects**

This alternative would include approximately the same development as the proposed project. The impact of this alternative on visual quality and aesthetics of the project site would be similar to that of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, visual and aesthetic impacts would be **less than significant**.

## **Archaeological Resources**

The impact of this alternative on archaeological resources would be similar to that of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, impacts on archaeological resources would be **less than significant**.

## **Conclusion**

As this alternative would have similar impacts to the project in the areas of land use, geotechnical hazards, water quality/wastewater treatment, air quality, biological resources, visual and aesthetic effects and archaeological resources and fewer impacts in the area of traffic and circulation. For these reasons, this alternative is considered to be **slightly environmentally superior to the proposed project**.

## **ALTERNATIVE F: LUXURY HOTEL AND CULTURAL HERITAGE CENTER / 0.15 FAR**

Development of a hotel and cultural heritage center project meeting the 0.15 FAR requirement of the Interim Zoning Ordinance can be achieved in two ways:

- (1) The number of hotel guest rooms can remain at 250 but the floor area of each room would be reduced in which case the environmental impact would be virtually unchanged and remain similar to the project except that additional area for landscaping would be made available, and the reduced project size could potentially result in some limited preservation of the coastal sage habitat.
- (2) The number of hotel guest rooms can be reduced in which case the environmental impact of the project would be reduced. This alternative considers developing a 146-room resort hotel with a 9,000-square-foot Cultural Heritage Center.<sup>20</sup> The Cultural Heritage Center would house cultural and educational displays, an art gallery, and artifact curation. Other features of the hotel would be the same as the project. The hotel would be developed at the maximum FAR of 0.15 for this use under the Interim Zoning Ordinance for a total of 181,000 square feet of development.

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<sup>20</sup>This alternative assumes that the floor area of each hotel guest room remains the same as for the proposed project, with all other uses remaining the same size.

## Land Use

The alternative would be consistent with the Malibu General Plan land use and zoning designations for commercial visitor-serving land uses and would result in the same land use impact as the proposed project. As with the project, the impacts could be reduced to a **less than significant** level through implementation a mitigation measure similar to that specified for the proposed project.

## Geotechnical Hazards

The alternative would have similar geotechnical impacts to the proposed project. If mitigation measures recommended for the project are implemented for this alternative, geotechnical impacts would be similar to those of the proposed project, and **less than significant**.

## Water Quality/Wastewater Treatment<sup>21</sup>

As with the proposed project, wastewater from this alternative will be treated in an on-site full reclamation facility and the reclaimed water would be used for drip and spray irrigation. Either version of this alternative is approximately 61,391 square feet less in size than the proposed project. If the 61,391 square feet reduction is landscaped an additional 601,631 gallons per year of wastewater could be disposed of on-site, for a total of 14,238,570 gallons per year of wastewater disposal.<sup>22</sup>

- (1) Reduction in the FAR, without a reduction in the number of rooms would result in some reduction in wastewater, if the reduction was achieved through a reduction in the size of other water generating uses, such as the spa, restaurant, banquet facilities, etc. If the reduction is achieved by reducing room size only, there would be no change in wastewater production.
- (2) Reduction in the number of rooms to 146 rooms, would result in the generation approximately 33,772 gallons per day of wastewater, or 12,326,930 gallons per year, compared to 16,063,617 gallons per year for the proposed project.<sup>23</sup> If landscaping is the same as for the proposed project, 13,636,939 gallons of wastewater could be disposed of on-site per year with replacement of the coastal sage with native vegetation. Based on this estimate, wastewater impacts would be

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<sup>21</sup>Wastewater calculated using the "conservative method," as described in Section 2.3 of this EIR.

<sup>22</sup>Based on additional square footage x 9.8 gallons per square foot per year of irrigation.

<sup>23</sup>See spreadsheet in Appendix C.



less than significant, since a balance could be achieved. As previously noted, if the 61,391 square feet reduction is landscaped an additional 601,631 gallons per year of wastewater could be disposed of on-site, for a total of 14,238,570 gallons per year of wastewater disposal.<sup>24</sup> This is 1,922,640 more gallons a year that could be disposed of on-site under this alternative, than by the project. With preservation of the coastal sage approximately 8,111,334 gallons per year of wastewater could be disposed of on-site.<sup>25</sup> Up to 30% of the coastal sage could be preserved on-site while achieving wastewater balance.

If mitigation measures recommended for the project are implemented for this alternative, water quality and wastewater treatment impacts would be **less than significant**.

### Air Quality

Air quality impacts during construction would be similar to those of the proposed project but because somewhat less grading is expected to be required for a smaller hotel, the duration of grading would be somewhat less. If mitigation measures recommended for project construction are implemented for this alternative, construction air quality impacts would be similar to those of the proposed project and **less than significant**.

- (1) Reduction in the FAR, without a reduction in the number of rooms would result in some operational air quality impacts as the project. If the reduction was achieved through a reduction in the size of other traffic generating uses, such as the spa, restaurant, banquet facilities, etc., some limited reduction in operational air quality impact would be achieved. Operational air quality impacts would be less than those of the project and **less than significant**.
- (2) Operational air quality impacts generated by this alternative would be substantially less than generated by the project because the traffic volume generated by this alternative would be about 29% less than generated by the project (see Traffic/Circulation below). Operational air quality impacts would be less than those of the project and **less than significant**.

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<sup>24</sup>Based on additional square footage x 9.8 gallons per square foot per year of irrigation.

<sup>25</sup>The landscape plan for the proposed project, with preservation of the coastal sage could absorb 7,509,703 gallons per year of wastewater. See spreadsheet in Appendix C. Under the landscape plan for the project, 6,127,236 gallons per year of wastewater would be used for the cultivated natives which replace the coastal sage.

## Traffic/Circulation

- (1) If the reduction in FAR was achieved through a reduction in room size, there would be no change in traffic impacts, from those described for the proposed project. If the reduction was achieved through a reduction in the size of other traffic generating uses, there would be some reduction in traffic, although it is unclear whether this reduction would affect the level of traffic impacts.
- (2) Reduction in the number of hotel rooms in this alternative would reduce traffic to 1,540 trips a day, 620 trips or about 29% less than the project.<sup>26</sup> As with the proposed project, both ingress and egress would be provided via Malibu Canyon Road only. Infrastructure improvement at the Malibu Canyon Road intersection and off-site travel lanes would be part of this alternative only if found to be necessary. Based on an analysis of the weekday full access scenario, this alternative would not impact any of the study intersections during the weekday a.m. and p.m. peak hours. Impacts would be **less than significant**.<sup>27</sup> Thus, reduction or elimination of mitigation requirements may be possible under this alternative. This alternative would thus include an additional mitigation measure to allow analysis to determine if a reduction in mitigations is possible while maintaining City standards.

## Biological Resources

- (1) The impact of this alternative on biological resources would be similar to that of the proposed project, if it results in the elimination of the coastal sage habitat on-site for fuel modification and wastewater disposal purposes.
- (2) The impact of this alternative on biological resources would be similar to that of the proposed project, if it results in the elimination of the coastal sage habitat on-site for fuel modification and wastewater disposal purposes. However, given the lower wastewater generation of the alternative, there may be the ability to preserve up to 30% of the coastal sage habitat on-site. This alternative would result in some human intrusion into the sage scrub habitat. It is unclear the degree to which this intrusion and potential fuel modification requirements would impact the coastal sage under this alternative. In addition, it is unclear how much of the coastal sage would need to be preserved on-site in order to avoid wildlife corridor impacts. The amount of preserved sage on site under this alternative may be below the level required to avoid corridor impacts. Thus, there remains the **potential for significant**

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<sup>26</sup>WPA Traffic Engineering. Based on 880 daily trips for the 146 hotel rooms, 250 daily trips for the health club and 410 daily trips for the cultural center.

<sup>27</sup>Please see calculations in Appendix D for ICU and LOS values.

**biological resource impacts** to the coastal sage. Under this alternative, less off-site habitat would be preserved. If mitigation measures recommended for the project are implemented for this alternative, impacts on biological resources would be **less than significant**.

### **Visual and Aesthetic Effects**

The impact of this alternative on visual quality and aesthetics of the project site would be somewhat less than the proposed project. If mitigation measures recommended for the project are implemented for this alternative, visual and aesthetic impacts would be **less than significant**.

### **Archaeological Resources**

The impact of this alternative on archaeological resources would be similar to that of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, impacts on archaeological resources would be **less than significant**.

### **Conclusion**

As this alternative (version 2) would have less impact than the project in the impact areas of air quality, traffic and circulation, and wastewater, and somewhat less impact in the areas of land use and visual and aesthetic effects. With preservation of the some of the coastal sage habitat, biological resources impacts could also potentially be less. This alternative is therefore considered to be **environmentally superior to the proposed project**.

## **ALTERNATIVE G: HOTEL AND CULTURAL HERITAGE CENTER SIZED TO PROVIDE ON-SITE WATER BALANCE WITH ON-SITE BIOLOGICAL MITIGATION**

This alternative considers developing a hotel which produces no more wastewater than can be disposed of on the project site under conservative water use.

- Based on the City's assumed irrigation needs, a 78-room hotel with a cultural heritage center but without meeting and banquet facilities can meet wastewater disposal needs with on-site disposal and on-site preservation of coastal sage scrub.<sup>28</sup>

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<sup>28</sup>See spreadsheet included in Appendix C for the wastewater calculation.

- It is estimated that an additional 28 rooms could be provided, if additional landscaping was provided. Based on a wastewater generation rate of 34,218 gallons per year per room,<sup>29</sup> and an average landscape irrigation demand of 9.8 gallons per year,<sup>30</sup> additional rooms could be added at a rate of 1 additional room for every 3,491 additional square feet of landscaping added. Based on an assumed average room size of 590 square feet,<sup>31</sup> and the elimination of ballroom/banquet and meeting room facilities, approximately 116,096 square feet are available for some combination of additional landscaping, or rooms, above 78.<sup>32</sup> The maximum number of additional rooms under this trade-off scenario would be 28 additional rooms for a total of 106 rooms.<sup>33</sup> With careful landscape design and selection of hotel plumbing and water using appliances, it may be possible to add additional rooms.

### **Land Use**

This alternative would include approximately 92,800 square feet of development for a FAR of 0.07. The alternative would be consistent with the Malibu General Plan land use and zoning designations for commercial visitor-serving land uses. With less than half the development of the proposed project, this alternative would result in less land use impacts than the proposed project and the other alternatives. With the same mitigation measure for the project land use impacts would be **less than significant**.

### **Geotechnical Hazards**

The alternative would have similar geotechnical impacts to the proposed project. If mitigation measures recommended for the project are implemented for this alternative,

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<sup>29</sup>Based on a generation rate of 125 gallons per day X 365 days per year, with a 25% low flow reduction.

<sup>30</sup>The gallons per square foot per year for landscaping is based on the average of the irrigation for moderate villa courts and moderate Zone 2 landscaping for the proposed project.

<sup>31</sup>Average room square footage based on the total square footages of the villas, divided by 250 rooms, per the proposed project.

<sup>32</sup>Based on a reduction of 250-78 or 172 rooms (at 590 square feet per room) = 101,480 square feet plus 5,000 square feet of eliminated ballroom plus 9,616 or eliminated meeting rooms = 116,096 square feet.

<sup>33</sup>It may be possible to trade off other hotel uses for additional rooms in a similar way. Any trade off would need to consider the difference in wastewater generation between the use reduced and hotel rooms, and then add square footage of landscaping required for each additional room, without exceeding site acreage.

geotechnical impacts would be similar to those of the proposed project, and **less than significant**.

### Water Quality/Wastewater Treatment

As with the proposed project, wastewater from this alternative will be treated in an on-site full reclamation facility and the reclaimed water would be used for drip and spray irrigation.

This alternative is designed to balance wastewater generation and use on-site while preserving the coastal sage scrub habitat.<sup>34</sup> The wastewater impacts of this alternative are therefore considered **less than significant**. However, this alternative would be subject to the same mitigation measures as the proposed project, in order to ensure the proper functioning of the wastewater system.

### Air Quality

Air quality impacts during construction would be substantially less than those of the proposed project, since substantially less grading would be required with a hotel footprint less than one-third the size of the proposed project. If mitigation measures recommended for project construction are implemented for this alternative, construction air quality impacts would be substantially less than those of the proposed project and **less than significant**. Operational air quality impacts generated by this alternative would be about 40% less than generated by the project because the traffic volume generated by this alternative would be substantially less than generated by the project (see Traffic/Circulation below). Operational air quality impacts would be less than the project and **less than significant**.

### Traffic/Circulation

The smaller hotel would substantially reduce traffic to 1,300 trips a day, 860 trips or about 40% less than the project.<sup>35</sup> As with the proposed project, both ingress and egress would be provided via Malibu Canyon Road only. Infrastructure improvement at the Malibu Canyon Road intersection and off-site travel lanes would be part of this alternative only if found to be necessary. Based on an analysis of the weekday full access scenario, this alternative would not impact any of the study intersections during the weekday a.m. and p.m. peak hours.<sup>36</sup> Impacts would be **less than significant**. Thus, reduction or elimination of mitigation requirements may be possible under this alternative. This

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<sup>34</sup>See spreadsheet in Appendix C.

<sup>35</sup>WPA Traffic Engineering. Based on 640 daily trips for the 106 hotel rooms, 250 daily trips for the health club and 410 daily trips for the cultural center.

<sup>36</sup>Please see calculations in Appendix D.

alternative would thus include an additional mitigation measure to allow analysis to determine if a reduction in mitigations is possible while maintaining City standards.

### **Biological Resources**

This alternative would result in on-site preservation of all the existing coastal sage scrub habitat on the site. Biological resources impacts are thus less than the proposed project. Because there is less water than needed to irrigate the proposed landscaping, additional areas of the site could be restored as coastal sage scrub if desired, provided that fuel modification and fuel clearance zones around structures could be maintained. This alternative would result in some human intrusion into the sage scrub habitat. It is unclear the degree to which this intrusion and fire prevention would impact the coastal sage under this alternative. Thus, there remains the **potential for significant biological resource impacts** to the coastal sage. Under this alternative, no off-site habitat would be preserved. If mitigation measures recommended for the proposed project, with the exception of mitigation measure 6.2, are implemented for this alternative, impacts on biological resources would be **less than significant**.

### **Visual and Aesthetic Effects**

The impact of this alternative on visual quality and aesthetics of the project site would be the least of all project alternatives because of the substantially smaller project size and the on-site preservation of coastal sage scrub. If mitigation measures recommended for the project are implemented for this alternative, visual and aesthetic impacts would be **less than significant**.

### **Archaeological Resources**

The impact of this alternative on archaeological resources would be similar to that of the proposed project. If mitigation measures recommended for the project are implemented for this alternative, impacts on archaeological resources would be **less than significant**.

### **Conclusion**

This alternative would have the least impact of all the alternatives in the impact areas of air quality, traffic and circulation, water quality/wastewater treatment, land use and visual and aesthetic effects. This alternative would be the **environmentally superior alternative**.

## **ALTERNATIVE H: NO DEVELOPMENT**

This alternative considered retaining the site in its existing condition without any development occurring in the future. Since no development would occur, no changes other than those brought on by natural processes would take place on the site. No new impacts on the environment would result, and the site would retain its natural visual character and existing coastal sage scrub habitat.

### **Land Use**

The project site is a private property that can be developed in accordance with the City of Malibu Land Use Plans. The City General Plan designates the project site for commercial visitor-serving uses such as hotels, developed at a maximum of up to 0.25 FAR. The Interim Zoning Ordinance (IZO) allows development up to a 0.15 FAR. To preclude any development from occurring on the site in the future, either the City, or other public or private party would need to purchase the site and to deed the site in perpetuity as an open space land preserve. At the present time, there is no indication that any public or private entity would be interested in purchasing the property for this purpose now or at any time in the future. Therefore, this development alternative is neither realistic nor feasible.

The Malibu/Santa Monica Mountains Land Use Plan calls for the provision of visitor access to the coast through the provision of hotels and other visitor serving uses. This alternative would be contrary to this objective. This would be a **significant land use impact**.

### **Geotechnical Hazards**

Since this alternative would not result in an alteration of the site, or in human habitation on the site, **geotechnical and geotechnical hazards impacts would not occur**.

### **Water Quality/Wastewater Treatment**

Under this alternative, no wastewater generation would occur on the site. Therefore, **no water quality or wastewater treatment impacts would occur**.

### **Air Quality**

This alternative would not result in an construction activity or traffic generation associated with the project site. **No air quality impacts would therefore occur**.

### Traffic/Circulation

Under this alternative there would be no construction on the site. There would be no traffic generation and thus **no traffic impacts** under this alternative.

### Biological Resources

Under this alternative there would be no removal of coastal sage scrub on the project site, and thus **no biological resource impacts**.

### Visual and Aesthetic Effects

Under this alternative there would be no change in the visual or aesthetic characteristics of the project site, and thus **no visual or aesthetic impacts**.

### Archaeological Resources

Under this alternative there would be no construction on the project site, or any use of the project site. **Therefore there would be no archeological resource impacts.**

### Conclusion

This alternative would have the least impact of all the alternatives in the impact areas of geotechnical hazards, water quality/wastewater treatment, air quality, traffic and circulation, biological resources, visual and aesthetic effects and archaeological. However, the project site is a private property that can be developed in accordance with the City of Malibu Land Use Plans. The City General Plan designates the project site for commercial visitor-serving uses such as hotels, developed at a maximum of up to 0.25 FAR. The Interim Zoning Ordinance (IZO) allows development up to a 0.15 FAR. To preclude any development from occurring on the site in the future, either the City, or other public or private party would need to purchase the site and to deed the site in perpetuity as an open space land preserve. At the present time, there is no indication that any public or private entity would be interested in purchasing the property for this purpose now or at any time in the future. Therefore, **this development alternative is neither realistic nor feasible.**

In addition, this scenario is not a reasonable alternative to the proposed project as defined by CEQA. CEQA requires alternatives that "... could feasibly attain most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects [of the project]." This alternative would prevent the project from being developed in any form, and therefore would preclude the achievement of the basic objectives of the project, which are to provide luxury hotel accommodations at a coastal location serving the region and national and international visitors to the California coast.



The Malibu/Santa Monica Mountains Land Use Plan calls for the provision of visitor access to the coast through the provision of hotels and other visitor serving uses. This alternative would be contrary to this objective.

## **COMPARISON OF THE ALTERNATIVES**

**Table 8** provides a comparison of the project and the alternatives. The following alternatives would be environmentally inferior to the proposed project and would result in additional significant impacts:

- Alternative A - No Project (Visitor Serving Commercial Use / 0.15 FAR): This alternative would result in significant land use, geotechnical, air quality, traffic, biological resource, and archeological impacts. Wastewater impacts would be less than significant. Biological resource impacts would be less than the project. As with the proposed project, geotechnical, biological resource and archeological impacts could be mitigated to a level which is less than significant. This alternative would result in less wastewater-related impacts than the proposed project. It would have substantially greater traffic and air quality and land use impacts than the proposed project. Air quality and land use impacts would be significant and unmitigated impacts. Without preparation of a detailed traffic study, it is not known whether the traffic impacts of this alternative could be mitigated to less than significant. This alternative would therefore result in greater impacts than the proposed project. For these reasons, this alternative is considered to be slightly environmentally inferior to the proposed project.
- Alternative B - Luxury Hotel and Theme Restaurant / 0.20 FAR: As this alternative would have somewhat more impact than the proposed project in the areas of air quality, traffic and circulation, and water quality/wastewater treatment, and similar impacts in the areas of land use, geotechnical hazards, biological resources, visual and aesthetic effects and archaeological resources. This alternative is considered to be environmentally inferior to the proposed project.
- Alternative C - Condominium Complex / 0.15 FAR: This alternative could achieve on-site wastewater balance. Preservation of the coastal sage would be possible under this alternative. However, this alternative is considered environmentally inferior to the proposed project, even though it could reduce some of the project impacts - particularly impacts on coastal sage scrub and wastewater disposal, because it would result in additional adverse impacts - including significant adverse impacts on public facilities and services, and an adverse land use impact by conflicting with local and regional land use plans which may not be mitigatable.

**Table 8  
Summary of Impacts of Alternatives Compared to the Rancho Malibu Hotel  
Project**

Impact Category	Proposed Project	Alternative			
		A No Project (General Plan and IZO)	B 0.20 FAR Luxury Hotel with Theme Restaurant	C Condominium Complex	D Business Suites Hotel
Use	250-room hotel with banquet facilities and cultural center. 0.20 FAR.	180,000 sf. of visitor commercial plus office. 0.15 FAR.	250 room hotel with banquet facilities and theme restaurant. 0.20 FAR.	Up to 167 units. 0.15 FAR.	250-room business suites hotel 0.20 FAR
Land Use	Rural character impact if late-night use of public facilities	Beneficial job impact. Impact on provision of hotel rooms.	Same as project.	Inconsistent with General Plan and regional land use plans	Less
Geo-technical	Mitigatable impacts	Similar	Same as project.	Similar	Similar
Wastewater	16.1 mgy. 2.4 mgy excess with off-site CSS mitigation. Balance with careful design.	11.5 mgy. Balanced. Some on-site sage preservation possible.	17.5 mgy. 3.8 mgy excess with offsite CSS mitigation. Possible balance with careful design.	8.1 mgy. Balanced. Some on-site sage preservation possible.	10.3 mgy. Balanced. Some on-site sage preservation possible.
Air Quality	Less than significant per SCAQMD	3.5 times more emissions, new significant impact per SCAQMD	About 11% more emissions but still less than significant per SCAQMD.	37% less emissions	Approximately 16% less emissions
Traffic	2,160 trips, 80 AM peak hour, 180 PM peak hour. 5 intersections impacted. Impacts Mitigatable.	7,560 trips, or over 3.5 times more traffic. New or more significant impacts on study intersections	2,400 daily trips. 11% more than project. Impacts Mitigatable.	1,340 trips. 37% less daily trips, but more traffic during AM and PM peak hours. Potential new significant impact	1,810 trips, 16% less than project
Biological Resources	Loss of 8.04 acres on-site coastal sage scrub. Off-site mitigation.	Off-site mitigation. Potential to preserve up to 25% of coastal sage on-site.	Loss of 8.04 acres on-site coastal sage scrub. Off-site mitigation.	Off-site mitigation. Potential for preserving most of coastal sage scrub on-site.	Off-site mitigation. Potential for preserving up to 20% of the coastal sage scrub on-site.
Visual Impact	Change in visual character from open space.	Slightly less due to lower FAR. Change in visual character	Slightly less due to lower FAR. Change in visual character	Slightly less due to lower FAR. Change in visual character	Greater - larger structures, more compact development, fewer amenities.
Archaeological Resources	Preserves known site in place.	Comparable to project	Comparable to project	Comparable to project	Comparable to project
Other Impacts				Significant impact on schools.	
Conclusion		Worse	Worse	Worse	Better

Abbreviations: CSS: coastal sage scrub, IZO: Interim Zoning Ordinance, FAR: Floor Area Ratio, mgy: million gallons per year.

**Table 8 (continued)**  
**Summary of Impacts of Alternatives Compared to the Rancho Malibu Hotel Project**

Impact Category	Alternative				H No Development
	Proposed Project	E 250 Room Luxury Hotel with Cultural Center and Restricted Spa	F Lesser Intensity Hotel with Cultural Center	G Largest Hotel with On-site CSS Preservation and Water Balance	
Use	250-room hotel with banquet facilities and cultural center. 0.2 FAR	250-room hotel with banquet/ballroom facilities and meeting facilities, cultural center. 0.20 FAR	146-room hotel with banquet/ballroom facilities and meeting facilities, cultural center. 0.15 FAR	106-room hotel with no meeting or ballroom/banquet facility.	No development on the project site. Land purchased and preserved as open space.
Land Use	Rural character impact if late-night use of public facilities.	Same as project	Similar	Less	Inconsistent with Malibu/Santa Monica Mountains Land Use Plan
Geo-technical	Mitigatable impacts	Same as project.	Similar	Similar	None
Wastewater	16.1 mg. 2.4 mg. excess with offsite CSS mitigation. Balance with careful design.	Same as project.	12.3 mg. Balanced. Some on-site CSS preservation possible.	Balanced on-site with on-site CSS preservation	None
Air Quality	Less than significant per SCAQMD	Similar	29% less emissions	40% less emissions	None
Traffic	2,160 trips per day, 80 am peak hour, 180 pm peak hour. 5 impacted intersections.	1,910 trips per day. One less intersection requiring mitigation.	1,540 trips per day, 29% less. No significant traffic impacts anticipated.	1,300 trips per day, 40% less. No significant traffic impacts anticipated.	None
Biological Resources	Loss of 8.04 acres on-site coastal sage scrub. Off-site mitigation.	Same as project.	Off-site mitigation. Potential for preserving up to 30% of CSS on-site.	8.04 acres preserved on site without fuel modification, no offsite mitigation required Offsite habitat not preserved.	None
Visual Impact	Change in visual character from open space	Same as project	Slightly less due to lower FAR. Change in visual character	Substantially less intense development, less change in vegetation.	None
Archaeological Resources	Comparable to project	Same as project	Comparable to project	Comparable to project	None
Other Impacts					None
Conclusion		Better	Better	Environmentally Superior Alternative	Environmentally Superior but infeasible

The following alternatives would be environmentally superior to the project and to Alternatives A, B and C:

- Alternative D - 250 Room Business Suites Hotel / 0.15 FAR: This alternative would be able to balance wastewater on-site, but would have greater visual and impacts. This alternative would have less impact than the project in the impact areas of air quality, traffic and circulation, biological resources and water quality/wastewater treatment. This alternative would be capable of achieving on-site wastewater balance, with off-site mitigation of coastal sage habitat. Up to 20% of the coastal sage could be preserved on-site. It would have similar impacts in the areas of land use and archaeological resources and slightly greater visual and aesthetic effects. For these reasons, this alternative is considered to be slightly superior environmentally to the proposed project.
- Alternative E - Luxury Hotel and a Cultural Center with Restricted Spa Use/ 0.20 FAR: This alternative would have similar impacts to the project in the areas of land use, geotechnical hazards, water quality/wastewater treatment, air quality, biological resources, visual and aesthetic effects and archaeological resources and fewer impacts in the area of traffic and circulation. For these reasons, this alternative is considered to be environmentally superior to the proposed project.
- Alternative F - Luxury Hotel and a Cultural Center / 0.15 FAR: As this alternative would have less impact than the project in the impact areas of air quality, traffic and circulation, and wastewater, and somewhat less impact in the areas of land use and visual and aesthetic effects. With preservation of the some of the coastal sage habitat, biological resources impacts could also potentially be less. This alternative is therefore considered to be environmentally superior to the proposed project.
- Alternative G - Largest Luxury Hotel With On-Site Water Balance and On-Site Habitat Preservation: This alternative would have substantially less impact than the project in the impact areas of air quality, traffic and circulation, biological resources and water quality/wastewater treatment, and somewhat less impacts in the areas of land use and visual and aesthetic effects. For these reasons this alternative is considered to be environmentally superior to the proposed project.
- Alternative H - No Development: This alternative would have the least impact of all the alternatives in the impact areas of geotechnical hazards, water quality/wastewater treatment, air quality, traffic and circulation, biological resources, visual and aesthetic effects and archaeological. However, the project site is a private property that can be developed in accordance with the City of Malibu Land Use Plans. The City General Plan designates the project site for commercial visitor-serving uses such as hotels, developed at a maximum of up to 0.25 FAR. The Interim Zoning Ordinance (IZO) allows development up to a 0.15 FAR. To preclude

any development from occurring on the site in the future, either the City, or other public or private party would need to purchase the site and to deed the site in perpetuity as an open space land preserve. At the present time, there is no indication that any public or private entity would be interested in purchasing the property for this purpose now or at any time in the future. Therefore, this development alternative is neither realistic nor feasible. In addition, this scenario is not a reasonable alternative to the proposed project as defined by CEQA. CEQA requires alternatives that "... could feasibly attain most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects [of the project]." This alternative would prevent the project from being developed in any form, and therefore would preclude the achievement of the basic objectives of the project, which are to provide luxury hotel accommodations at a coastal location serving the region and national and international visitors to the California coast. The Malibu/Santa Monica Mountains Land Use Plan calls for the provision of visitor access to the coast through the provision of hotels and other visitor serving uses. This alternative would be contrary to this objective.

## **THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

Alternative H, the No Development Alternative would be the environmentally superior alternative, although it would result in an additional land use impact. However, the No Development (or No Project) alternative does not fulfill the project objectives and it is likely to be infeasible since it would require either the City, or other public or private party to purchase the site and to deed the site in perpetuity as an open space land preserve. At the present time, there is no indication that any public or private entity would be interested in purchasing the property for this purpose now or at any time in the future.

The CEQA Guidelines require, that when the environmentally superior alternative is the "no project" alternative, that the EIR identify an environmentally superior alternative amount the other alternatives.<sup>37</sup> In this case Alternative G would be the environmentally superior alternative.

Alternative G - Largest Hotel With On-Site Water Balance and On-Site Habitat Preservation: This alternative would have less impact than the proposed project in all but one of the issue area. Land use, traffic, air quality, wastewater, biological resources, and visual impacts would be less. It would have a comparable archaeological resources impact. For these reasons, this alternative is considered the "Environmentally Superior Alternative."

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<sup>37</sup>See CEQA Guidelines Section 15126(d)(4).

## REFERENCES

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## **4. LONG-TERM EFFECTS**

### **4.1 CUMULATIVE IMPACTS**

CEQA Guidelines define cumulative effect as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impact from several projects results from the incremental impacts of the (proposed) project when added to other closely related past, present, and reasonably foreseeable future projects" (Section 15355).

CEQA states that the discussion of cumulative impacts should be guided by the standards of practicability and reasonableness. The discussion should be based either on a list of related individual development projects producing related or cumulative impacts, or on a summary of projections contained in a general plan or other related planning documents which evaluate areawide conditions.

### **RELATED PROJECTS**

Currently, no other development projects are proposed in the Rancho Malibu Hotel general area. Over the next several years, development within this commercial core of the city is expected to include the Civic Center Specific Plan encompassing an area immediately east of the project site, and retail commercial and visitor serving commercial along Pacific Coast Highway. Also, over the years, Pepperdine University may implement its master plan which would result in expanded facilities within the campus, which is located north of the project site.

### **GENERAL PLAN PROJECTIONS**

The potential future development in the project vicinity (except for the Pepperdine University which is not under the City's jurisdiction), and other development within the City over the next 20 years will be guided by the goals and policies of the first Malibu General Plan, adopted in November of 1995.

The General Plan was prepared to direct and manage the inevitable development pressure that local and regional market forces will bring to Malibu. Property values in Malibu and other coastal communities are expected to continue to rise in the future, reflecting the scarcity and desirability of the remaining developable coastal land. Rising prices increase the incentives for property owners to develop or sell their property for development. The General Plan's goals and policies are designed to protect and sustain the City's rural residential character by allowing a limited overall growth, and requiring new development

to respect the rural character and natural environmental setting of Malibu. Over the next twenty years, development in Malibu will occur primarily on the currently vacant land, including the proposed project site. Under the General Plan, the maximum buildout could increase the number of residential units by about 18 percent, from 1990 level of 5,891 units to up to 6,926 units. Residential acreage could increase up to 9,161 acres, more than tripling the 1990 acreage of 2,707 acres.

At maximum buildout, up to 370 acres of Malibu's 12,552-acre land area could be developed with commercial uses. That would double the commercial acreage in the City from the 1990 level of 185 acres. Commercial uses include 42 acres designated for visitor uses, counting the 28-acre site of the proposed hotel, and future uses within the Civic Center. The City is currently preparing a specific plan for the Civic Center area to define types of commercial uses and standards for their development.

Professional office, research and development, and public facilities acreage could slightly increase. Open space would remain at about 1,878 acres.

As required by CEQA, cumulative impacts of future City-wide development consistent with land use designations proposed by the General Plan have been identified and evaluated in the City's General Plan EIR.<sup>1</sup> Since the proposed hotel project is consistent with the General Plan and Interim Zoning Ordinance designations for the site, it has been, therefore, included in the EIR's analysis of cumulative effects from the future Citywide growth. The EIR has found that even the limited development allowed under the General Plan will result in unavoidable significant environmental impacts on earth (within Civic Center area), air quality, biological resources, noise, and energy resources. The General Plan's policies and implementation measures designed to protect Malibu's environment, together with existing City, state, and federal requirements applied to individual development projects (including site-specific mitigation measures resulting from an environmental review process) will reduce potential impacts in these areas to a certain extent, but not below a level of significance.

The cumulative impacts of particular concern to the proposed project identified through the Initial Study and the NOP process, are briefly discussed below:

### **Geotechnical Hazards**

The proposed hotel, together with other residential and commercial development that could occur under the General Plan, will place additional structures and people within the seismically active southern California region. This region is subject to fault rupture and

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<sup>1</sup> *Final Environmental Impact Report for the City of Malibu General Plan.* Hartland Bartholomew & Associates. November, 1995.



strong ground shaking from earthquakes. However, all new development will incorporate the required seismic safety standards in construction of structures, and incorporate appropriate setbacks for habitable structures within active fault zones. The existing state requirements together with the General Plan policies and implementation measures will reduce this cumulative impact to current safety levels.

### **Air Quality**

The development of the proposed hotel together with other Citywide development that could occur under the General Plan land use designations, will generate additional short-term air pollutant emissions from construction and long-term emissions, primarily from new vehicular trips. The construction impacts will be reduced to a less than significant level with measures developed by the SCAQMD and adopted as part of the General Plan, and required of individual developments.

The proposed project will contribute to the Citywide wide generation of long-term emissions. The South Coast Air Basin is a nonattainment area for national and state air quality standards and any additional air pollutants generated by new development without equivalent reductions or offsets, has the potential to contribute to the existing air quality violations. This impact will be reduced by the City requirements which include a submittal of air quality analysis for projects that have the potential to result in substantial emissions prior to approval, and compliance with all air pollution reduction measures required by the City and the SCAQMD. However, even with the implementation of these measures by individual projects and the implementation of the General Plan citywide policies and measures designed to protect air quality, the cumulative impact on air quality will continue to be significant.

### **Traffic**

The proposed hotel together with future development within the Civic Center Specific Plan area will add substantial traffic to the intersection of Malibu Canyon Road and Civic Center Way. Since this intersection currently operates at LOS E during the morning peak hour, the new traffic will result in a significant cumulative impact at this location. The City has began the preparation of the specific plan, which includes extensive community participation to address concerns of the residents, including concerns about traffic impacts. A traffic study will be prepared to analyze effects of the specific plan and identify roadway and traffic flow improvements necessary to mitigate the effects of new traffic, including the effects on the intersection of Malibu Canyon Road and Civic Center Way. The proposed hotel will contribute its "fair share" to the construction of these improvements, designed to achieve an acceptable Level of Service (LOS) operating conditions. As a result of these improvements, the LOS at the Malibu Canyon Road and Civic Center Way intersection

during the morning peak hour is expected to be better than the current LOS E operating conditions.

In the future, a traffic impact fee may be established for all new development in the City to fund roadway improvements necessary to mitigate traffic impacts. This measure, together with other General Plan's goals, policies, and implementation measures will reduce cumulative traffic impact to a level below significance. The Plan's measures include requiring individual development projects to provide appropriate mitigation for traffic impacts on regional circulation facilities; improving traffic flow in the City, particularly on Pacific Coast Highway through operational and physical improvements, such as synchronized traffic lights, additional turning lanes, and similar improvements; collaborating with the Los Angeles County Metropolitan Transportation Authority (LAMTA) to provide more efficient and convenient bus service to the area and connection to other LAMTA services; implementing a bikeway and pedestrian walkway plan to improve visitor and resident circulation; promoting alternatives to the use of vehicles, and others.

### **Wastewater Disposal**

Potential future development under the General Plan land use designations will increase wastewater generation and the need for its disposal within the city. In the absence of a public sewer system, the new development will continue to use individual septic systems for residences, and individual treatment plants for larger developments, including those for the proposed hotel and the Civic Center Specific Plan. The residents have expressed a concern that, rather than addressing impacts on a project-by-project basis, the wastewater issue needs to be solved on a cumulative basis for the entire Civic Center area. According to the residents, all needs and problems of the existing and future individual wastewater treatment facilities in the neighborhood should be considered as part of a comprehensive plan. The plan should include the needs and facilities of the Civic Center, Colony Plaza, the project site (Adamson property), Maison de Ville, and the Bay Company property east of the project site. A comprehensive, single-package system for the entire area is thought by the residents to be imperative for reducing cumulative effects.

The residents are also concerned about larger developments that will dispose of treated effluent on-site by irrigating landscaped grounds. The expressed concerns include the cumulative potential for affecting groundwater levels and slope stability in the project vicinity, particularly in combination with the Pepperdine University's spray irrigation with treated effluent generated by the campus facilities and the Malibu Country Estates residences.

While the development of a comprehensive wastewater treatment system for the entire Civic Center area could provide area-wide benefits, the project's individual wastewater system will not result in a significant cumulative impact. Consistent with the General Plan,

the proposed hotel will be served by an on-site water reclamation system. The system has been found to have adequate capacity and safeguards to process and dispose of treated effluent by irrigating landscaped grounds without the potential for water percolating to the ground below the plants root zones, or affecting groundwater or slope stability (see detailed discussion in Section 2.5, Water Quality/Wastewater, of this EIR). The project's system including groundwater monitoring wells and a 5.14 million gallon storage tank, considered adequate for the storage needs. In the event of unusual and prolonged weather conditions requiring larger storage, the hotel operations will implement the project's required Wastewater Management Plan, as appropriate. Since the proposed hotel project will not contribute to the area's existing or potential future sewage disposal problems, its cumulative impact is considered less than significant.

According to the Final EIR for the General Plan, new citywide development anticipated under the General Plan will increase the amount of wastewater generation from about 0.96 to about 1.87 million gallons per day, nearly doubling the wastewater flows. As stated in the EIR, the residual capacity at the five treatment plants and the opportunity for septic tanks at individual developments indicate that implementation of the General Plan would not have a significant impact.

The General Plan includes several measures designed to reduce citywide cumulative sewage impact. These measures include implementing recommendations identified in the City of Malibu Wastewater Management Study of 1992; conducting geological and geotechnical surface and subsurface explorations for individual developments to ascertain the ability of the subsurface soil/rock strata to absorb the wastewater effluent generated without causing any slope instability either for the project property or for any neighborhood property; and requiring sufficient separation between septic tanks and groundwater to prevent groundwater contamination.

The Draft Civic Center Specific Plan includes provisions for the construction of a state-of-the-art wastewater treatment plant for disposal of wastewater within the Civic Center area.

### **Biological Resources**

Over the next decades, the limited growth allowed under the General Plan's land use designations will affect both terrestrial and marine biological resources. Malibu contains several sensitive coastal habitats, and impact on biological resources from the citywide buildout has been found to be significant, and unavoidable even with the implementation of General Plan policies and implementation measures.

In the project's proximity, the future development under the Civic Center Specific Plan is expected to incorporate existing seasonal wetland and other natural features into its design, including a wetland connection to the Malibu Lagoon. That development will also

construct a drainage system for the entire Civic Center area to avoid draining into the Malibu Lagoon and lower Malibu Creek. These features, together with the specific plan's other design elements consistent with the General Plan's goals and policies protecting Malibu's natural environment, are expected to avoid significant impacts to biological resources in the project vicinity. Since the project site does not drain into the wetland, Malibu Lagoon, or Malibu Creek, the proposed project will not contribute to cumulative impacts on these habitats.

However, the development of the proposed project together with the future development of individual properties in the City, will eliminate native plants and replace them with landscaping and contribute to the overall reduction in native vegetation along the coast. The loss of coastal sage scrub habitat on the project site, even though compensated for by preserving coastal sage scrub habitat at another location, is but one component of long-term cumulative reduction in native vegetation within Malibu and along the coast due to urban development. New development will also further the separation between the ocean and mountain habitats.

As appropriate, the City will require individual projects conduct biological assessments and implement mitigation measures provided by certified biologists to reduce the effects on a project-by-project basis, as has been required of the proposed project. All new development will also be required to comply with the General Plan's policies, implementation policies, and conservation implementation measures designed to prevent habitat fragmentation, loss of sensitive terrestrial plant communities and wildlife habitats, and degradation of aquatic habitats. Nonetheless, even with the implementation of all these policies and measures, cumulative impact on biological resources will be a significant unavoidable impact.

From a regional perspective, future development in Malibu together with development in other coastal communities will affect animals in undisturbed areas of the Santa Monica Mountains, which will become more vulnerable as a result of encroachment by the urban environment. The ability of native species to reproduce will be diminished as natural habitats are reduced through urbanization. Future development within the entire coastal area will eventually extirpate many native species from privately owned land. Aquatic habitats will be further degraded by pollutants from grading and increased urban runoff as permeable surfaces are covered with structures and roadways. Even with the implementation of federal, state, and local requirements by all individual developments, the terrestrial and marine habitats will be significantly affected. Primarily, these habitats will be protected within public parks and forests; and the land held by the Santa Monica Mountains Conservancy and other land trust organizations.

## Utilities

Development of the proposed hotel together with future development of the Civic Center Specific Plan, and other potential commercial and residential development in Malibu under the General Plan over the next decades, will require the construction of water facilities for domestic use and fire protection. Each development project will be required to provide all necessary water facilities in accordance with existing City and County requirements. For the proposed hotel, these facilities may include off-site water storage, water distribution and booster pumping facilities, and all on-site water infrastructure. A similar infrastructure may be required for the Civic Center specific plan, and will be identified in the plan itself. For all developments, the required infrastructure will be identified as part of the standard project review process, reducing the cumulative impact to a level below significance.

Also, each new development, including the proposed hotel and future development under the Civic Center specific plan, will be required to comply with all relevant federal, state, county, and City of Malibu stormwater quality management programs in conformance with the National Pollutant Discharge Elimination Permit CA0061654 issued by the California Water Quality Control Board to the County of Los Angeles and local agencies and the City's Ordinance 157. This permit requires an implementation of stormwater pollutant abatement measures on any construction sites of five or more acres. Implementation of these existing requirements on a project-by-project basis will reduce cumulative impacts on stormwater quality to a level below significance.

The City requires each development, including the proposed hotel, to provide adequate drainage facilities on site. The storm runoff control systems are required to ensure that the maximum rate of stormwater runoff does not exceed peak level that existed prior to development. These existing requirements will reduce cumulative impacts to a less than significant level on a project-by-project basis.

The proposed hotel and other development within Malibu will increase generation of waste and create additional demand on landfills and other waste disposal facilities. Current estimates indicate that a shortfall in permitted daily land disposal capacity in Los Angeles County will occur within the next few years. Facilities for disposal of hazardous waste are already inadequate for existing volumes. Solid waste from Malibu is collected by four private hauling companies and delivered to the Calabasas Landfill, which is scheduled for closure in 2015. Presently, the landfill has a remaining capacity of about 12 million tons of waste, or about 500,000 tons annually. Currently, Malibu contributes less than 10 percent of that amount. The future increase in solid waste generated by development consistent with the proposed General Plan land use designations, including the proposed hotel, will add approximately 24,733 pounds per day to the current city-wide generation of about 95,500 pounds per day. This additional waste generation will not have an immediate impact on solid waste facilities, and is not anticipated to be significant. Also, the General

Plan has several policies intended to prevent development until infrastructure, including solid waste disposal facilities, is available to adequately serve the new development.

### **Visual Impacts**

Any hotel or other visitor-serving use developed at the allowable intensity on the project site will change the visual character of the site. When combined with visual changes resulting from future development anticipated to occur under the specific plan for the Civic Center area (currently under preparation by the City), this change could be substantial. However, the analysis of aesthetics effects of buildout under the General Plan, which includes the development of the project site with visitor-serving uses, concluded that the cumulative impact will be reduced to a less than significant level by requiring all new development located in aesthetically sensitive areas to demonstrate to the satisfaction of the Planning Director that the project design complies with the General Plan's policies and implementation measures prior to project approval.

### **Cultural Resources**

The proposed project will preserve cultural resources on the site by capping the existing archaeological site and implementing a cultural resources management program. Since the proposed project will not contribute to the destruction of important cultural resources at the site and will not affect cultural resources at any other location, the project will not result in a cumulative impact on these resources.

The adopted policies and implementation measures of the City General Plan will reduce impacts on cultural resources at other locations within the City to a less than significant level.

## **4.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

The proposed project will result in the following irreversible environmental changes:

- The proposed project will irreversibly change 28 acres of open land grown mostly with native vegetation into a luxury hotel, changing existing visual character of a prominent hill site.
- The project will eliminate 8.04 acres of undisturbed coastal sage scrub on site and eliminate 18 acres of disturbed coastal scrub vegetation at the site, and may preserve in perpetuity a larger acreage of habitat at another location.
- Vehicular traffic generated by the proposed development will add exhaust emissions of air pollutants to the Basin's air.

- The project will contribute to cumulative traffic growth in the Malibu area.

Overall, the proposed hotel project does not involve any unusual or unique features that would result in a wasteful or unusually high consumption of nonrenewable resources, such as fuels, electricity, natural gas, water, wood and other construction materials. The project will use solar energy, and reclaimed water for irrigating the grounds, which will conserve these resources.

The proposed hotel is a 250-room version of a previous 300-room development proposal approved nearly ten years ago, and is consistent with Malibu General Plan designation for the site. The project will develop a site within an already urbanized area, and will not extend the development into a previously unaccessible area or into outlying non-urban areas. In conformance with the policies of the Coastal Act, the proposed project will provide overnight visitor accommodations within the coastal zone, at a location where a limited number of hotel rooms are available for visitors.

### **4.3 GROWTH-INDUCING IMPACTS**

Implementation of the proposed hotel will have a limited potential for inducing growth in the City or the region. Directly, the project will create at most 347 jobs for residents of Malibu and the surrounding communities. Indirectly, the proposed project may induce some employment and economic growth through purchases of services and goods for the hotel facilities, and through purchases made by the hotel guests, visitors, and employees.

#### **Housing and Population Growth**

The proposed project is a hotel development. It does not include housing, and will not directly or indirectly induce housing and subsequent population growth. The project will provide a limited number of new jobs in the Los Angeles area, which has a large pool of available labor. Hotel jobs not filled by Malibu residents are expected to be filled by unemployed, underemployed, or job-seeking residents of the surrounding communities. These employees are expected to continue to live at their places of residence and commute to the project site to work. As such, the proposed hotel has virtually no potential to induce any substantial population growth either in the City or the region.

#### **Economic Growth**

The proposed hotel will indirectly induce some economic growth through purchases of goods and services for the hotel facilities, and purchases made by the hotel guests, visitors, and employees. This new economic activity generated by the project will have a beneficial fiscal and employment impact within the greater Los Angeles area. The project

will also generate new tax revenues and other fiscal benefits, such as bed tax revenues, sales tax revenues, development fees and permit fees, to the City of Malibu.

Currently, there are five motels and one hotel in Malibu. Three motels (Casa Malibu Motel, Malibu Shores Motel, and Malibu Surfer Motel), and the Malibu Beach Inn Hotel are located in the general project area, just east of the Civic Center area. All these facilities are relatively small, ranging in size from 13 to 47 rooms, and they collectively offer 151 rooms. The proposed hotel is designed for and will serve a different market, fulfilling the demand for a destination luxury hotel with a wide range of amenities within the hotel site. Since the existing hotel and motels do not serve this market, the proposed project will not affect economic growth of these establishments.

### **Public Facilities**

The proposed hotel development will provide a public footpath and dedicate landscaped slopes on the site. In conformance with California Coastal Act, the project will provide overnight visitor accommodations on Malibu coast, contributing to the satisfaction of required facilities. As part of the existing standard development review requirements, the project will construct all necessary water, wastewater, drainage, electricity, natural gas, and communications infrastructure to serve the proposed development in conformance with the requirements of the City of Malibu and County Public Works Departments and the County's Fire Department.

### **REFERENCES**

*Final Environmental Impact Report for the City of Malibu General Plan.* Harland Bartholomew & Associates. November, 1995.



## **5. ISSUES OF NO SIGNIFICANT IMPACT**

The City of Malibu through the Initial Study and Notice of Preparation process has determined that the proposed project will not result in significant impacts in the following areas:

- Population and Housing
- Energy and Mineral Resources
- Hazards
- Noise
- Public Services
- Recreation

The explanations for these determinations are presented on pages 10 through 21 in the Initial Study. The Initial Study is included in Appendix A of this EIR.

## **6. PREPARERS OF THE EIR**

### 1. Lead Agency (Performed substantial re-write of document)

City of Malibu Planning Department  
23555 Civic Center Way  
Malibu, CA 90265-4804  
(310) 456-2489

Joyce Parker - Bozylinski, AICP, former Planning Director  
Vincent Bertoni, Interim Planning Director  
Susan O'Carroll, Contract Senior Planner, Willdan Associates  
Roger Kent, Contract Planner, Willdan Associates  
Marti Witter, City Biologist

City Reviewers included:  
Chester King, City Cultural Resource Specialist  
Larry Young, Department of Public Works  
Chris Dean, City Geologist

### 2. Consultants to the City

Cotton/Beland/Associates, Inc.  
Environmental and Urban Planning  
747 E. Green Street, Suite 400  
Pasadena, CA 91101-2119  
(818) 304-0102

P. Patrick Mann, AICP, Principal-in-Charge  
Irena Finkelstein, AICP, Environmental Analyst and Project Manager  
Veronica Tam, Planner

Responsibility: Environmental analysis and overall preparation of the EIR.

Leighton & Associates, Inc.  
Geotechnical and Environmental Engineering Consultants  
17781 Cowan  
Irvine, CA 92714  
(714) 250-1421

Richard Lung, CEG, Project Manager

Responsibility: Preparation of updated geotechnical assessment.

WPA Traffic Engineering, Inc.  
Traffic and Transportation Engineering  
680 23421 South Pointer Dr., Suite 190  
Laguna Hills, CA 92653  
(714) 460-0110

Weston Pringle, P.E., Principal  
Heather Nix, Traffic Engineer

Responsibility: Preparation of traffic study.

Tierra Madre Consultants, Inc.  
1159 Iowa Ave., Suite E  
Riverside, CA 92507  
(909) 684-7081

Lawrence LaPre, PhD, Principal  
Scott D. White, Project Manager

Responsibility: Preparation of biological assessments.

Montgomery Watson  
301 North Lake Avenue, Suite 600  
Pasadena, CA 91101  
(818) 796-9141

Jane Fahey, PhD, P.E., Project Manager  
Jeffrey D. Mohr, P.E., Wastewater System Engineer  
David B. Ebersold, R.G., C.E.G., Geologist

Responsibility: Review of proposed wastewater system.

HEART Archaeology

Robert Wlodarski

Responsibility: Preparation of the archaeological report..

# **ATTACHMENT B**



# City of Malibu

23815 Stuart Ranch Road ♦ Malibu, California ♦ 90265-4861  
Phone (310) 456-2489 ♦ Fax (310) 317-0950 ♦ www.ci.malibu.ca.us

August 3, 2011

Sam Unger, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

RE: Request for Exemption from Basin Plan Amendment – 4000 Malibu Canyon Road

Dear Sam:

Enclosed is a letter from Gaines & Stacey, LLP, outlining entitlements supporting their request for an exemption from the Basin Plan Amendment for their client's property located at 4000 Malibu Canyon Road. As you know, the Los Angeles Regional Water Quality Control Board granted exceptions for those projects in the prohibition area that were identified as "pipeline" projects. However, this project was inadvertently overlooked and was not included in the listed exceptions. As stated, they are actually much further along than other pipeline projects as they have received entitled permits.

If they were to receive this exception, then they would still need to apply to the Regional Board for a WDR permit and connect to the proposed Phase I treatment plant by 2015.

If there is anything further I can do to assist the Regional Board in its decision regarding this request, please feel free to contact me.

Sincerely,

Jim Thorsen  
City Manager

Enclosure

cc: Christi Hogin, City Attorney  
Vic Peterson, Environmental Sustainability Director  
Fred Gaines, Gaines & Stacey, LLP

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

\* a professional corporation

LAW OFFICES OF  
**GAINES & STACEY LLP**  
18633 VENTURA BOULEVARD, SUITE 1220  
ENCINO, CA 91436-1872

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

July 28, 2011

**ORIGINAL VIA U.S. MAIL**

**VIA E-MAIL jthorsen@malibucity.org**

Jim Thorsen  
City Manager  
23825 Stuart Ranch Road  
Malibu, CA 90265

Re: 4000 Malibu Canyon Road  
California Regional Water Quality Control Board, Los Angeles Region  
Amendment to Resolution No. R4-2009-007, Table 4-zz

Dear Mr. Thorsen:

This office represents Green Acres, LLC with respect to its land use entitlements for the undeveloped property located at 4000 Malibu Canyon Road (the "Property").<sup>1</sup> This correspondence relates to the November 5, 2009 California Regional Water Quality Control Board, Los Angeles Region's, Resolution No. R4-2009-007 (the "Resolution"). The Resolution, otherwise known as the Basin Plan Amendment, prohibits, in part, all new on-site wastewater disposal systems in the Malibu Civic Center area "except certain specific projects which have already progressed through the entitlement process..." Table 4-zz of the Resolution, prepared by City of Malibu staff, lists those specific properties exempted from the Basin Plan Amendment as a result of having been granted land use entitlements. Despite having valid entitlements, the Green Acres Property was inadvertently not included in Table 4-zz. As such, this letter requests that the City amend Table 4-zz to include the Property on the list of sites exempted from the Basin Plan Amendment prohibition on new on-site waste treatment systems.

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<sup>1</sup> The Property consists of three parcels identified as APN 4458-028-015, APN 4458-028-019, and APN 4458-030-007.

G&S\446-007

**GA00925**

Jim Thorsen  
July 28, 2011  
Page 2

The Property has already received the following entitlement approvals which clearly qualify the Property for listing on Table 4-zz:

1.) Coastal Development Permit No. 5-85-418 (Granted by Coastal Commission, 1986)

On January 7, 1986, the California Coastal Commission granted to the Adamson Companies CDP No. 5-85-418, subject to certain conditions for the development of the following: (1) a 222,200 sq. ft., 300-room hotel complex; (2) a 32,800 sq. ft. community serving office structure, including Highway Patrol and medical offices; (3) a 10,000 sq. ft. restaurant; (4) an information kiosk; and (5) 1,039 parking spaces. The original expiration date was January 7, 1988. Since 1988, the coastal development was amended and then extended multiple times. The Coastal Development Permit was valid at the time the Resolution was adopted in November 2009 and remains valid today.

2.) Conditional Use Permit No. 96-005 (Granted by City of Malibu, 1998)

The City issued Conditional Use Permit remains valid. A Conditional Use Permit ("CUP") was granted by the City on April 20, 1998 to permit a hotel use on the subject Rancho Malibu site. The CUP permits a 146 room hotel (106 rooms initially and 40 rooms subsequently), among other related uses. The CUP was valid at the time the Resolution was adopted in November 2009 and remains valid today.

3.) Environmental Impact Report (Certified by City of Malibu, 1997)

An Environmental Impact Report ("EIR") was certified by the City of Malibu in November of 1997. The project description analyzed by the certified EIR consisted of a 250 room hotel with 492 parking spaces at a .20 FAR. The EIR was valid at the time the Resolution was adopted in November 2009 and remains valid today.

Adding the Property to Table 4-zz is warranted given the status of these entitlement approvals for the Property. The Property should have been included on Table 4-zz at the time the Resolution was considered and adopted. Furthermore, adding the Property to the list of exempted properties is entirely appropriate given that, to date, the Property remains undeveloped. Green Acres is not engaged in any pre-construction phase.

Green Acres has submitted a recent application to the City for development of the site and, in its project description, proposes to connect to the City's future sewer system. Still, based on the above referenced approvals, Green Acres is entitled to utilize on-site waste treatment, if needed, until the



Jim Thorsen  
July 28, 2011  
Page 3

future City system is constructed. Neither the pending application nor the prospect of connecting to a future sewer system impacts the status of the long existing entitlement approvals at the time the Resolution was adopted. As such, the City's oversight should be corrected and Table 4-22 should be amended to include the Property.

Thank you for your immediate attention to this matter. Please let us know if we can provide any additional information or assist the City in any way in making this correction. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By

  
FRED GAINES

# **ATTACHMENT C**



# City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861  
Phone (310) 456-2489 · Fax (310) 456-3356 · [www.malibucity.org](http://www.malibucity.org)

July 9, 2012

Mr. Sam Unger  
Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 W. Fourth Street, Suite 200  
Los Angeles, CA 90013

RE: Inclusion of Rancho Malibu Hotel into Table 4-zz

Dear Mr. Unger,

The Table 4-zz list was created in collaboration with your staff, specifically Wendy Phillips, to allow those projects in the development process to continue with the understanding they would be exempt from the requirement of the Prohibition that prohibits any new discharges. The list of projects was acquired from the Planning Department database of those applications "which have already progressed through the entitlement process" as stated in Resolution No. R4-2009-007, and were deemed a complete application. These applications were for the obtainment of a Coastal Development Permit.

The Rancho Malibu Hotel project had received a Coastal Development Permit previously from the California Coastal Commission, CDP No. 5-85-418, and therefore was not in the City's database for projects submitting application for a Coastal Development Permit. This project does appear to meet the criteria established between the City and Regional Board staff for inclusion on the Table 4-zz list.

Please let me know if you need any additional information.

Sincerely,

Craig George  
Manager / Deputy Building Official  
Environmental Sustainability Department  
Extension 229  
[cgeorge@malibucity.org](mailto:cgeorge@malibucity.org)

cc: Gaines & Stacey LLP

# **ATTACHMENT D**



# California Regional Water Quality Control Board

## Los Angeles Region



Michelle Rodriguez  
Secretary for  
Environmental Protection

320 W 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6644 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown Jr.  
Governor

February 22, 2012

Barry Groveman  
Musick, Peeler LLP  
One Wilshire Blvd  
Suite 2000  
Los Angeles, CA 90017

Fred Gaines  
Gaines & Stacey LLP  
16633 Ventura Boulevard, Suite 1220  
Encino, CA 91436-1872

RE: 4000 MALIBU CANYON ROAD

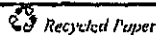
Dear Mr. Groveman and Mr. Gaines,

I have received a copy of your letter to Mr. Jim Thorson, City Manager of the City of Malibu, regarding the proposed project at 4000 Malibu Road, Malibu, California. You have requested that the City of Malibu correct an error inadvertently made in the Amendment to the Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties (Basin Plan Amendment), by amending Table 4-zz of the Prohibition of On-site Wastewater Disposal Systems in the Malibu Civic Center Area contained in the Basin Plan Amendment.

As you know the Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted a Basin Plan Amendment that prohibits new onsite wastewater disposal systems (OWDSs) in the Malibu Civic Center Area "except certain specific projects which have already progressed through the entitlement process, and are identified on table 4-zz of the Basin Plan Amendment." (See Regional Board Resolution No. R4-2009-007, at page 5.) Table 4-zz was developed by the City of Malibu and provided to the Regional Board because the City of Malibu had the information needed to prepare the Table. In a letter to me, Mr. Thorson confirmed that the project at 4000 Malibu Canyon Road was inadvertently omitted from the Table and should have been on the list because the project is actually much further along than other projects that are on the Table as the project has received entitled permits. Your letter to Mr. Thorson states that the project had received at such time Coast Development Permits, Conditional Use Permits, and a certified Environmental Impact Report.

Based on my review of material provided by you and the City, I agree that the project at 4000 Malibu Canyon Road should have been included on the list in Table 4-zz. To revise the Table will require an amendment to the Basin Plan Amendment. It is my understanding that the project proponent will connect to a centralized sewer system constructed by the City of Malibu, when it is available, and not construct an OWDS for the project unless the centralized system is not going to be available at the time the hotel is scheduled to open. As you know, any OWDS constructed by the project proponent must meet both Regional Board and City of Malibu standards and must obtain a permit from both the City of Malibu and the Regional Board. Therefore the Regional Board agrees that the project at 4000 Malibu Canyon Road

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

GA00945

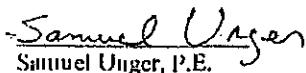
Mr. Barry Grovetan and Mr. Fred Gaines  
4000 Malibu Canyon Road

February 22, 2012

is entitled to the same status as the other projects that qualified for listing in Table 4-zz. If you contact me we can discuss a timeline for the Regional Board to consider a revision to Table 4-zz.


If you have other questions or would like to discuss further, please contact me at (213) 576-6605.

Sincerely,

  
Samuel Unger, P.E.  
Executive Officer

cc: Jim Thorson, City of Malibu, City Manager  
Frances McClesney, Office of Chief Counsel, State Water Resource Control Board

*California Environmental Protection Agency*

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