Planning Commission
Meeting
04-17-17
Item
5.B.

Supplemental Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Adrian Fernandez, Senior Planner

Reviewed: Bonnie Blue, Planning Director BB

Date prepared: April 10, 2017 Meeting date: April 17, 2017

Subject: Malibu Memorial Park Project – Initial Study No. 16-002 and Mitigated Negative Declaration No. 16-001, Coastal Development Permit No. 15-028, Variance No. 16-016, Site Plan Review No. 16-009, Minor Modification No. 16-010, Conditional Use Permit No. 15-011, Lot Merger No 16-001 for construction of a new memorial park and chapel and associated development

Location: 4000 Malibu Canyon Road, not within the appealable coastal zone
APNs: 4452-028-015, 4458-028-019, and 4458-030-007
Owner: Green Acres, LLC

RECOMMENDED ACTION: 1) Adopt Planning Commission Resolution No. 17-17 (Attachment 1) adopting Initial Study (IS) No. 16-002 and Mitigated Negative Declaration (MND) No. 16-001 (Attachment 5), and approving Coastal Development Permit (CDP) No. 15-028 to allow the construction of a new memorial park, including a new 6,000 square foot chapel with 673 square feet of ancillary spaces, 8,002 square foot subterranean parking lot and 1,346 square foot basement, 47 mausoleum structures with a maximum area of 200 square feet each for a total maximum of 9,400 square feet, approximately 28,265 in-ground burial plot spaces intermittently located throughout the property, 3,644 interments in above grade wall crypt structures, a circular driveway, parking lot, entry gates, grading, landscaping and exterior lighting, including Variance (VAR) No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum allowed to cap the archaeological site, Site Plan Review (SPR) No. 16-009 for height over 18 feet but less than 28 feet for the sloped roof of the chapel, Minor Modification (MM) No. 16-010 for mausoleums not to exceed a 50 percent front yard setback reduction,

Conditional Use Permit (CUP) No. 15-011 for the proposed memorial park and chapel in the subject zoning district, and Lot Merger (LM) No. 16-001 for consolidation of the three existing legal lots into one legal lot in the Commercial Visitor Serving-2 (CV-2) zoning district located at 4000 Malibu Canyon Road (Green Acres, LLC), if the applicant demonstrates that the slope improvements along westbound Pacific Coast Highway (PCH) associated with the right turn lane improvements is feasible without variances;

Or

2) Direct staff to notice the necessary variance(s) and return with a resolution incorporating the variances.

DISCUSSION:

Background and Overview

Previously, the subject property was proposed for development as a hotel. Efforts at hotel approval include obtaining California Coastal Commission (CCC) approval for a 300-room hotel in 1986, completion of a certified environmental impact report (EIR) in 1997 and approval of a previous 146-room hotel by City Council in 1998. The most recent hotel project application was submitted in 2011 and consisted of a 274,775 square foot hotel complex with 146 rooms developed on 16.5 acres of the site. The main hotel building included a spa complex, retail, ballroom and meeting rooms, and a swimming pool, along with 21 secondary hotel buildings and a four-level 166,827 square foot subterranean parking structure. A draft EIR was circulated in the fall of 2013, but never certified. The property owner withdrew the application in April 2015, and submitted a new application for the subject memorial park.

The proposed project would result in construction of a memorial park with a chapel, burial plots and mausoleums, with extensive grounds that would be available to the public for walking, and enjoying scenic views. The project plans are included as Attachment 2. The project would not include any facilities for embalming, cremation or other burial preparations. All such processes would occur offsite.

At this time, a coastal development permit, conditional use permit and other discretionary entitlements are being processed for the memorial park and chapel. Separate administrative plan reviews and any other necessary entitlements would be processed for the private mausoleums that are located near PCH and elsewhere onsite to verify that these structures will not be visible to travelers using PCH from any vantage point immediately adjacent to the subject property and will not obstruct bluewater views of travelers using Malibu Canyon Road.

The IS/MND, including the Mitigation Monitoring and Reporting Program, has been updated in response to the comments received during the circulation period. The updated document (Attachment 5) consists of the circulated Draft IS/MND and a Final IS/MND, which contains the 19 comment letters received, responses to the comments, and a final chapter with Corrections and Additions. These updates clarify and make minor corrections and edits to the Draft IS/MND, and add conditions of approval to address comments made.

Also, since completion of the Final IS/MND, these project changes have been made:

- A condition of approval has been added to adjust the project entry north by 40 feet to better accommodate the new left turn pocket on Malibu Canyon Road into the project site, and provide additional separation from the left turn lane to PCH, just south. The Malibu Canyon Road alignment will also be shifted east slightly to maintain the parking on the west side of Malibu Canyon Road and accommodate bike lanes on both sides.
- The 11 sets of story poles installed for the sample of private mausoleums along PCH have been set back further from PCH than the originally installed story poles, and now reflect the siting shown on the revised project site plan (Sheet A-0.1 of Attachment 2).
- The project scope of work has been updated to include the retaining wall along westbound PCH where the right turn lane to Malibu Canyon Road will be improved as a condition of project approval needed to improve traffic flow around the project site. The wall would retain the cut slope resulting from a 13 foot dedication of right-of-way to Caltrans to improve the right turn lane to standard width, add a bike lane and a four-foot shoulder. As currently designed, this wall ranges from 0 to 15 feet in height on steep slopes, requiring variances for construction on slopes and retaining wall height which the applicant did not apply for. The applicant may be bringing forward information regarding the engineering showing the variances are not required. In order to make the finding that this measure is feasible, the Planning Commission needs to be satisfied that there is substantial evidence that the applicant can comply with Condition No. 17 which requires the slope to be stabilized to meet City geotechnical standards and avoid significant scenic and visual impacts as required by the LCP.

Project Chronology

On April 13, 2015, Schmitz and Associates, Inc. submitted a request for determination of use pursuant to Malibu Municipal Code (MMC) Section 17.04.050 because the proposed memorial park (cemetery plus chapel) is not a use specifically listed in the CV-2 zone. MMC Section 17.04.050 provides a mechanism by which the Planning Commission may consider whether a use not listed is similar to and not more objectionable than the uses

listed," following a recommendation by the Planning Director and a public hearing. This issue is discussed more fully in the *Land Use and Zoning* section on page 14.

On April 28, 2015, the applicant submitted a letter requesting to withdraw an application for the construction of a hotel and associated development and submitted an application for the proposed memorial park and chapel.

On September 21, 2015, the Planning Commission adopted Planning Commission Resolution No. 15-89 determining that a cemetery/memorial park with an assembly structure is a conditionally permitted use in the CV-2 zoning district (Attachment 3).[1]

On April 1, 2016, a notice of CDP application sign was posted on the property and the application was deemed complete.

On April 11, 2016, story poles were placed on the subject property representing the location, height, mass and bulk of the proposed chapel and a sample of 18 of the 47 proposed mausoleums, located around the more visible perimeter of the site. The story pole placement was certified by a professional land surveyor (Attachment 4).

In November 2016, revised plans were submitted that relocate the mausoleums along PCH further from the top of the slope to minimize visual impact.

On November 10, 2016, a Notice of Intent to Adopt a Mitigated Negative Declaration was published in a newspaper of general circulation within the City of Malibu. The 30-day public review period ran from November 14, 2016 to December 14, 2016. On November 18, 2016, the Governor's Office of Planning and Research distributed the Mitigated Negative Declaration to responsible agencies for a 30-day public review period, from November 18, 2016 to December 19, 2016 (State Clearinghouse No. 2016111054).

On December 7, 2016, the Environmental Review Board reviewed the project and IS/MND and provided recommendations (Attachment 6).

On March 23, 2017, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-radius of the subject property (Attachment 7).

Site Description and Project Setting

The subject property includes three adjacent vacant parcels, totaling 27.8 acres in a roughly triangular configuration. All three parcels are designated CV-2 in the General

[1] View Commission agenda report here:http://www.malibucity.org/AgendaCenter/ViewFile/Item/1870?fileID=2188

Plan, Zoning Map and LCP. A small section of the California Coastal Commission's (CCC)'s appeal jurisdiction is located in the northern portion of the project site. Since no development is proposed in this location, the project is not appealable to the CCC.

The proposed lot merger would combine the three existing legal lots into one as depicted in Figure 1 below. Table 1 summarizes the resulting lot statistics.

Table 1 – Property Data	
Lot Depth	142.8 feet
Lot Width	952.1 feet
Gross Lot Area	28.2 acres (1,228,908 square feet)
Area of Access Easements	0.4 acre (17,940 square feet)
Area of 1:1 Slopes	9,018 square feet
Net Lot Area[2]	27.8 acres (1,201,950 square feet)

Figure 1. Aerial Photo of Existing and Merged Lots.

[2] Net Lot Area = Gross Lot Area minus the area of street easements and 1 to 1 slopes.

The project site is an elevated coastal terrace bordered by Malibu Canyon Road to the north and west, PCH to the south, and Civic Center Way to the north and east. The central portion contains a generally level mesa that drops steeply 60 to 80 feet into Winter Canyon and the road cut for PCH on the southeastern portions of the project site. The project site is vacant; however, several dirt driveways traverse the site with trees and shrubs located intermittently throughout the project site. Approximately seven acres of the 27.8-acre site contain sensitive habitat and steep slopes; therefore, development is proposed on the remaining 21 acres. A detailed description of the project site setting and surrounding land uses is provided in the IS/MND.

Nearby land uses include the following:

- North and west, across Malibu Canyon Road - Pepperdine University and Alumni Park;
- North and east, across Civic Center Way - mixed institutional and residential uses, including the Los Angeles County Road Maintenance Yard, Webster Elementary School, Our Lady of Malibu Catholic Church and School, and three condominium complexes off of Vista Pacifica and De Ville Way;
- Adjacent to the east – the City's Civic Center Wastewater Treatment Facility (CCWTF) site; and
- South, across PCH - Malibu Bluffs Park and the undeveloped but entitled Crummer Project five-lot residential subdivision, which is governed by the Malibu Coast Estate Planned Development District standards of LCP Local Implementation Plan (LIP) Section 3.3(Q).

Visual and Public Access Resources

The project site is visible from several LCP-designated scenic viewing areas, including:

- Malibu Canyon Road and PCH – scenic roads
- Malibu Bluffs Park and Legacy Park – scenic viewing areas

There are no trail alignments, park lands, or recreational areas shown on or near the property, according to the LCP Park Lands Map. Since the property is located inland, blufftop and shoreline access are not applicable.

ESHA and Biological Resources

According to the LCP Environmentally Sensitive Habitat Area (ESHA) and Marine Resources Map, a stream is identified across the northernmost corner of the subject property and parallel to Civic Center Way, which is coincident with the previously mentioned CCC appeal jurisdiction in this area of the property. However, the stormwater that supported the stream was placed in an underground concrete pipe around 1990. Upon reviewing site conditions, the City Biologist confirmed that the stream no longer exists. The certified EIR for the adjacent CCWTF identified a stream at the most southeasterly corner of the subject property (Attachment 8).

Currently, a variety of native and non-native trees, coastal sage scrub, and native grasses are located on the project site. The 2015 Biological Inventory Report Update prepared by Rincon Consultants concluded that, while the property contains sensitive habitat, the property is considered functionally isolated from the Santa Monica Mountains and Malibu Bluffs Park (Attachment 5, Appendix 3.0-1 of the Final IS/MND). Therefore, the sensitive habitat on the property is not considered ESHA, except for the stream/riparian ESHA located at the southeastern corner of the subject property. No development is proposed within 300 feet of the stream/riparian ESHA. Although most of the onsite habitat is not considered ESHA, the dense, intact coastal sage scrub and foothill needlegrass patches are considered sensitive habitats and will be mostly preserved as open space. The IS/MND includes mitigation measures to ensure protection of wildlife and rare and special status plant species in the event any are discovered on the project site during the required pre-construction biological surveys. Also, Mitigation Measure BIO-1 offsets the adverse impacts on these sensitive habits through conservation easement on the 30-acre Francisco property located approximately two miles north of the project site on the west side of Malibu Canyon Road and in the Santa Monica Mountains. The easement was dedicated to the City as a condition of the 1998 hotel approval and remains in place (Attachment 9). The conservation easement preserves more undisturbed sensitive habitat than will be disturbed by the proposed project.

Coast live oak, Southern California black walnut, and toyon trees were recorded on the site by Rincon Consultants in 2012; however, none of these trees meet the qualifications for protection under LIP Chapter 5 Native Tree Protection due to size. A condition of approval requires an updated native tree survey be conducted prior to ground disturbing activity to ensure that none of the trees have reached the size for protection.

Cultural Resources

Two archaeological sites have been recorded on the subject property; however, no burial sites were included. Field surveys, literature reviews, and cultural resource reports have been completed on the project site and the surrounding area as early as 1962. Capping of the sensitive area is incorporated into the project grading plans, and mitigation measures are included in accordance with study recommendations to ensure protection of any remaining subsurface resources.

Wastewater Disposal / Prohibition Area

In September 2010, the State Water Resources Control Board approved an amendment to the Basin Plan[3] governing the Civic Center area of Malibu which prohibits discharges from onsite wastewater treatment systems in this area. The subject property is located within the Prohibition Area. A memorandum of understanding (MOU) between the City

[3] The "Basin Plan" is Chapter IV of the Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties.

and the State and Regional Water Boards establishes three phases with deadlines by which properties must cease wastewater discharges to the groundwater basin and connect to a centralized wastewater treatment system. Phase 1 includes primarily the core commercial properties of the Civic Center. The subject property is in Phase 2. The MOU also establishes a schedule by which the City must design and construct the CCWTF. In January 2015, the City Council certified the EIR and approved the CDP for Phase 1 of the CCWTF, and in January 2016, an assessment district for Phase 1 properties was established. Construction of Phase 1 commenced in July 2016.

Recently, the City Council has worked with the Regional Board on an amendment to the MOU to adjust the deadlines for construction of and connection to the CCWTF. City Council adopted the amendment on January 11, 2017. The amended MOU calls for completion of the CCWTF and connection of Phase 1 properties by September 2018. Phase 2 of the CCWTF must be completed and properties connected by November 2024.

The proposed project does not include construction of an onsite wastewater treatment system and the applicant has requested to connect to Phase 1 of the CCWTF. The build-out design of the CCWTF project evaluated in the EIR accounted for all land uses within the entire Prohibition Area, including commercial use of the subject property, and Phase 1 includes construction of wastewater collection and recycled water distribution lines along Malibu Canyon Road, adjacent to the subject property. On March 13, 2017, the City Council authorized the CCWTF design engineer and assessment engineer to evaluate the feasibility and cost of connecting the project to Phase 1, at the applicant's expense, and if sufficient capacity exists, authorized the City Manager to negotiate an agreement with the applicant to connect to Phase 1.[4] A condition of approval has been incorporated into the project to prohibit its connecting to Phase 1 if the connection would exceed the wastewater treatment requirements/capacity of the CCWTF, and the property owner has signed an agreement acknowledging and accepting the risk involved with obtaining entitlements for the project that are conditioned upon successful completion of the agreement (Attachment 10). Approval by the Regional Water Quality Control Board is not required for connection of the project to Phase 1.

Potable and Recycled Water

The water service to the project is from the Los Angeles County Waterworks District No. 29 through a prior water allocation agreement with Pepperdine. The applicant proposes to use recycled water produced by the CCWTF on the property to irrigate landscaping and operate water features. The City is required to maximize the use of recycled water produced by the CCWTF to minimize the need for deep well injection; however, the demand for recycled water is greater than anticipated and the method of allocation has not been determined.

[4] View the Council agenda report here: http://www.malibucity.org/AgendaCenter/ViewFile/Item/2562?fileID=3099

Project Description

Lot Merger

- Merge three lots into one for construction of a memorial park with landscaped burial grounds and a chapel on 21 acres of the 27.8 acres site

Construction

- 6,000 square foot chapel/assembly structure plus 673 square feet consisting of a kitchen and family grieving room, 28 feet in height, with an 8,002 square foot, 19-stall subterranean garage and a 1,346 square foot basement with restrooms, storage and equipment rooms, and a casket lift to the main floor.
- 47 freestanding mausoleum structures, each a maximum of 200 square feet, for a total of 9,400 square feet, and ranging in height from 12 to 14 feet, and a footprint of approximately 14 feet by 14 feet, located primarily in the south and east portions of the site.
    - The project's total gross floor area equals approximately 16,073 square feet (6,000 square foot chapel, 673 square feet of accessory uses and 9,400 square feet of 47 mausoleums), excluding the subterranean garage and basement. This square footage results in a floor area ratio (FAR) of 0.013. [5]
- Public mausoleum constructed below grade and open to the sky, located directly behind the chapel (does not consist of enclosed interior space or floor area)
- Approximately 28,265 in-ground burial plot spaces ("lawn crypts") intermittently located throughout the property, consisting of single (6 feet deep) and double plots (8 feet deep), lined with concrete vaults, designed to accommodate both people and pets, and marked with headstones mounted flush with the ground.
- 3,644 interments[6] in above grade wall crypt structures, accommodating urns and caskets
- 157 surface parking spaces and bicycle racks
- Lighting
- Native landscaping
- Divided driveway entrance with water feature and lawn crypts, relocated 40 feet to the north
- Water features and irrigation

[5] FAR does not include underground floor area, interior parking spaces, and spaces with floor-to-ceiling height less than six feet.

[6] Interment means

- Walking trails and golf cart paths providing access to mausoleums and burial plots, benches and contemplation areas
- Exempt and non-exempt grading, including capping of the archaeologically sensitive area

Approximately 55,000 in-ground and above-ground burials/interments would be provided onsite. A description of burial types proposed to be offered is included as Attachment 11, and the layout of interment sites (in-ground and structures) is included on Sheets BP-1 and 2 of the project plans. No cremation or embalming would occur on the project site. A construction sequencing plan description is included in the IS/MND project description.

Off-site Improvements

- Construct water system improvements, including 16-inch water main, 1,800 feet long along Malibu Canyon Road, 16-inch water main 1,200 feet long along PCH, a pressure reducing station, fire hydrant assemblies, and a reduced pressure principle detector assembly.
- On Malibu Canyon Road, construct new left turn lane into the project entrance on Malibu Canyon Road (which will be shifted 40 feet north), plus new six foot bike lines on both sides, and a new five foot sidewalk on the east side
- On PCH, construct dual left turn lanes at the eastbound approach to the intersection with Webb Way.
- At PCH and Malibu Canyon Road intersection, construct new Caltrans pedestrian refuge areas at the existing crosswalk
- On PCH, improve the right turn line on PCH at the westbound approach to Malibu Canyon Road with a 4 foot bike lane and 4 foot shoulder, including a new retaining wall currently designed on a variance slope and to vary in height from 0 to 15 feet along the +/- 640 turn lane
- On Civic Center Way, add bike lane, new curb and gutter, 8 foot sidewalk, and curb ramp at Malibu Canyon Road intersection
- Underground existing electric utilities operated by Southern California Edison

Operations

- Cemetery Build-Out – The applicant estimates the burial/interment sites of the project would be sold out over a 40 to 80 year period. Sales of plots and sites would occur from an offsite office, with potential buyers shuttling to and from the site.

- Cemetery Operations – The applicant estimates three to four burial ceremonies a day, spaced apart and not occurring simultaneously. The chapel accommodates 392 fixed seats. While the interior of the chapel is reconfigurable with dividers, no more than one service would occur in the chapel at a time.

- Chapel and Other Site Uses – The primary use of the site is for memorial services and cemetery uses, and public use of the grounds for passive recreation. Conditions stipulate that the chapel building and grounds shall not be rented for uses other than those related to memorial services or interments, unless pursuant to a temporary use permit (TUP) regulated by MMC Chapter 17.68. No more than six TUPs per year are allowed. The project site, including the landscaped areas, walking trails and public mausoleums, would be open from 7:00 a.m. to 9:00 p.m. daily, while the chapel would be open from 9:00 a.m. to 9:00 p.m. The project site is estimated to employ approximately 18 full-time, part-time, seasonal and permanent employees at any given time, consisting of administration, clergy, chapel and service operations staff, maintenance and security.

- Heavily Attended Memorial Services and Holidays/Remembrance Occasions – Some planned services may draw larger numbers of guests than onsite self-parking could accommodate or involve processions with large numbers of cars. Conditions will limit such events to off-peak hours, require use of onsite valet parking to maximize the site's parking capacity, and would require the operator to anticipate the need for such measures for unplanned occasions such as Memorial Day on which visitors might increase. A transportation management plan would have to be approved by the Public Works Department and the Los Angeles County Sheriff. Funeral processions involving more than five cars will require a licensed funeral escort.[7] Processions involving more than 12 cars will require a minimum of two escorts plus an additional escort for every 12 additional cars. These numbers could be adjusted by the Planning Commission.

- Temporary Events – Events that would occur outside the normal operating hours of the project, or would including night lighting in excess of what is on the lighting plan, music or noise, or would draw visitors in excess of the site's parking capacity, or would otherwise meet the definition of a temporary use under MMC Chapter 17.68 would require the property owner to obtain a TUP.

[7] In Los Angeles County, funeral processions do not require a permit; however, funeral homes that arrange for processions must use funeral escorts certified by the California Highway Patrol and licensed by Los Angeles County.

Required City Project Entitlements

The proposed project requires the following City entitlements:

1. CDP No. 15-028 for development under the LCP.
2. VAR No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum allowed. This is needed in order to cap the archaeologically sensitive area.
3. SPR No. 16-009 for height over 18 feet but less than 28 feet for the chapel's pitched roof.
4. MM No. 16-010 for mausoleums to have up to a 50 percent reduction of the required front yard setback.
5. CUP No. 15-011 for the proposed memorial park and chapel in the CV-2 zoning district.
6. LM No. 16-001 for consolidation of the three existing legal lots into one legal lot.

Separate administrative plan review (APR) permits must be obtained for each private mausoleum, and are required to include story pole installation.

Other Agency Entitlements and Approvals

1. Los Angeles County Fire Department (LACFD) final approval of a fuel modification plan.
2. An updated will-serve letter from Los Angeles County Waterworks District No. 29 (WD 29).[8]
3. Caltrans approval for PCH improvements.

Cemeteries and State Regulations

Cemeteries are heavily regulated by the State of California. Statutory law for cemeteries can be found in the Government Code, Health and Safety Code and Business and Professional Code. These codes set forth requirements for management of cemeteries and sales of interment plots, minimum endowment requirements for the long term maintenance of the property, maintenance standards, construction standards for mausoleums and columbariums, record keeping, and other matters. Title 16, Division 23 of the California Code of Regulations establishes the Cemetery and Funeral Bureau (CFB), which oversees licensing, inspections and issuance of certificates of authority to

[8] The will-serve letter must be less than a year old when construction permits are issued.

private cemeteries.[9] Examples of requirements for the subject project include but are not limited to the following:

- Obtaining a certificate of authority to operate the cemetery from the CFB.
- Establishment of an endowment care fund for long term maintenance of the property is required to ensure a source of income to maintain the common areas of the property in perpetuity after all of the plots are sold, pursuant to Health and Safety Code Section 8725 through 8748. The initial $35,000 required deposit will be made by the cemetery authority, and the applicant expects to dedicate 10 to 15 percent of each sale to the endowment.
- Recordation of burial site map with the County Recorder.

In-ground plots are sold as real property and are required to be maintained by the buyer in perpetuity. Though not required by state law, due to the site's CV-2 zoning, staff recommends a condition of approval to require that an acknowledgement is incorporated into each deed of sale putting the buyer on notice about the use of the property by the public for passive recreation consistent with the CV-2 zoning.

LCP Analysis

The LCP consists of a Land Use Plan (LUP) and the LIP. The LUP contains programs and policies to implement the Coastal Act in the City of Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a coastal development permit must adhere.

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These five sections include Zoning, Grading and Archaeological / Cultural Resources, Water Quality, and Wastewater Treatment System Standards, and are discussed under the *LIP Conformance Analysis* section.

The nine remaining LIP sections include: 1) Coastal Development Permit findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. These nine sections are discussed under the *LIP Findings* section. Of these nine, General Coastal Development Permit (including the variance, site plan review and minor modification findings), Scenic, Visual and Hillside Resource Protection, Hazards and Land Division findings apply to this project.

[9] A good starting point for information is the Laws and Regulations page of the Cemetery and Funeral Bureau website: http://www.cfb.ca.gov/laws_regs/existing_laws.shtml

Additionally, the findings of MMC Chapter 17.66 regarding conditional use permits are required for this project.

LIP Conformance Analysis

The proposed project has been reviewed by Planning Department staff, City biological staff, City Environmental Health Administrator, City geotechnical staff and City Public Works Department for conformance with the LCP and the Los Angeles County Fire Department (LACFD) for conformance with its requirements. The Department Review Sheets are attached hereto as Attachment 12.

The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies, with the inclusion of VAR No. 16-016, SPR No. 16-009, MM 16-010, CUP No. 15-011 and LM No. 16-001.

Zoning (LIP Chapter 3)

Land Use and Zoning

In order to implement the General Plan and regulate land use and development in a manner compatible with the City's planning goals, the City is divided into zoning districts. Each zone has development standards for structures and limits the land uses to a variety of uses that generally are compatible with one another and together are consistent with the City's long-range vision for the area. The LCP largely mirrors the City's zoning districts. The Coastal Act allows the City to enact more restrictive regulations without amendment to the LCP and generally provides that the City may adopt and enforce additional regulations, not in conflict with the Coastal Act, as long as the permitted uses of property in the coastal zone are not altered and there is no change in the relative composition of residential, commercial, or recreational uses.

The property is zoned CV-2 in the General Plan, MMC and the LCP. "Memorial Park" and "Cemetery" are not uses listed in the permitted or conditionally permitted uses. The Zoning Ordinance cannot list every single type of use. Instead, it lists the commonly anticipated uses for each type of zoning district. Uses not listed are prohibited, although a use not identified could be permitted by the Planning Director if it is determined a use "to be of a similar nature to uses permitted" in the zone [MMC Sections 17.26.020(C) and 17.28.020(A)]. Alternatively, MMC Section 17.04.050 provides the following:

> When a use is not specifically listed or is determined by the director not to be included in a general category of use in the chapter defining uses permitted, it shall be assumed that such uses are prohibited unless it is determined by an action of the planning commission, following receipt of a recommendation from the director,

and a public hearing, that the use is similar to and not more objectionable than the uses listed. A determination of similar use shall be processed in the same manner as provided in Chapter 17.74 of this title.

The question considered by the Planning Commission on September 8, 2015 was whether a memorial park is sufficiently similar to the uses allowed in the CV-2 zone so as to be considered one of them. After a public hearing, the Commission determined that a cemetery/memorial park use with assembly structure is similar to and not more objectionable than other uses allowed in the CV-2 zoning district with a conditional use permit. Examples of similar uses allowed in the CV-2 district by right include equestrian/hiking trails, amphitheaters, and charitable/philanthropic activities within enclosed buildings. Similar conditionally permitted uses allowed in the CV-2 district include cultural and artistic uses (including performing arts venues) and parks, beaches and playgrounds.

The cemetery/memorial park is visitor-serving, for both visitors and residents, and also respects the rural character and natural environmental setting of Malibu consistent with MMC Section 17.28.010. Similar to a park, beach or playground, it serves the needs of the community and visitors, providing outdoor space largely undeveloped with structures, preserving unobstructed views of the area and coast and at no cost to visitors. It also has similar resource demands, structural impacts, parking requirements and is friendly to many types of wildlife. Similar to other cultural and artistic uses, it could draw visitors and provide a unique venue. Furthermore, the use will generate substantially less traffic, fewer impacts on the environment, fewer visual impacts and obstructions, and will generally use fewer resources in its development and operation than would other commercial businesses and hotels. Although a cemetery has an unusual permanency distinct from other land uses, the stability associated with such permanency is desirable in a community with sensitive resources. Finally, while cemeteries may present land use complications unique to burials, they are part of a highly regulated industry that provides a significant measure of local control. The project is consistent with the land use and zoning policies of the LCP and MMC.

Development Standards

The project is subject to the development standards contained in LIP Section 3.8 applicable to commercial development. Table 2 provides a summary and indicates that the proposed project, as conditioned, meets the property development and design standards, with the inclusion of VAR No. 16-016, SPR No. 16-009 and MM No. 16-010.

Table 2 – Zoning Conformance (Commercial, Non-Beachfront)			
Development Requirement	**Allowed**	**Proposed**	**Comments**
SETBACKS			
Front Yard (20%)	*260 feet*[10]	*130 feet*	*MM No. 16-010*
Rear Yard (15%)	195 feet	290.5 feet	Complies
Side Yard (10%)	95 feet	95 feet	Complies
Side yard (Cumulative 25%)	238 feet	323 feet	Complies
PARKING	104 regular 17 compact 6 ADA	137 regular 35 compact 6 ADA	Complies
FAR (0.15)	180,293 sq. ft.	16,073 sq. ft. (0.013 FAR)	Complies
HEIGHT	*18 feet*	*28 feet (pitched)* *24 feet (flat)*	*SPR No. 16-009*
LANDSCAPING (40%)	484,387 sq. ft. (min)	712,008 sq. ft.	Complies
OPEN SPACE (25%)	302,742 sq. ft. (min)	423,448 sq. ft.	Complies
CONSTRUCTION ON SLOPES	Less than 3:1	Less than 3:1	*As conditioned*
FENCE AND WALL HEIGHTS			
Walls or Fences (within front yard)	3 feet, 6 inches solid and up 6 feet view permeable	3 feet, 6 inches solid and up 6 feet view permeable	Complies
Retaining Wall	6 feet, or 12 feet in combination	6 feet, or 12 feet in combination	*As conditioned*

To comply with the landscape and open space regulations of LIP Section 3.8(A)(5)(b), 40 percent of the site must be landscaped (approximately 11 acres) and 25 percent must be used as open space (approximately 7 acres). The applicant is proposing that approximately 57 percent of the project site be landscaped (approximately 16 acres) and 35 percent be left as open space (approximately 10 acres).[11] Areas identified on the landscape plan as lawn are not traditional high-water use lawns, but will be planted with low- to moderate-water use native grasses.

The City's Landscape Water Conservation Ordinance, MMC Chapter 9.22 sets forth planting and irrigation design standards to minimize potable water use and runoff. MMC Section 9.22.030(B)(6) states that cemeteries are exempt from the ordinance, "except that a new or altered cemetery shall meet the irrigation requirements." These requirements establish a maximum applied water amount (MAWA) for the property and specify that the

[10] The project site plan incorrectly shows a 65 foot required front yard setback. For commercial properties, the setback is 20 percent of the lot depth, and unlike the residential standard, it does not call for the lesser of 20 percent or 65 feet.

[11] The percentage of open space includes hardscape and landscape areas as allowed by LIP Section 3.8(A)(5)(b).

project's estimated total water use (ETWU) not exceed the MAWA. In addition, the LCP specifies landscaping requirements in LIP Section 3.12 requires that cut and fill slopes and disturbed areas be planted with native, drought-tolerant species. The City Biologist has reviewed the project and determined that the proposed landscape plan, as conditioned, meets these requirements.

A condition of approval has also been included to ensure consistency with MMC Section 17.50.030(B)(2)(c) which requires that bicycle racks to accommodate a minimum of five bicycles, plus an additional bicycle space for each 30 required parking spaces or portion thereof. This condition supports LUP Policy 2.44.[12]

Grading (LIP Chapter 8)

Grading quantities associated with the project are summarized in Table 3. The proposed project includes approximately 44,735 cubic yards of non-exempt grading. Of this, 16,985 cubic yards is proposed for capping the archaeologically sensitive area and 27,750 cubic yards is for the rest of the project. LIP Section 8.3(B) allows for 1,000 cubic yards per acre of commercial development, which for the 27.8-acre site equals 27,800 cubic yards. Without the non-exempt grading for the archaeological capping area, described below, the project is in compliance with the maximum allowed. A variance is proposed to allow the excess 16,935 cubic yards needed for the project. The total grading quantities account for the current design of the retaining wall along PCH and may be adjusted depending on the applicant's final design.

The 106,367 cubic yards of understructure grading in Table 3 is for the structures proposed onsite, as well as the soils excavated from in-ground burials. These soils, estimated at 76,625 cubic yards, will be exported from the site over the life of the project build-out. During construction, no import or export of soils is anticipated because the grading plan is designed to be balanced. During operation of the project, the excavated earth from burials will be temporarily stockpiled on the site and periodically exported. The project has been conditioned to screen the stockpiles from view and cover them to prevent erosion and windblown scatter until they are exported from the site. The Public Works Department has reviewed the proposed project for conformance with LCP grading requirements, and has deemed the project consistent with these requirements.

[12] Proposals to install bike racks in convenient locations at beach and mountain parks, parking lots throughout the City, trailheads and other staging areas shall be permitted.

Table 3 – LCP Grading Conformance						
	Exempt**			Non-Exempt	Remedial	Total
	*R&R**	*Understructure*	*Safety****			
Cut	70,045	106,367	1,172	12,168	0	94,442
Fill	70,045	0	231	32,567	0	85,856
Total	**140,090**	**106,367**	**1,403**	**44,735**	**0**	**180,298**
Import	0	0	0	20,399	0	0
Export	0	106,367	941	0	0	86,909

All quantities listed in cubic yards.
*R&R= Removal and Recompaction
**Exempt grading includes all R&R, understructure and safety grading.
***Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds and any other increases in driveway width above 15 feet required by the LACFD).

Archaeological / Cultural Resources (LIP Chapter 11)

Two recorded archaeological sites exist on the property. Prior field surveys completed from 1961 through 1984 by various qualified archaeologists resulted in a majority of the artifacts being removed from the project site. However, a report documenting the results of this investigation was not produced and little is known about the artifacts collected from the site. Construction activities would require grading and excavation to construct the project. A new Phase II investigation and evaluation was undertaken in 2016 by ESA. The consulting archaeologist concluded that the data potential of the site appears to have been exhausted and no additional data recovery phase is recommended. However, a prior Phase II investigation prepared in May 1995 by Robert J. Wlodarski recommended in-situ preservation or capping the intact site with a layer of imported soil (fill). The second site was deemed to have been adequately mitigated by the work completed.

Based on the two Phase II studies, project elements and mitigation measures have been added to the project to ensure the protection of resources. The applicant amended the project description to include providing a three-foot thick layer of soil to cap a 99,406 square foot (2.28 acre) archaeologically sensitive area of the site. During construction, all grading activities and surface modifications would be confined to only those areas of absolute necessity to reduce any form of impact on any unrecorded (buried) cultural resources that may exist within the confines of the project site. No in-ground burials will be allowed in the archaeologically sensitive area. The archaeologically sensitive area will accommodate only above-grade wall crypt structures and one to two freestanding mausoleums. The maximum depth of the footings for these structures would be 24 inches, leaving an additional 12 inches of cover for a total capping depth of 36 inches. The IS/MND details the required seven mitigation measures (see the Mitigation Monitoring and Reporting Program) for the protection of cultural resources. Additionally, a condition of approval has been included to ensure that trees and any deep-rooted plants shown in the capped area will be relocated elsewhere on the site to avoid disturbance of the native soil

below the cap. Finally, the ERB, which includes a cultural resources expert, reviewed the project and recommended, with the applicant's agreement, that if any remains were to be discovered during construction, and it is possible to do so, that they will be preserved in place, and if not possible, relocated elsewhere on the site.

Cultural resource consultation in accordance with CEQA requirements was conducted for the project. Upon receipt of the request for consultation, the one tribe registered with the City pursuant to AB 52[13] responded the project area was outside the tribe's area of concern (Attachment 13). The IS/MND was also sent to the Native American Heritage Commission. No letters in response were received. During the CEQA comment period, correspondence was also received from the Wishtoyo Foundation. The Wishotoyo letter raises concerns about a Chumash burial site being located on the subject property, and about preserving sacred Chumash sites in general, regardless of scientific research value. None of the archaeological studies conducted found evidence of human remains. Chumash Most Likely Descendant (MLD) for the project site, Beverly Salazar-Folkes, participated in the Phase II report prepared by ESA, and provided a letter stating she was confident the City had extensively reviewed and provided any and all information and that the approach to the project would ensure no further disturbance. The letter states, "As the MLD of this site, I feel due diligence has been met by the developer and is in accordance with the current laws in place for said development within the proximity of a recorded archaeological site, and that no additional steps need to be taken." The Wishtoyo correspondence is included in the IS/MND Response to Comments. Beverly Salazar-Folkes' letter is attached hereto as Attachment 14.

The City has met the requirements of CEQA, the LCP and MMC with respect to protecting cultural resources and ensuring less than significant impacts. The City recognizes the distinction between research/scientific value and cultural value of sites. Through this cultural resources review process, and with the implementation of the mitigation measures and conditions of approval, the City's goal is to ensure the needs of both are satisfied.

Water Quality (LIP Chapter 17)

Construction

Standard conditions of approval require that prior to grading permit issuance, final grading and drainage plans incorporating construction-phase Erosion and Sediment Control Plan and Storm Water Management Plan (SWMP), as well as post-construction storm water management plan and a Water Quality Mitigation Plan (WQMP) must be approved by the

[13] AB 52 requires consultation on CEQA projects with any tribes that have made the request to the City in writing. To date, only one tribe, the Gabrieleno Band of Mission Indians – Kizh Nation have made the request.

City Public Works Department. With the implementation of these conditions, the project conforms to the Water Quality Protection standards of LIP Chapter 17.

The SWMP and the proposed project's site design shall incorporate Source Control Best Management Practices (BMPs) to mitigate increased runoff generated by the increase of impervious surfaces on the project site. As stated in LIP Section 17.4.2, post-construction phase water quality requirements requires post-construction plans detailing how stormwater and polluted runoff would be managed or mitigated during the life of the project. A WQMP requires the implementation of appropriate site design and source control BMPs from LIP Section 17.6 to minimize or prevent post-construction polluted runoff. Applicable regulations and standard conditions of approval will ensure that the proposed project's construction-related water quality impacts would be less than significant.

Operation

No embalming, cremation and other burial preparations would be completed on the project site. However, in-ground burials could introduce chemicals into the ground that could affect groundwater, such as those from bodies embalmed offsite and chemicals associated with casket construction. All burial sites in the project will be lined with a concrete vault. In addition, an updated hydrogeologic report prepared by Earth Forensics (Appendix IX.c of the IS/MND) identifies the depth to groundwater on the site to be at least 60 feet. The groundwater report prepared by Earth Forensics analyzes the issue of potential groundwater contamination from burials. The report notes that the use of concrete vaults will greatly limit the potential transfer of leachates from any remains or caskets to the surrounding soil and groundwater, and that the most common chemicals associated with bodies degrade quickly. The report concludes that based on the depth of groundwater below the surface and the legally required design conditions associated with burials, it is unlikely that decomposition byproducts would contaminate the local groundwater.

<u>Wastewater Treatment Systems Standards (LIP Chapter 18)</u>

LIP Section 18.10(C) establishes standards for the CCWTF and projects that are required to connect to it. The project has been conditioned to install all necessary plumbing and other improvements to allow the development to connect to recycled water lines and make the maximum feasible use of the recycled water that is available from the CCWTF. Given the extensive landscaping on the site, there is a substantial opportunity to utilize recycled water for irrigation. As conditioned, the project is in compliance with LIP Chapter 18.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all CDPs.

Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The project has been reviewed for conformance with the LCP by Planning Department staff, City Biologist, City Environmental Health Administrator, City geotechnical staff, LACFD and City Public Works Department. As discussed herein, based on submitted reports, project plans, visual analysis and detailed site investigation, the proposed project, as mitigated and conditioned, conforms to the LCP in that it meets all applicable commercial development standards, inclusive of the proposed discretionary requests.

Finding 2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is not located between the first public road and the sea; therefore, this finding does not apply. However, the trails that will be constructed on and adjacent to the project site enhance the public's access to scenic vistas.

Finding 3. The project is the least environmentally damaging alternative.

1. No Project – The no project alternative would avoid any changes to the project site. The property consists of legal lots zoned CV-2. The no-project alternative would deny the property owner use of the land and is not a feasible alternative.

2. Alternative Use – A different commercial use could be proposed on the property. However, the proposed use will generate substantially less traffic, fewer impacts on the environment, fewer visual impacts and obstructions, and will generally use fewer resources in its development and operation than would other commercial businesses and hotels. Although a cemetery has an unusual permanency distinct from other land uses, the stability associated with such permanency is desirable in a community with sensitive resources.

3. Alternative Design with Only Burials – The project objective is to construct and operate a cemetery / memorial park with an assembly structure/chapel and mausoleums; however, the property could be used entirely for burials, in-ground only or also mausoleum

interment. This alternative would eliminate the chapel so that funeral-related activities, other than the interment, would be conducted offsite. This alternative would somewhat reduce visual impact by replacing the chapel structure with one or more smaller restroom/maintenance buildings, and would reduce the vehicle trips to the site to those associated with interments and the public's use of the memorial park trails and scenic vistas. However, the project design, landscaping and topography already minimize visual impact, and project conditions governing the use of the site, combined with the traffic mitigation measures, will ensure less than significant impacts.

4. Alternative Design with Avoidance of Archaeological Area – This alternative would avoid all development in the sensitive archaeological area, including no placement of a soils cap. This would eliminate the need for a grading variance. However, ESA's Phase II study, with the concurrence of the Chumash Most Likely Descendant for the project site, determined that the site has been adequately mitigated by existing research and studies. The cap is consistent with an earlier Phase II study's recommendation, and allows the property owner use of that 2.28-acre portion of the property while avoiding damage to any subsurface cultural resources that could (but are not expected to) remain. Since the comprehensive evaluations of the property have demonstrated that no significant adverse impacts to cultural resources would occur with the proposed conditions and mitigation measures, avoidance of the site would not lessen any significant cultural resource impacts.

5. Proposed Project – The proposed development is sited mainly on previously disturbed land that has been historically used for agricultural purposes and as a Christmas tree lot. The stream ESHA located at the southeasterly corner of the property and associated buffer will not be disturbed. Furthermore, the onsite sensitive resources are required to be mitigated via an off-site conservation easement consisting of 30 acres of the Francisco property located approximately two miles north of the project site on the west side of Malibu Canyon Road and in the Santa Monica Mountains. The sensitive archaeological area is proposed to be capped with a three foot deep layer of fill for the protection of any resources that may remain below the surface even though the recent Phase II study concluded that the cultural resources from the site appear to have been exhausted and no data recovery phase was recommended. The proposed development also avoids construction on the property's steeper slopes which accommodate most of the property's sensitive habitat and resources. With the proposed discretionary requests, the project, as designed, mitigated and conditioned, is expected to be the least environmentally damaging alternative.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

At its December 7, 2016 meeting, the ERB reviewed the proposed project and provided six recommendations. The property owner has agreed to comply with all of the above recommendations, which are included in Resolution No. 17-17. The landscape plan included as part of Attachment 2 has been revised to address the planting recommendations. Changes to the IS/MND Mitigation Monitoring and Reporting Program have been included to address the recommendations pertaining to cultural resources, and the MMRP includes a measure addressing nesting bird surveys.

B. Variance for Grading (LIP Section 13.26.5)

Pursuant to grading limitations of LIP Section 8.3(B), a variance is proposed for excess non-exempt grading necessary to cap the archaeologically sensitive area. The required findings for VAR No. 16-016 are made as follows.

Finding 1. 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.

The variance will allow 16,935 cubic yards of non-exempt grading in excess of the 27,800 cubic yards allowed, for a total of 44,735 cubic yards. Exceptional circumstances apply to the property in that it contains a sensitive archaeological area that is recommended for protection. Development in that 2.28-acre area has been limited to crypt walls and mausoleums only due their shallow footing requirements, and with no in-ground burials. The area will be protected by a three-foot layer of soil that will separate the footings from the earth beneath. The 18,685 cubic yards of soil necessary for the cap do not quality for exemption under LIP Section 8.3(B) because it is not understructure, related to safety or removal and recompaction. Strict application of the ordinance would preclude ground-disturbing activity in this area of the site.

Finding 2. The granting of such 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(s) in which the property is located.

The variance is requested to provide a three foot deep cap over an archaeological sensitive area. The grading plan for the project has been designed in accordance with all City codes and requirements, and is balanced so that soils are not expected to be imported or exported during the construction process, thus avoiding truck trips associated with landform alteration. The variance will not be detrimental or injurious to the property or improvements in the same vicinity of zone.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

Additional grading for protection of sensitive archaeological sites is not a special privilege to the applicant. It allows the applicant to make use of a portion of the property while maintaining recommended protections for any potential subsurface resources.

Finding 4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The additional grading quantities required for protection of the sensitive cultural resource area will be placed in a relatively level portion of the site and will not significantly change the topography or visual characteristics of the site. The intact coastal sage scrub affected by the capping is mitigated by the offsite Francisco property conservation easement. The proposed variance supports cultural resource protection policies found in the General Plan, LCP and MMC.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The requested variance is not associated with ESHA or ESHA buffer protection standards. Therefore, this finding is not applicable.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with stringline standards. Therefore, this finding is not applicable.

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The proposed use of a memorial park and chapel on the site is allowed pursuant to a conditional use permit approved by the Planning Commission, based on its determination in Planning Commission Resolution No. 15-89 made in accordance with MMC Section 17.04.050, that such use is similar to and no more objectionable than other conditionally permitted uses in the CV-2 zone.

Finding 8. The subject site is physically suitable for the proposed variance.

The archaeologically sensitive resource conditions of the site justify the proposed grading variance, which will prevent adverse impacts to any onsite resources by capping of the sensitive area with three feet of soil. All final recommendations of the applicant's consulting geologists, and geotechnical and civil engineers, as well as those recommendations of the Building Safety Division, Public Works Department and City Geotechnical staff, will be incorporated into the project. Prior to the issuance of a grading permit, the improvements will be reviewed and approved for structural integrity and stability. With proper grading and engineering techniques, and the conditions of approval, the site will be physically suitable for the additional grading associated with capping the sensitive resources.

Finding 9. The variance complies with all requirements of state and local law.

Implementation of the proposed grading design and the overall project plans will comply with all building code requirements and will incorporate all recommendations from applicable City department, consistent with state and local law.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The requested variance is for relief from a specific development standard and does not involve the reduction or elimination of public parking, and this finding does not apply.

C. Site Plan Review (LIP Chapter 13.27.5)

According to LIP Section 3.8(A)(1)(b), a site plan review is required for height over 18 feet but less than 28 feet for the sloped roof of the chapel and the flat portions that are 24 feet. LIP Section 13.27.5(A) requires that the City make four findings in consideration and approval of a site plan review. Two additional findings are required pursuant to MMC Section 17.62.040(D). The required findings for SPR No. 16-009 are made as follows.

Finding 1. That the project is consistent with policies and provisions of the Malibu LCP.

As previously discussed in Section A, Finding 1, the proposed project, as designed and conditioned, is consistent with the LCP.

Finding 2. That the project does not adversely affect neighborhood character.

Although the project site is 27.8 acres, approximately seven acres contain sensitive habitat and/or are considered unstable because of steep slopes, and therefore, development is only proposed on 21 acres. In April 2016, story poles representing the location, height and bulk of the chapel were installed on the project site. Site visits of the surrounding area to examine the story poles demonstrated that views of the chapel from PCH and Malibu Canyon Road would be partially obstructed by topography and existing and proposed landscaping. Overall, the project site is expected to have a park-like character similar to nearby Pepperdine Alumni Park and Malibu Bluffs Park, and be consistent with community character in that it will consist primarily of areas landscaped with native vegetation, with few structures.

Finding 3. That the project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

Public views over the project site are available from the following public viewing locations: Malibu Canyon Road and PCH, both LCP-designated scenic roadways, and Malibu Bluffs Park and Legacy Park. As demonstrated by the story pole installation showing the proposed 28 foot and 24 foot heights of the roof, the chapel has been sited and designed in a location to minimize its visibility from these areas and to avoid blocking significant views of the ocean and the mountains. From Malibu Canyon Road, views of the ocean are available over the site, but the location of the chapel is only partially visible from a location near the proposed driveway, and no blockage of the ocean occurs. From PCH, views of the site and over the site are only available from a distance due to the site's higher elevation than the highway where it abuts the property. From Malibu Bluffs Park, views of the project site are largely blocked by existing topography and the Santa Monica Mountains are visible behind the project site. Legacy Park is approximately half a mile away and views of the Santa Monica Mountains are not affected by the project.

Because the project is subject to the development standards of LIP Chapter 6, Scenic and Visual Resources, the standard conditions of approval governing colors, materials and lighting will apply. These conditions, along with extensive native landscaping, would maximize protection of significant public views by ensuring the project blends in with the surrounding natural environment.

Finding 4. The proposed project complies with all applicable requirements of state and local law.

As previously discussed in Section B, Finding 9, the proposed project complies with all applicable requirements of State and local law.

Finding 5. The project is consistent with the City's general plan and local coastal program.

Consistent with General Plan Land Use (LU) Implementation Measure 9, the proposed project would not have significant impacts on public and private views. The proposed chapel is sited on the flattest portion of the subject property in the interior of the site, 300 feet away from the nearest property line, and would not significantly alter the site's topographic features. The proposed project, as designed and conditioned, is consistent with the General Plan and LCP, inclusive of the proposed discretionary requests.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The nearest residential properties are the condominium developments located across Civic Center Way to the east, at a distance of approximately 430 feet at the point of the closest unit. Based on the project plans and site visits after story poles were installed, it was observed that the proposed chapel is not expected to obstruct primary views of surrounding existing residences. The existing single-family residences further to the north are situated at a higher elevation and have views of the ocean over the proposed chapel but are more than 1,000 feet from the proposed chapel. Pursuant to MMC Section 17.40.040(A)(17), a protected view of a principal residence must be located within 1,000 feet of the proposed structure or addition. Furthermore, a Courtesy Notice of Proposed Project was mailed to all property owners and occupants within a 500-foot radius of the subject parcel. No requests for primary view determinations related to the proposed project have been submitted. Therefore, it is not anticipated that the proposed chapel will obstruct impressive scenes of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. Minor Modification (LIP Section 13.27.5)

Pursuant to LIP Section 13.27.5, a minor modification is proposed to allow the three private mausoleums along the Malibu Canyon Road side of the project to reduce the front yard setback requirement of LIP Section 3.8(A)(2)(a) by up to 50 percent. The required findings for MM No. 16-010 are made as follows.

Finding 1. That the project is consistent with policies and provisions of the Malibu LCP.

As previously discussed in Section A, Finding 1, the proposed project, as designed and conditioned, is consistent with the LCP.

Finding 2. That the project does not adversely affect neighborhood character.

The front yard setback along Malibu Canyon Road is 20 percent of the lot depth of 1,299 feet and equals 260 feet. The minor modification would allow a front yard setback of 130 feet. The three mausoleums currently are sited with the following setbacks, from north to south: 103.48 feet, 138 feet, and 168 feet. A condition of approval has been included to require the setback of the most northerly mausoleum to be increased to at least 130 feet. These mausoleums would mostly be obscured from view by the ascending slope along Malibu Canyon Road. The two nearest the entrance will be somewhat visible from but will be seen in the context of the project's entrance features and partially obscured with landscaping. The mausoleum nearest the intersection with PCH will be partially visible from the entrance of Malibu Bluffs Park, but will be screened with landscaping. The conditions on colors and materials will ensure these mausoleums do not adversely affect neighborhood character.

Finding 3. The proposed project complies with all applicable requirements of state and local law.

As previously discussed in Section B, Finding 9, the proposed project will comply with all applicable requirements of State and local law.

E. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

The supplemental findings of LIP Chapter 4 are required when a use is permitted within ESHA that is not permitted or conditionally permitted in the ESHA. As discussed previously, the project site was evaluated for resources that qualify as ESHA. Some sensitive resources exist on the site, such as native trees that do not qualify for protection, a riparian stream area in the most southeasterly portion of the site, and patches of non-contiguous native habitat. None of the project improvements will occur within the stream ESHA or its associated buffer, and the native habitat areas do not qualify as ESHA because the property was determined to be functionally isolated from the Santa Monica Mountains and Malibu Bluffs Park. The supplemental findings set forth in LIP Section 4.7.6 are not applicable because no development is proposed within ESHA or ESHA buffer.

F. Native Tree Protection (LIP Chapter 5)

Currently, a variety of native and non-native trees, coastal sage scrub, and native grasses are located on the project site. While coast live oak, Southern California black walnut, and toyon trees were recorded on the site, none of these trees meet the size requirement for protection under LIP Chapter 5 Native Tree Protection. Therefore, the supplemental findings in LIP Section 5.7 do not apply. However, since the Biological Inventory was conducted in 2012, conditions of project approval have been included to require an

updated tree survey prior to construction. Should any of the identified native trees have grown to a size that qualifies for protection, then the applicant shall mitigate the loss of any tree in accordance with the requirements of LIP Sections 5.5 (mitigation) and 5.6 (monitoring).

G. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The project site is visible from scenic roads such as PCH and Malibu Canyon Road, and scenic areas such as Malibu Bluffs Park and Legacy Park. The findings set forth in LIP Section 6.4 apply to the project.

Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

Impacts to scenic resources were evaluated in the IS/MND and found to be less than significant, with the implementation of standard conditions and mitigation measures. In April 2016, story poles representing the height of the chapel and the location of several of the mausoleums were installed on the project site. The story poled mausoleum locations were selected as representative of the types of structures to be constructed and also as the most likely to be viewed from local roadways. The mausoleum story poles along PCH were updated to reflect a greater setback. Based on inspections of the story poles, staff determined that the chapel would be intermittently visible from Malibu Canyon Road and several of the mausoleums would be visible from PCH, Malibu Canyon Road, public parks and scenic areas.

The proposed chapel is sited on the flattest portion of the subject property in the interior of the site, 300 feet away from the nearest property line, and would not significantly alter the site's topographic features. The upper half of the chapel would be visible from Malibu Canyon Road at the project site entrance. However, the proposed landscaping will help screen the visible portion of the chapel from Malibu Canyon Road, and the chapel does not obstruct any scenic vistas.

Views of the Santa Monica Mountains from Pepperdine's Alumni Park, Malibu Bluffs Park, and Legacy Park would not be substantially affected by project development. Malibu Bluffs Park is directly south of the project site, but views of the project site are largely blocked by existing topography. Mountain views from Legacy Park are to the north, while the project site is to the west.

The project development would alter public views of the Santa Monica Mountains from PCH and other public viewpoints. Portions of the proposed development, including several of the mausoleums, may be visible; however, this obstruction would be limited, with only the lower portion of the Santa Monica Mountains partially obscured and from a distance. The viewshed from PCH would be mostly preserved by requiring that the existing landscape on the property's south slopes be preserved and new landscaping at the perimeter of the project site to consist of native, drought tolerant plant species. The parking lot would be screened with landscaping. All new onsite landscaping has been designed to help screen the proposed project.

As the project site is visible from scenic areas, the proposed project is subject to the lighting standards of LIP Section 6.5(G). These standards require that exterior lights be minimized, restricted to low intensity features, shielded, and concealed to the maximum extent feasible. These standards would also be added to the project as standard conditions of approval and are listed later in this study under Standard Conditions of Approval. As a result, the project, as proposed and conditioned, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

Finding 2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

Separate administrative plan reviews and any other necessary entitlements would be processed for the mausoleums that are located near PCH and elsewhere onsite to implement the mitigation measures requiring verification through installation of story poles that these structures will not be visible to travelers using PCH from any vantage point immediately adjacent to the subject property and will not obstruct bluewater views of travelers using Malibu Canyon Road. As redesigned and with implementation of the mitigation measures, the proposed project will have a less than significant impact on applicable design and development standards.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Section A, Finding 3, the project, as proposed and conditioned, is the least environmentally damaging feasible alternative.

Finding 4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As discussed in Section G, Findings 1 and 2, the project, as conditioned, will result in a less than significant impact on scenic and visual resources.

Finding 5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

As discussed in Section G, Findings 1 and 2, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources.

H. Transfer of Development Credit (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credits applies to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development.

I. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located in or near an area subject to these hazards. The project has been analyzed for the hazards listed in LIP Sections 9.2(A)(1-7) by City geotechnical staff, City Public Works Department and LACFD, and has been approved for conformance with all relevant policies and regulations of the LCP and MMC.

Finding 1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

The geotechnical and soils reports prepared by GeoSoils Consultants, Inc. for the proposed project along with the project plans and initial study have been reviewed by City geotechnical staff. On September 21, 2016, City geotechnical staff issued a geotechnical review letter stating that the project is approved from a geotechnical perspective. Standard conditions of approval will be included to require that all recommendations of the consulting certified engineering geologist, geotechnical engineer and/or City geotechnical staff shall be incorporated into all final design and construction plans including foundations, grading, and drainage. Final plans shall be reviewed and approved by City geotechnical staff prior to the issuance of a grading permit.

The reports indicate that the site is not located in an area susceptible to liquefaction and that it has no active or potentially active known faults. Landslides and other types of slope failures, such as rock falls and mud and debris flows, can result in areas with varying topography in the event of an earthquake or wet winters. The perimeter of the project site is generally surrounded by natural descending slopes, with the steepest slopes located

along the site's northern and eastern boundaries. A landslide is located along the eastern portion of the project site; however, soil testing and slope stability analyses completed in 2007 indicated that alluvium has buttressed the toe of the landslide and has stabilized the area. These slopes along the site's northern and eastern boundaries would not be altered by the project. For the unstable portions of the slope that are outside the stable landslide area, a row of soldier piles and a three foot tall retaining wall are proposed to ensure slope stability due to the capped archaeologically sensitive area. The only habitable structure in the project is the chapel building, which is located in the central flat portion of the site, and outside of landslide and unstable areas. Additionally, the proposed project would be required to implement the engineering design specifications included in the California Building Code and approved geotechnical report.

The entire city limits of Malibu are located within a high fire hazard area. Under the Fire Code, the chapel structure is required to install sprinklers and to incorporate appropriate building materials and construction methods, and the project will implement a fuel modification plan approved by the LACFD. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the state so that additional personnel and fire-fighting equipment can augment the LACFD.

The project, as conditioned, will incorporate all recommendations of the City geotechnical staff, City Public Works Department and LACFD. Therefore, the project, as proposed and conditioned, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons

Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As stated in Section I, Finding 1, the project as designed, conditioned, and approved by the City Geologist and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to the project design.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Section A, Finding 3, the project as designed and conditioned is the least environmentally damaging alternative.

Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As stated in Section I, Finding 1, the project as designed, and conditioned, and approved by the City Geologist and the City Public Works Department does not have any significant adverse impacts on the site stability or structural integrity.

Finding 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As discussed in Section A, Finding 3, the development is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

J. Shoreline and Bluff Development (LIP Chapter 10)

LIP Section 10.3 requires that shoreline and bluff development findings be made if the project is anticipated to result in potentially significant adverse impacts on coastal resources, including public access and shoreline sand supply. The project is not located along the shoreline or on a bluff; therefore, these findings are not applicable.

K. Public Access (LIP Chapter 12)

The subject property is not located between the first road and the sea. Also, the LCP Park Lands Map does not identify any trails on or adjacent to the property, and there are no opportunities for direct lateral or vertical access to the beach, bluff-top viewing areas, recreational access or trail. The project will incorporate new trails along Malibu Canyon Road and Civic Center Way, and will provide public access to the trails and paths within the project site for walking, taking in views of the mountains and ocean, and quiet contemplation. Therefore, the proposed project complies with the provisions of Chapter 12 and enhances visitor-serving access to scenic visual resources.

L. Land Division (LIP Chapter 15)

This project does not involve a division of land per LIP Section 15.1; however, the proposed lot merger is subject to the requirements of Section 15.4 (Merger of Parcels). The requirements for a voluntary merger (applicant initiated) are identified as follows:

Finding (A). Contiguous parcels under common ownership may be voluntarily merged if:

1. *Either a merger or lot tie is authorized or required pursuant to a term or condition of a coastal development permit; or*

2. *The City determines that the merger is not inconsistent with any policy or standard of the LCP that protects environmentally sensitive habitat areas and/or visual resources of the coastal zone.*

All three parcels are under common ownership and the application proposes a voluntary merger that has been initiated by the property owner. Based on the findings contained in this report, it has been determined that the proposed merger is not inconsistent with any policy or standard of the LCP that protects sensitive resources, hillsides and visual resources of the coastal zone.

Finding (B). An instrument evidencing the merger shall be recorded. The recorded instrument shall contain a legal description of the contiguous parcels prior to the merger, and the new parcel that results after the merger. The instrument must be reviewed and approved by the City prior to recording. A copy of the recorded instrument shall be provided to the Los Angeles County Assessor's Office.

Section 5 of the Resolution requires the recordation of a legal description as required by the LIP. Upon submittal, the document shall be reviewed and approved by the City Engineer and recorded with the Los Angeles County Recorder's office.

M. Conditional Use Permit (MMC Section 17.66.080)

A conditional use permit is requested for the proposed cemetery / memorial park with an assembly structure in the CV-2 zoning district, which was determined by the Planning Commission to be a conditionally permitted use on the subject property. Based on the foregoing evidence contained within the record, the required findings for CUP No. 15-011 are made as follows.

Finding 1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

In adopting Planning Commission Resolution No. 15-89, the Planning Commission made its determination in accordance with MMC Section 17.04.050 that a proposed cemetery / memorial park with an assembly structure is a use similar to and not more objectionable than other uses currently permitted, or conditionally permitted, in the CV-2 zoning district. The project has been conditioned to comply with all applicable provisions of the MMC.

The project includes trails, benches, scenic vistas and contemplation areas that are available to visitors. Conditions of approval also require that buyers of the interment plots acknowledge the passive recreational use of the property by the public.

Finding 2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

As previously discussed in Section C, Finding 3, the project, as mitigated, designed and conditioned, will have less than significant adverse visual impacts and will not impair the integrity and character of the zoning district. The cemetery / memorial park is visitor-serving, for both visitors and residents, and also respects the rural character and natural environmental setting of Malibu consistent with MMC Section 17.28.010. Similar to a park, beach or playground, it can serve the needs of the community and visitors, providing outdoor space largely undeveloped with structures, preserving unobstructed views of the area and coast. It also has similar resource demands, structural impacts, parking requirements and is friendly to many types of wildlife. Parking for the public will be free to enhance the visitor-serving use. The scenic and trail amenities made available to the public and visitors by the use will maintain the integrity and character of the zoning district.

Finding 3. The subject site is physically suitable for the type of land use being proposed.

The subject site is suitable for the proposed use. No development will occur within the riparian ESHA and its associated buffer in the southeasterly corner of the site. The chapel has been sited so that required fuel modification will not encroach into sensitive biological resources, and construction avoids steep and unstable slopes, and the landslide area of the site. The project geotechnical consultant's recommendations will be incorporated to ensure site stability. A three-foot layer of soil will provide a cap to protect the sensitive archaeological area and ensure no crypt wall or mausoleum footings penetrate into native soils. With the project design and conditions of approval, the project site is physically suitable for the type of land use being proposed.

Finding 4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

The site is currently vacant, and has previously been used for agricultural uses and a Christmas tree lot. The immediately surrounding neighborhood includes Pepperdine University across Malibu Canyon Road, the CCWTF adjacent to the east, schools and condominiums across Civic Center Way, and Malibu Bluffs Park across PCH. Overall, the project site is expected to have a park-like character similar to nearby Pepperdine Alumni Park and Bluffs Park, consisting primarily of areas landscaped with native vegetation, with few structures. Lighting will be aimed downward and fully shielded. With conditions of approval prohibit outdoor amplified music and onsite consumption of alcohol, except

pursuant to a TUP. TUPs are limited to six per year. Furthermore, the cultural resources conditions and mitigation measures protect the sensitive archaeological area of the site and any remaining subsurface resources. The project, as conditioned, is expected to be compatible with the surrounding neighborhood, and land uses presently on the site.

Finding 5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

The proposed memorial park with chapel is similar to other uses allowed in the CV-2 district by right, such as equestrian/hiking trails, amphitheaters, and charitable/philanthropic activities within enclosed buildings, and by a conditional use permit, such as cultural and artistic uses, including performing arts venues, and parks, beaches and playgrounds. Conditions of approval control traffic circulation and parking, only allow one funeral or burial at a time, and restrict special events to those approved by a TUP. The proposed use will be compatible with the existing and future land uses within the zone district and surrounding area.

Finding 6. 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.

The applicant is seeking to connect the project to Phase 1 of the CCWTF for wastewater services, and to utilize as much recycled water as may become available from the CCWTF for irrigation and water feature operation. The project will not be allowed to connect to the CCWTF unless studies confirm that there is adequate capacity to do so. The project has received a will-serve letter from WD29 which will be updated prior to construction. The project hydrogeologist has evaluated potential impacts to groundwater from burials and determined the concrete vaults installed in the lawn crypts and the depth to groundwater make any contamination of groundwater unlikely. The chapel structure is located in the center of the site and will not impact solar access of any surrounding property. As discussed in the Site Plan Review and Scenic and Visual Resources findings previously, the project has been designed and conditioned to avoid adverse impacts to public and private views. The project will not be detrimental to public health and safety.

Finding 7. There would be adequate provisions for public access to serve the subject proposal.

The project includes extensive improvements to the surrounding road network to enhance access and circulation, including the addition of trails and bike lanes, and a pedestrian refuge at PCH and Malibu Canyon Road. The project provides 176 onsite parking spaces, and has been conditioned to add a connection between the two sections of the divided

driveway so drivers can circulate between them without having to exit the site. Conditions have also been included to manage traffic associated with heavily attended funerals or holidays, and funeral processions. Funeral processions over five cars will require an escort to ensure the procession moves quickly through the City to the project site. Services or funerals expected to draw large numbers of visitors will require approval of a traffic management plan by the Public Works Department and Los Angeles County Sheriff which will has been conditioned to provide valet parking to increase the number of vehicles that can be accommodated onsite for funerals that are expected to draw a large number of visitors. The project operator will be required to monitor and log vehicular and visitor attendance and to report the information to the Planning Department. Should staff determine the use is exceeding the parking/traffic generation estimates, a review shall be scheduled before the Planning Commission. As conditioned and mitigated, there would be adequate provisions for public access to serve the project.

Finding 8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

The memorial park and chapel is a lower intensity commercial use that is consistent with the City's goals of maintaining a rural character. The project is expected to generate fewer impacts on the environment and fewer visual impacts and obstructions and to use fewer resources in its development and operation than other commercial uses. The proposed use is consistent with the goals, objectives and policies of the General Plan.

Finding 9. The proposed project complies with all applicable requirements of state and local law.

The resolution includes conditions of approval to require the project to be operated in accordance with all aspects of state law pertaining to cemeteries. Implementation of the project plans will comply with all building code requirements and will incorporate all recommendations from applicable City agencies, consistent with state and local law.

Finding 10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

As previously discussed, as designed and conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare, and will provide a cemetery in the community where none currently exists, while also enhancing community and visitor access to scenic vistas and trails on the property. By state law, the project is required to have an endowment to fund ongoing property maintenance and upkeep.

Finding 11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The project site has been determined not to be susceptible to liquefaction and not to contain active or potentially active known faults. The landslide in the eastern portion of the site is stable, and the steep slopes of the northern and eastern portions of the property are avoided by development. Other unstable slopes on the property will be stabilized with a row of soldier piles and a three foot tall retaining wall. The only habitable structure in the project is the chapel building, which is located in the central flat portion of the site, and outside of landslide and unstable areas. City geotechnical staff have reviewed and approved the project, subject to conditions requiring implementation of the engineering design specifications included in the California Building Code and approved geotechnical report. The proposed development will not be at risk from geotechnical or flooding hazards.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department prepared an initial study (Initial Study No. 16-002) pursuant to CEQA Guidelines Section 15300.2(c). The initial study analyzed the proposed memorial park with chapel project and determined that with mitigation measures and standard conditions of approval, the proposed project will not have a significant impact on the environment; subsequently, Mitigated Negative Declaration No. 16-001 was prepared and circulated pursuant to CEQA Guidelines Section 15070.

On November 14, 2016, the City made Initial Study No. 16-002 and Mitigated Negative Declaration No. 16-001 (IS/MND) available to the public for the required 30-day circulation period, which concluded on December 14, 2016. The State Clearinghouse closed its review period on December 19, 2016. A total of 19 pieces of correspondence were received during the public comment period, which were discussed in a Response to Comments (Section 2.0) added to the IS/MND. To make minor clarifications and corrections to the document, the IS/MND has also been updated with Section 3.0, Corrections and Additions. The complete document is included as Attachment 5.

Pursuant to CEQA Guidelines Section 15073.5, the IS/MND is not required to be recirculated as long as the document has not been substantially revised. A “substantial revision” occurs when a new avoidable significant effect is identified and mitigation measures or project revisions must be added to reduce the effect to insignificance, or the City determines the measures will not reduce the effect to insignificant and new measures or revisions are required. No substantial revision has been made to the project.

The Guidelines also state that recirculation is not required under the following circumstances:

- Mitigation measures are replaced with equal or more effective measures, or
- New project revisions made in response to comments on project effects which are not new avoidable significant effects, or
- Measures or conditions of approval are added that are not required by CEQA and which do not create new significant effects and are not necessary to mitigate an avoidable significant effect, or
- New information is added which merely clarifies, amplifies or makes insignificant modifications to the IS/MND.

In this case, information has been added to the IS/MND to clarify how the project would connect into Phase 1 of the CCWTF, revise information about the onsite sensitive species, clarify that the 30-acre conservation easement on the Francisco property remains in place as a result of the previously approved hotel CDP, and add conditions of approval to the project to enhance neighborhood compatibility and address traffic concerns. The conditions of approval added pertaining to connection to the CCWTF do not create new significant new effects and are not necessary to mitigate an avoidable significant effect.

The Planning Department finds that through feasible conditions and mitigation measures placed on the project, less than significant impacts on the environment are expected. Based on the record as a whole, there is no substantial evidence that the project, as conditioned, will have a significant effect on the environment.

CORRESPONDENCE: In addition to the public comments received during the IS/MND public review period, staff has received additional correspondence on the project. These are included as Attachment 15.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on March 23, 2017 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 7).

SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 17-17. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department and appropriate City departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 17-17
2. Project Plans
3. Planning Commission Resolution No. 15-89 (Determination of Use)
4. Story Pole Photographs
5. Initial Study / Mitigated Negative Declaration, November 2016 and Final IS/MND, April 2017
6. ERB Recommendations
7. Public Hearing Notice
8. CCWTF Stream ESHA Boundary
9. Conservation Easement for Wildlife Habitat and Open Space Resources, 2001
10. Development Reimbursement Agreement
11. Applicant's Description of Burial Types
12. Department Review Sheets
13. Gabrieleno Band of Mission Indians-Kizh Nation Correspondence
14. Beverly Salazar-Folkes Letter
15. Public Correspondence Received after December 19, 2016

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 17-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, ADOPTING INITIAL STUDY NO. 16-002 AND MITIGATED NEGATIVE DECLARATION NO. 16-001 AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 15-028 TO ALLOW THE CONSTRUCTION OF A NEW MEMORIAL PARK, INCLUDING A NEW 6,000 SQUARE FOOT CHAPEL, 673 SQUARE FEET OF ANCILLARY SPACES, 8,002 SQUARE FOOT SUBTERRANEAN PARKING LOT AND 1,346 SQUARE FOOT BASEMENT, 47 MAUSOLEUM STRUCTURES WITH A MAXIMUM AREA OF 200 SQUARE FEET EACH FOR A TOTAL MAXIMUM OF 9,400 SQUARE FEET, APPROXIMATELY 28,265 IN-GROUND BURIAL PLOT SPACES INTERMITTENTLY LOCATED THROUGHOUT THE PROPERTY, 3,644 INTERMENTS IN ABOVE GRADE WALL CRYPT STRUCTURES, A CIRCULAR DRIVEWAY, PARKING LOT, ENTRY GATES, GRADING, LANDSCAPING AND EXTERIOR LIGHTING, INCLUDING VARIANCE NO. 16-016 FOR NON-EXEMPT GRADING IN THE AMOUNT OF 16,985 CUBIC YARDS IN EXCESS OF THE MAXIMUM ALLOWED TO CAP THE ARCHAEOLOGICAL SITE, SITE PLAN REVIEW NO. 16-009 FOR HEIGHT OVER 18 FEET BUT LESS THAN 28 FEET FOR THE SLOPED ROOF OF THE CHAPEL, MINOR MODIFICATION NO. 16-010 FOR MAUSOLEUMS NOT TO EXCEED A 50 PERCENT FRONT YARD SETBACK REDUCTION, CONDITIONAL USE PERMIT NO. 15-011 FOR THE PROPOSED MEMORIAL PARK AND CHAPEL IN THE SUBJECT ZONING DISTRICT, AND LOT MERGER NO. 16-001 FOR CONSOLIDATION OF THE THREE EXISTING LEGAL LOTS INTO ONE LEGAL LOT IN THE COMMERCIAL VISITOR SERVING-2 ZONING DISTRICT LOCATED AT 4000 MALIBU CANYON ROAD (GREEN ACRES, LLC)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On April 13, 2015, Schmitz and Associates, Inc. submitted a request for determination of use pursuant to Malibu Municipal Code (MMC) Section 17.04.050 because the proposed memorial park (cemetery plus chapel) is not a use specifically listed in the Commercial Visitor Serving-2 (CV-2) zone. MMC Section 17.04.050 provides a mechanism by which the Planning Commission may consider whether a use not listed is similar to and not more objectionable than the uses listed," following a recommendation by the Planning Director and a public hearing.

B. On April 28, 2015, applicant Bruce McBride submitted a letter requesting to withdraw an application for the construction of a hotel and associated development on the subject property and submitted an application for the proposed memorial park and chapel.

C. On September 21, 2015, the Planning Commission adopted Planning Commission Resolution No. 15-89 determining that a cemetery/memorial park with an assembly structure is a conditionally permitted used in the CV-2 zoning district.

D. On April 1, 2016, a notice of CDP application sign was posted on the property.

E. On April 11, 2016, story poles were placed on the subject property representing the

location, height, mass and bulk of the proposed chapel and a sample of the proposed mausoleums. The placement of the story poles was certified by a professional land surveyor.

F. In November 2016, revised plans were submitted that relocate the mausoleums along Pacific Coast Highway (PCH) further from the top of the adjacent slope to minimize visual impacts.

G. On November 10, 2016, a Notice of Intent to Adopt a Mitigated Negative Declaration was published in a newspaper of general circulation within the City of Malibu. The 30-day public review period began ran from November 14, 2016 to December 14, 2016. On November 18, 2016, the Governor's Office of Planning and Research distributed the Mitigated Negative Declaration to responsible agencies for a 30-day public review period, from November 18, 2016 to December 19, 2016 (State Clearinghouse No. 2016111054).

H. On December 7, 2016, the Environmental Review Board reviewed the project and Initial Study/Mitigated Negative Declaration (IS/MND) and provided recommendations.

I. On March 23, 2017, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-radius of the subject property.

J. On April 17, 2017, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Adoption of Mitigated Negative Declaration.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Department prepared an initial study (Initial Study No. 16-002) pursuant to CEQA Guidelines Section 15300.2(c). The initial study analyzed the proposed memorial park with chapel project and determined that with mitigation measures and standard conditions of approval, the proposed project will not have a significant impact on the environment; subsequently, Mitigated Negative Declaration No. 16-001 was prepared and circulated pursuant to CEQA Guidelines Section 15070.

On November 14, 2016, the City made Initial Study No. 16-002 and Mitigated Negative Declaration No. 16-001 available to the public for the required 30-day circulation period, which concluded on December 14, 2016. The State Clearinghouse closed its review period on December 19, 2016. A total of 19 pieces of correspondence were received during the public comment period, which were discussed in a Response to Comments (Section 2.0) added to the Final IS/MND. To make minor clarifications and corrections to the document, the Final IS/MND has also been updated with Section 3.0, Corrections and Additions.

Pursuant to CEQA Guidelines Section 15073.5, the IS/MND is not required to be recirculated as long as the document has not been substantially revised. A "substantial revision" occurs when a new avoidable significant effect is identified and mitigation measures or project revisions must be added to reduce the effect to insignificance, or the City determines the measures will not reduce the effect to

insignificant and new measures or revisions are required. No substantial revision has been made to the project.

The Planning Commission has considered MND No. 16-001 together with the comments received during the public review process. MND No. 16-001 reflects the independent judgment of the Planning Commission, and has been completed in compliance with CEQA, and is adequate for this project. The Planning Commission finds that the proposed project does not have the potential to significantly degrade the quality of the environment, nor does it have impacts which are individually limited but cumulatively considerable.

The Planning Commission further finds that through feasible conditions placed on the project, less than significant impacts on the environment are expected. Based on the record as a whole, there is no substantial evidence that the project, as conditioned, will have a significant effect on the environment.

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves Coastal Development Permit (CDP) No. 15-026, Variance (VAR) No. 16-016, Site Plan Review (SPR) No. 16-009, Minor Modification (MM) No. 16-010, Conditional Use Permit (CUP) No. 15-011 and Lot Merger (LM) No. 16-001 allow the construction of a new memorial park, including a new 6,000 square foot chapel with 673 square feet of ancillary spaces, 8,002 square foot subterranean parking lot and 1,346 square foot basement, 47 mausoleum structures with a maximum area of 200 square feet each for a total maximum of 9,400 square feet, approximately 28,265 in-ground burial plot spaces intermittently located throughout the property, 3,644 interments in above grade wall crypt structures, a circular driveway, parking lot, entry gates, grading, landscaping and exterior lighting, including VAR No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum allowed to cap the archaeological site, SPR No. 16-009 for height over 18 feet but less than 28 feet for the sloped roof of the chapel, MM No. 16-010 for mausoleums not to exceed a 50 percent front yard setback reduction, CUP No. 15-011 for the proposed memorial park and chapel in the subject zoning district, and LM No. 16-001 for consolidation of the three existing legal lots into one legal lot in the CV-2 zoning district located at 4000 Malibu Canyon Road (Green Acres, LLC).

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and onsite wastewater treatment requirements. With the inclusion of the proposed variances, the project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. The project consists of construction of a memorial park and chapel in the CV-2 zoning district. The project has been reviewed by Planning Department staff, City Biologist, City Environmental Health Administrator, City geotechnical staff, LACFD and City Public Works Department. Based on submitted reports, project plans, visual analysis and detailed site investigation, the proposed project, as mitigated and conditioned, conforms to the LCP in that it meets all applicable

commercial development standards, inclusive of the discretionary requests.

2. Evidence in the record demonstrates that as conditioned and with implementation of the mitigation measures, the project will not result in significant adverse impacts on sensitive biological, scenic or cultural resources. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment.

3. Evidence in the record demonstrates that the project will not impact the nearby monarch butterfly habitat. Therefore, the planting of new trees within the public right-of-way is not a necessary mitigation measure. The project has been designed to conform with the recommendations of the ERB to the maximum extent feasible.

B. Variance Findings for Grading (LIP Section 13.26.5)

1. Exceptional circumstances apply to the property in that it contains a sensitive archaeological area that is recommended for protection. Denial of the variance would preclude the applicant from implementing feasible mitigation that protects cultural resources while allowing use of the site.

2. The variance will allow for the placement of a three-foot deep cap over an archaeologically sensitive area. The project will not be injurious to the property or improvements in the vicinity in that the grading plan for the project is balanced and avoids truck trips and allows protection of a sensitive archaeological site.

3. Evidence in the record demonstrates that the additional grading allowed by the variance will not constitute a special privilege to the applicant or property owner.

4. The analysis presented in the agenda report demonstrates that the variance supports the general purposes and intent of LIP Chapter 13, as well as the goals objectives and policies of the LCP, the MMC and the General Plan.

5. The proposed use of a memorial park and chapel on the site is allowed pursuant to a conditional use permit approved by the Planning Commission, based on its determination in Planning Commission Resolution No. 15-89 made in accordance with MMC Section 17.04.050, that such use is similar to and no more objectionable than other conditionally permitted uses in the CV-2 zone.

6. The archaeologically sensitive resource conditions of the site justify the grading variance, which will prevent adverse impacts to any onsite resources by capping of the sensitive area with three feet of soil. With proper grading and engineering techniques, and the conditions of approval, the site will be physically suitable for the additional grading associated with capping the sensitive resources.

7. Implementation of the proposed grading design and the overall project plans will comply with all building code requirements and will incorporate all recommendations from applicable City department, consistent with State and local law.

C. Site Plan Review Findings (LIP Section 13.27.5(A))

1. The project consists of construction of a memorial park and chapel in the CV-2 zoning district. The project has been reviewed by Planning Department staff, City Biologist, City Environmental Health Administrator, City geotechnical staff, LACFD and City Public Works Department. Based on submitted reports, project plans, visual analysis and detailed site investigation, the proposed project, as mitigated and conditioned, conforms to the LCP in that it meets all applicable commercial development standards, inclusive of the proposed discretionary requests.

2. The visual analysis for the project demonstrates views of the chapel from scenic areas will be partially obstructed by topography, and existing and proposed landscaping. Overall, the project site is expected to have a park-like character similar to nearby Pepperdine Alumni Park and Malibu Bluffs Park, and be consistent with community character in that it will consist primarily of areas landscaped with native vegetation, with few structures.

3. No significant public views will be obstructed by the project. As conditioned and with implementation of the mitigation measures, the project provides maximum feasible protection to significant public views.

4. The project complies with all applicable requirements of State and local law.

5. The proposed chapel is sited on the flattest portion of the subject property in the interior of the site, 300 feet away from the nearest property line, and would not significantly alter the site's topographic features. The project is consistent with the General Plan and LCP.

6. There is no evidence that the proposed chapel roof height of up to 28 feet will have any adverse impacts on primary views from the main viewing area of any affected principal residence.

D. Minor Modification Findings (LIP Section 13.27.5(B))

1. As designed, conditioned and mitigated, the project is consistent with the LCP.

2. The minor modification of the front yard setback will not adversely affect neighborhood character in that all the mausoleums along Malibu Canyon Road will be at least 130 feet from the property line, and will be partially or completely obscured by landscaping and topography.

3. The proposed project will comply with all building code requirements and will incorporate all recommendations from applicable City departments, consistent with state and local law.

E. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

1. The tallest structure, the chapel, is sited in the interior of the site on the flattest part of the property where it is least visible from surrounding roads, and the mausoleums along PCH have been set back from the edge of the slope. The project is required to use colors and materials that blend with the surrounding natural environment, and to minimize exterior lighting, using low intensity features that are shielded and concealed to the maximum extent feasible. As designed and conditioned, the project will not have significant adverse scenic or visual impacts.

2. Mitigation measures require that the 47 mausoleums be processed with administrative plan reviews, including installation of story poles to ensure they will not be visible from PCH adjacent to the site or block bluewater views from Malibu Canyon Road. The visual analysis conducted by the IS/MND concluded that with mitigation, the project has less than significant effects on aesthetics.

3. The project, as conditioned, is the least environmentally feasible alternative.

4. There are no feasible alternatives to development that would avoid substantially lessen any significant adverse impacts on scenic of visual resources.

5. As conditioned and mitigated, development on the site will not have significant adverse impacts on scenic and visual resources.

F. Hazards (LIP Chapter 9)

1. The project, as conditioned, will incorporate all recommendations of the City geotechnical staff, City Public Works Department and LACFD. Therefore, the project, as proposed and conditioned, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

2. The project as designed, conditioned, and approved by the City Geologist, LACFD and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards due to the project design and conditions.

3. The project, as conditioned, is the least environmentally damaging alternative.

4. There are no alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

5. No significant adverse impacts to sensitive resources are expected.

G. Land Division (LIP Chapter 15)

A. All three parcels are under common ownership and the application proposes a voluntary merger that has been initiated by the property owner. The analysis in the agenda report demonstrates that the proposed merger is not inconsistent with any policy or standard of the LCP that protects sensitive resources, hillsides and visual resources of the coastal zone.

B. Section 5 of this Resolution requires the recordation of a legal description as required by the LIP. Upon submittal, the document shall be reviewed and approved by the City Engineer and recorded with the Los Angeles County Recorder's office.

H. Conditional Use Permit (MMC Section 17.66.080)

1. The project has been conditioned to comply with all applicable provisions of the MMC. The project includes trails, benches, scenic vistas and contemplation areas that are available to visitors.

2. The cemetery / memorial park is visitor-serving, for both visitors and residents, and also respects the rural character and natural environmental setting of Malibu consistent with MMC Section 17.28.010.

3. The subject site is suitable for the proposed use. No development will occur within the riparian ESHA and its associated buffer in the southeasterly corner of the site. The chapel has been sited so that required fuel modification will not encroach into sensitive biological resources, and construction avoids steep and unstable slopes, and the landslide area of the site. The project geotechnical consultant's recommendations will be incorporated to ensure site stability. A three-foot layer of soil will provide a cap to protect the sensitive archaeological area and ensure no crypt wall or mausoleum footings penetrate into native soils. With the project design and conditions of approval, the project site is physically suitable for the type of land use being proposed.

4. Overall, the project site is expected to have a park-like character similar to nearby Pepperdine Alumni Park and Bluffs Park, consisting primarily of areas landscaped with native vegetation, with few structures. Lighting will be aimed downward and fully shielded. With conditions of approval prohibit outdoor amplified music and onsite consumption of alcohol, except pursuant to a temporary use permit (TUP). TUPs are limited to six per year. Furthermore, the cultural resources conditions and mitigation measures protect the sensitive archaeological area of the site and any remaining subsurface resources. The project, as conditioned, is expected to be compatible with the surrounding neighborhood, and land uses presently on the site.

5. The proposed memorial park with chapel is similar to other uses allowed in the CV-2 district by right, such as equestrian/hiking trails, amphitheaters, and charitable/philanthropic activities within enclosed buildings, and by a conditional use permit, such as cultural and artistic uses, including performing arts venues, and parks, beaches and playgrounds. Conditions of approval control traffic circulation and parking, only allow one funeral or burial at a time, and restrict special events to those approved by a TUP. The proposed use will be compatible with the existing and future land uses within the zone district and surrounding area.

6. The analysis provided in the agenda report demonstrates that adequate provisions for water, sanitation, public utilities and services will be available to ensure the proposed use would not be detrimental to public health, safety and welfare, solar access and existing public and private views.

7. The project includes extensive improvements to the surrounding road network to enhance access and circulation, including the addition of trails and bike lanes, and a pedestrian refuge at PCH and Malibu Canyon Road. Conditions have also been included to manage traffic associated with heavily attended funerals or holidays, and funeral processions. The project operator will be required to monitor and log vehicular and visitor attendance and to report the information to the Planning Department. Should staff determine the use is exceeding the parking/traffic generation estimates, a review shall be scheduled before the Planning Commission. As conditioned and mitigated,

there would be adequate provisions for public access to serve the project.

8. The memorial park and chapel is a lower intensity commercial use that is consistent with the City's goals of maintaining a rural character. The project is expected to generate fewer impacts on the environment and fewer visual impacts and obstructions and to use fewer resources in its development and operation than other commercial uses. The proposed use is consistent with the goals, objectives and policies of the General Plan.

9. The resolution includes conditions of approval to require the project to be operated in accordance with all aspects of state law pertaining to cemeteries. Implementation of the project plans will comply with all building code requirements and will incorporate all recommendations from applicable City agencies, consistent with state and local law.

10. As conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare, and will provide a cemetery in the community where none currently exists, while also enhancing community and visitor access to scenic vistas and trails on the property. By State law, the project is required to have an endowment to fund ongoing property maintenance and upkeep.

11. City geotechnical staff have reviewed and approved the project, subject to conditions requiring implementation of the engineering design specifications included in the California Building Code and approved geotechnical report. As designed and conditioned, the proposed development will not be at risk from liquefaction, earth movement or flooding.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby adopts Initial Study No. 16-002 and Mitigated Negative Declaration No. 16-001 and approves CDP No. 15-026, VAR No. 16-016, SPR No. 16-009, MM No. 16-010, CUP No. 15-011 and LM No. 16-001, subject to the following conditions.

SECTION 5. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the following:

    a. Lot merger to merge three lots into one;
    b. 6,000 square foot chapel/assembly structure plus 673 square feet consisting of a kitchen and family grieving room, 28 feet in height, with an 8,002 square foot, 19-stall

subterranean garage and a 1,346 square foot basement with restrooms, storage and equipment rooms, and a casket lift to the main floor;

c. 47 freestanding mausoleum structures, each a maximum of 200 square feet, for a total of 9,400 square feet, and ranging in height from 12 to 14 feet, and a footprint of approximately 14 feet by 14 feet, located primarily in the south and east portions of the site;
d. Public mausoleum constructed below grade and open to the sky, located directly behind the chapel (does not consist of enclosed area or floor area);
e. Approximately 28,265 in-ground burial plot spaces ("lawn crypts") intermittently located throughout the property, consisting of single and double plots, lined with concrete vaults, designed to accommodate both people and pets;
f. Approximately 3,644 interments in above grade wall crypt structures, accommodating urns and caskets;
g. Driveway and surface parking for 157 vehicles and bicycle racks;
h. Divided driveway entrance with water features and lawn crypts;
i. Water features;
j. Walking trails and golf cart paths providing access to mausoleums and burial plots, benches and contemplation areas;
k. Landscaping;
l. Lighting;
m. Grading;
n. VAR No. 16-015 for non-exempt grading;
o. SPR No. 16-009 for construction of the chapel higher up to 28 feet with a sloped roof and 24 feet for flat portions of roof;
p. MM No. 16-010 to reduce the front yard setback from Malibu Canyon Road for the private mausoleums; and
q. CUP No. 15-026 for cemetery and memorial park/chapel use.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **April 7, 2017**. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.

5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the April 17, 2017 Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. *Recordation of the Lot Merger shall not constitute commencement of development for purposes of CDP expiration.* Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Geologist, City Biologist, City Public Works Department, and City Environmental Health Administrator, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

Mitigation Monitoring and Reporting Program

13. The project shall comply with all the mitigation measures included in the MMRP (Exhibit A) of the Initial Study/Mitigated Negative Declaration.

Site-Specific Conditions

14. The most northerly mausoleum along Malibu Canyon Road shall not be located closer than 130 feet to the property line, consistent with Minor Modification No 16-010.

15. The project plans shall include bicycle racks as required by MMC Section 17.50.030(B)(2)(c).

16. The onsite circulation shall be modified to provide a connection between the two sections of the divided driveway so drivers can circulate between them without having to exit the site.

17. The applicant shall submit engineered plans that demonstrate that the slope improvements associated with the right turn lane described in Condition No. 80 are feasible without requiring variances for construction on slopes or for retaining wall height, and that the slope improvements have less than significant scenic and visual impacts.

18. A construction management plan, including a traffic control plan and construction parking plan, shall be submitted for review and approval by the Public Works Department and the Planning Department prior to the issuance of a demolition, grading or building permits.

19. No signage is approved as part of this project (except as specified in the next condition). A separate sign permit shall be submitted in accordance with MMC Chapter 17.52 prior to installation of any sign.

20. Signage shall be posted for northbound drivers on Malibu Canyon Road to indicate that no U-Turn is allowed at the intersection with Seaver Drive.

21. Signage shall be posted on the project site to advise drivers to use the following route to reach PCH – right on Malibu Canyon Road, right on Civic Center Way, right on Webb Way to PCH.

Wastewater Treatment System and Recycled Water Conditions

22. The project shall not operate without a connection to the CCWTF. Prior to grading permit issuance, the applicant shall negotiate an agreement with the City to allow connection to Phase 1 of the CCWTF, if feasible based on studies performed by the CCWTF design and assessment engineers, and pay all required fees. If capacity is not available to join Phase 1, the project shall connect in Phase 2.

23. Prior to issuance of a grading permit, the applicant shall submit to the Planning Department an executed agreement with the City allowing connection to Phase 1 of the CCWTF, or it shall have obtained approval for connection to Phase 2 of the CCWTF.

24. Prior to issuance of a grading permit, the applicant shall obtain approval from the Public Works Department for connection to the CCWTF.

25. Pursuant to LIP Section 18.10(C), the project shall install all necessary plumbing and other improvements to allow the development to connect to reclaimed water lines when they are available and make the maximum feasible use of reclaimed water.

26. No certificate of occupancy shall be issued until the project has successfully connected to the CCWTF.

Operations

27. The grounds of the property, including the landscaped areas, walking trails and mausoleums, shall be open only between the hours of 7:00 a.m. to 9:00 p.m. daily. The chapel building shall only be open from 9:00 a.m. to 9:00 p.m. daily.

28. Exterior lighting shall be extinguished after close of business, except for minimal security lighting needed for public safety.

29. The grounds shall be made available to the public at no charge during the hours of operation identified in this resolution.

30. To minimize traffic impacts, all funeral processions shall be led by one or more licensed funeral escorts. The funeral escort shall manage procession route to expedite getting the procession off the streets efficiently and safely while minimizing disruption to local traffic. A funeral procession is a group of 12 vehicles or more organized to leave a different site, whether in or outside the City, to travel to the subject property. The funeral escort shall be licensed by the County of Los Angeles. At least one escort shall be provided for each 12 vehicles, with a minimum of two escorts.

31. In order to maximize available onsite parking, free onsite valet parking shall be provided on Memorial Day, and on other days when more than 176 vehicles are expected based on the monitoring described below or as required by other conditions of this resolution.

32. Funeral processions involving less than 12 vehicles may be scheduled between 10:00 a.m. and 2:00 p.m., Monday through Friday, or on weekends. During the summer months, weekend funeral processions shall occur between 9:00 a.m. and 12:00 noon. Funeral processions shall be scheduled a minimum of 30 minutes apart. No funeral processions shall be scheduled on the 4th of July holiday, Memorial Day weekend or Labor Day weekend.

33. Funeral processions or services/activities scheduled for a set time on the property involving more than 50 cars shall first obtain approval of a transportation management plan by the Public Works Department and Los Angeles County Sheriff which shall specify conditions for the safe and orderly flow of traffic, pedestrian movement and parking, and may include, but not be limited to, an evaluation of site access, parking, valet staging, temporary onsite parking, usage of shuttles, routing information, a traffic control plan and traffic control/security personnel.

34. Events, services and activities at the project site, other than public use of trails and contemplation areas, shall not overlap.

35. The chapel building and grounds shall not be rented for uses than memorial service uses or interments, unless pursuant to a TUP.

36. Events or services and burials that would occur outside the normal operating hours listed above, or would include lighting in excess of the lighting conditions of this resolution, music or noise, or would draw visitors in excess of the site's 176-space parking capacity, or would otherwise meet the definition of a temporary use under MMC Chapter 17.68 shall require the property owner to obtain a TUP. No more than six TUPs per year are allowed for the property.

37. No amplified outdoor music and no consumption of alcohol shall be allowed on the property, except pursuant to a TUP.

38. At all times, the property shall be operated in accordance with state statutes and regulations pertaining to cemeteries.

39. Prior to final project sign off, the applicant shall provide proof of satisfying state endowment requirements.

40. Prior to final project sign off, the applicant shall record a burial plot map with the County of Los Angeles.

41. The covenant, conditions and restrictions (CC&Rs) required by the property owner for the sale of burial plots and interment spaces shall include an acknowledgement by the buyer that the property grounds will be open to the public as a visitor-serving space for passive recreation and the conditions of this resolution.

Monitoring

42. In order to determine if the conditions of approval, particularly for parking and traffic management, are working effectively, the property owner/operator shall monitor and keep a record of the number of visitors to the chapel and the grounds, the number of vehicles, the number of services in the chapel and people onsite for each (employees and all attendees), staffing levels, the number of interments that occur on the site, number of processions (dates, times, number of vehicles) for each day of the year. Monitoring shall be ongoing.

43. The property owner/operator shall submit the monitoring log to the City on an annual basis for review of the use's parking operations and traffic generation. Should staff determine that the use is exceeding the anticipated parking/traffic generation estimates, a review shall be scheduled before the Planning Commission.

Cultural Resources

44. In lieu of the standard conditions of approval for cultural resources protection, the mitigation measures of the MMRP shall apply.

45. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These require notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Private Mausoleums

46. Each private mausoleum shall be processed as an administrative plan review pursuant to MMC Section 17.62.030 and shall require installation of story poles and siting as described in MM LP-1 and LP-2.

Colors and Materials

47. The project is visible from scenic roads or public viewing areas and shall incorporate colors and materials that are compatible with the surrounding landscape.

    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
    b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    c. All windows shall be comprised of non-glare glass.

48. Retaining walls visible from beaches or public viewing areas shall incorporate veneers, texturing and/or colors to blend with the surrounding earth materials. The colors shall be reviewed and approved by the Planning Director and clearly indicated on the grading and building plans.

49. Driveways that are visible from a scenic highway, a public viewing area, or public hiking trail shall be a neutral color that blends with the surrounding landforms and vegetation.

50. Decorative objects may be placed on the property provided they do not exceed six feet in height and abide by the setback requirements of the LCP and MMC.

51. Any headstones shall be flush with the ground.

Water Features

52. Onsite noise, including that which emanates from pool, spa and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).

53. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

    a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
    b. There are sufficient BMPs in place to prevent soil erosion; and
    c. The discharge does not reach into the MS4 or to the ASBS (including tributaries)

    Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

    The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating "It is illegal to discharge pool, spa or water feature waters to a street,

drainage course or storm drain per MMC Section 13.04.060(D)(5)." The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

54. All mechanical equipment installed above-grade shall be a minimum of three feet from all property lines and screened from view by a solid wall or fence on all four sides in conformance with the maximum fence/wall heights if within the required setbacks.

Lighting

55. Exterior lighting shall be minimized and restricted to low intensity features, shielded, and concealed so that no light source is directly visible from public viewing areas. Permitted lighting shall conform to the following standards:
    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes and the up-lighting of landscaping is prohibited.

56. No permanently installed lighting shall blink, flash, or be of usually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property shall not produce an illumination level greater than one foot candle.

57. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting.

Environmental Review Board

58. The landscaping plan should be revised to remove non-native plants such as *Myoporum parvifolium* and native vegetation such as deer grass and giant wild rye should be used instead. The plantings should be verified to be Argentine ant-free before they are transported to the site.

59. The landscaping and irrigation plans should be revised to provide a 10 to 20-foot wide transitional area between the irrigated landscaping and the natural vegetation to remain onsite to minimize adverse impacts to wildlife species and to reduce the potential impacts of Argentine ants.

60. In addition to a qualified archaeologist, the Native American monitor should be involved in the training of construction personnel prior to the start of ground-disturbing activities. A pre-ground

disturbance meeting should be conducted to allow the monitors and archaeologist time to review the cultural resources reports for the property. *(Incorporated into MMRP)*

61. The developer should designate an area onsite for the potential relocation of human remains, should any be found within the development area during the construction phase of the project, where in place preservation is not feasible. *(Incorporated into MMRP)*

62. The developer should plant 6 to 12 oak trees along the northerly property line (Civic Center Way) as a wildfire abatement measure while avoiding adverse impacts to onsite sensitive habitats.

63. The developer should conduct a nesting bird survey before eucalyptus and other tree removal. *(See MM BIO-5)*

Biology/Landscaping

64. Pursuant to MMC Section 9.22.090(B):
    a. Irrigation systems shall be designed, constructed and managed to maximize overall irrigation efficiency, and to meet the MAWA.
    b. Irrigation systems shall be designed to prevent runoff, overspray, low-head drainage, and other similar conditions where irrigation water flows or sprays on to areas not intended for irrigation and not part of the parcel's landscape area, such as walkways, driveways, roadways, neighboring properties or the public right-of-way.
    c. Irrigation systems (valve systems, piping and pressure regulators) shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping.
    d. An automatic irrigation system is required and shall include a weather-based irrigation controller, including a rain shut-off sensor.
    e. Areas less than eight feet wide shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing overspray onto adjacent surfaces.
    f. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement. Overhead sprays shall be set back a minimum of twenty-four (24) inches from non-pervious surfaces.
    g. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.
    h. Pressure regulators may be required on the irrigation system as determined by the Los Angeles County Waterworks District No. 29.
    i. Installation of a separate landscape water meter is encouraged where feasible to facilitate water management.
    j. Nonpotable and Recycled Water. The irrigation system shall be designed, installed and operated in compliance with state and local laws, requirements and regulations applicable to the nonpotable water use. The local water agency shall provide the customer with applicable conditions for the use of nonpotable water within its jurisdiction.

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

66. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

67. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

68. Invasive plant species, as determined by the City of Malibu, are prohibited.

69. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).

70. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

71. Grading should be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct grading activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

72. Grading/excavation/vegetation removal scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.

73. All street frontage trees and shrubs over 36 inches in height shall be limited to species native to the Santa Monica Mountains. This will result in the removal, move or change to native species of three camphor trees, three magnolia trees and four proposed topiaries.

74. The landscape plan shall be revised to relocate all trees outside the capped archaeologically sensitive area.

75. Prior to building grading permit issuance, the applicant shall provide a detailed landscape plan illustrating all of the required changes.

Geology

76. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City Geologist shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and

approved by the City Geologist prior to the issuance of a grading permit.

77. Final plans approved by the City Geologist shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require amendment of the CDP or a new CDP.

Public Works – Street Improvements

78. This project proposes to construct improvements within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City's right-of-way.

79. This project proposes to construct a new driveway within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed driveway. The driveway shall be constructed of either 6-inches of concrete over 4-inch of aggregate base, or 4-inches of asphalt concrete over 6-inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

80. The applicant shall improve PCH and Malibu Canyon Road with the following items:
    a. The proposed right turn lane (PCH and Malibu Canyon Road) shall be 640 feet long with a 120-foot transition. The improvements shall include a 4-foot bike lane and a 4-foot shoulder.
    b. Construct a new Caltrans' refuge area at the existing crosswalk at the intersection of PCH & Malibu Canyon Road.
    c. Dedicate a minimum of 13 feet at this location for these improvements. Applicant shall coordinate the amount of dedication from Caltrans.
    d. The improvements shall also consist of installing a new curb per the Caltrans Standard Plans No. A87B. The new pavement section shall be in accordance with Caltrans Design Manual or recommended by a soil engineer.

    The improvement plans must be approved prior to the issuance of any permits. The improvements must be completed prior to the issuance of occupancy or final acceptance.

81. The applicant shall improve PCH and Webb Way with the following items:

    a. Install dual eastbound left turn lanes on PCH and Webb Way per Caltrans Standards.

    The improvement plans must be approved prior to the issuance of any permits. The improvements must be completed prior to the issuance of occupancy or final acceptance.

82. The applicant shall improve Malibu Canyon Road with the following items:

    a. Modifying the existing northbound traffic lanes to provide two northbound 12-foot travel lanes, Class 2, 6-foot bike lane, and 10-foot parking.

b. Modifying the existing southbound traffic lanes to provide two southbound 12-foot travel lanes, Class 2, 6-foot bike lane, and 10-foot parking.
c. Proposed left turn lane southbound on Malibu Canyon Road shall be 12 feet minimum. The proposed left turn lane shall be designed in conformance with the Caltrans Design Standards.
d. Install a 5-foot meandering concrete sidewalk. The concrete sidewalk shall be 4 inches (520-C-2500) with 4 inches of fill with sand equivalent 20 or higher compacted to 90%.
e. The existing southbound left turn lane onto PCH shall at minimum maintain the existing pocket length.
f. The existing southbound left-through lane and right turn lane onto PCH shall at minimum maintain the existing striping length(s).
g. The existing and proposed left turn lane transition median lengths shall be designed to conform to Caltrans Design Standards. The existing and proposed center median shall be raised.
h. The proposed driveway entrance and exit centerline shall be relocated 40 feet north of the proposed location.
i. If applicable, new asphalt concrete shall be placed to match the existing slopes and grades. The asphalt concrete structural section shall match existing plus one inch.
j. Please provide a safe access to PCH when vehicles are exiting the project site.

83. All improvements within the City's right-of-way including street improvements must be approved and in place prior to the issuance of any Building permits.

84. The applicant shall improve Civic Center Way with the following items:

a. Modifying the existing traffic lanes to provide two 12-foot travel lanes, and 6-foot bike lane.
b. Install new concrete curb and gutter per APWA Std. Plan 120-1, Case A2.
c. Install an 8-foot concrete sidewalk. The concrete sidewalk shall be 4 inches (520-C-2500) with 4 inches of fill with sand equivalent 20 or higher compacted to 90%.
d. New curb return at the intersection of Malibu Canyon Road Civic Center Way along with new curb ramp(s) per APWA Std. Plan 111-3.

The improvement plans must be approved prior to the issuance of any permits. The improvements must be completed prior to the issuance of occupancy or final acceptance.

Public Works - Grading and Drainage

85. Prior to final approval of the grading permit, the applicant shall demonstrate to the satisfaction of the Planning Director that the spoils from the unpermitted dumping that occurred on the site have been removed.

86. Grading permits shall not be issued between November 1 and March 31 of each year per LIP Section 8.4 and Section 17.2.1. Projects approved for grading shall not receive grading permits unless the project can be rough graded before November 1. A note shall be placed on the project plans that address this condition.

87. A grading and drainage plan containing the following information shall be submitted to the Public Works Department for approval, prior to the issuance of grading permits for the project:

a. Public Works Department General Notes;
b. The existing and proposed square footage of impervious coverage on the property (including separate areas for buildings, driveways, walkways, parking, as applicable);
c. The limits of land to be disturbed during project development shall be delineated, and a total area, to include areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for installation of the detention system, as applicable;
d. Grading limits, including the temporary cuts made for retaining walls, buttresses and over-excavations for fill slopes;
e. If the property contains trees that are to be protected they shall be highlighted on the grading plan.
f. If the property contains rare and endangered species as identified in the Resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
g. Private storm drain systems, with systems greater than 12 inch diameter to include a plan and profile; and
h. Public storm drain modifications, which shall be approved by the Public Works Department prior to the issuance of the grading permit.

88. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits and post-construction BMPs shall be submitted to the Public Works Department prior to grading or building permit issuance. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public street and any drainage easements.

89. The applicant shall label all City/County storm drain inlets within 250 feet of each property lien per the City of Malibu's standard label template. A note shall be placed on the project plans to address this condition.

90. During project operations, stockpiles from burial site excavation shall not be maintained permanently onsite, but shall be periodically exported from the site to ensure the contours on the final approved grading plan are maintained. The stockpiles shall be screened from view from scenic roads and public viewing areas and shall be covered or otherwise maintained to be protected from wind and erosion.

Public Works – Stormwater

91. Prior to the approval of any permits and prior to the applicant submitting the required Construction General Permit documents to the State Water Quality Control Board, the applicant shall submit to the Public Works Department for review and approval an Erosion and Sediment

Control Plan (ESCP). The ESCP shall contain appropriate site-specific construction site BMPs and developed and certified by a Qualified SWPPP Developer (QWD). All structural BMPs must be designed by a licensed California Engineer. The ESCP must address the following elements:

a. Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area.
b. Methods used to protect native vegetation and trees.
c. Sediment/Erosion Control.
d. Controls to prevent tracking on and off the site.
e. Non-storm water controls.
f. Material management (delivery and storage).
g. Spill Prevention and Control.
h. Waste Management
i. Identification of site Risk Level as identified per the requirements in Appendix 1 of the Construction General Permit.
j. Landowner must sign the following statement on the ESCP:

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

92. A State Construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.

93. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control BMPs that have been implemented in the design of the project (See LIP Section 17, Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the Grading/Building permits for this project.

94. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The

WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

a. Site Design Best Management Practices (BMPs)
b. Source Control BMPs
c. Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
d. Drainage Improvements
e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure.
f. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
g. The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMPs, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original singed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

95. All commercial developments shall be designed to control the runoff of pollutants from structures, parking and loading docks. The following minimum measures shall be implemented to minimize the impacts of commercial developments on water quality:

a. Properly designed Parking lots (5,000 square feet of impervious surface or 25 parking spaces.)
    i. Minimize impervious surfacing for parking area.
    ii. Infiltrate runoff before it reaches a storm drain system.
    iii. Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used.
    iv. Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal and system fouling and plugging prevention control.

96. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

Fire Department

97. The project requires LACFD plan review and approval prior to the issuance of grading permits.

98. A final Fuel Modification Plan approval is required prior to final Fire Department approval.

Water Service

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

Deed Restrictions

100. Prior to final planning approval, the property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning approval.

101. Prior to final Planning approval, the applicant is required to execute and record a deed restriction reflecting lighting requirements set forth in the *Lighting* conditions listed above. The applicant shall provide a copy of the recorded document to Planning Department staff prior to final Planning approval.

Construction / Framing

102. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

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

104. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

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

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

107. When framing of the chapel structure is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

Prior to Final Sign-Off

108. Prior to final approval, the City Biologist shall inspect the project site and determine that all planning conditions have been implemented to protect natural resources in compliance with approved plans and this resolution.

109. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental and Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.

110. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Fixed Conditions

111. This coastal development permit shall run with the land and bind all future owners of the property.

112. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 17th day of April 2017.

JOHN MAZZA, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program LIP Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 17-17 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 17th day of April 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary

EXHIBIT A

MALIBU MEMORIAL PARK MITIGATION MONITORING AND REPORTING PROGRAM

PURPOSE

This section of the Mitigated Negative Declaration provides the Mitigation Monitoring and Reporting Program (MMRP) that would be used to monitor the implementation of the mitigation measures adopted for the Malibu Memorial Park project.

INTRODUCTION

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with development projects. However, simply adopting these measures in not adequate under state law. Lead agencies are also required to adopt a program that will be used to ensure that the mitigation measures are, in fact, implemented. The requirements for mitigation monitoring or reporting are codified in Section 15097 of the *State CEQA Guidelines.*

The Final IS/MND for the Malibu Memorial Park project identifies project-specific mitigation measures to reduce the potentially significant impacts of the project as proposed. Following adoption of the Final IS/MND and approval of this MMRP by the City of Malibu, the project-specific mitigation measures identified in the Final IS/MND would be implemented and monitored as described in this MMRP.

LIST OF MITIGATION MEASURES

The mitigation measures adopted for the Malibu Memorial Park project are listed in the following table along with the action required, the timing for implementation of each measure, the parties responsible for monitoring the mitigation measure and the parties responsible for implementing the mitigation measure.

Malibu Memorial Park
Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources			
BIO-1 All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub and foothill needlegrass patches as identified on the Updated Biological Inventory Report, dated November 18, 2015, including the removal, conversion, or modification of these natural habitats for new development and required fuel modification. The Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property must remain in place to offset the adverse impacts to sensitive habitat areas.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall prepare a detailed habitat restoration plan, subject to the approval of the City Biologist and the City Planning Director *- or -* • The project applicant shall provide evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts subject to the approval of the City Biologist and the City of Malibu Planning Director	• Prior to issuance of grading permit and coastal development permit	• City of Malibu Planning Department • City Biologist

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Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
BIO-2 Prior to vegetation clearance / ground disturbance, a qualified botanist must conduct seasonal plant surveys. Surveys should be conducted during the blooming periods of special-status species with the potential to occur on-site (typically up to three surveys between March and July). Rare plant surveys shall be conducted in accordance with CNPS and CDFW protocol.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified botanist shall conduct seasonal plant surveys in accordance with CNPS and CDFW protocol and prepare a detailed report, subject to the approval of the City Biologist and the City of Malibu Planning Director	• Prior to issuance of grading permit and coastal development permit	• City of Malibu Planning Department • City Biologist

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Mitigation Measure	Action Required	Timing	Monitoring Responsibility
BIO-3 Should rare or special status plant species be discovered during the surveys, a recovery/transplant and revegetation plan shall be prepared and implemented in the event site design could not avoided as determined by the Planning Director. Otherwise, such area should be fenced off and protected. Alternatively, in lieu fees for conserved habitat in the Santa Monica Mountains suitable for the species found may be provided at a mitigation ratio of 5 to 1 for the on-site occupied habitat.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified botanist shall prepare a detailed recovery /transplant and revegetation plan, subject to the approval of the City Biologist and the City Planning Director *- or -* • The project applicant shall provide evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate impacts subject to the approval of the City Biologist and the City of Malibu Planning Director	• Prior to issuance of grading permit and coastal development permit • During Project Construction	• City of Malibu Planning Department • City Biologist

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Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
BIO-4 Grading and fuel modification scheduled between February 1 and August 30 shall require nesting bird surveys by a qualified biologist five (5) days prior to initiation of these activities. Should active nests be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal or demolition on the site.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall prepare nesting bird survey reports • Review and approval of nesting bird survey reports. • Field verify that sufficient space is given to nesting birds (if necessary)	• Pre-Construction • During Construction	• City of Malibu Planning Department • City Biologist • Construction Manager

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Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
BIO-5 A qualified biologist (with a valid Scientific Collecting Permit) shall conduct focused surveys for any special-status wildlife species present on-site prior to any site disturbance. The focused surveys shall be conducted five (5) days prior to any activity on-site requiring grading, vegetation removal, etc. Should any resident special-status wildlife species be detected on-site, the surveying biologist, with concurrence from California Department of Fish and Wildlife (CDFW), shall make every effort to capture the animal and relocate it away from the project area and to any predetermined suitable habitat directed by CDFW.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall conduct focused surveys for any special-status wildlife species in accordance with CDFW protocol and prepare a detailed report, subject to the approval of the City Biologist and the City of Malibu Planning Director. • Should any resident special-status wildlife species be detected on-site, the surveying biologist, with concurrence from CDFW, shall make every effort to capture the animal and relocate it away from the project area and to any predetermined suitable habitat directed by CDFW.	• Pre-Construction • During Construction	• City of Malibu Planning Department • City Biologist • Construction Manager

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Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
BIO-6 Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be used around limits of special habitat and special status plant species within or adjacent to the construction area that may be disturbed during construction or grading activities. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Protective fencing shall be installed around limits of special habitat and special status plant species within or adjacent to the construction area that may be disturbed during construction or grading activities.	• Pre-Construction • During Construction	• City of Malibu Planning Department • City Biologist • Construction Manager
Cultural Resources			
CR-1: Prior to the issuance of a grading permit and the start of ground-disturbing activities, the project applicant shall retain a qualified archaeologist (Qualified Archaeologist) meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) who is also qualified to evaluate the types of resources that may be encountered, and a Native American Monitor, approved by the City and the project applicant, to carry out all mitigation described in **CR-3** through **CR-7**. The Qualified Archaeologist and the Native American Monitor shall be retained far enough in advance of the required sensitivity training for all construction personnel (per Mitigation Measure **CR-2**), but no less than 10 days prior to the training, so as to allow sufficient time for them to thoroughly review the cultural resource reports for the property.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • The project Applicant shall retain a qualified archaeologist, and a Native American Monitor, subject to approved by the City Planning Director	• Pre-Construction • During Construction	• City of Malibu Planning Department

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Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)			
CR-2: Prior to the start of ground-disturbing activities, the Qualified Archaeologist and the Native American Monitor shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The training shall also include safety procedures for working with archaeological and Native American monitors. The project applicant shall ensure that all construction personnel are made available for and attend the training, and shall retain documentation demonstrating attendance.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • The Qualified Archaeologist shall conduct cultural resources sensitivity training for all construction personnel.	• Pre-construction • During Construction	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager
CR-3: The entire CA-LAN-266 area identified as sensitive (see Ehringer and Vader, 2016) must be capped with a layer of fill soil of sufficient depth to accommodate the footings of the proposed private mausoleums and above grade crypt structures plus an additional foot of clearance. No other development that would impact the subsurface portions of this area below the capped soil is permitted. Soil capping performed within this area must be monitored by a qualified archaeologist and the Native American monitor to ensure that the subsurface soils are not disturbed.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • The entire CA-LAN-266 area shall be capped with a layer of fill soil. • Soil capping operations shall be monitored by a qualified archaeologist and Native American monitor.	• During Construction	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

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Mitigation Measure	Action Required	Timing	Monitoring Responsibility
CR-4: Archaeological and Native American monitoring shall be conducted for all ground-disturbing activities for all ground disturbances at all depths across the project area. The monitors shall observe the ground-disturbing activities and shall have the authority to redirect such activity to investigate potential archaeological resources discoveries. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent ground disturbances would impact the resource, the provisions of **CR-6** (Inadvertent Discoveries) shall apply. The Native American monitor, in coordination with the Qualified Archaeologist, may recommend that monitoring be reduced or discontinued in certain portions of the project site other than in site CA-LAN-266, if observations of soil conditions indicate a low likelihood of encountering archaeological resources. The archaeological monitor shall keep daily logs detailing the types of activities and soils observed, and any discoveries made. After monitoring has been completed, a monitoring report shall be prepared by a qualified expert that details the results of monitoring (including monitoring conducted as part of **CR-3**) and an accompanying sensitivity map that documents: (1) areas where soil excavations have exceeded the maximum depth of future burial plots; (2) areas where the Qualified Archaeologist has determined that, based on observations during monitoring, there is a low likelihood of encountering archaeological resources; and (3) areas where there is the potential for subsurface archaeological resources. The map shall be used as a tool by which to guide the need for monitoring during ground disturbance associated with plot preparation as described in **CR-5** (Archaeological Monitoring During Plot Preparation). The report and accompanying sensitivity map shall be submitted to the City, the project applicant, the South Central Coastal Information Center (SCCIC), and any Native American groups who request a copy, as directed by the City.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • On-going ground disturbing operations shall be monitored by a qualified archaeologist and Native American monitor. • Preparation of daily logs and an accompanying sensitivity map that identify locations where the monitoring took place and a description of observations. The logs shall be kept on file with the City and the project applicant.	• During Construction • During Project Operation during all ground disturbing activities.	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

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Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)			
CR-5: During the operations phase of the project, archaeological and Native American monitoring shall occur during excavation of all burial plots and any other ground disturbing activities occurring in those areas identified on the sensitivity map (being prepared as described in CR-4) as remaining sensitive for the potential for subsurface archaeological resources to be encountered. No monitoring would occur in areas where ground disturbance during the construction phase of the project has exceeded the maximum depth of the planned burial plot or other planned ground disturbance; or where during the construction phase of the project the Qualified Archaeologist determined soils of low likelihood for encountering archaeological resources with the exception of site CA-LAN-266. The archaeological monitor shall inspect the soil and shall have the authority to halt ground disturbing activities to investigate potential archaeological resource discoveries during plot preparation. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent excavation would impact the resource, excavation shall be redirected and the provisions of CR-6 (Inadvertent Discoveries) shall apply. Following the monitoring of each burial plot excavation or other planned ground disturbance, the Qualified Archaeologist shall prepare a brief memorandum that identifies the location where the monitoring took place and a description of observations. The memoranda shall be kept on file with the City and the project applicant. Participation of a Native American monitor during ground disturbing activities associated with plot preparation shall be determined through consultation amongst the City, qualified tribal representatives as documented on listings provided by the Native American Heritage Commission, and the project applicant.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • On-going monitoring of each burial plot excavation or other planned ground disturbance. • Preparation of brief memoranda that identify locations where the monitoring took place and a description of observations. The memoranda shall be kept on file with the City and the project applicant.	• During Project Operation during excavation of all burial plots and any other ground disturbing activities occurring in those areas identified on the sensitivity map.	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor

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Mitigation Measure		Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)				
CR-6	In the event of the discovery of potentially significant archaeological resources, in any circumstance including those outlined in **CR-3**, **CR-4**, and **CR-6**, the project applicant shall immediately cease all work activities in the area (within approximately 50 feet) of the discovery until an Archaeological Resources Testing Plan (Testing Plan) is developed by the Qualified Archaeologist in consultation with the project applicant, the qualified tribal representatives, and the City. The Testing Plan shall be completed within 48 hours of the discovery, shall be approved by the City, and shall address the methods of determining the extent and contents of the resource, and a research context in which the resource's significance would be evaluated. Potentially significant archaeological resources shall be avoided until the Testing Plan is implemented and completed and until such a time when a course of action on whether the resource does or does not require further treatment is developed and agreed to by the project applicant, the City, and the qualified tribal representatives, in coordination with the Qualified Archaeologist. A reduction in the buffer zone may also be considered, if agreed to by these same parties. If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. If preservation in place is determined to be a feasible method by which to mitigate impacts to the resource, an Archaeological Resources Preservation Plan shall be developed in coordination with the qualified archaeologist, the project applicant, the qualified tribal representatives, and approved by the City. To ensure future work does not impact the resource, appropriate measures shall be taken that may include permit conditions. In the event that preservation in place is demonstrated to be infeasible, the capping as outlined in **CR-3** may be used to protect the resource, provided such project change is consistent with applicable design and development standards. The Applicant shall bear the cost of this mitigation.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Confirm that any cultural resources uncovered during construction or operation of the project are evaluated and treated in accordance with recommendations of the Qualified Archaeologist and Native American Monitor.	• During Construction and Project Operation during excavation of all burial plots and any other ground disturbing activities.	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

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Mitigation Measure		Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)				
CR-7	If human remains are encountered, the project applicant shall halt work in the vicinity (within 100 feet) of the find and contact the Los Angeles County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) shall be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code Section 5097.98 (as amended by AB 2641). The NAHC shall designate a Most Likely Descendant (MLD) for the remains per Public Resources Code Section 5097.98. Until the landowner has conferred with the MLD, the project applicant shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials. Relocation of the burials following consultations with the designated MLD may be an alternative action. In all instances Native American concerns and subsequent treatment of any human remains shall be handled with the utmost respect, with the understanding that these remains are sacred.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Confirm that any human remains are uncovered during construction are handled in accordance with applicable regulations, as proscribed in this measure.	• During Construction and Project Operation during excavation of all burial plots and any other ground disturbing activities.	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager
Land Use and Planning				
LP-1:	Prior to the issuance of a building permit for any of the mausoleums located within 100 feet from the top of the slope adjacent to Pacific Coast Highway, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid visibility from motorists traveling on Pacific Coast Highway from any vantage point immediately adjacent to the subject property to the satisfaction of the Planning Director.	• Confirm design and project specifications incorporate the required restrictions • Install story poles on the subject property to the satisfaction of the Planning Director.	• Design • Pre-Construction	• City of Malibu Planning Department • City of Malibu Building Department • City of Malibu Public Works Department • Construction Manager
LP-2	Prior to the issuance of a building permit for any of the mausoleums, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid any obstruction to bluewater views from motorists traveling on Malibu Canyon Road from any vantage point along Malibu Canyon Road to the satisfaction of the Planning Director.	• Confirm design and project specifications incorporate the required restrictions • Install story poles on the subject property to the satisfaction of the Planning Director.	• Design • Pre-Construction	• City of Malibu Planning Department • City of Malibu Building Department • City of Malibu Public Works Department • Construction Manager

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	Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Noise				
NOI-1	Heavy duty trucks accessing the project site, including refrigerator, refuse, recycling, and street cleaning vehicles shall be restricted to daytime and evening operating hours (7:00 AM to 10:00 PM).	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Field verify that project is in compliance with mitigation measure requirements.	• Pre-Construction • During Construction • During Project Operation	• City of Malibu Planning Department • City of Malibu Public Works Department • Construction Manager • Development Manager
NOI-2	In accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G, the use of backhoes and other heavy construction equipment on-site during the operation of the proposed project shall be restricted to daytime and evening hours (7:00 AM to 7:00 PM). Such activity shall be prohibited during nighttime hours (7:00 PM to 7:00 AM).	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements.	• Pre-Construction • During Construction	• City of Malibu Public Works Department • Construction Manager
NOI-3	The project contractor shall use demolition and construction methods not involving impact, where possible. The following shall be included as notes on the project plans: • Pile drivers, packers, clam shovel drops, hydromills, vibratory rollers, and other major sources of vibration should not be used during construction of the proposed project. • When feasible, non-impact demolition and construction methods, such as saw or torch cutting and removal for off-site demolition, chemical splitting, and hydraulic jack splitting, shall be used instead of high impact methods. • Construction activities that produce vibration (e.g., demolition, excavation, earthmoving and ground impacting), shall be sequenced so that the vibration sources do not operate simultaneously. • Rubber-tired construction equipment shall be in used in place of steel-track equipment whenever possible.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements.	• Pre-Construction • During Construction	• City of Malibu Public Works Department • Construction Manager

Resolution No 17-17
Page 38 of 40

	Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Noise (continued)				
NOI-4	The construction contractor shall avoid using high vibration construction equipment (e.g., large bulldozers) within eight feet of the eastern property line, whenever possible.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements.	• Pre-Construction • During Construction	• City of Malibu Public Works Department • Construction Manager
Public Services – Sheriff Protection				
PS-1	Prior to issuance of a grading permit, the applicant shall submit to the County Sheriff for review and approval project plans including site design, landscaping, building access and visibility, street circulation, building design and defensible space.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Submit project plans to the County Sheriff for review and approval	• Pre-Construction	• City of Malibu Planning Department • County Sheriff's Department

Resolution No 17-17
Page 39 of 40

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Transportation and Traffic			
TR-1: The project applicant shall fund the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way. Prior to construction, all applicable permits shall be obtained from Caltrans. **Figure 13, Conceptual Traffic Mitigation, Webb Way & Pacific Coast Highway,** illustrates the design of the PCH intersection improvements. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection of the project site. Alternatively, should the design exception not be approved, the project applicant shall provide sufficient, proportional funds to Caltrans to widen the southern side of PCH at this intersection. In the event of this occurrence, the applicant would be required to obtain separate permits and undergo a separate environmental review for the highway widening.	• Confirm design and specifications incorporate requirements of the mitigation measure. • Verify pro-rata share of the improvement costs have been received by the City of Malibu prior to the issuance of building permits. • Verify that the improvements have been constructed prior to final Planning Department inspection.	• Pre-Construction • Prior to the issuance of building permits • Prior to final Planning Department inspection	• City of Malibu Planning Department • City of Malibu Public Works Department • Construction Manager
TR-2: The property owner and/or operator shall implement the following measures during the ongoing operation of the memorial park: 1. Schedule truck trips for the export of soil related to the burials during off-peak traffic hours; 2. Stockpiles shall be limited to locations that will be pre-determined by the Planning Director where it would avoid visual impacts; and 3. Dust control measures must be in place for the stockpiles.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Field verify that project is in compliance with mitigation measure requirements.	• During Project Operation	• City of Malibu Planning Department • City of Malibu Public Works Department • Development Manager

Resolution No 17-17
Page 40 of 40

Development Consultant:
Project Delivery Analysts, LLC
14342 Shawnee Street
Moorpark, CA 93021
Phone: (805) 298-6570
Fax: (805) 552-0046
Bruce McBride,
Jake Jesson, Asst. P.M., Green Acres

Architecture:
Burdge & Associates, Architects
21235 Pacific Coast Highway
Malibu, CA 90265
Phone: (310) 456-5905
Fax: (310) 456-7175
Architect: Doug Burdge, AIA

Archeology:
Environmental Science Associates
21650 Oxnard Street, Suite 1680
Woodland Hills, CA
Phone: (310) 971-1500
Office: (818) 703-8600
Mitchell Marken, PHD,

M.P. Design Consultant:
Cemetery Planning, Inc.
4624 Avenida del Cazador
Tucson, AZ
Phone: (520) 623-0503
Dwight Lind,

M.P. Planning Consultant:
Johnson Consulting Group
8095 North 85th Way
Phoenix, AZ 85258
Phone: (619) 239-3328
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Civil Engineer:
Psomas
11444 W. Olympic Blvd, Suite 750
Los Angeles, CA 90064
Phone: (310) 954-3700
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Albert Prieto,

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GeoSoils Consultants, Inc
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Fax: (818) 785-1548
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Karen Miller,

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Place Landscaping
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Fax: (310) 450-8141
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Atomic Irrigation
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Overland Traffic Consultants,
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Fax: (661) 799-8456
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Liz Culhane,

Biological Consultant:
Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, CA 93003
Phone: (805) 644-4455
Fax: (805) 644-4240
Felicia Griego,
Duane Vander Pluym,

Hydrogeologist:
Earth Forensics, Inc.
12532 Vista Panorama
North Tustin, CA 92705
Phone: (714) 296-4055
Richard Laton,

Geologist:
GeoConcepts
14428 Hamlin Street, Suite 200
Van Nuys, CA 91401
Phone: (818) 994-8895
Fax: (818) 994-8599
Robert Sousa,
Scott Walter,

Native American Monitor:
Native American Monitoring Group
1931 Shadybrook Drive
Thousand Oaks, CA 91362
Phone: (805) 492-7255
Fax: (805) 492-0350
Beverly Salazar-Folkes,

Land Use Consultant:
Schmitz & Associates, Inc.
5234 Chesboro Road, Suite 200
Agoura Hills, CA 91301
Phone: (818) 338-3636
Fax: (818) 338-3423
Don Schmitz,

Surveyors:
Land & Air Surveying, Inc.
5312 Derry Avenue, Suite V
Agoura Hills, CA 91301
Phone: (818) 879-9879
Fax: (818) 706-3040
Mark Sandstrom,

PROJECT TEAM

- 2014 County of Los Angeles Building Code (Title 26) Based on the 2013 California Building Code and the 2012 International Building Code
- 2014 County of Los Angeles Electrical Code (Title 27) Based on the 2013 California
- Electrical Code and the 2011 National Electrical Code
- 2014 County of Los Angeles Plumbing Code (Title 28) Based on the 2013 California Plumbing Code and the 2012 Uniform Plumbing Code
- 2014 County of Los Angeles Mechanical Code (Title 29) Based on the 2013 California Mechanical Code and the 2012 Uniform Mechanical Code

- 2014 County of Los Angeles Green Building Standards Code (Title 31) Based on the 2013 California Green Building Standards Code

APPLICABLE CODES

SYMBOL LEGEND

	MIN. REQUIRED	PROPOSED
LANDSCAPING :	484,550 Sq.Ft., 40% of net lot Area	702,036 Sq.Ft. (57% of net lot area)
OPEN SPACES:	302,742 Sq.Ft. 25% of net lot Area	423,448 Sq.Ft. (34.9% of net lot area) (including Hardscape and Landscape)

PROJECT DATA

Deferred submittal documents shall be submitted to the architect- or engineer-of-record, who shall review them and forward them to the building official with a notation that they have been reviewed and have been found to be in general conformance with the design of the building or structure. The deferred items shall not be installed until their design and submittal documents have been reviewed and approved by the building official.

DEFERRED SUBMITTAL

ADDITIONAL	ADD'L.	JOINT	JT.
ADJUSTABLE	ADJ.		
ABOVE FINISHED FLOOR	A.F.F.	MANUFACTURE	MFR.
ABOVE RAISED FLOOR	A.R.F.	MANUFACTURER'S	MFR'S.
AIR CONDITIONING	A/C	MATERIAL	MATL.
ALTERNATE	ALT.	MAXIMUM	MAX.
ARCHITECT (URAL)	ARCH.	MECHANICAL	MECH.
AREA DRAIN	A.D.	METAL	MTL.
		MINIMUM	MIN.
BLOCKING	BLKG.	MISCELLANEOUS	MISC.
BOARD	BD.		
BUILDING	BLDG.	NORTH	N
		NOT IN CONTRACT	N.I.C.
CABINET	CAB.	NOT TO SCALE	N.T.S.
CEILING	CLG.	NUMBER	NO. OR #
CENTER	CTR.		
CENTER LINE	C.L.	ON CENTER	O.C.
CERAMIC TILE	C.T.	OUTSIDE DIAMETER	O.D.
CLEAR	CLR.	OPENING	OPG.
CONCRETE	CONC.		
CONCRETE MASONRY UNIT	C.M.U.	PAIR	PR.
CONSTRUCTION	CONST.	PERFORATE(D)(ED)	PERF.
CONTINUOUS	CONT.	PIECE/PIECES	PC./PCS.
CONTROL JOINT	C.J.	PLANTER AREA	P.A.
DIAMETER	D.I.A.	QUANTITY	QTY.
DIMENSION	DIM.		
DOUBLE	DBL.	RADIUS	RAD.
DOUBLE HUNG	D.H.	REFERENCE	REF.
DOWN	DN.	REFRIGERATOR	REFRIG.
DRAWING	DWG.	REINFORCE/REINFORCING	REINF.
		REQUIRED	REQ.
ELECTRIC	ELECT.	RETURN AIR	R.A.
ELECTRIC PANEL	ELECT. PNL.	ROUGH OPENING	R.O.
ELEVATOR	ELEV.		
ENCLOSURE	ENCL.	SHEET	SHT.
ENGINEER	ENGR.	SIMILAR	SIM.
EQUAL	EQ.	SOUTH	S
EQUIPMENT	EQUIP.	SMOKE DETECTOR	S.D.
EXISTING	EXIST.	SPEAKER	SPKR.
EXTRUDE OR EXTRUSION	EXTR.	SPECIFICATIONS	SPECS.
		SPRINKLER HEAD	S.H.
FABRICATE(ED)	FAB.	SQUARE	SQ.
FINISH	FIN.	STAINLESS STEEL	S.S.
FIXTURE	FIXT.	STANDARD	STD.
FLOOR	FL.	STEEL	STL.
FLUORESCENT	FLUOR.	STRUCTURAL	STRUCT.
FOOT	FT.		
FRESH AIR INTAKE (OR INLET)	A.I.	TELEPHONE	TEL.
FURNISH(ED)	FURN.	TELEVISION	TV
FURRING	FUR.	TEMPORARY	TEMP.
		TONGUE AND GROOVE	T. & G.
GALVANIZED	GALV.	TYPICAL	TYP.
GAUGE	GA.		
GROUND	GRND.	UNLESS OTHERWISE NOTED	U.O.N.
GYPSUM BOARD	GYP. BD.		
		VERTICAL	VERT.
HEIGHT	HT.	VINYL COMPOSITION TILE	V.C.T.
HOLLOW METAL	H.M.		
HORIZONTAL	HORIZ.	WITH	W/
HOT WATER	H.W.	WITHOUT	W/O
		WOOD	WD.
INSIDE DIAMETER	I.D.		

ABBREVIATIONS

•PROJECT DESCRIPTION:

Green Acres, LLC, is developing the Malibu Memorial Park and Chapel, comprised of approximately 21.0 acres of a 27.8 acre property located east of Malibu Canyon Road, west of Civic Center Way, and north of Pacific Coast Highway in the City of Malibu, California (the "Project"). The unstable slope areas along the perimeter of the site comprise the remaining 7 acres of the parcel that Green Acres has elected not to develop. The proposed Memorial Park project contains approximately **16,073** GSF of FAR development and will include the construction of a **6,673** SF Main Chapel facility, **9,348** SF subterranean parking basement (19 parking spaces), 48 free-standing Mausoleum structures totaling approximately **9,400** SF (aprox. 200 SF/each), approximately 36,000 "in ground" plot spaces and another **27,651** "above grade" interments will allow for various crypt configurations, cremation and fractional burial options, as well as surface unenclosed parking for 157 guest vehicles along the entry drive and Chapel ring.

•DISCRETIONARY REQUESTS: Site plan review for height over 18' but less then 28' for sloped roof.

•PROJECT ADDRESS: 4000 Malibu Canyon Road
Malibu, CA 90265

•A.P.N: 4458-030-007- 4458-028-015 - 4458-028-019

•LCP ZONING: CV-2 (Commercial Visitors Serving 2)

•OWNER: Green Acres, LLC
a California Limited Liability Company
22837 Pacific Coast Highway #775
Malibu, CA 90265

•OCCUPANCY GROUP: A-3/U

•TYPE OF CONSTRUCTION: VB

•NUMBER OF STORIES: 1 + Basement

•FIRE ZONE: VHFHSZ

•SPRINKLERED: YES (Sprinklered per LACo. Fire Departments Requirement)

•LOT AREA: Gross: 1,228,908 Sq.Ft. (28.2 Acres)
Net.: 1,210,968 Sq.Ft. (27.8 Acres)

•LOT DIMENSIONS: Depth: 1,299.33'
Width: 952.07'

•SETBACKS:

	MIN REQUIRED:	PROPOSED:
Front:	65'	494.12' Chapel, **103.48'** Mausoleum
Side 10%:	95.21'	295.18' Chapel, 95.21' Mausoleum
Side 15%:	148.21'	489.12' Chapel, **227.76'** Mausoleum
Rear:	194.90'	576.88' Chapel, **290.49'** Mausoleum

•PARKING:

	REQUIRED:	PROPOSED:
TOTAL:	137*	176*
-Regular:	110	135
-Compact:	27	35
-ADA:		6

*include ADA Accessible Parking Spaces dimensions per CBC 2013 -->(min. 18'x20')

•MAX. ALLOWABLE FLOOR AREA: F.A.R. 0.15 of Lot Area

1,210,968 Sq.Ft. x 0.15 = **181,645** Sq.Ft. FLOOR AREA ALLOWED

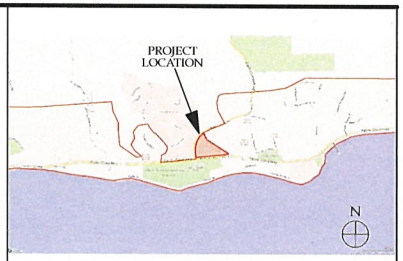
• PROPOSED FLOOR AREA :

Main Chapel
(including bathrooms and enclosed and covered accessory areas)..... ..... **6,673** Sq.Ft. +
Detached Buildings
(47 free-standing Mausoleums) ..... **9,400** Sq.Ft. =

T.D.S.F..... **16,073 Sq.Ft.**

Subterranean Garage... **9,348** Sq.Ft. (Excluded from F.A.R.)

PROJECT DATA



VICINITY MAP

ARCHITECTUAL

T-1.1	COVER SHEET/ PROJECT INDEX
FD-01	FIRE DEPARTMENT ACCESS- ROAD PROFILE
A-0.1	SITE PLAN OVERVIEW & SETBACKS
A-0.2	TOPOGRAPHIC SURVEY & ROOF PLAN OVERLAY
A-0.3	PARTIAL SITE PLAN
A-0.4	SITE PLAN OVERVIEW & PRIVATE MAUSOLEUMS
A-0.5	PUBLIC MAUSOLEUMS
A-0.6	PARKING LAYOUT
A-0.7	GATE, STAIRS AND WALL DETAIL
A-1.1	BASEMENT FLOOR PLAN
A-1.2	FIRST FLOOR PLAN
A-1.3	ROOF PLAN
A-2.1	PROPOSED ELEVATIONS NORTH & SOUTH
A-2.2	PROPOSED ELEVATIONS EAST & WEST
A-3.1	PROPOSED SECTIONS A-A & B-B
A-3.2	PROPOSED SECTIONS C-C & D-D
A-3.3	SITE SECTIONS E-E & F-F
A-3.4	SITE SECTIONS G-G & H-H
BP1.01	NORTHERLY BURIAL PLOTS
BP1.02	SOUTHERLY BURIAL PLOTS

CIVIL

C1.0	TITLE SHEET & NOTES
C2.0	GRADING AND DRAINAGE PLAN
C2.1	GRADING AND DRAINAGE DETAILS & SECTIONS
C3.0	SEWER AND WATER PLAN

LANDSCAPE

LI-1.0	HYDROZONE PLAN-WATER CALCULATIONS
L-2.0	LANDSCAPE SITE PLAN
L-2.2	WATER RILL PLAN AND ELEVATIONS

LIGHTING

E1	EXTERIOR LIGHTING PHOTOMETRIC PLAN
E2	EXTERIOR LIGHTING PHOTOMETRIC PLAN

MISCELLANEOUS

-COLOR CODED SLOPE ANALYSIS SURVEY
-FUEL MODIFICATION PLAN

RECEIVED
APR 7 2017
PLANNING DEPT.

SHEET INDEX

MALIBU MEMORIAL PARK

4000 Malibu Canyon Road
MALIBU,
CA 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT

WRITTEN DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK

NO	DATE	ISSUE
1	2015-4-28	INITIAL PLANNING SUBMITTAL
2	2015-11-18	INCOMPLETE LETTER #1 CORRECTIONS
3	2016-02-12	INCOMPLETE LETTER #2 CORRECTIONS
4	2016-04-14	INCOMPLETE LETTER #3 CORRECTIONS
5	2016-11-07	SITE WORK MODIFICATIONS

BURDGE & Associates ARCHITECTS
MALIBU SUN VALLEY
WWW.BUAIA.COM

21235 PACIFIC COAST HWY
MALIBU, CA 90265
TEL. 310-456-5905

480 WASHINGTON AVE.
SUITE 204 C
KETCHUM, ID 83340
TEL. 208-495-3228

DESCRIPTION:

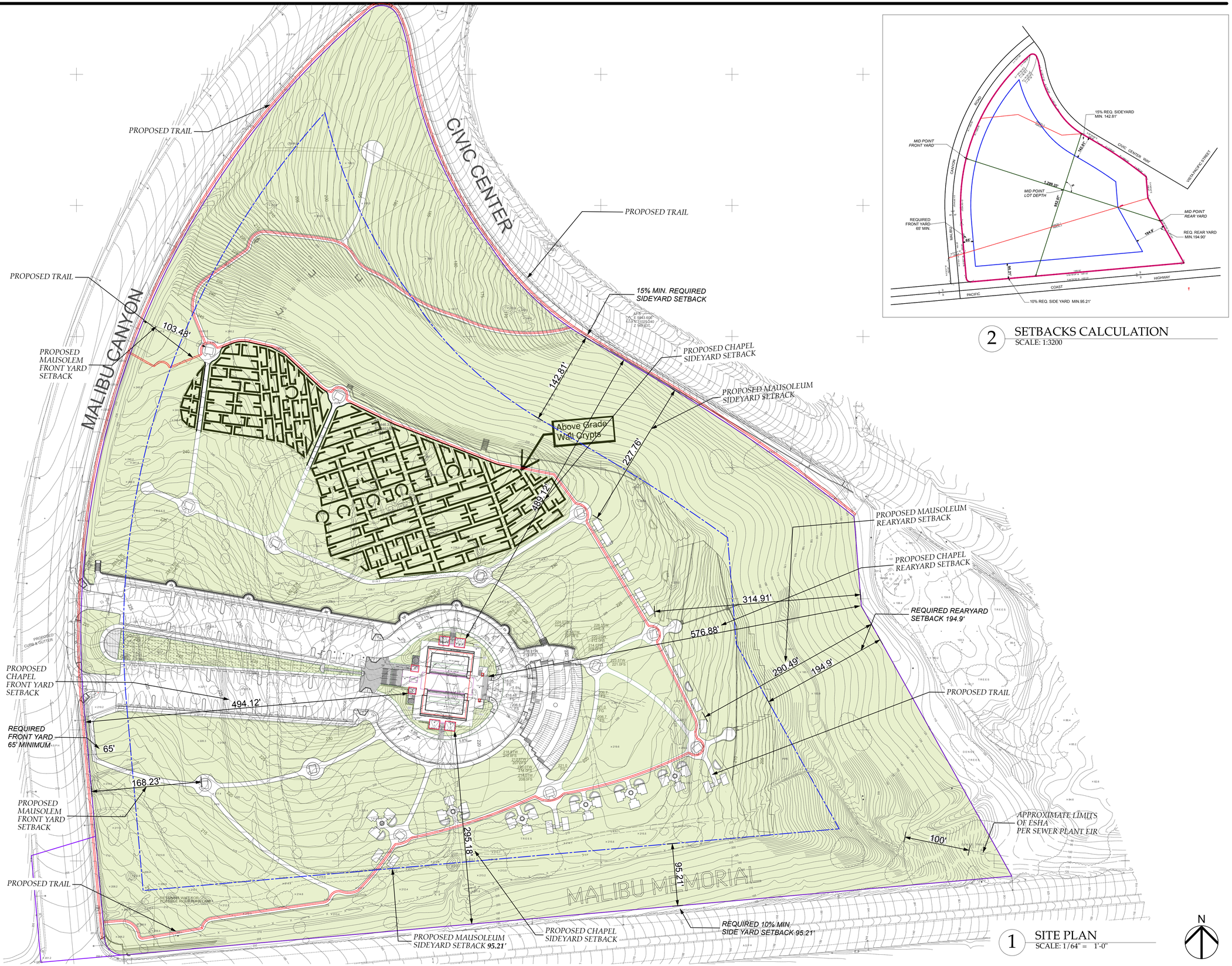
COVER SHEET /
PROJECT INDEX

DRAWING NO. T-1.1

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 11/22/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,

ATTACHMENT 2

ATTACHMENT 2



1 SITE PLAN
SCALE: 1/64" = 1'-0"

2 SETBACKS CALCULATION
SCALE: 1:3200

MALIBU MEMORIAL PARK

4000 Malibu Canyon Road
MALIBU,
CA 90265

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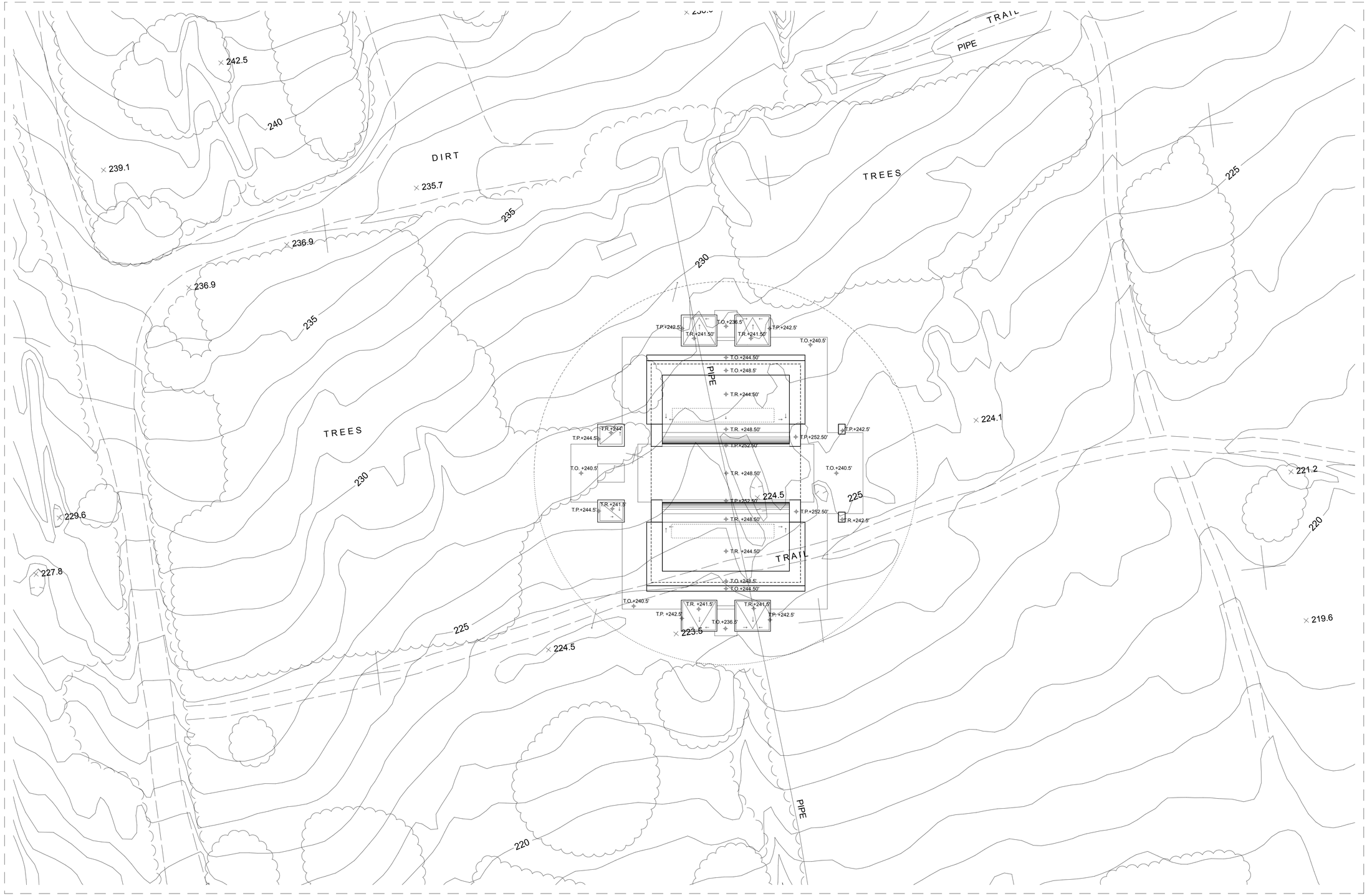
SUITE 204 C
KETCHUM, ID 83340
TEL: 208-495-3228

DESCRIPTION:

SITE PLAN OVERVIEW & SETBACKS

DRAWING NO.
A-0.1

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 11/23/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



LEGEND

T.O. TOP OVERHANG
T.P. TOP PARAPET
T.R. TOP FLAT ROOF

1 SURVEY WITH PROPOSED ROOF PLAN
SCALE: 1" = 20'

N

MALIBU MEMORIAL PARK

4000 Malibu Canyon Road
MALIBU,
CA 90265

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4	2016-04-14	INCOMPLETE LETTER #3 CORRECTIONS

BURDGE & Associates ARCHITECTS
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480 WASHINGTON AVE.
SUITE 204 C
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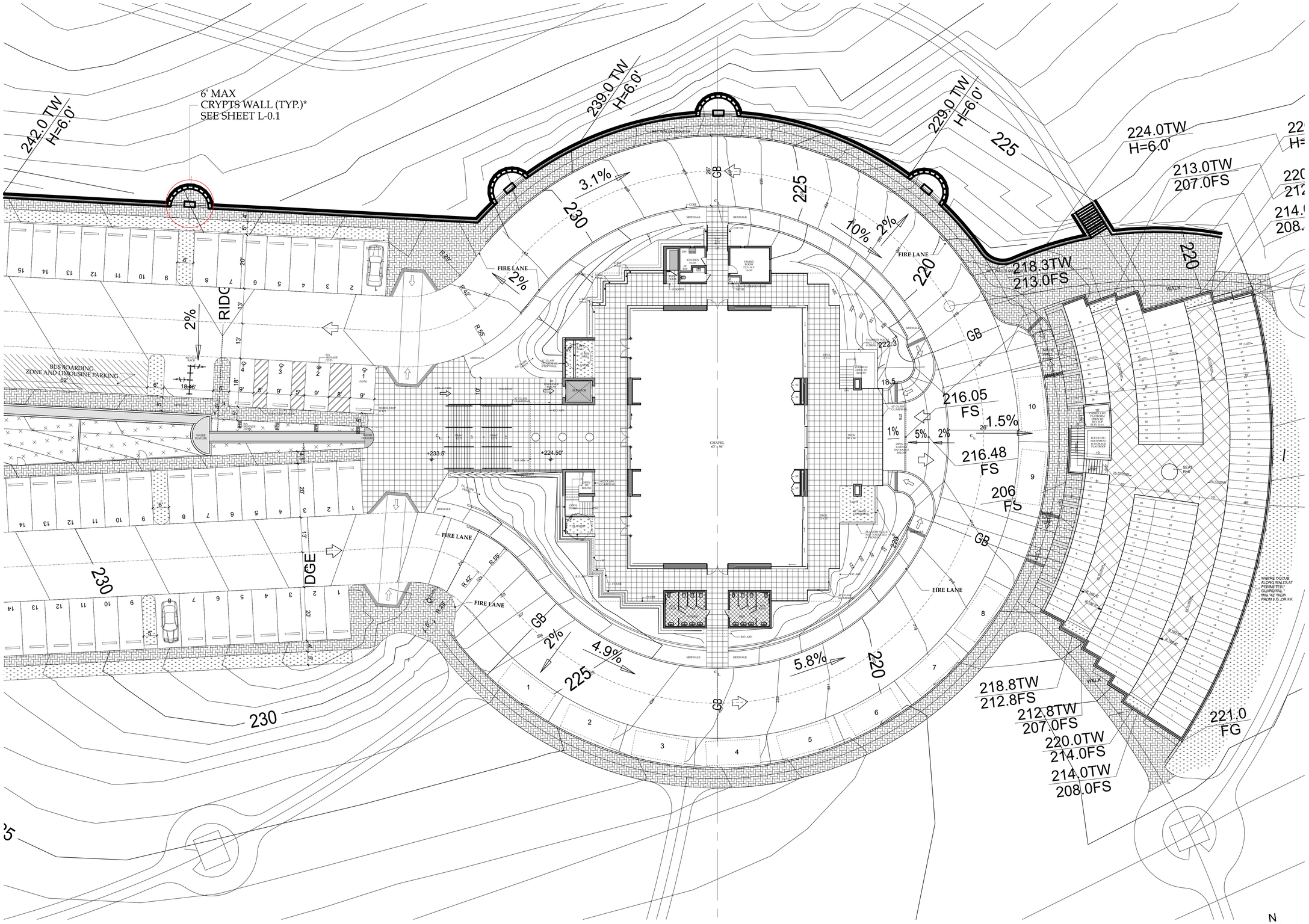
TEL: 208-495-3228

DESCRIPTION:

TOPOGRAPHIC
SURVEY & ROOF PLAN
OVERLAY

DRAWING NO.
A-0.2

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



1 FIRST FLOOR
SCALE: 1/16" = 1'-0"

MMP-v16_2016-02-09.pln last saved on 4/11/16 BY ANNA MATTIOLI

MALIBU MEMORIAL PARK

4000 Malibu Canyon Road
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480 WASHINGTON AVE.
SUITE 204 C
KETCHUM, ID 83340
TEL: 208-495-3228

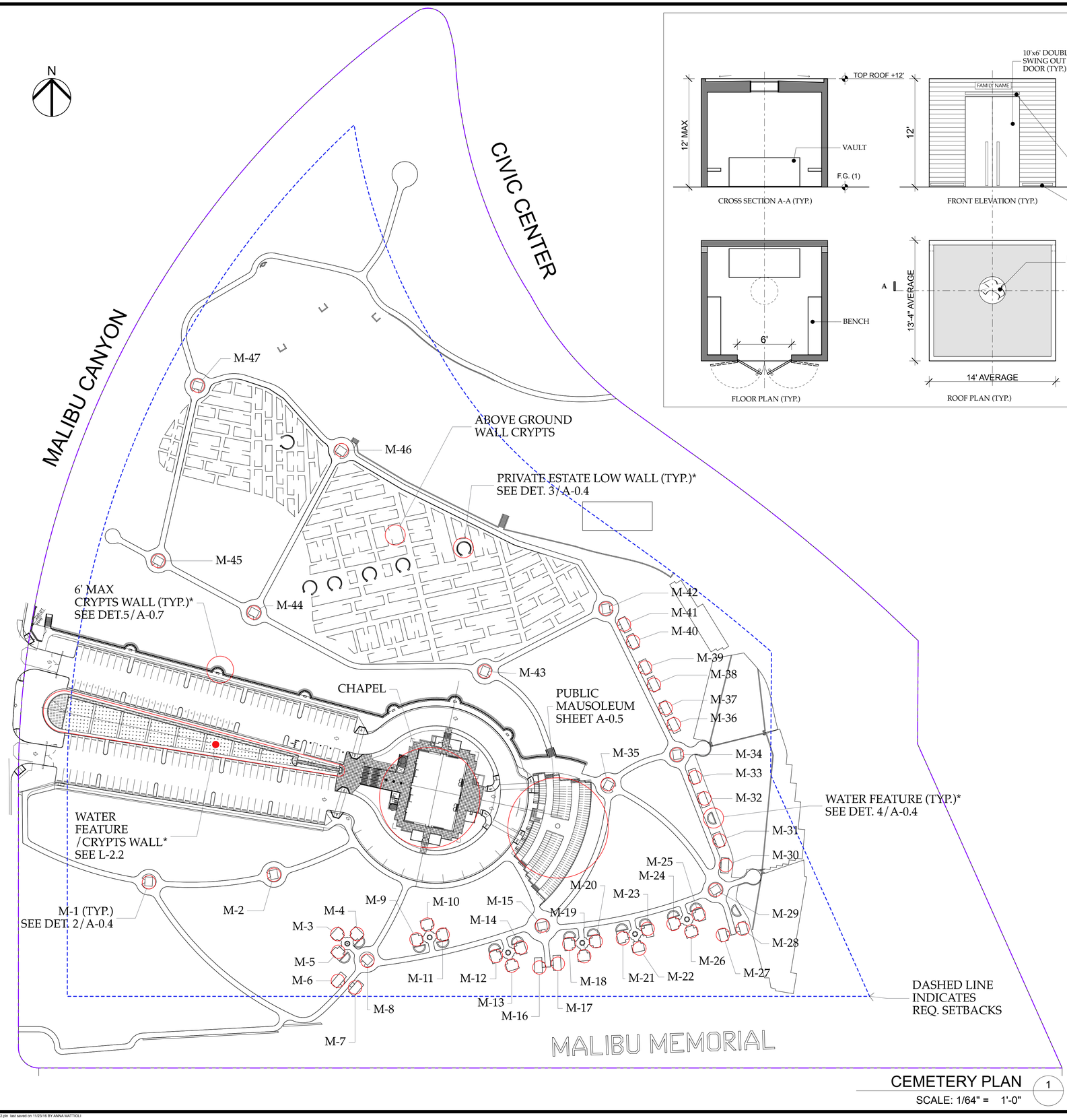
DESCRIPTION:

PARTIAL SITE PLAN

DRAWING NO.

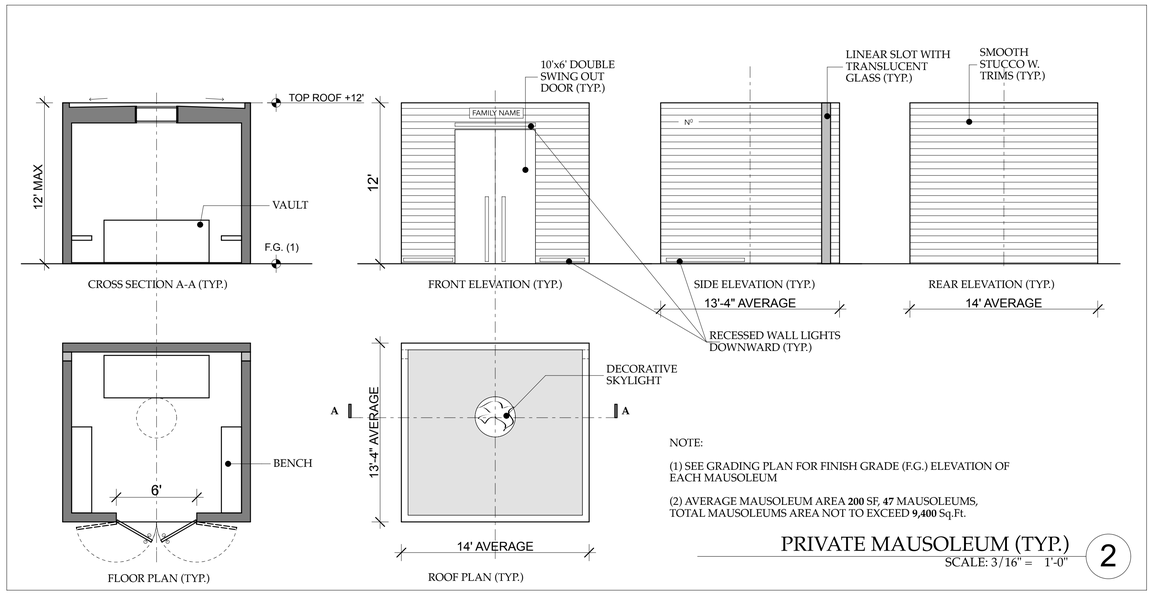
A-0.3

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



CEMETERY PLAN 1

SCALE: 1/64" = 1'-0"



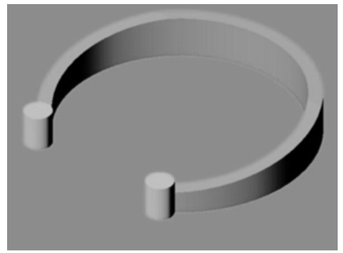
NOTE:

(1) SEE GRADING PLAN FOR FINISH GRADE (F.G.) ELEVATION OF EACH MAUSOLEUM

(2) AVERAGE MAUSOLEUM AREA **200** SF, **47** MAUSOLEUMS, TOTAL MAUSOLEUMS AREA NOT TO EXCEED **9,400** Sq.Ft.

PRIVATE MAUSOLEUM (TYP.) 2

SCALE: 3/16" = 1'-0"



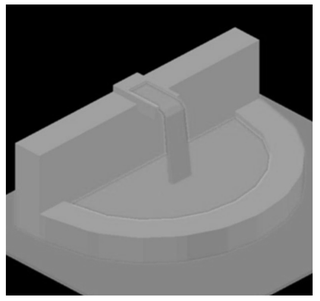
Private Estate

The Private Estate wall is approximately 2' high at entrance and 3 to 3 1/2 feet high at the back. The inside diameter is 17 feet. The wall thickness is 12" to 8" thick. The two columns at the front are 2 foot diameter and are approximately 2 to 3 feet high. The walls can be constructed of split faced block, or else veneer rock covered CMU block. Small statuaries can be placed on top of the columns. An upright bronze or granite memorial can be installed on the inside wall. The height of the memorial cannot exceed the height of the wall.

The enclosed Private Estate contains 4 pre-installed double depth lawn crypts.

LOW WALL CRYPT (TYP.) 3

NOT TO SCALE



Water Feature

The Water Feature is series of cremation niches in a semi-circular wall that is approximately 28" high x 24" wide, and a 14' inside diameter. You can sit on the top of the low curved wall. The area behind the low wall is a pond. The back wall is also a niche wall that is approximately 6' high x 18' wide x 2' thick. A re-circulating pump is installed inside the back wall. The water is pumped off the top of the wall and falls into the pond below, to create a tranquil sound. Small bronze or ceramic plaques can be attached to the face of the niche fronts. The Water Feature is constructed of pre-constructed concrete cremation vaults and surfaced with granite.

WATER FEATURE (TYP.) 4

NOT TO SCALE

NOTE:
-SEE SHEET BP1-0.1 & BP1-0.2 FOR PLOTS LAYOUT *
-* DESIGN BY OTHER

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4	2016-04-14	INCOMPLETE LETTER #3 CORRECTIONS
5	2016-11-07	SITE WORK MODIFICATIONS

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TEL: 208-495-3228

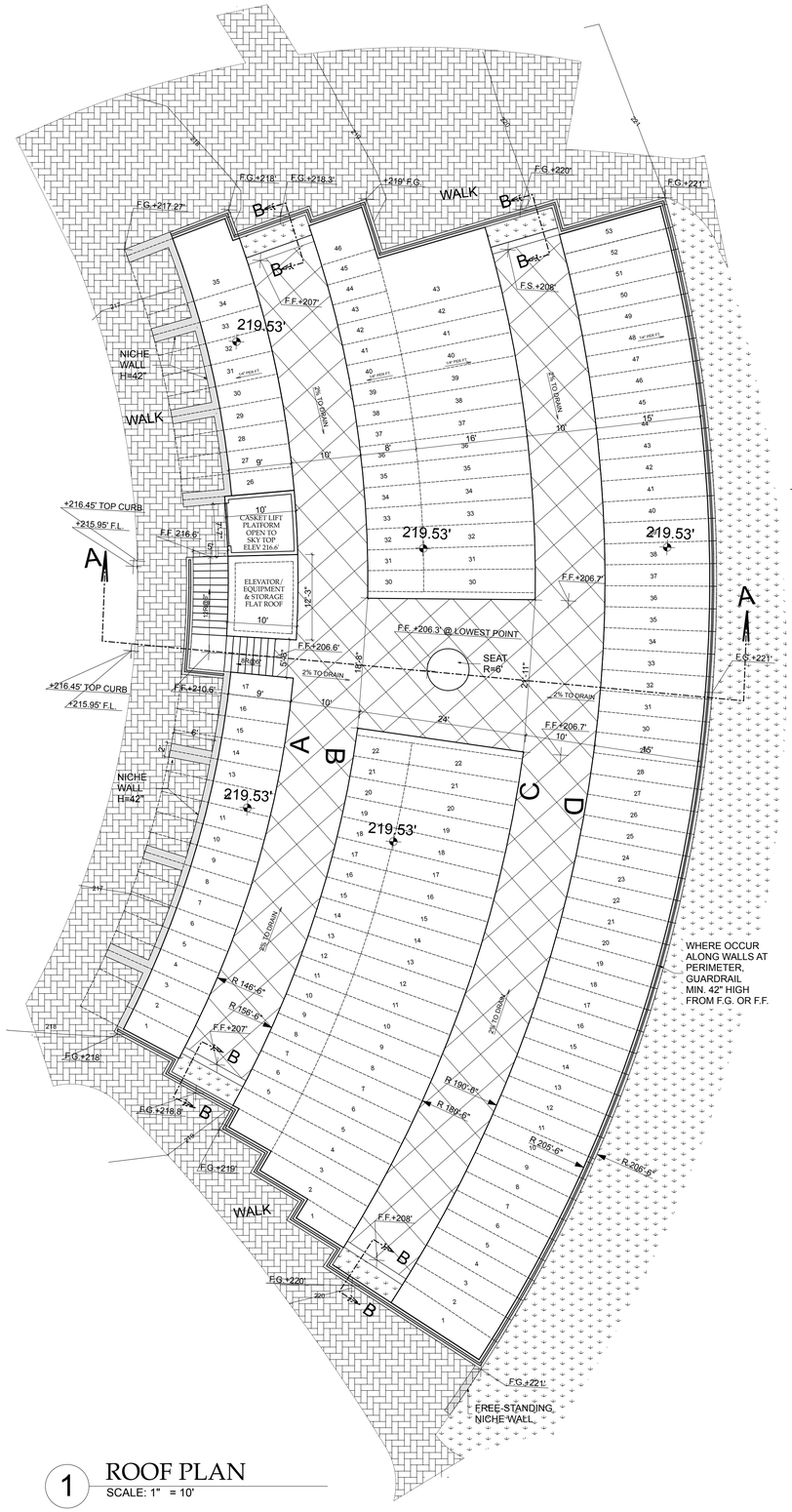
DESCRIPTION:

SITE PLAN OVERVIEW & PRIVATE MAUSOLEUMS

DRAWING NO.

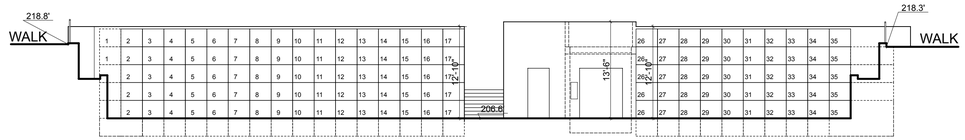
A-0.4

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 11/23/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,

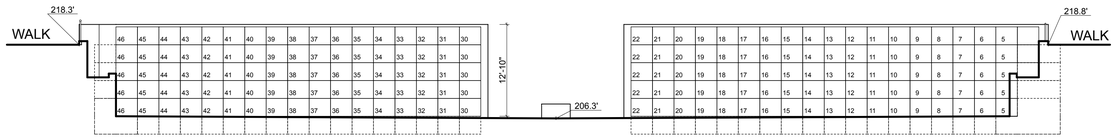


1 ROOF PLAN
SCALE: 1" = 10'

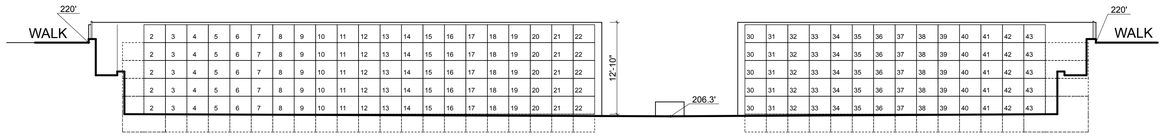
ELEVATIONS CRYPTS WALL A-D - scale 1"=10'



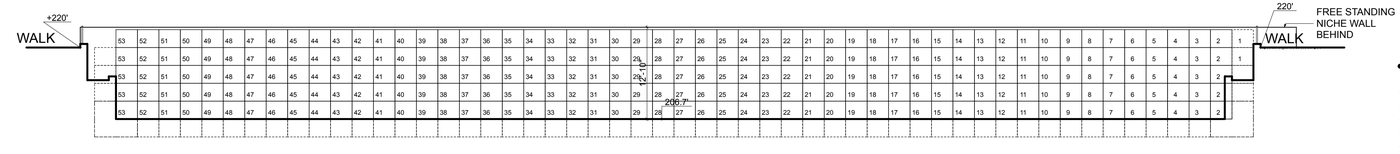
WALL A



WALL B

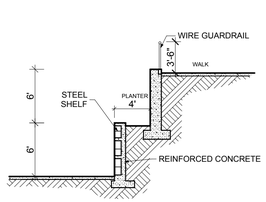


WALL C



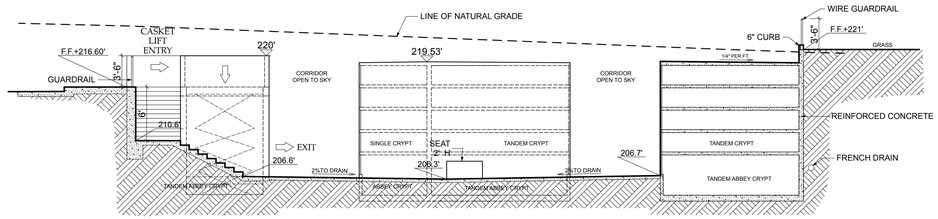
WALL D

NOTE:
1) MAUSOLEUM IS CONSTRUCTED OF REINFORCED CONCRETE.
2) MAUSOLEUM IS SURFACED WITH MARBLE OR GRANITE, INCLUDING CRYPT AND NICHE FRONTS.
3) FLOOR IS EITHER TERRAZO OR GRANITE.
4) ELEVATOR WILL BE DESIGNED TO LOWER CASKETS FROM WALKWAY TO FLOOR.
5) MAUSOLEUM CORRIDORS ARE 10' WIDE.
6) SINGLE CRYPTS ARE 3' X 2.5' X 8'
7) TANDEM CRYPTS ARE 3' X 2.5' X 16'
8) SINGLE COMPANION CRYPTS ARE 6' OR 9' X 2.5' X 8'
9) TANDEM COMPANION CRYPTS ARE 6' OR 9' X 2.5' X 16'
10) NICHES ARE 1' X 1' X 1'
11) PROVIDE GUARDRAIL ALONG ALL THE PERIMETER MIN. 42" HIGH FROM F.G., HANDRAIL MIN. 3" DIA., ANY OPENING MAX. 4"DIA.



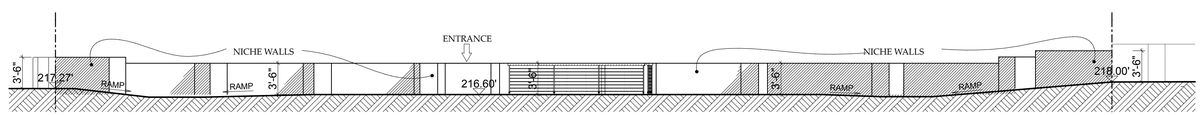
TYP. CORRIDOR NICHE WALL

SECTION B-B (TYP.)



SECTION A-A

SECTIONS
SCALE: 1/8" = 1'-0" 2



ELEVATION FROM DRIVEWAY AT ENTRANCE
SCALE: 1/8" = 1'-0" 3

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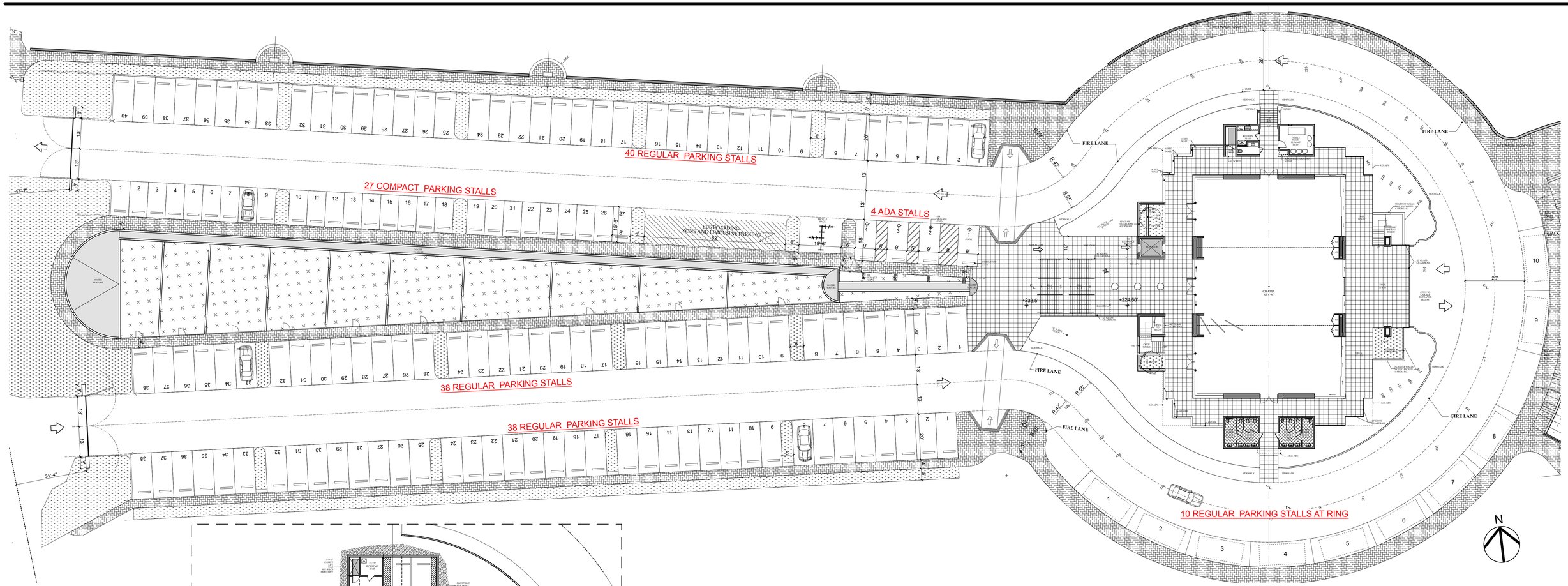
TEL: 208-495-3228

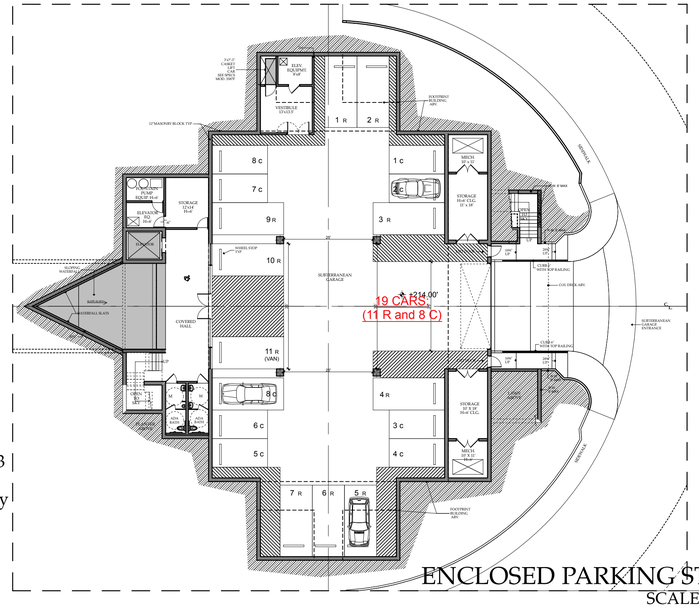
DESCRIPTION:

PUBLIC MAUSOLEUMS

DRAWING NO.
A-0.5

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,





ENCLOSED PARKING STALLS
SCALE: 1" = 20' (2)

NOTE:
1. All parking areas shall be surfaces with asphaltic or cement concrete paving which is at least 3 inches thick or permeable paving comparable load carrying capacity and durability.

REQUIRED PARKING SPACES:

PER LIP 3.14.3 and 2.1.
Proposed fixed seats in the main Chapel: 392* ---> 131 stalls (1 space every 3 seats)
Proposed gross floor area outside the main chapel: 2,019 s.f.*1 ---> 6 stalls (1space every 350 s.f.)
*1 *See Area exhibits sheet A-1.1 and A-1.2*

TOTAL REQUIRED: 137 of which 20% of required parking spaces can be compact - ADA Min required (6)
-Regular: 110
-Compact: 27

TOTAL PROPOSED: 176
-Regular: 137 of which 2 ADA
-Compact: 35
-ADA 4

Enclosed: 8 Compact + 11 Regular of which 2 ADA
Unenclosed: 27 Compact + 126 Regular + 4 ADA*2

*2 ADA Accessible Parking Spaces dimensions per CBC 2013 -->(min. 18'x20')

UNENCLOSED PARKING STALLS
SCALE: 1" = 20' (1)

Local Implementation Plan

3.14. PARKING **REGULATIONS**
3.14.3 Specific Parking **Requirements**
Places of Assembly and Recreational Uses

Chapels, mortuaries or funeral homes

1 space for each 3 fixed seats or for every 21 square feet of seating area where there are no fixed seats in the main chapel, **plus 1 space for each 350 square feet of gross floor area outside the main chapel**.

CHAPTER 2—DEFINITIONS
2.1. GENERAL DEFINITIONS
FLOOR AREA, GROSS - the sum of the **gross** horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the **floor**-to-ceiling height is less than six feet.

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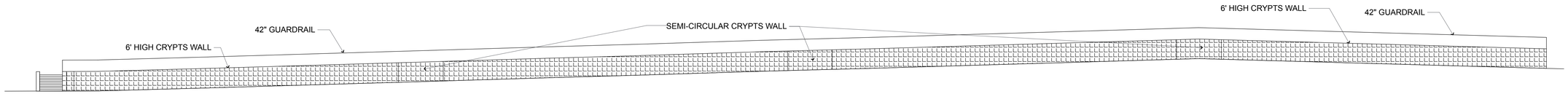
TEL: 208-495-3228

DESCRIPTION: PARKING LAYOUT

DRAWING NO. A-0.6

PROJECT	2550 - Malibu Memorial Park	
DATE	Plot Date: 4/11/16	SCALE: AS SHOWN
DRAWN BY	D.W.B., A.M.,	

/Volumes/Projects/WEINTRAUB - MALIBU MEMORIAL/2D3D/MMP-v16_2016-02-09.pln

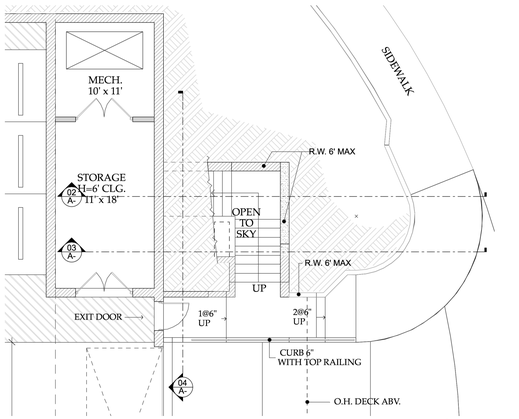


ELEVATION AT 6' HIGH CRYPT WALL

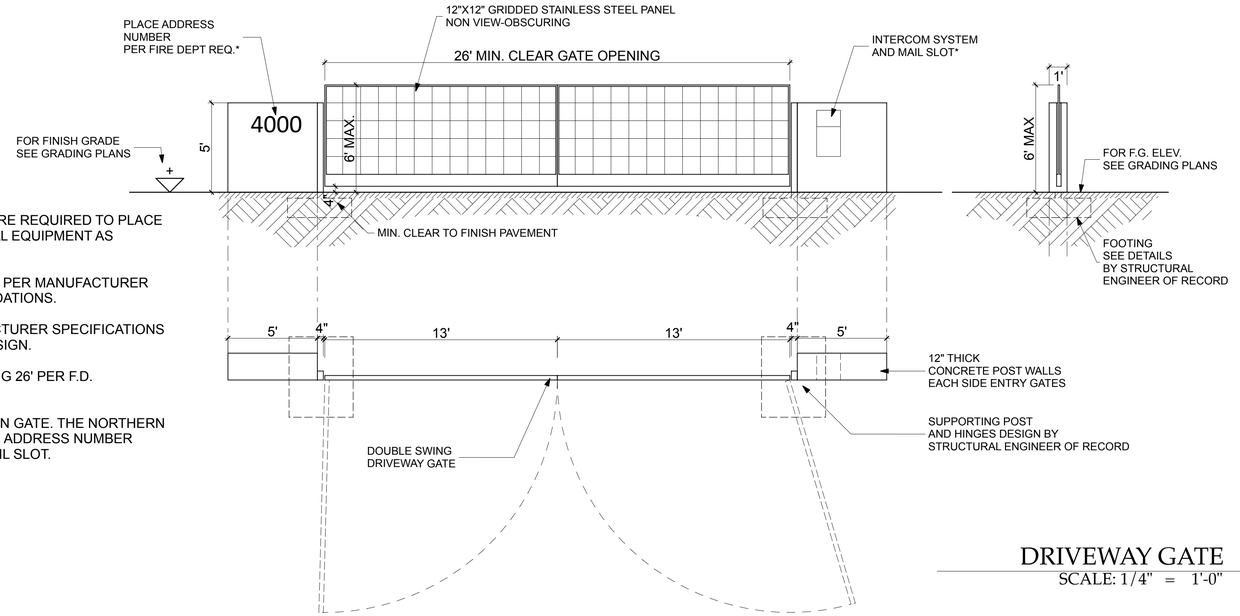
SCALE: 1/16" = 1'-0"

5

9



KEY DETAILS



NOTE:

1) PROVIDE CONCRETE PAD WHERE REQUIRED TO PLACE GATE OPERATOR AND ELECTRICAL EQUIPMENT AS NEEDED.

2) INSTALL GATE AND EQUIPMENT PER MANUFACTURER SPECIFICATION AND RECOMMENDATIONS.

3) INSTALL HINGES PER MANUFACTURER SPECIFICATIONS AND STRUCTURAL ENGINEER DESIGN.

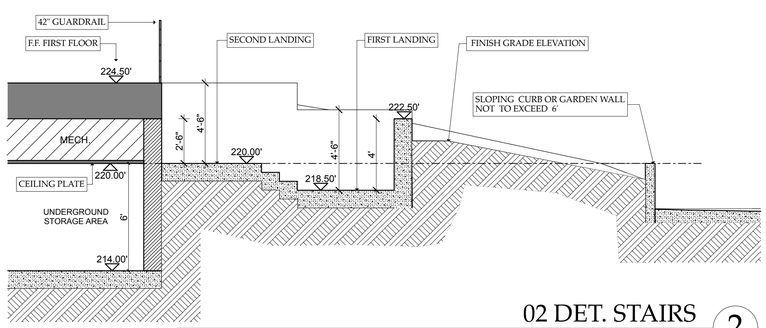
4) MIN. CLEARANCE GATE OPENING 26' PER F.D. REQUIREMENTS.

* ONLY FOR ENTRANCE SOUTHERN GATE. THE NORTHERN EXIT GATE WOULD NOT HAVE THE ADDRESS NUMBER NOR THE INTERCOM SYSTEM /MAIL SLOT.

DRIVEWAY GATE

SCALE: 1/4" = 1'-0"

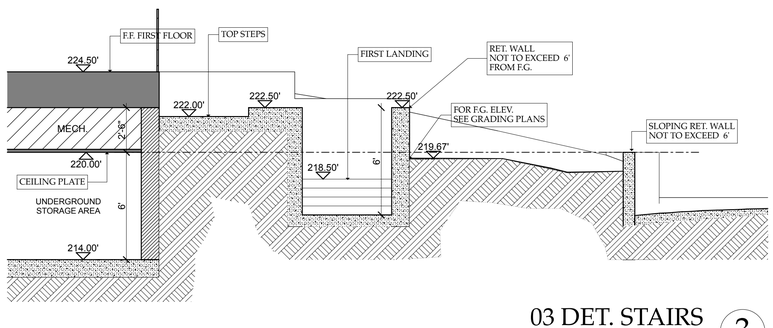
1



02 DET. STAIRS

SCALE: 1/4" = 1'-0"

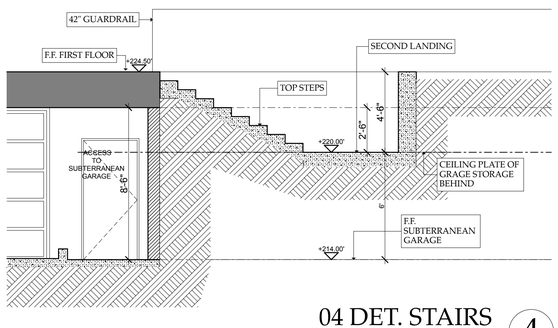
2



03 DET. STAIRS

SCALE: 1/4" = 1'-0"

3



04 DET. STAIRS

SCALE: 1/4" = 1'-0"

4

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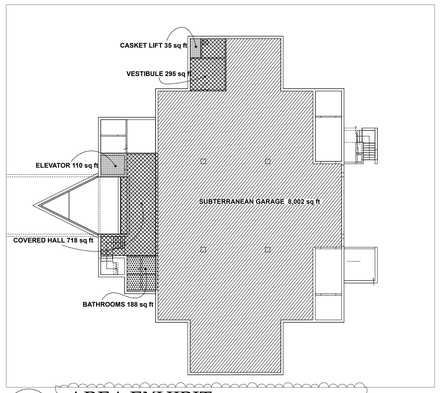
DESCRIPTION:

GATE, STAIRS AND WALL DETAIL

DRAWING NO.

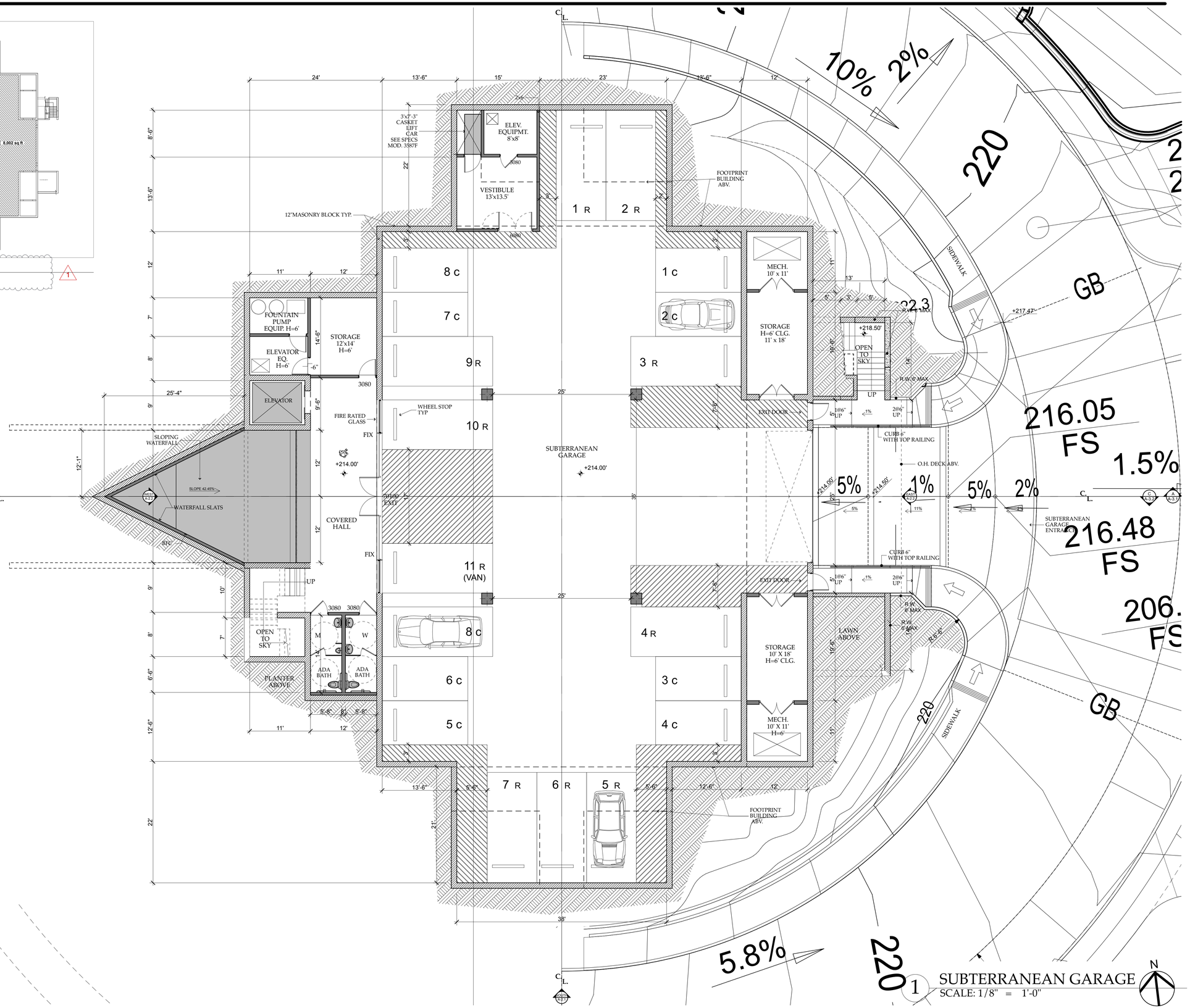
A-0.7

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



2 AREA EXHIBIT
SCALE: 1" = 30'

1



1 SUBTERRANEAN GARAGE
SCALE: 1/8" = 1'-0"

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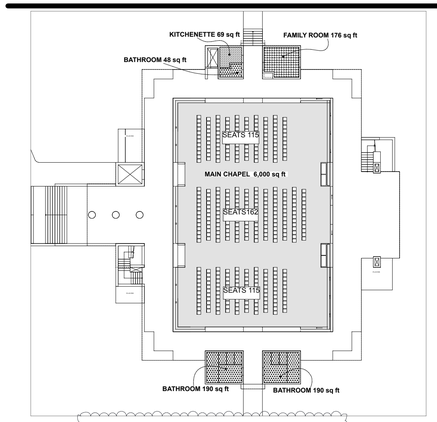
DESCRIPTION:

BASEMENT FLOOR PLAN

DRAWING NO.
A-1.1

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



2 AREA EXHIBIT
SCALE: 1" = 30'

1

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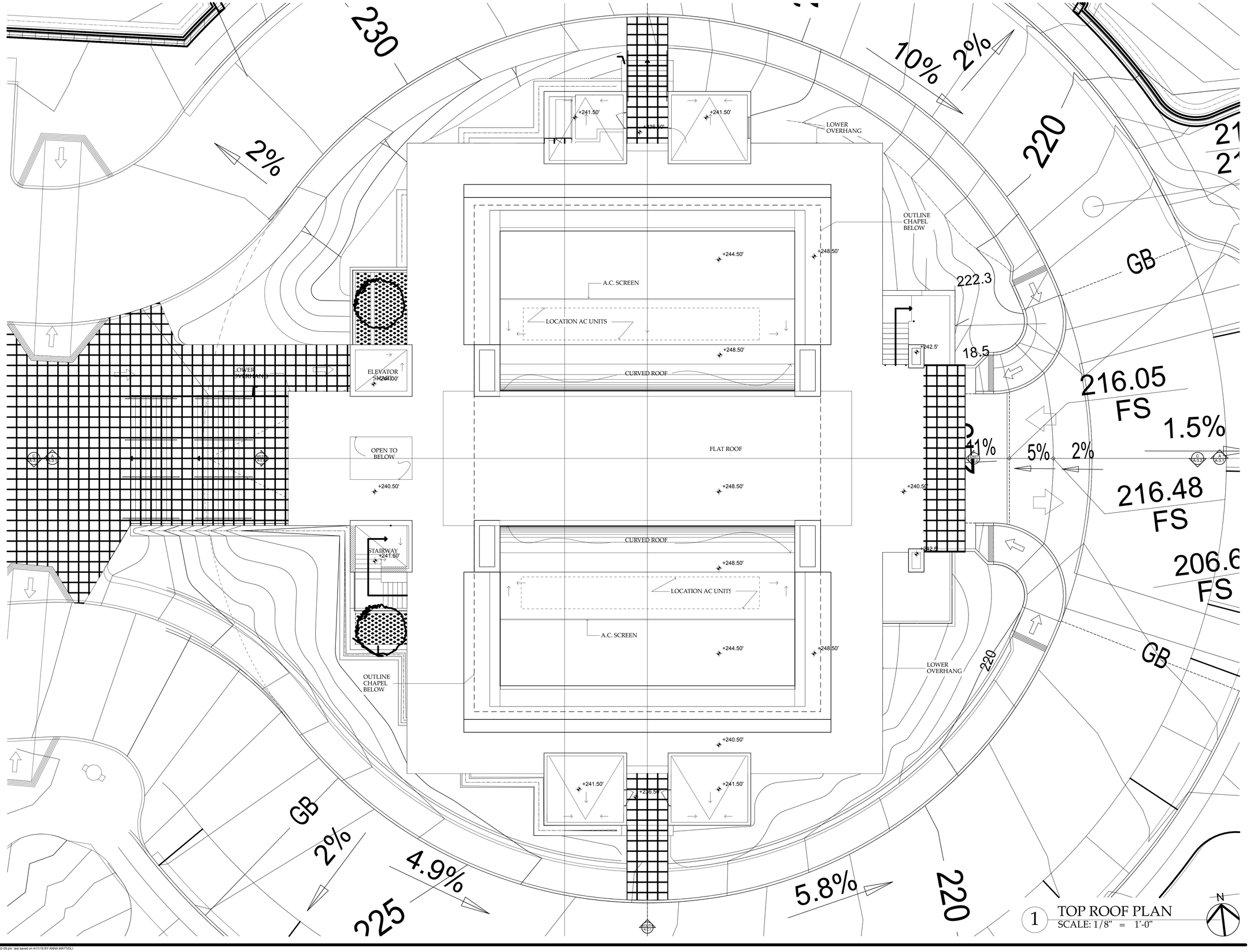
DESCRIPTION:

FIRST FLOOR PLAN

DRAWING NO. A-1.2

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,

1 FIRST FLOOR
SCALE: 1/8" = 1'-0"



1 TOP ROOF PLAN
SCALE: 1/8" = 1'-0"

MMP-v16_2016-02-09.pln last saved on 4/11/16 BY ANNA MATTIOLI

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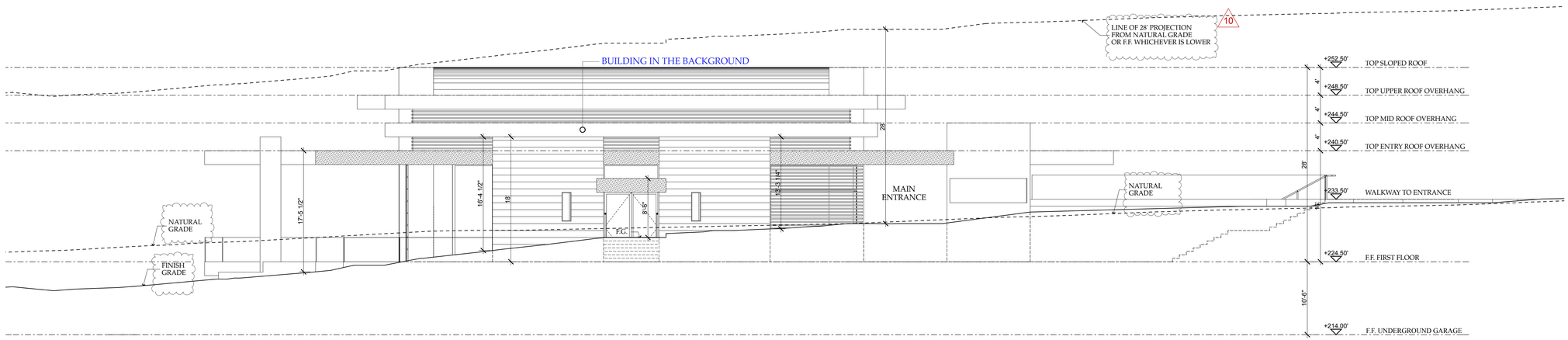
DESCRIPTION:

ROOF PLAN

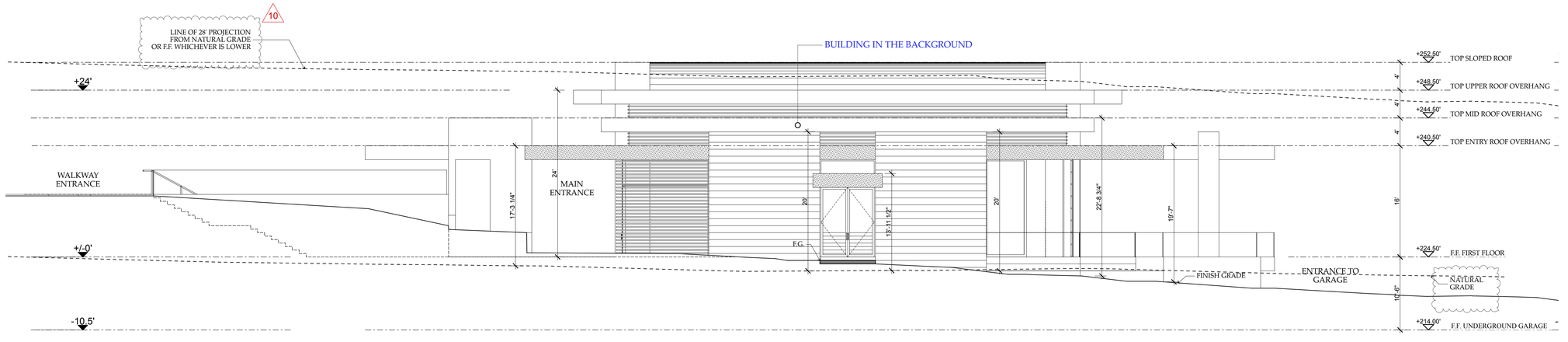
DRAWING NO.

A-1.3

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



NORTH ELEVATION
SCALE: 1/8" = 1'-0" (1)



SOUTH ELEVATION
SCALE: 1/8" = 1'-0" (2)

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TEL. 310-456-5905

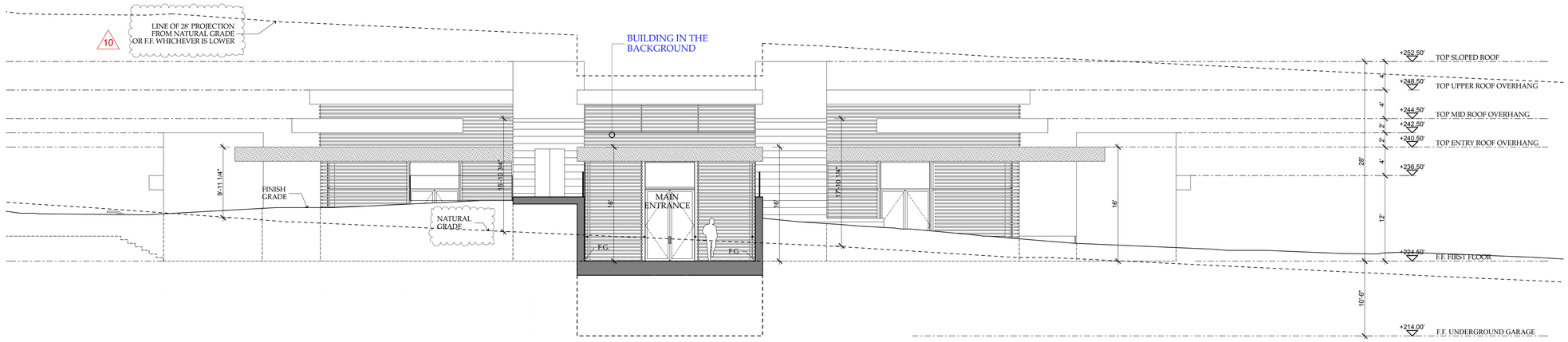
480 WASHINGTON AVE.
SUITE 204 C
KETCHUM, ID 83340
TEL: 208-495-3228

DESCRIPTION:

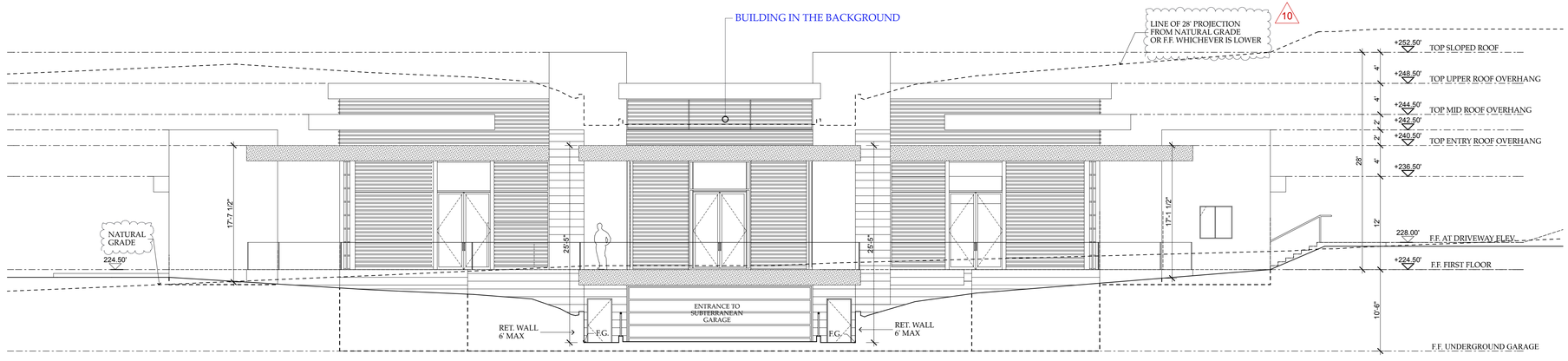
PROPOSED
ELEVATIONS NORTH
& SOUTH

DRAWING NO.
A-2.1

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



WEST ELEVATION
SCALE: 1/8" = 1'-0" 2



EAST ELEVATION
SCALE: 1/8" = 1'-0" 1

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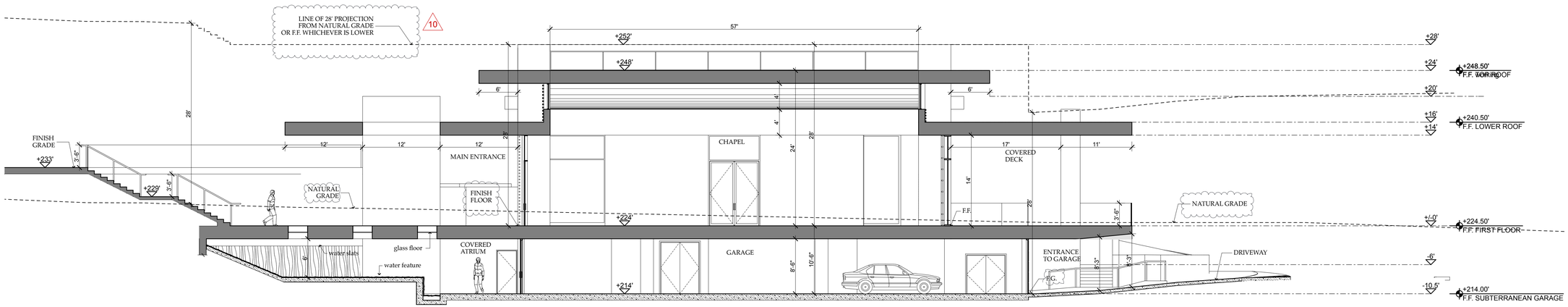
DESCRIPTION:

PROPOSED
ELEVATIONS EAST &
WEST

DRAWING NO.

A-2.2

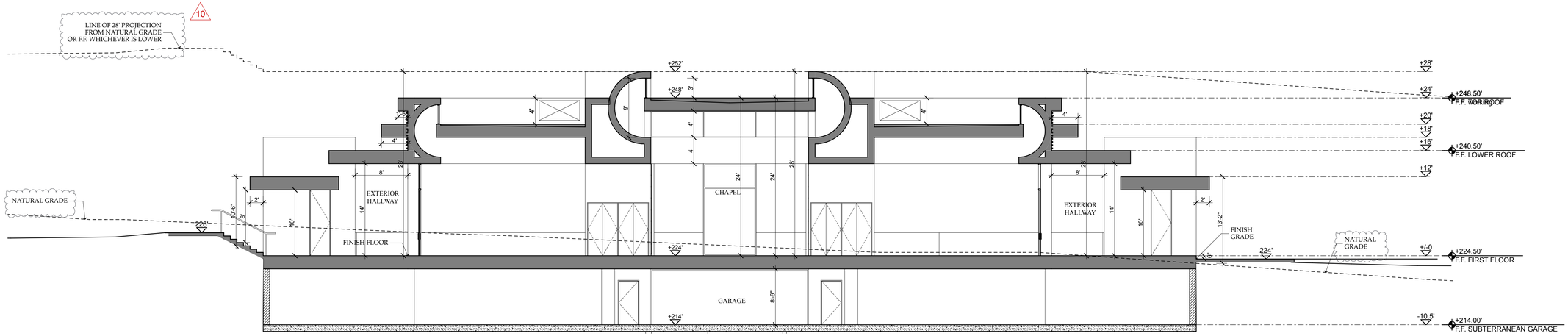
PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



A-A SECTION

SCALE: 1/8" = 1'-0"

1



B-B SECTION

SCALE: 1/8" = 1'-0"

2

MMP-v16_2016-02-09.pln last saved on 4/11/16 BY ANNA MATTIOLI

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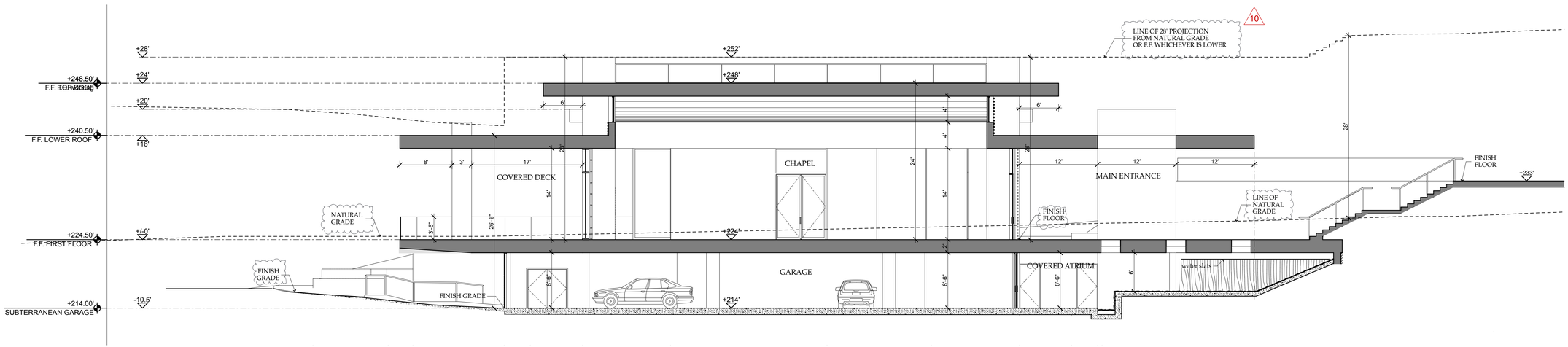
DESCRIPTION:

PROPOSED SECTIONS
A-A & B-B

DRAWING NO.

A-3.1

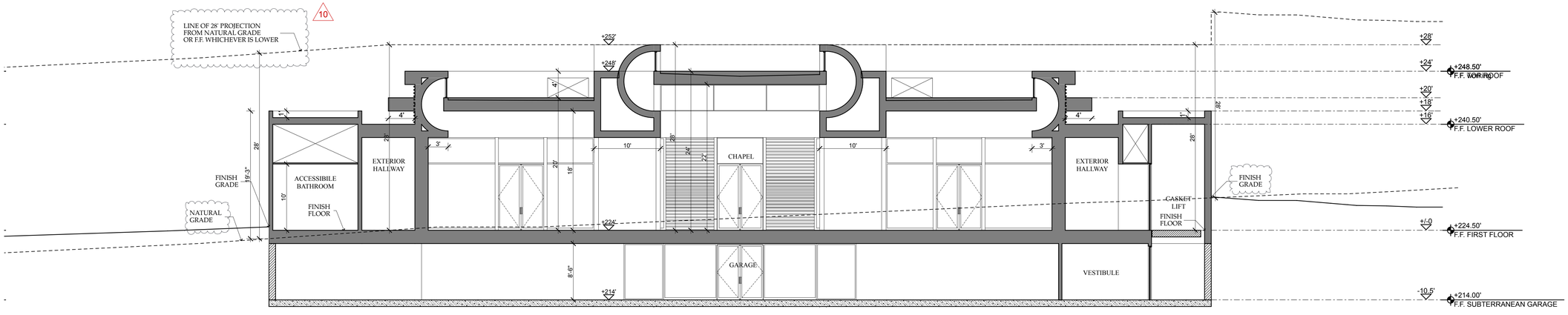
PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



C-C SECTION

SCALE: 1/8" = 1'-0"

1



D-D SECTION

SCALE: 1/8" = 1'-0"

2

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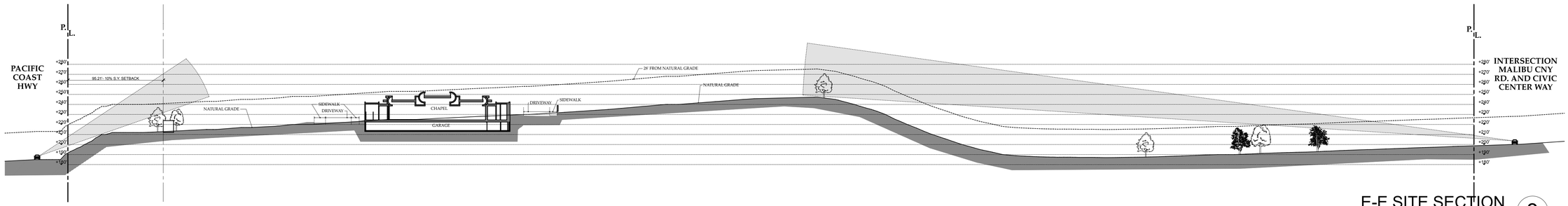
DESCRIPTION:

PROPOSED SECTIONS
C-C & D-D

DRAWING NO.

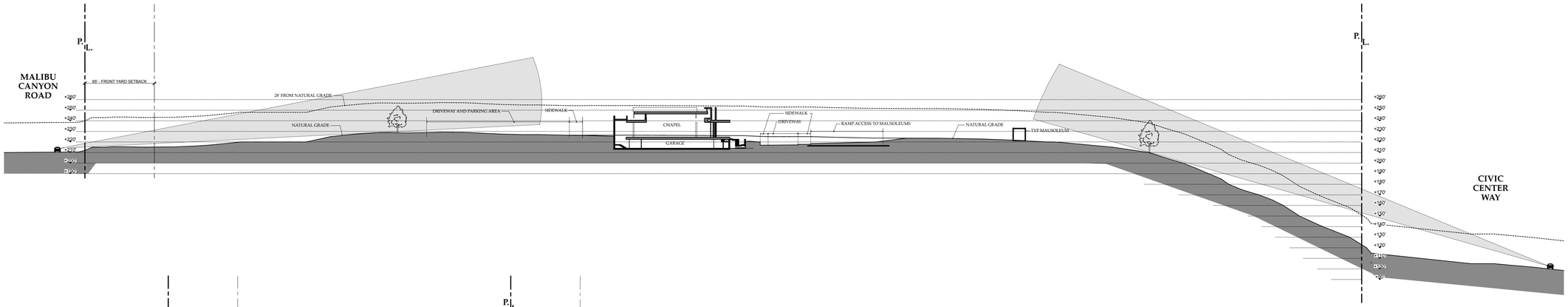
A-3.2

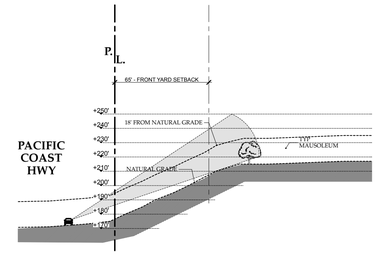
PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



E-E SITE SECTION 3

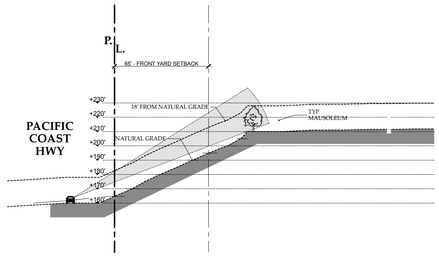
SCALE: 1" = 50'





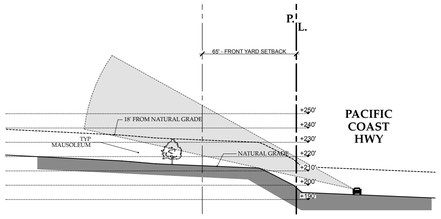
E1 SITE SECTION 4

SCALE: 1" = 50'



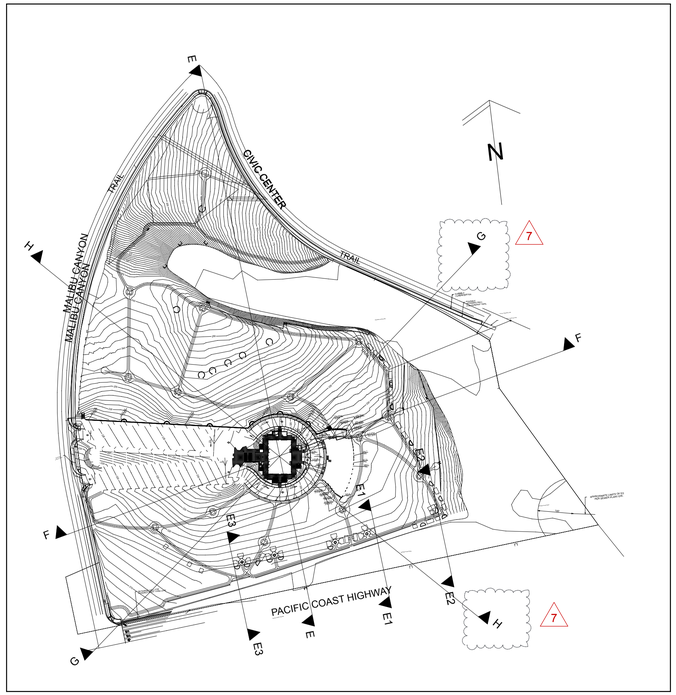
E2 SITE SECTION 5

SCALE: 1" = 50'



E3 SITE SECTION 6

SCALE: 1" = 50'



SITE PLAN- KEY SECTIONS 1

SCALE: 1" =200'

F-F SITE SECTION 2

SCALE: 1" = 50'

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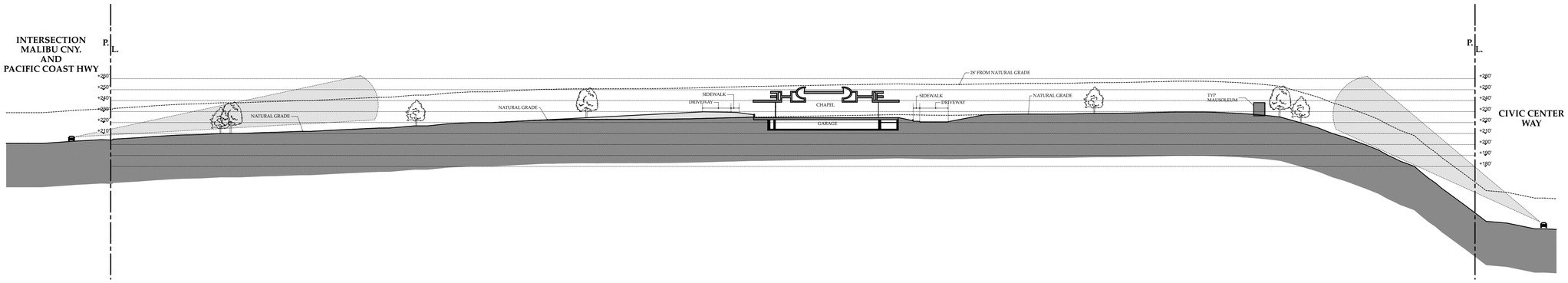
DESCRIPTION:

SITE SECTIONS E-E & F-F

DRAWING NO.

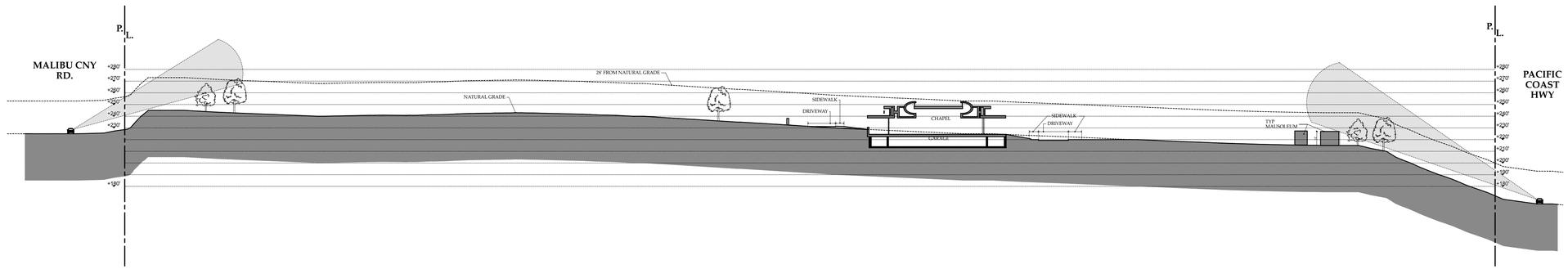
A-3.3

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,



G-G SITE SECTION

SCALE: 1" = 50' 1



H-H SITE SECTION

SCALE: 1" = 50' 2

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DESCRIPTION:

SITE SECTIONS G-G & H-H

7

DRAWING NO.

A-3.4

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,

MATCH LINE SHEET BP1.02

FEATURES

A	LARGE TOPIARY *
B	LARGE TOPIARY *
C	LARGE TOPIARY *
D	MEDIUM TOPIARY *
E	LARGE TOPIARY *
F	SMALL TOPIARY
G	OSUARY IN ROLLING MEADOWS
H	NICHE WALLS
J	MAUSOLEUM
L	6 FOOT HIGH NICHE WALL
M	TYPICAL PRIVATE MAUSOLEUM
N	TYPICAL SMALL WATER FEATURE
P	ELEVATOR & STAIRS
Q	ROLLING WAVES HEDGE *
R	FLOWER BED FOR NAME
S	TYP. MANICURED HEDGES * – 3'
T	STREAM ON TOP OF WALL
U	SERIES OF SMALL ANIMAL TOPIARIES *

* SHOWN IN SHADES OF GREEN

BLOCKS & STRUCTURES

1	BURIALS
2	BURIALS & BENCH ESTATES
3	BURIALS, PRIVATE MAUSOLEUMS & WATER FEATURES
4	BURIALS, PRIVATE MAUSOLEUMS & WATER FEATURES
5	BENCH ESTATES
6	BURIALS, PRIVATE MAUSOLEUMS & WATER FEATURES
7	BURIALS
8	BURIALS & TERRACE ESTATES
9	BURIALS & TERRACE ESTATES
10	BURIALS & TERRACE ESTATES
11	LAWN CRYPTS, BURIALS & NICHE WALL
12	LAWN CRYPTS, BURIALS & NICHE WALL
13	LAWN CRYPTS, BURIALS & NICHE WALL
14	PRIVATE FAMILY ESTATES
15	LAWN CRYPTS, BURIALS & NICHE WALL
16	BURIALS
17	BURIALS
18	BURIALS
19	BURIALS & TERRACE ESTATES
20	BURIALS & TERRACE ESTATES
21	BURIALS
22	BURIALS
23	BURIALS
24	BURIALS
25	BURIALS
26	BURIALS
27	PET BURIALS
28	BURIALS
29	BURIALS
30	BURIALS
31	CHAPEL
32	PUBLIC MAUSOLEUM & NICHE WALLS
33	TERRACE ESTATES, PRIVATE MAUSOLEUMS & WATER FEATURES
34	PRIVATE MAUSOLEUMS & WATER FEATURES

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MALIBU MEMORIAL

SCALE: 1" = 40'

BP1.01

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TEL: 208-495-3228

DESCRIPTION:

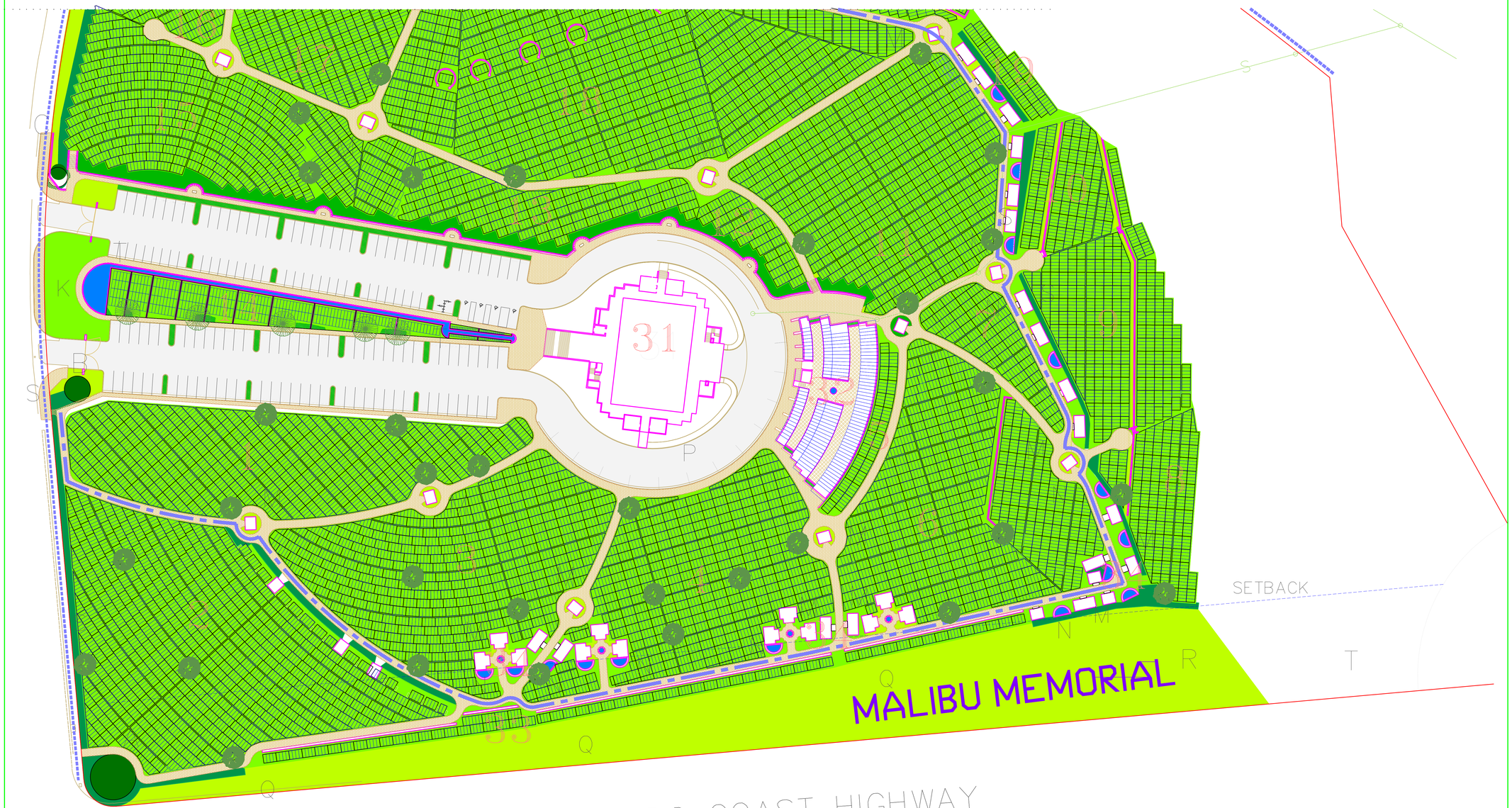
NORTHERLY BURIAL PLOTS

DRAWING NO.

BP1.01

PROJECT	XXXXXX RESIDENCE
DATE	
SCALE	Plot Date: 4/11/16
DRAWN BY	D.W.B.,

MATCHLINE BP1.01



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MALIBU MEMORIAL

SCALE: 1" = 40'

BP1.02

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DESCRIPTION:

SOUTHERLY BURIAL PLOTS

DRAWING NO. **BP1.02**

PROJECT	XXXXXXX RESIDENCE
DATE	
SCALE	Plot Date: 4/11/16
DRAWN BY	D.W.B.,

- **PROJECT ADDRESS:** 4000 Malibu Canyon Road
  Malibu, CA 90265
- **A.P.N:** 4458 030 007- 4458 028 015 - 4458 028 019
- **LCP ZONING:** Pending City determination
- **OWNER:** Green Acres, LLC
  a California Limited Liability Company
  22837 Pacific Coast Highway #775, Malibu, CA 90265
- **OCCUPANCY GROUP:** See chart below. **TYPE OF CONSTRUCTION:** VB
- **NUMBER OF STORIES:** Chapel 1 + Subterranean garage, Mausoleum 1
- **FIRE ZONE:** VHFHSZ
- **SPRINKLERED:** YES (Sprinklered per LACo. Fire Departments Requirement)
- **LOT AREA:** Gross: 1,228,908 Sq.Ft. (28.2 Acres)
  Net.: 1,210,968 Sq.Ft. (27.8 Acres)

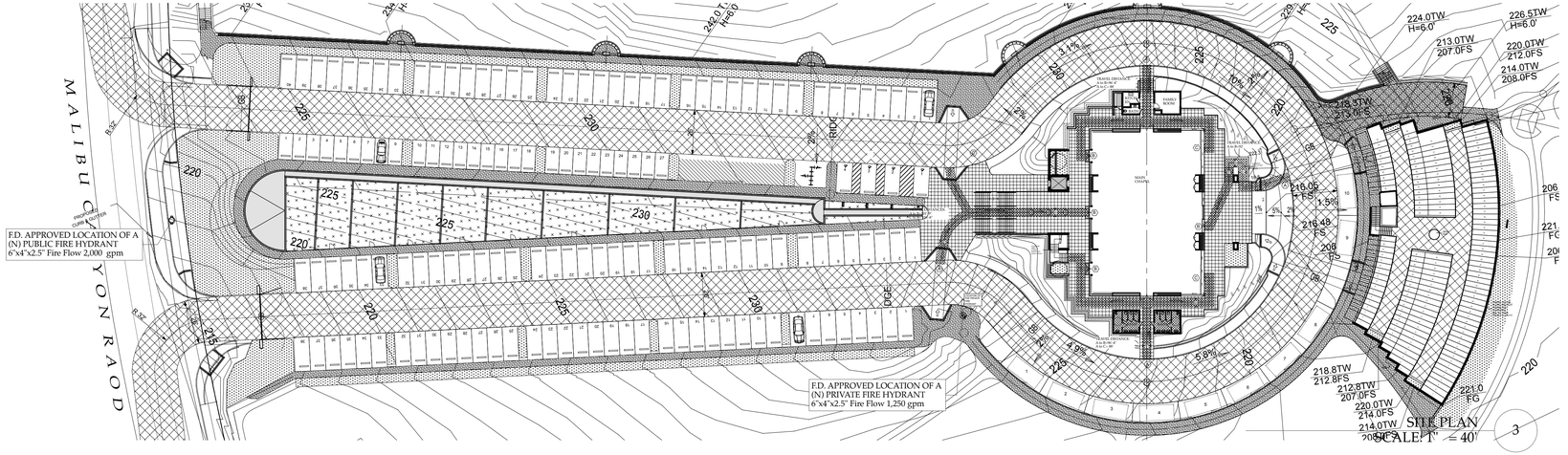
FIRE DEPT. NOTES:

1) Provide approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance for such road or prohibit the obstruction thereof and at intervals, as required by Fire Inspector. Fire Code 503.3

2) When security gates are provided, maintain a minimum access width of 26 feet. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all time and replaced or repaired when defective. Electric gate operators, where provided, shall be constructed and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6

3) Fire Flow requirements calculation:
Type of construction: per Building Code: Type VB
Fire flow calculation area: Area 17,000 sq..ft.
Fire flow based on the fire flow calculation area: 3,500 gpm
Reductions for fire sprinklers (maximum 50%): 1,500 gpm
Total fire flow required: 2,000 gpm

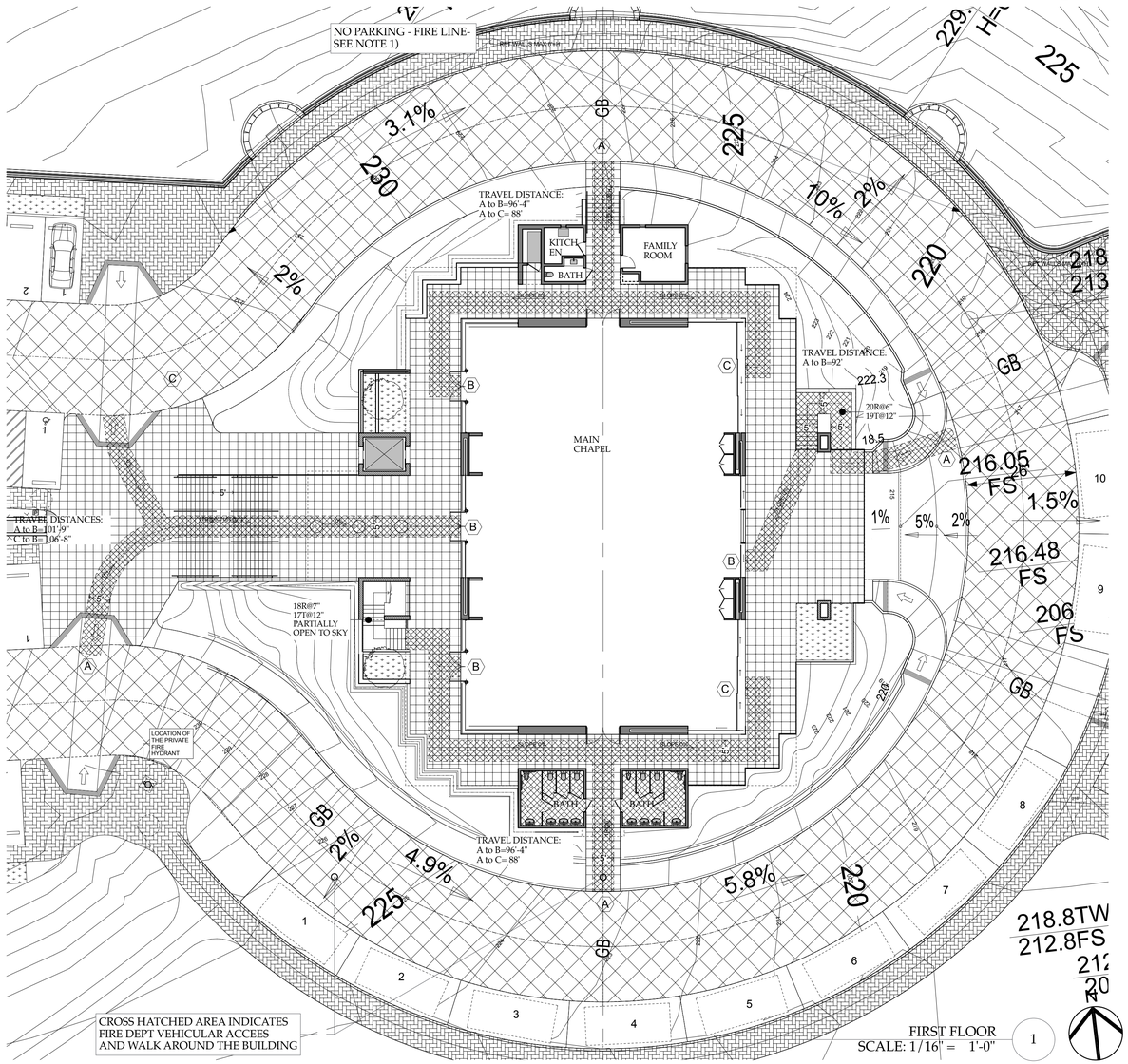
4) Provide an approved automatic fire sprinkler system as set forth by Building Code 903 and Fire Code 903. Plans shall be submitted to the Sprinkler Plan Check Unit for review and approval prior installation.
Reason fire Code 903 & fire flow reduction
Type of fire sprinkler system 903.3.1.1, 903.3.1.2, 903.3.1.3.

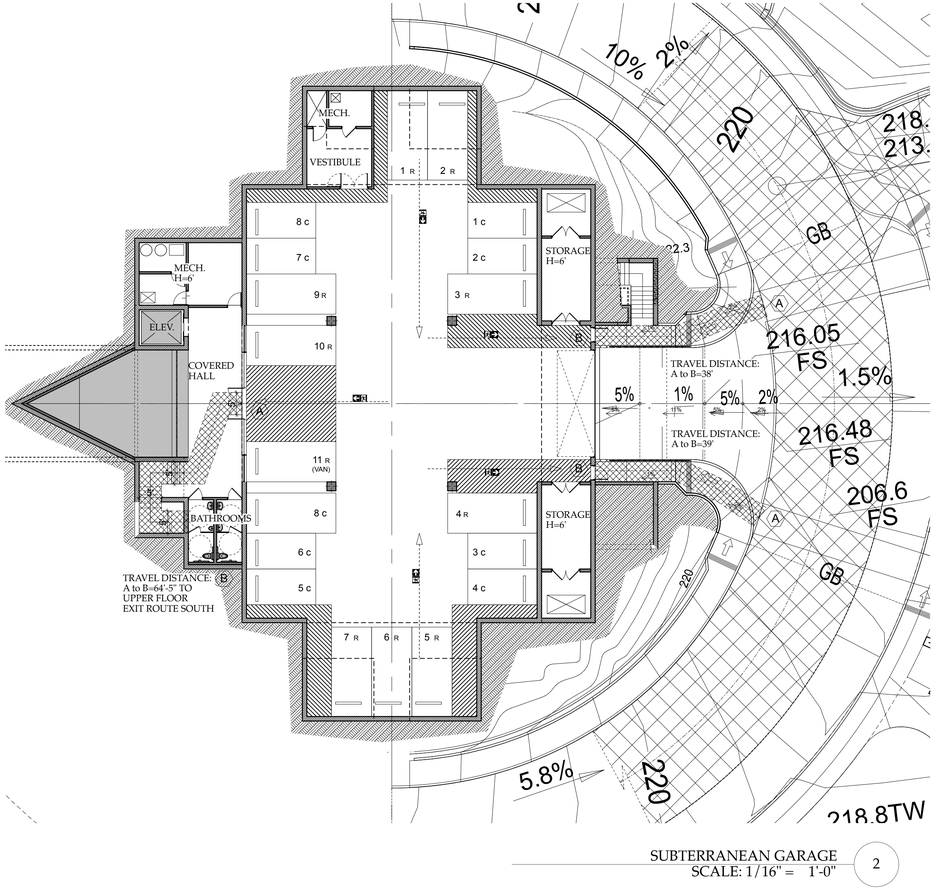


- **Occupancy classifications** [CBC Chapter 3. Building Code 302.1] **:**

A-3	Main Chapel	6,566 S.F.
A-3	Accessory rooms:	
	Family, Kitchen, Vestibule	516 S.F.
	Bathrooms	691 S.F.
	Covered hall	718 S.F.
S-1	Storages H=6'	914 S.F.
S-2	Mechanical rooms & elevators	384 S.F.
S-2	Subterranean Garage	8,037 S.F.

Detached Buildings:
U 48 free-standing Mausoleums of average 187 Sq.Ft. each. Tot. 9,000 S.F.





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TEL: 208-495-3228

DESCRIPTION:

FIRE DEPARTMENT ACCESS

DRAWING NO. **FD-01**

PROJECT	2550 - Malibu Memorial Park
DATE	Plot Date: 4/11/16
SCALE	AS NOTED
DRAWN BY	D.W.B., A.M.,

GRADING AND DRAINAGE PLAN

NOTICE TO CONTRACTORS

GRADING NOTES

1. ALL GRADING NOTES SHALL COMPLY WITH UBC CHAPTERS 18 AND 33, AND APPENDIX CHAPTER 33. A CITY GRADING PERMIT IS REQUIRED FOR GRADING.
2. GRADING SHALL NOT BE STARTED WITHOUT FIRST NOTIFYING THE CITY GRADING INSPECTOR. A PRE-GRADING MEETING ON THE SITE IS REQUIRED BEFORE STARTING OF GRADING WITH THE FOLLOWING PEOPLE PRESENT: GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, GEOTECHNICAL ENGINEER, GRADING INSPECTOR AND WHEN REQUIRED, THE ARCHAEOLOGIST AND PALEONTOLOGIST. THE REQUIRED INSPECTIONS FOR GRADING WILL BE EXPLAINED AT THIS MEETING.
3. AN APPROVED COPY OR THE GRADING PLAN SHALL BE ON THE PERMITTED SITE WHILE WORK IS IN PROGRESS.
4. THE DESIGN CIVIL ENGINEER SHALL BE AVAILABLE DURING THE GRADING TO VERIFY COMPLIANCE WITH THE PLANS, SPECIFICATIONS, CODE ANY SPECIAL CONDITIONS OF THE PERMIT WITHIN HIS PURVIEW.
5. COMPLETE REPORT AND MAP UPON COMPLETION OF ROUGH GRADING. THE COMPACTING REPORT AND APPROVAL FROM THE GEOTECHNICAL ENGINEER SHALL INDICATE THE TYPE OF FIELD TESTING PERFORMED. EACH TEST SHALL BE IDENTIFIED WITH THE METHOD OF OBTAINING THE IN-PLACE DENSITY, WHETHER SAND CONE OR DRIVE RING AND SHALL BE SO NOTED FOR EACH TEST. SUFFICIENT MAXIMUM DENSITY DETERMINATIONS SHALL BE PERFORMED TO VERIFY THE ACCURACY OF THE MAXIMUM DENSITY CURVES USED BY THE FIELD TECHNICIAN.
6. CUT AND FILL SLOPES SHALL BE NO STEEPER THAN 2 FOOT HORIZONTAL TO 1 FOOT VERTICAL (2:1) EXCEPT WHERE SPECIFICALLY APPROVED OTHERWISE.
7. FILLS SHALL BE COMPACTED THROUGHOUT TO A MINIMUM OF 90% RELATIVE DENSITY. AGGREGATE BASE FOR ASPHALT AREAS SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE DENSITY. MAXIMUM DENSITY SHALL BE DETERMINED BY UNIFORM BUILDING CODE 70-1 OR APPROVED EQUIVALENT, AND FIELD DENSITY BY UNIFORM CODE STANDARD NO. 70-2 OR APPROVED EQUIVALENT.
8. THE CONTRACTOR SHALL NOT CREATE ANY TRENCH OR EXCAVATION 5 FEET OR MORE WITHOUT THE NECESSARY PERMIT FROM THE STATE OF CALIFORNIA DIVISION OF INDUSTRIAL SAFETY.
9. ALL CUT SLOPES SHALL BE INVESTIGATED BOTH DURING AND AFTER GRADING BY THE GEOTECHNICAL ENGINEER TO DETERMINE IF ANY SLOPE STABILITY PROBLEM EXISTS. SHOULD EXCAVATION DISCLOSE ANY GEOLOGICAL HAZARDS OR POTENTIAL GEOLOGICAL HAZARDS, THE GEOLOGICAL ENGINEER SHALL SUBMIT RECOMMENDED TREATMENT TO THE CITY ENGINEER FOR APPROVAL.
10. THE PERMITTEE IS RESPONSIBLE FOR DUST CONTROL MEASURES. WATER ACTIVE SITE AT LEAST TWICE DAILY.
11. THE LOCATING AND PROTECTION OF ALL EXISTING UTILITIES IS THE RESPONSIBILITY OF THE PERMITTEE.
12. GRADING OPERATION INCLUDING MAINTENANCE OF EQUIPMENT WITHIN ONE HALF MILE OF HUMAN OCCUPANCY SHALL NOT BE CONDUCTED BETWEEN THE HOURS OF 8:00 P.M. AND 8:00 A.M..
13. THE PERMITTEE SHALL GIVE REASONABLE NOTICE TO THE OWNER OF ADJOINING LANDS AND BUILDING PRIOR TO BEGINNING EXCAVATIONS WHICH MAY AFFECT THE LATERAL AND SUBJACENT SUPPORT OF THE ADJOINING PROPERTY. THE NOTICE SHALL STATE THE INTENDED DEPTH OF EXCAVATION AND WHEN THE EXCAVATION WILL COMMENCE. THE ADJOINING OWNER SHALL BE ALLOWED AT LEAST 30 DAYS AND REASONABLE ACCESS ON THE PERMITTED PROPERTY TO PROTECT HIS STRUCTURE, IF HE SO DESIRES, UNLESS OTHERWISE PROTECTED BY LAW.
14. ALL EXISTING DRAINAGE COURSES THROUGH THE SITE SHALL REMAIN OPEN TO HANDLE THE STORM WATER; HOWEVER, IN ANY CASE, THE PERMITTEE SHALL BE HELD LIABLE FOR ANY DAMAGE DUE TO OBSTRUCTING NATURAL DRAINAGE PATTERNS.
15. APPROVED EROSION PROTECTION DEVICES SHALL BE PROVIDED AND MAINTAINED DURING THE RAINY SEASON BETWEEN NOVEMBER 1 AND APRIL 15 OF THE FOLLOWING YEAR AND SHALL BE IN PLACE AT THE END OF EACH DAY'S WORK. PROPER EROSION CONTROL MEASURES MUST BE SHOWN ON THE PLANS.
16. CONSTRUCTION SITES SHALL BE MAINTAINED IN SUCH A CONDITION THAT AN ANTICIPATED STORM DOES NOT CARRY WASTES OR POLLUTANTS OFF THE SITES.

    DISCHARGES OF MATERIAL OTHER THAN STORM WATER ARE ALLOWED ONLY WHEN NECESSARY FOR PERFORMANCE AND COMPLETION OF CONSTRUCTION PRACTICES AND WHERE THEY DO NOT: CAUSE OR CONTRIBUTE TO A VIOLATION OF ANY WATER QUALITY STANDARD; CAUSE OR THREATEN TO CAUSE POLLUTION, CONTAMINATION, OR NUISANCE; OR CONTAIN A HAZARDOUS SUBSTANCE IN A QUANTITY REPORTABLE UNDER FEDERAL REGULATIONS 40 CFR 117 AND 302.

    POTENTIAL POLLUTANTS INCLUDE BUT ARE NOT LIMITED TO: SOLID OR LIQUID CHEMICAL SPILLS; WASTES FROM PAINTS, STAINS, SEAL ANTS, GLUES, LIMES, PESTICIDES, HERBICIDES, WOOD PRESERVATIVES AND SOLVENTS; ASBESTOS FIBERS, PAINT FLAKES OR STUCCO FRAGMENTS; FUELS, OILS, LUBRICANTS, AND HYDRAULIC RADIATOR OR BATTERY FLUIDS; FERTILIZERS, VEHICLE/EQUIPMENT WASH WATER AND CONCRETE WASH WATER AND CONCRETE WASH WATER; CONCRETE, DETERGENT OR FLOATABLE WASTES; WASTES FROM ANY ENGINE/EQUIPMENT STEAM CLEANING OR CHEMICAL DEGREASING; AND SUPER CHLORINATED POTABLE WATER LINE FLUSHINGS.

    DURING CONSTRUCTION, DISPOSAL OF SUCH MATERIALS SHOULD OCCUR IN A SPECIFIED AND CONTROLLED TEMPORARY AREA ON-SITE PHYSICALLY SEPARATED FROM POTENTIAL STORM WATER RUN-OFF, WITH ULTIMATE DISPOSAL IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS.
17. DEWATERING OF CONTAMINATED GROUNDWATER, OR DISCHARGING CONTAMINATED SOILS VIA SURFACE EROSION IS PROHIBITED. DEWATERING OF NON-CONTAMINATED GROUNDWATER REQUIRES A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FROM THE RESPECTIVE STATE REGIONAL WATER QUALITY CONTROL BOARD.
18. ALL DIRT, SAND, MUD, OR DEBRIS DEPOSITED OR SPILLED UPON PUBLIC STREETS DURING ANY GRADING, HAULING, OR EXPORT OPERATIONS SHALL BE IMMEDIATELY CLEANED UP BY THE DEVELOPER, HIS CONTRACTOR, SUBCONTRACTORS, OR AGENTS TO THE SATISFACTION OF THE CITY ENGINEER. FAILURE TO DO SO WILL CAUSE FOR STOPPING ALL SUCH GRADING, HAULING, OR EXPORT WORK BY THE CITY UNTIL SUCH TIME AS THE STREETS ARE CLEANED.
19. ALL TRUCKS HAULING DIRT, SAND SOIL, OR OTHER LOOSE MATERIALS ARE TO BE COVERED OR SHOULD MAINTAIN AT LEAST TWO FEET OF FREEBOARD IN ACCORDANCE WITH THE REQUIREMENTS OF CVC SECTION 23114.
20. CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ALL DAMAGES TO PUBLIC PROPERTIES THAT ARE CAUSED BY THE WORK ON-SITE. REPAIR MUST BE COMPLETED TO THE SATISFACTION OF THE CITY ENGINEER.
21. MINIMUM ASPHALT PAVEMENT SECTION SHALL BE X" PER GEOTECHNICAL REPORT
22. SEPARATE PERMITS MUST BE OBTAINED FROM THE CITY BUILDING AND SAFETY DIVISION FOR THE CONSTRUCTION OF RETAINING WALLS AND ON-SITE PLUMBING.
23. PRIOR TO TURNING ON WATER METERS (DOMESTIC AND IRRIGATION), AND/OR FIRE SERVICES, ARRANGE FOR INSTALLATION, TESTING, AND CERTIFICATION OF ALL NEEDED BACK FLOW PROTECTION DEVICES, WHETHER SUCH DEVICES ARE SHOWN ON THE PROJECT PLANS OR NOT. APPROVED BACK FLOW PROTECTION DEVICES WILL BE INSTALLED ON SITE, BY DEVELOPERS IN CONFORMANCE WITH CODE REGULATIONS, AND COUNTY REQUIREMENTS.
24. CONSTRUCTION DUST CONTROL: DURING CONSTRUCTION DUST CONTROL MEASURES SHALL BE REQUIRED IN ACCORDANCE WITH THE CITY'S DUST CONTROL ORDINANCE. GRADING WILL BE DISCONTINUED DURING FIRST-STAGE SMOG ALERTS AND SUSPENDED DURING PERIODS OF HIGH WIND (I.E.: OVER 15 MILES PER HOUR). ALL HAULING TRUCKS SHALL HAVE LOADS COVERED OR WETTED AND LOADED BELOW THE SIDEBOARDS TO MINIMIZE DUST.
25. PRIOR TO THE PLACEMENT OF CONTRETE SLABS, THE SLAB SUBGRADE SOILS SHALL BE PRE-MOISTENED TO AT LEAST 5% OVER THE OPTIMUM MOISTURE CONTENT TO THE DEPTH SPECIFIED BY THE GEOTECHNICAL ENGINEER. THE PRE-MOISTENED SOIL SHOULD BE TESTED AND VERIFIED TO BE BY THE GEOTECHNICAL ENGINEER WITHIN ONE DAY PRIOR TO THE PLACEMENT OF THE MOISTURE BARRIER AND SAND.
26. PRIOR TO THE FINAL APPROVAL OF THE PROJECT, AN AS-BUILT COMPACTION REPORT PREPARED BY THE PROJECT GEOTECHNICAL CONSULTANT MUST BE SUBMITTED TO THE CITY FOR REVIEW. THE REPORT MUST INCLUDE THE RESULTS OF ALL DENSITY TESTS AS WELL AS A MAP DEPICTING THE LIMITS OF FILL, LOCATIONS OF ALL DENSITY TESTS, LOCATIONS AND ELEVATIONS OF ALL REMOVAL BOTTOMS, LOCATIONS AND ELEVATIONS OF ALL KEYWAYS AND BACK DRAINS, AND LOCATIONS AND ELEVATIONS OF ALL RETAINING WALL BACKDRAINS AND OUTLETS. GEOLOGIC CONDITIONS EXPOSED DURING GRADING MUST BE DEPICTED ON AN AS-BUILT GEOLOGIC MAP.
27. SUBGRADE SOILS SHALL BE TESTED FOR EXPANSION INDEX PRIOR TO FOURING FOOTINGS OR SLABS FOUNDATION PLANS SHALL BE REVIEWED AND REVISED BY THE PROJECT GEOTECHNICAL CONSULTANT, AS APPROPRIATE.
28. ALL FOUNDATION EXCAVATIONS MUST BE OBSERVED AND APPROVED BY THE PROJECT GEOTECHNICAL CONSULTANT PRIOR TO PLACEMENT OF REINFORCING STEEL.
29. PRIOR TO THE PLACEMENT OF CONCRETE SLABS, THE SLAB SUBGRADE SOILS SHALL BE PRE-MOISTENED TO AT LEAST 5% OVER THE OPTIMUM MOISTURE CONTENT TO THE DEPTH SPECIFIED BY THE GEOTECHNICAL ENGINEER. THE PRE-MOISTENED SOILS SHOULD BE TESTED AND VERIFIED TO BE BY THE GEOTECHNICAL ENGINEER WITHIN ONE DAY PRIOR TO THE PLACEMENT OF THE MOISTURE BARRIER AND SAND.

GENERAL NOTES

1. GRADING, TRENCHING AND BACKFILL SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY OF MALIBU MUNICIPAL CODE AND ALL OTHER GOVERNING AGENCIES.
2. CONSTRUCTION OF THE PROJECT WILL REQUIRE THE CONTRACTOR TO COORDINATE WITH THE OWNER AND MAINTAIN TRAFFIC IN THE AREAS OF CONSTRUCTION. CONTRACTOR WILL MAINTAIN ACCESS TO ADJOINING BUILDINGS AND DRIVEWAYS AT ALL TIMES. PROVIDE TEMPORARY DRIVEWAYS AND TRAFFIC-RATED PLATES OVER OPEN TRENCHES. CONTRACTOR SHALL LIMIT THE AMOUNT OF OPEN TRENCH SO THAT TRAFFIC CAN BE MAINTAINED. IF REQUIRED, CONTRACTOR SHALL IMPORT FILL MATERIAL FROM OFF-SITE.
3. FILL MATERIAL SHALL MEET WITH THE APPROVAL OF THE ENGINEER PRIOR TO BEING IMPORTED. UNSUITABLE MATERIAL THAT IS EXCAVATED BY THE CONTRACTOR THAT CANNOT BE USED AS FILL SHALL BE DISPOSED OF OFF-SITE BY THE CONTRACTOR.
4. THE TERM "INSPECTION" OR "INSPECT" AS USED IN THESE CONTRACT DOCUMENTS SHALL BE TAKEN TO MEAN "OBSERVE" OR "OBSERVATION". THE ENGINEER IS NOT RESPONSIBLE FOR THE CONTRACTOR'S CONSTRUCTION METHODS.
5. SUBMIT SHOP DRAWINGS AND LAYOUT DRAWINGS FOR ALL MATERIALS PRIOR TO ANY MATERIAL PURCHASE OR INSTALLATION.
6. LOCATION OF UTILITY SUBSTRUCTURE FACILITIES, AS SHOWN ON THESE PLANS, WERE OBTAINED EITHER FROM THE OWNER'S RECORDS AND/OR FROM SURVEYS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR POTHOLING AND VERIFYING DEPTH AND LOCATION OF ALL LINES WITHIN HIS WORK AREA PRIOR TO CONSTRUCTION. SUBMIT POTHOLE RESULTS PLAN TO ENGINEER PRIOR TO START OF CONSTRUCTION. NO CHANGE ORDERS FOR UNDERGROUND WORK WILL BE VALID WITHOUT THIS PRIOR SUBMISSION.
7. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (CURRENT EDITION), ALL THE SUPPLEMENTS THERETO, AND THE COUNTY OF LOS ANGELES STANDARDS.
8. CONTRACTOR SHALL REPLACE ANY SURFACE OR SUBSURFACE IMPROVEMENTS DAMAGED OR REMOVED DUE TO CONSTRUCTION AND IS REQUIRED TO REPLACE THEM TO THEIR ORIGINAL CONDITION.
9. CONTRACTOR SHALL SUBMIT A PHASING PLAN FOR SITE DEMOLITION AND CAPPING OF EXISTING UTILITIES. THE PLAN SHALL BE REVIEWED BY THE OWNER PRIOR TO CONSTRUCTION.
10. REMOVE INTERFERING PORTIONS OF EXISTING ABANDONED UTILITIES AS REQUIRED TO CONSTRUCT PROJECT. VERIFY PRIOR TO REMOVAL.
11. ROUGH GRADING MUST BE APPROVED BY A FINAL ENGINEERING GEOLOGY AND SOILS ENGINEERING REPORT. AN A-B-BUILT GEOLOGIC MAP MUST BE INCLUDED IN THE FINAL GEOLOGY REPORT. PROVIDE A FINAL REPORT STATEMENT THAT VERIFIES WORK WAS DONE IN COMPLIANCE WITH REPORT RECOMMENDATIONS AND CODE PROVISIONS (SECTION 3318.1). THE FINAL REPORT(S) MUST BE SUBMITTED TO THE GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.
12. FOUNDATION EXCAVATIONS MUST BE INSPECTED AND APPROVED BY THE CONSULTING GEOLOGIST AND SOILS ENGINEER PRIOR TO THE PLACING OF STEEL OR CONCRETE.
13. ALL RECOMMENDATIONS OF THE CONSULTING GEOLOGIST AND GEOTECHNICAL ENGINEER MUST BE INCORPORATED INTO DESIGN OR SHOWN AS NOTES ON THE PLANS.
14. ALL EXISTING FILL AND SOFT OR DISTURBED EARTH MATERIALS SHALL BE REMOVED FROM THE BUILDING AREA CONTROLLED ALL THE EXCAVATED AREAS SHALL BE OBSERVED BY THE GEOTECHNICAL ENGINEER PRIOR TO PLACING COMPACTED FILL. A UNIFORM COMPACTED FILL BLANKET SHALL BE PLACED BENEATH THE FOOTINGS. THE FILL BLANKET SHALL EXTEND AT LEAST FOUR FEET BELOW THE BOTTOM OF THE FOOTINGS AND SHOULD EXTEND LATERALLY FOR A DISTANCE EQUAL TO THE DEPTH OF FILL BELOW THE FOUNDATIONS. THE FILL MAY BE PLACED OVER BEDROCK AND COLLUVIUM MATERIALS.
15. SUBSEQUENT TO THE INDICATED REMOVALS, THE EXPOSED GRADE SHALL BE SCARIFIED TO A DEPTH OF SIX INCHES, MOISTENED TO OPTIMUM MOISTURE CONTENT, AND RECOMPACTED TO 90 PERCENT OF THE MAXIMUM DENSITY.
16. FILL CONSISTING OF SOIL APPROVED BY THE GEOTECHNICAL ENGINEER, SHALL BE PLACED IN COMPACTED LAYERS WITH SUITABLE COMPACTING EQUIPMENT. THE EXCAVATED INSITU MATERIALS ARE CONSIDERED SATISFACTORY FOR REUSE IN THE CONTROLLED FILLS. ANY IMPORTED FILL SHALL BE OBSERVED BY THE GEOTECHNICAL ENGINEER PRIOR TO USE IN FILL AREAS. FILL MATERIALS SHALL BE MOISTURE CONDITIONED TO WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT AND SUFFICIENTLY BLENDED PRIOR TO PLACEMENT AS CONTROLLED FILL. ROCKS LARGER THAN SIX INCHES IN DIAMETER SHALL NOT BE USED IN THE FILL.
17. THE FILL SHALL BE COMPACTED TO AT LEAST 90 PERCENT OF THE MAXIMUM LABORATORY DENSITY FOR THE MATERIALS USED. THE MAXIMUM DENSITY SHALL BE DETERMINED BY ASTM D 1557-02 OR EQUIVALENT.
18. FIELD OBSERVATION AND TESTING SHALL BE PERFORMED BY THE GEOTECHNICAL ENGINEER DURING GRADING TO ASSIST THE CONTRACTOR IN OBTAINING THE REQUIRED DEGREE OF COMPACTION AND THE PROPER MOISTURE CONTENT. WHERE COMPACTION IS LESS THAN REQUIRED, ADDITIONAL COMPACTIVE EFFORT SHALL BE MADE WITH ADJUSTMENT OF THE MOISTURE CONTENT, AS NECESSARY, UNTIL 90 PERCENT COMPACTION IS OBTAINED.
19. UTILITY TRENCHES SHALL BE PROPERLY BACK FILLED WITH CONTROLLED FILL THE PIPE SHALL BE BEDDED WITH CLEAN SANDS AT LEAST ONE FOOT OVER THE CROWN. THE REMAINDER OF THE BACK FILL MAY BE ONSITE SOIL COMPACTED TO 95 PERCENT AND TESTED IN ACCORDANCE WITH ASTM D-1557-02.
20. ANY VEGETATION OR ASSOCIATED ROOT SYSTEM LOCATED WITHIN THE FOOTPRINT OF THE PROPOSED STRUCTURES SHALL BE REMOVED DURING GRADING. ANY EXISTING OR ABANDONED UTILITIES LOCATED WITHIN THE FOOTPRINT OF THE PROPOSED STRUCTURES SHALL BE REMOVED OR RELOCATED AS APPROPRIATE. ALL FILL MATERIALS AND DISTURBED EARTH MATERIALS RESULTING FROM GRADING OPERATIONS SHALL BE REMOVED AND PROPERLY RECOMPACTED PRIOR TO FOUNDATION EXCAVATION.

PRIVATE ENGINEER'S NOTICE TO SUBCONTRACTORS

1. PRIOR TO COMMENCING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY ALL JOIN CONDITIONS FOR GRADING, DRAINAGE AND UNDERGROUND FACILITIES, INCLUDING LOCATION AND ELEVATION OF EXISTING UNDERGROUND FACILITIES AT CROSSINGS WITH PROPOSED UNDERGROUND FACILITIES. IF CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLANS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND SHALL NOT BEGIN CONSTRUCTION UNTIL THE CHANGED CONDITIONS HAVE BEEN EVALUATED.
2. THE EXISTENCE, LOCATION AND CHARACTERISTICS OF UNDERGROUND UTILITY INFORMATION SHOWN ON THESE PLANS HAS BEEN OBTAINED FROM A REVIEW OF AVAILABLE RECORD DATA. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID UTILITY INFORMATION. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS.
3. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY, AND SHALL NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH PERFORMANCE OF WORK ON THIS PROJECT.
4. THE CONTRACTOR SHALL BE FAMILIARIZED WITH THE PLANS, THE SOILS AND/OR GEOLOGY REPORTS, AND THE SITE CONDITIONS PRIOR TO COMMENCING WORK.
5. SHOULD CONFLICTING INFORMATION BE FOUND ON THE PLANS, THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER AT PSOMAS BEFORE PROCEEDING WITH THE WORK IN QUESTION.

PUBLIC WORKS DEPARTMENT GENERAL NOTES:

1. ALL WORK SHOWN ON THESE PLANS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC) "GREEN BOOK".
2. CONTRACTORS SHALL COMPLY WITH ALL APPLICABLE DIVISION OF INDUSTRIAL REGULATIONS (CAL-OSHA) SAFETY STANDARDS. IF REQUESTED BY THE INSPECTOR, THE CONTRACTOR SHALL PROVIDE PROOF OF A PERMIT FROM SAID DIVISION.
3. CONTRACTOR SHALL CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2489 EXTENSION 235 FOR PRE-CONSTRUCTION MEETING PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR GRADING OPERATIONS. CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS INSPECTOR 48 HOURS PRIOR TO COMMENCING ANY CONSTRUCTION AND 24 HOURS IN ADVANCE OF SPECIFIC INSPECTION NEEDS DURING THE COURSE OF THE WORK.
4. NOT USED.
5. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CITY RIGHT OF WAY SHALL REQUIRE A CITY ENCROACHMENT PERMIT. CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2490 EXT. 235 TO APPLY FOR A PERMIT.
6. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING ANY WORK WITHIN THE CALTRANS PUBLIC RIGHT OF WAY SHALL REQUIRE A CALTRANS ENCROACHMENT PERMIT. SUBMIT A COPY OF THE CALTRANS ENCROACHMENT PERMIT TO THE PUBLIC WORKS DEPARTMENT.
7. ALL WORK SHALL BE PERFORMED DURING CITY WORKING HOURS AND IN COMPLIANCE WITH THESE PLANS.
8. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORK.
9. CONTRACTOR SHALL LOCATE, PROTECT, AND SAVE ANY AND ALL SURVEY MONUMENTS THAT WILL BE OR MAY BE DAMAGED OR DESTROYED BY THEIR OPERATIONS. ONCE FOUND, THE CONTRACTOR SHALL THEN NOTIFY BOTH THE DEVELOPER'S SUPERVISING CIVIL ENGINEER AND THE PUBLIC WORKS INSPECTOR. THE SUPERVISING CIVIL ENGINEER SHALL RESET ALL SAID MONUMENTS PER THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PUBLIC AND PRIVATE PROPERTY INSOFAR AS IT MAY BE AFFECTED BY THESE OPERATIONS.
11. EXISTING TRAFFIC SIGNALS ARE NOT TO BE REMOVED WITHOUT PRIOR NOTIFICATION AND APPROVAL OF THE CITY ENGINEER. AS A MINIMUM, CONSTRUCTION WORK ZONE TRAFFIC SIGNS AND STRIPING SHALL BE FURNISHED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE "WORK AREA TRAFFIC CONTROL HANDBOOK" (THE "WATCH BUILDING" PUBLISHED BY BNI BUILDING NEWS, INC. A TRAFFIC CONTROL PLAN, PREPARED BY THE DEVELOPER, MAY BE REQUIRED BY THE CITY.
12. DUST CONTROL SHALL BE MAINTAINED AT ALL TIMES.
13. EROSION CONTROL PLANS SHALL BE PROVIDED FOR ALL PROJECTS. GRADING AND CLEARING IS PROHIBITED FROM NOVEMBER 1 TO MARCH 31 FOR ALL DEVELOPMENTS WITHIN OR ADJACENT TO ESHA AND/OR INCLUDING GRADING ON SLOPES GREATER THE 4:1.
14. ALL UNDERGROUND UTILITIES AND SERVICE LATERALS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, AND PAVING UNLESS OTHERWISE PERMITTED BY THE CITY ENGINEERS.
15. THE DEVELOPER SHALL COMPLY WITH NPDES REQUIREMENTS. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE AVAILABLE AT THE CONSTRUCTION SITE AT ALL TIMES AND SHALL BE KEPT UPDATED.
16. ALL RECOMMENDATIONS MADE BY THE GEOTECHNICAL/SOILS ENGINEER (AND ENGINEERING GEOLOGIST, WHERE EMPLOYED), AND CONTAINED IN THE REPORTS REFERENCED HEREON, AS APPROVED OR CONDITIONED BY THE CITY, SHALL BE CONSIDERED A PART OF THE GRADING PLAN.
17. ALL STORM DRAIN PIPE WITHIN THE PUBLIC RIGHT-OF-WAY AND EASEMENTS SHALL BE REINFORCED CONCRETE PIPE (RCP).
18. TERRACE DRAINS, INTERCEPTOR DRAINS, AND DOWN DRAINS SHALL BE CONSTRUCTED OF 3" X 4" X 2" RUBBERIZED WITH 6"X6"X10 WWM, AND SHALL BE EITHER SEMICIRCULAR OR TRIANGULAR CROSS SECTION. CONCRETE COLOR SHALL BE "OMAHA TAN" OR APPROVED EQUIVALENT.
19. GRADING QUANTITIES:
    CUT ___94,442____C.Y. FILL ___94,442___C.Y.
    EXPORT __0__C.Y. IMPORT__0_____C.Y.
    *INCLUDES 10% SHRINKAGE
20. TOTAL DISTURBED AREA 24.3 ACRES (1,061,584 SF)
    (INCLUDING GRADING, CLEARING, AND LANDSCAPING AREA)
    TOTAL EXISTING IMPERVIOUS SURFACE AREA 0 sq.ft.
    TOTAL PROPOSED IMPERVIOUS SURFACE AREA XX,XXX sq.ft.
    FLOOD ZONE ON FIRM:065043 0788 C, BASE FLOOD ELEVATION: N/A.
21. ALL SLOPES ON PRIVATE PROPERTY ADJOINING STREETS, DRAINAGE CHANNELS, OR OTHER PUBLIC FACILITIES SHALL BE GRADED NOT STEEPER THAT 2:1 FOR CUT AND FILL UNLESS SPECIFICALLY APPROVED BY THE CITY ENGINEER ON RECOMMENDATION OF THE PROJECT'S GEOTECHNICAL/SOILS CONSULTANT.
22. ALL CATCH BASINS AND DRAINAGE INLETS SHALL BE STENCLED WITH CITY OF MALIBU STORM DRAIN LOGO.

ESTIMATED EARTHWORK QUANTITIES

	EXEMPT			NON-EXEMPT	REMEDIAL	TOTAL
	R & R	UNDER STRUCTURE	SAFETY			
CUT	70,045	11,057	1,172	29,513**	0	111,787
FILL	70,045	0	231	32,925***	0	113,521*
TOTAL	140,090	11,057	1,403	62,438	0	225,308*
IMPORT	–	–	–	–	–	0
EXPORT	–	–	–	–	–	0

* ADJUSTED TO INCLUDE 10% SHRINKAGE.
** INCLUDES 17345 CY OF FILL FOR CAPPING THE ARCHAEOLOGICAL AREA
*** INCLUDES 17345 CY OF CUT FROM BURIALS THAT WILL BE USED FOR CAPPING THE ARCHAEOLOGICAL AREA

THE ABOVE LISTED QUANTITIES REFLECT THE ENGINEER'S ESTIMATE OF THE EARTHWORK VOLUMES.

THESE QUANTITIES ARE FOR DESIGN AND BONDING PURPOSES ONLY, AND NOT FOR CONTRACT PURPOSES.

THE CONTRACTOR IS RESPONSIBLE FOR COMPUTING HIS OWN QUANTITIES.

GRADING ASSOCIATED WITH INGRESS, EGRESS, INCLUDING SAFETY ACCESS, SHALL BE CONSIDERED EXEMPT GRADING.

ASSUMPTIONS:

1. INCLUDED 10% SHRINKAGE VALUE PER SHANNON & WILSON GEOTECHNICAL REPORT.
2. INCLUDED 5% CONTINGENCY.
3. REMEDIAL EXEMPTIONS ARE CUT AND FILL QUANTITIES ALONG CIVIC CENTER DRIVE SLOPE FOR SLOPE STABILITY, AND FILL ABOVE SENSITIVE AREA TO HONOR CULTURAL RESOURCES.

SOILS ENGINEER REVIEW

THESE PLANS HAVE BEEN REVIEWED BY AND CONFORM TO THE RECOMMENDATIONS OF THE FOLLOWING GEOLOGIC\SOILS REPORTS PREPARED BY _____

_____ DATE
(SOILS ENGINEER)

STORMWATER CALCULATION SUMMARY

STORMWATER VOLUME TO BE TREATED:
CHAPEL AREA = 4,500 C.F.
DRIVEWAY APPROACH AREA: 3,500 C.F.

DETENTION VOLUME*:
CHAPEL AREA = 20,000 C.F.
DRIVEWAY APPROACH AREA: 7,500 C.F.
* ADDITIONAL DETENTION VOLUME REQUIRED FOR HYDROMODICATION

LEGAL DESCRIPTION:

PARCEL 1:

THAT PORTION OF RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGES 407 ET SEQ OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF THE LAND AS DESCRIBED IN PARCEL 1 IN THE QUITCLAIM DEED TO THE ADAMSON COMPANIES RECORDED MARCH 20, 1970 AS INSTRUMENT NO. 440, WITH THE EASTERLY LINE OF THE LAND AS DESCRIBED IN PART A IN THE DEED TO PEPPERDINE COLLEGE RECORDED AUGUST 17, 1970 AS INSTRUMENT NO. 1743; THENCE EASTERLY ALONG SAID NORTHERLY LINE TO AN ANGLE POINT IN THE WESTERLY LINE OF THE LAND AS DESCRIBED IN PARCEL 3 IN THE DEED TO RAYMOND J. GAGNON ET AL RECORDED JULY 25, 1945 AS INSTRUMENT NO. 822 IN BOOK 22187 PAGE 271 OF OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE NORTH 04° 52' 20" WEST 169.98 FEET TO THE SOUTHWESTERLY LINE OF THE 80.00 FOOT WIDE STRIP OF LAND AS DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES RECORDED SEPTEMBER 18, 1941 IN BOOK 18752 PAGE 205 OF OFFICIAL RECORDS; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE TO THE MOST SOUTHERLY CORNER OF THE LAND AS DESCRIBED IN PARCEL 7 IN THE DEED TO RHODA R. ADAMSON RECORDED AUGUST 29, 1949 AS INSTRUMENT NO. 783 IN BOOK 30875 PAGE 17 OF OFFICIAL RECORDS; THENCE ALONG SOUTHERLY BOUNDARY OF THE LAND AS DESCRIBED IN PARCEL 7 IN SAID DEED TO RHODA R. ADAMSON AS FOLLOWS, SOUTH 85° 5509" WEST 127.59 FEET, NORTH 64° 44'45" WEST 306.89 FEET AND SOUTH 89° 08' 35" WEST TO THE EASTERLY LINE OF THE LAND AS DESCRIBED IN PART A IN SAID HEREIN ABOVE MENTIONED DEED TO PEPPERDINE COLLEGE; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING.

EXCEPT THEREFROM ALL MINERALS, OIL, GAS AND OTHER HYDROCARBON SUBSTANCES BUT WITHOUT RIGHT OF SURFACE ENTRY.

PARCEL 2:

THAT PORTION OF RANCHO TOPANGA MALIBU SEQ

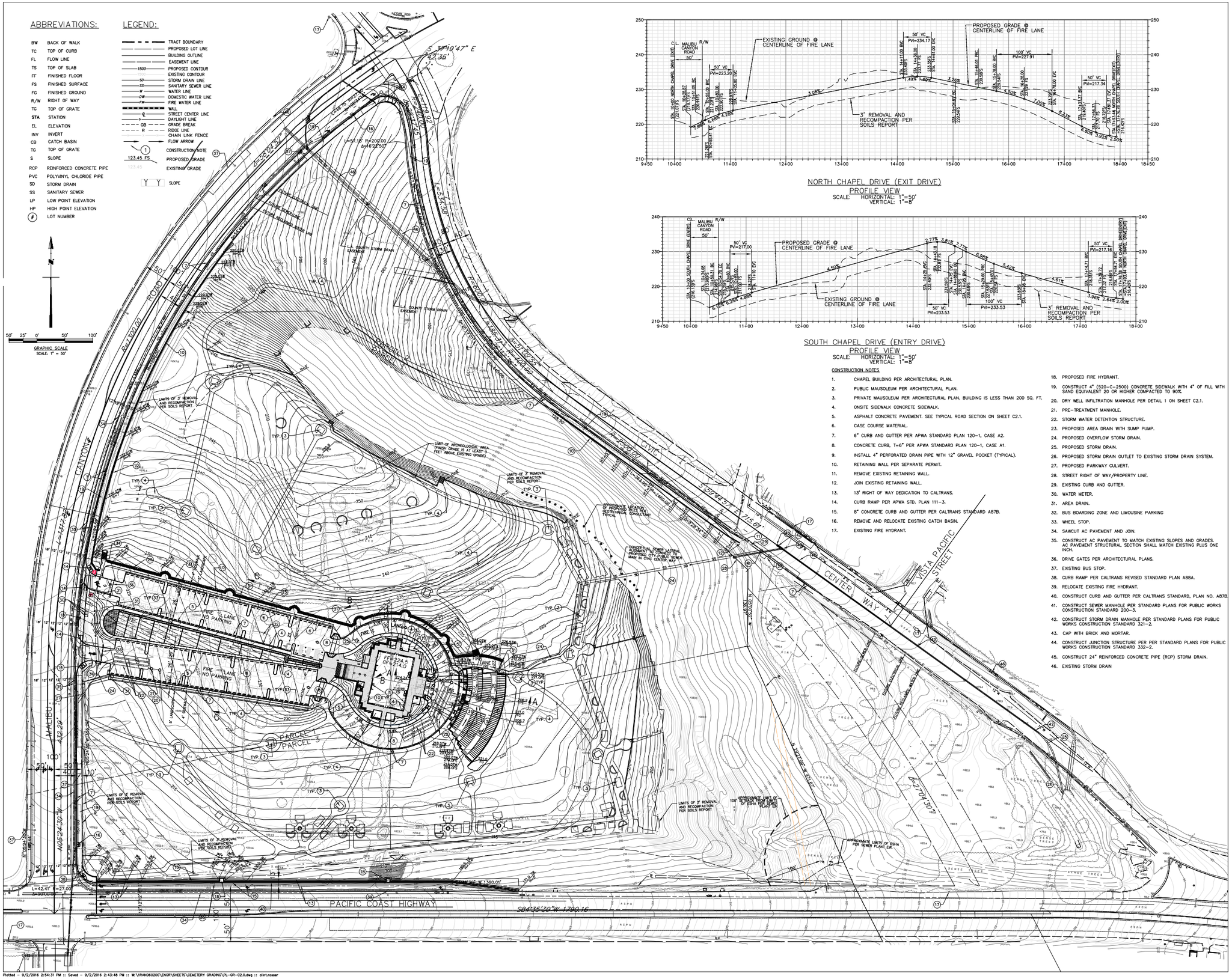
ABBREVIATIONS:

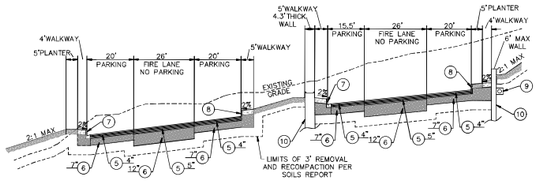
BW	BACK OF WALK
TC	TOP OF CURB
FL	FLOW LINE
TS	TOP OF SLAB
FF	FINISHED FLOOR
FS	FINISHED SURFACE
FG	FINISHED GROUND
R/W	RIGHT OF WAY
TG	TOP OF GRADE
STA	STATION
EL	ELEVATION
INV	INVERT
CB	CATCH BASIN
TG	TOP OF GRATE
S	SLOPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
SD	STORM DRAIN
SS	SANITARY SEWER
LP	LOW POINT ELEVATION
HP	HIGH POINT ELEVATION
(#)	LOT NUMBER

LEGEND:

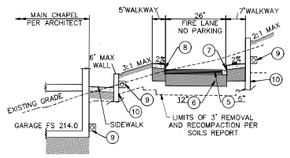
TRACT BOUNDARY
PROPOSED LOT LINE
BUILDING OUTLINE
EASEMENT LINE
1500 PROPOSED CONTOUR
EXISTING CONTOUR
SD STORM DRAIN LINE
SS SANITARY SEWER LINE
W WATER LINE
DW DOMESTIC WATER LINE
FW FIRE WATER LINE
WALL
℄ STREET CENTER LINE
DAYLIGHT LINE
GB GRADE BREAK
R RIDGE LINE
CHAIN LINK FENCE
FLOW ARROW
(1) CONSTRUCTION NOTE
123.45 FS PROPOSED GRADE
123.45 EXISTING GRADE
Y Y SLOPE

GRAPHIC SCALE
SCALE: 1" = 50'

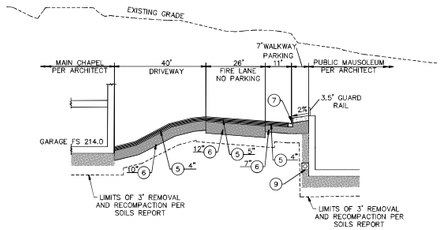




SECTION "C"-"C"



SECTION "B"-"B"

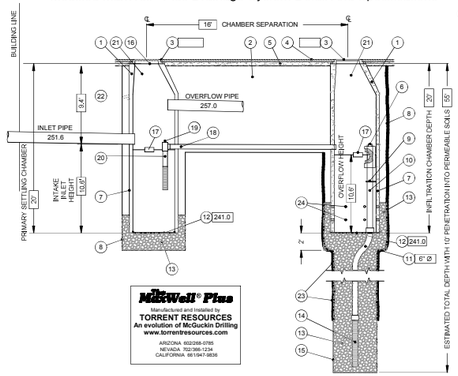


SECTION "A"-"A"

TYPICAL ROAD SECTION

NOT TO SCALE

Modified MaxWell® Plus Drainage System Detail And Specifications



AZ Lic. ROC070443 A, ROC067567 B-61, ADWR 383
CA Lic. 535380, C-42, HAZ
NV Lic. 0053382 A + NM Lic. 86004 GF04

U.S. Patent No. 4,923,333 ™Trademark 1974, 1990, 2004

NOTE: DRAWING NOT TO SCALE

TORRENT RESOURCES MAXWELL PLUS DRYWELL DETAIL (1)

NOT TO SCALE

ITEM NUMBERS

1. **MANHOLE CONE** - MODIFIED FLAT BOTTOM.
2. **STABILIZED BACKFILL** - ONE-SACK SLURRY MIX.
3. **BOLTED RING & GRATE/COVER -** 30" Ø, CLEAN CAST IRON WITH WORDING "STORM WATER ONLY" IN RAISED LETTERS. BOLTED IN 2 LOCATIONS AND SECURED TO CONE WITH MORTAR. RIM ELEVATION ±0.02' OF PLANS. SEE TABLE COLUMNS "B" & "D" HEREON FOR RIM ELEVATIONS.
4. **GRADED BASIN OR PAVING** (BY OTHERS).
5. **COMPACTED BASE MATERIAL** (BY OTHERS).
6. **PUREFLO® DEBRIS SHIELD** - ROLLED 16 GA. STEEL X 24" LENGTH WITH VENTED ANTI-SIPHON AND INTERNAL .265" MAX. SWO FLATTENED EXPANDED STEEL SCREEN X 12" LENGTH. **FUSION BONDED EPOXY COATED**.
7. **PRE-CAST LINER (SETTLING CHAMBER)** - 4000 PSI CONCRETE MANHOLE 48" ID. X .OD. **CENTER IN HOLE** AND ALIGN SECTIONS TO **MAXIMIZE BEARING SURFACE**.
8. **MIN. 6' Ø DRILLED SHAFT**.
9. **SUPPORT BRACKET** - FORMED 12 GA. STEEL. **FUSION BONDED EPOXY COATED**
10. **OVERFLOW PIPE** - SCH. 40 PVC MATED TO DRAINAGE PIPE AT BASE SEAL.
11. **DRAINAGE PIPE** - ADS HIGHWAY GRADE WITH TRI-A COUPLER. **SUSPEND PIPE** DURING BACKFILL OPERATIONS TO PREVENT BUCKLING OR BREAKAGE. DIAMETER AS NOTED.
12. **BASE SEAL** - GEOTEXTILE.
13. **ROCK** - CLEAN AND WASHED 3/8" TO 1-1/2" AGGREGATE.
14. **FLOFAST DRAINAGE SCREEN** - SCH. 40 PVC 0.120" SLOTTED WELL SCREEN WITH 32 SLOTS PER ROW/FT. DIAMETER VARIES 96" OVERALL LENGTH WITH TRI-B COUPLER.
15. **6' Ø SHAFT** - DRILLED TO **MAINTAIN PERMEABILITY** OF DRAINAGE SOILS.
16. **FABRIC SEAL** - U.V. RESISTANT GEOTEXTILE - **TO BE REMOVED BY CUSTOMER** AT PROJECT COMPLETION.
17. **ABSORBENT** - HYDROPHOBIC PETROCHEMICAL SPONGE. MIN. 128 OZ. CAPACITY. TYPICAL, TWO (2) PER CHAMBER.
18. CONNECTOR **PIPE -** 4" Ø SCH. 40 PVC .
19. **VENTED ANTI-SIPHON INTAKE WITH FLOW REGULATOR.**
20. **INTAKE SCREEN -** 4" Ø SCH. 40 PVC 0.120" MODIFIED SLOTTED WELL SCREEN WITH 32 SLOTS PER ROW/FT. 48" OVERALL LENGTH WITH TRI-C END CAP.
21. **FREEBOARD DEPTH VARIES** WITH INLET PIPE ELEVATION. INCREASE PRIMARY/SECONDARY SETTLING CHAMBER DEPTHS AS NEEDED TO MAINTAIN ALL INLET PIPE ELEVATIONS ABOVE CONNECTOR PIPE OVERFLOW.
22. **INLET & OUTLET PIPES**. SEE PLAN HEREON FOR INLET & OUTLET PIPES AT PRIMARY SETTLING CHAMBER.
23. **MOISTURE MEMBRANE - 6 MIL**. PLASTIC . PLACE SECURELY AGAINST ECCENTRIC CONE AND HOLE SIDEWALL. USED IN LIEU OF SLURRY IN LANDSCAPED AREAS
24. **EIGHT (8) 1.25" DIAMETER HOLES** PER FOOT WHERE NOTED.

CONSTRUCTION NOTES

1. CHAPEL BUILDING PER ARCHITECTURAL PLAN.
2. PUBLIC MAUSOLEUM PER ARCHITECTURAL PLAN.
3. PRIVATE MAUSOLEUM PER ARCHITECTURAL PLAN. BUILDING IS LESS THAN 200 SQ. FT.
4. CONCRETE SIDEWALK.
5. ASPHALT CONCRETE PAVEMENT. SEE TYPICAL ROAD SECTION ON SHEET C2.1.
6. BASE COURSE MATERIAL. SEE TYPICAL ROAD SECTION.
7. 6" CURB AND GUTTER PER APWA STANDARD PLAN 120-1, CASE A2.
8. CONCRETE CURB, T=6" PER APWA STANDARD PLAN 120-1, CASE A1.
9. INSTALL 4" PERFORATED DRAIN PIPE WITH 12" GRAVEL POCKET (TYPICAL).
10. RETAINING WALL PER SEPARATE PERMIT. 6' MAXIMUM HEIGHT.
11. REMOVE EXISTING RETAINING WALL.
12. JOIN EXISTING RETAINING WALL.
13. 13' RIGHT OF WAY DEDICATION TO CALTRANS.
14. CURB RAMP PER APWA STD. PLAN 111-3.
15. 8" CONCRETE CURB AND GUTTER PER CALTRANS STANDARD A87B.
16. REMOVE AND RELOCATE EXISTING CATCH BASIN.
17. EXISTING FIRE HYDRANT.
18. PROPOSED FIRE HYDRANT.
19. CONCRETE SIDEWALK.
20. DRY WELL INFILTRATION MANHOLE PER DETAIL 1 ON SHEET C2.1.
21. PRE-TREATMENT MANHOLE.
22. STORM WATER DETENTION STRUCTURE.
23. PROPOSED AREA DRAIN WITH SUMP PUMP.
24. PROPOSED OVERFLOW STORM DRAIN.
25. PROPOSED STORM DRAIN.
26. PROPOSED STORM DRAIN OUTLET TO EXISTING STORM DRAIN SYSTEM IN CIVIC CENTER WAY.
27. PROPOSED PARKWAY CULVERT.
28. STREET RIGHT OF WAY/PROPERTY LINE.
29. EXISTING CURB AND GUTTER.
30. WATER METER.
31. AREA DRAIN.
32. BUS BOARDING ZONE AND LIMOUSINE PARKING
33. WHEEL STOP.
34. SAWCUT AC PAVEMENT AND JOIN.
35. AC PAVEMENT.
36. DRIVE GATES PER ARCHITECTURAL PLANS.
37. EXISTING BUS STOP.
38. CURB RAMP PER CAL TRANS STD. PLAN RSP A88A.

REVISIONS		
1	01/15/2016	PER INCOMPLETE LETTER RESPONSE
2	04/14/2016	PER INCOMPLETE LETTER RESPONSE

MALIBU MEMORIAL PARK

4000 Malibu Canyon Road
Malibu CA, 90265

PSOMAS
555 South Flower Street, Suite 4300
Los Angeles, CA 90071
(213) 223-1400 (213) 223-1444 fax
www.psomas.com

REGISTERED PROFESSIONAL ENGINEER
ANDREW A. NOSKOWICZ
No. C056808
CIVIL
STATE OF CALIFORNIA

GRADING AND DRAINAGE SECTIONS AND DETAILS

DATE:	02/16/2016
SCALE:	As Noted
DRAWN BY:	D.R.Z.
JOB No.:	1GRE220100
SHEET	C2.1
OF 4	SHEETS

MALIBU MEMORIAL C2.1.DWG

Plotted – 4/14/2016 1:14:07 PM :: Saved – 4/13/2016 3:54:34 PM :: W:\RAN060200\ENGR\SHEETS\CEMETERY GRADING\PL-GR-C2.1.dwg :: anastasia.benavidez

MATCHLINE TO RIGHT

MATCHLINE TO LEFT

LEGEND:

- TRACT BOUNDARY
- PROPOSED LOT LINE
- BUILDING OUTLINE
- EASEMENT LINE
- 1500 PROPOSED CONTOUR
- 1500 EXISTING CONTOUR
- SD STORM DRAIN LINE
- SS SANITARY SEWER LINE
- W WATER LINE
- DW DOMESTIC WATER LINE
- FW FIRE WATER LINE
- WALL
- ℄ STREET CENTER LINE
- DAYLIGHT LINE
- GB GRADE BREAK
- R RIDGE LINE
- CHAIN LINK FENCE
- FLOW ARROW
- (1) CONSTRUCTION NOTE
- 123.45 FS PROPOSED GRADE
- 123.45 EXISTING GRADE
- SLOPE

BW	BACK OF WALK
TC	TOP OF CURB
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TS	TOP OF SLAB
FF	FINISHED FLOOR
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CB	CATCH BASIN
TG	TOP OF GRATE
S	SLOPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
SD	STORM DRAIN
SS	SANITARY SEWER
LP	LOW POINT ELEVATION
HP	HIGH POINT ELEVATION
(#)	LOT NUMBER

CONSTRUCTION NOTES

1. DOMESTIC WATER PIPE
2. PROPOSED 16" WATER LINE
3. IRRIGATION WATER LINE
4. WATER METER
5. 8" FIRE WATER PIPE
6. FIRE HYDRANT
7. SEWER CLEAN OUT
8. SEWER MANHOLE
9. EXISTING FIRE HYDRANT
10. FUTURE CITY SEWER LINE
11. FUTURE CITY RECLAIMED WATER LINE
12. FIRE WATER BACKFLOW PREVENTER
13. DOMESTIC WATER BACKFLOW PREVENTER
14. RECYCLED WATER METER FOR IRRIGATION
15. POINT OF CONNECTION FOR IRRIGATION LINE

CANYON ROAD

CIVIC CENTER WAY

VISTA PACIFIC STREET

MALIBU

PACIFIC COAST HIGHWAY

MALIBU MEMORIAL

FIRE LANE

LIMITS OF 3' REMOVAL AND RECOMPACTION PER SOILS REPORT

APPROXIMATE LOCATION OF PROPOSED PILES PER GEOTECHNICAL CONSULTANT TYPICAL

CONCEPTUAL SEWER LATERAL ALIGNMENT TO CONNECT TO PROPOSED CITY PUBLIC SEWER MAIN IN CIVIC CENTER WAY

PROPOSED OVERFLOW STORM DRAIN

DRY WELL INFILTRATION MANHOLE PRE-TREATMENT MANHOLE

STORM WATER DETENTION STRUCTURE

PROPOSED AREA DRAIN W/ SUMP PUMP

PROPOSED STORM DRAIN

PROPOSED PARKWAY CULVERT

APPROXIMATE LIMIT OF 100' SETBACK FROM LIMITS OF ESHA PER SEWER PLANT EIR

APPROXIMATE LIMITS OF ESHA PER SEWER PLANT EIR.

100'

GRAPHIC SCALE: 1" = 40'

REVISIONS		
1	2/16/2016	2ND INCOMPLETE LETTER RESPONSE
2	4/14/2016	3RD INCOMPLETE LETTER RESPONSE
3	9/02/2016	REVISION TO CAP ARCHAEOLOGICAL AREA

MALIBU MEMORIAL PARK
4000 Malibu Canyon Road
Malibu CA, 90265

PSOMAS
555 South Flower Street, Suite 4300
Los Angeles, CA 90071
(213) 223-1400 (213) 223-1444 fax
www.psomas.com

REGISTERED PROFESSIONAL ENGINEER
ROGER A. NUDSEN
No. C056808
CIVIL
STATE OF CALIFORNIA

SEWER AND WATER PLAN

DATE:	09/02/2016
SCALE:	As Noted
DRAWN BY:	D.R.Z.
JOB No.:	1GRE220100
SHEET	C3.0
OF 4 SHEETS	

MALIBU MEMORIAL CEMETERY

Plotted = 9/14/2016 1:02:02 PM :: Saved = 9/14/2016 12:47:59 PM :: W:\1RAN060200\ENGR\SHEETS\CEMETERY GRADING\PL-WR-C3.0.dwg :: dzarate

MALIBU MEMORIAL PARK
4000 Malibu Canyon Road
Malibu CA, 90265

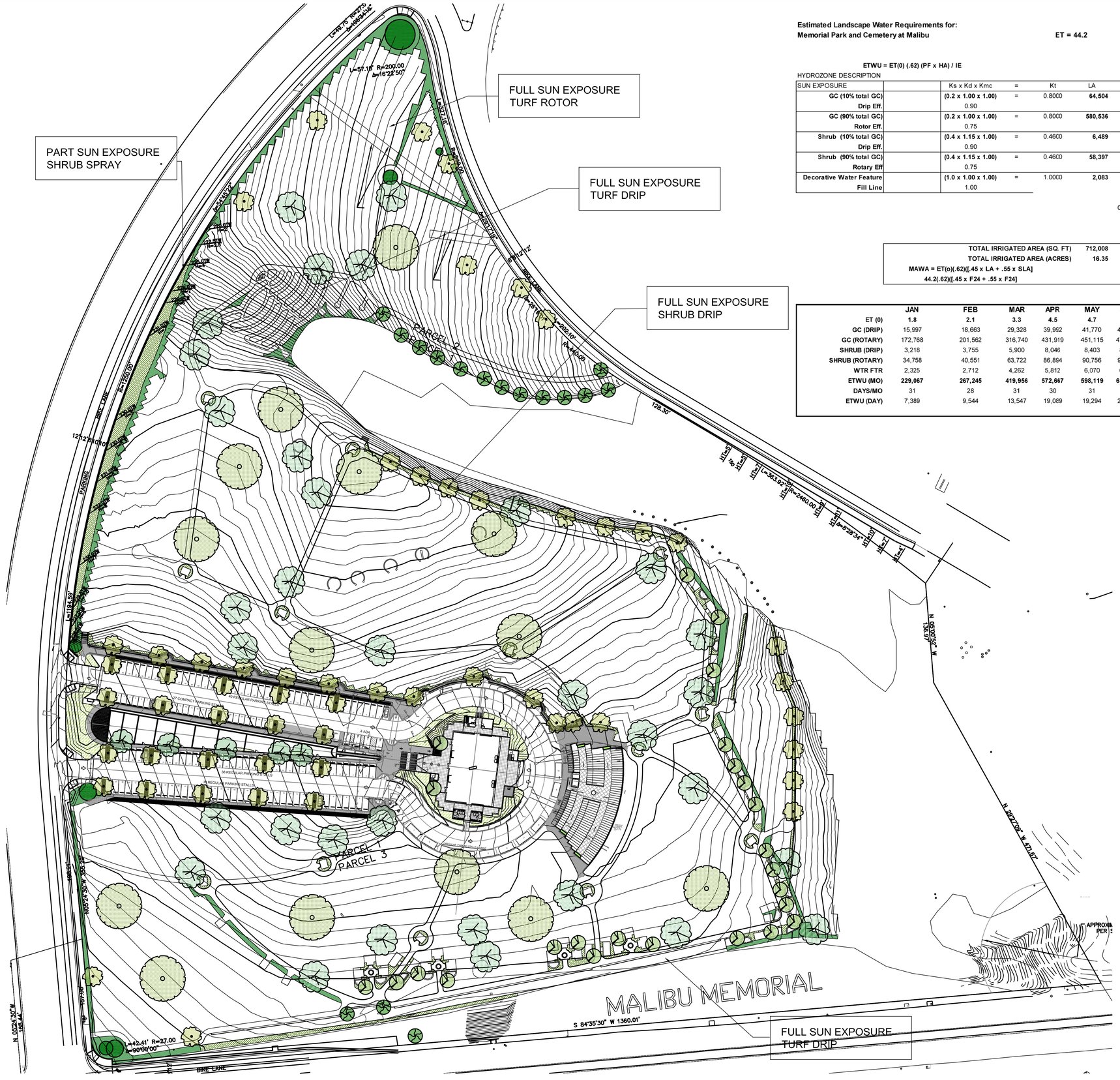
PSOMAS
555 South Flower Street, Suite 4300
Los Angeles, CA 90071
(213) 223-1400 (213) 223-1444 fax
www.psomas.com

RE-SITED MAUSOLEUM PLAN

DATE:	10/28/2016
SCALE:	As Noted
DRAWN BY:	D.R.Z.
JOB No.:	10RE220100
SHEET	C5.0
OF	SHEETS

REVISIONS

1	02/16/2016 2ND PACOMPLETE LETTER RESPONSE
2	04/14/2016 3RD PACOMPLETE LETTER RESPONSE
3	06/02/2016 REVISION TO CAP ARCHAEOLOGICAL AREA



Estimated Landscape Water Requirements for:
Memorial Park and Cemetery at Malibu **ET = 44.2**

ETWU = ET(0) .62) (PF x HA) / IE

HYDROZONE DESCRIPTION

SUN EXPOSURE		Ks x Kd x Kmc	=	Kt	LA			
GC (10% total GC)		**(0.2 x 1.00 x 1.00)**	=	0.8000	**64,504**		**392,815**	GPY
Drip Eff.		0.90						
GC (90% total GC)		**(0.2 x 1.00 x 1.00)**	=	0.8000	**580,536**		**4,242,402**	GPY
Rotor Eff.		0.75						
Shrub (10% total GC)		**(0.4 x 1.15 x 1.00)**	=	0.4600	**6,489**		**79,027**	GPY
Drip Eff.		0.90						
Shrub (90% total GC)		**(0.4 x 1.15 x 1.00)**	=	0.4600	**58,397**		**853,492**	GPY
Rotary Eff		0.75						
Decorative Water Feature		**(1.0 x 1.00 x 1.00)**	=	1.0000	**2,083**		**57,083**	GPY
Fill Line		1.00						
						SUBTOTAL		
						SUN EXPOSURE		
						0.7028 **WCLC**		

			ETWU	
TOTAL IRRIGATED AREA (SQ. FT)	**712,008**	**ETWU**	**5,624,819**	**GPY**
TOTAL IRRIGATED AREA (ACRES)	**16.35**		**17.262**	**A.F.**
MAWA = ET(o)(.62)([.45 x LA + .55 x SLA]		**MAWA**	**19,511,867**	**GPY**
44.2(.62)([.45 x F24 + .55 x F24]				

MAWA
19,511,867

/365 = 52,410 GPD

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALs	
ET (0)	**1.8**	**2.1**	**3.3**	**4.5**	**4.7**	**5.0**	**5.4**	**5.4**	**3.9**	**3.4**	**2.4**	**2.3**	**44.2**	
GC (DRIP)	15,997	18,663	29,328	39,952	41,770	44,436	47,991	47,991	34,660	30,217	21,329	20,441	**392,815**	**Gal/yr**
GC (ROTARY)	172,768	201,562	316,740	431,919	451,115	479,910	518,303	518,303	374,330	326,339	230,357	220,758	**4,242,402**	**Gal/yr**
SHRUB (DRIP)	3,218	3,755	5,900	8,046	8,403	8,940	9,655	9,655	6,973	6,079	4,291	4,112	**79,027**	**Gal/yr**
SHRUB (ROTARY)	34,758	40,551	63,722	86,854	90,756	96,549	104,273	104,273	75,308	65,653	46,343	44,412	**853,492**	**Gal/yr**
WTR FTR	2,325	2,712	4,262	5,812	6,070	6,457	6,974	6,974	5,037	4,391	3,100	2,970	**57,083**	**Gal/yr**
ETWU (MO)	**229,067**	**267,245**	**419,956**	**572,667**	**598,119**	**636,297**	**687,200**	**687,200**	**496,311**	**432,682**	**305,422**	**292,697**	**5,624,819**	**Gal/yr**
DAYS/MO	31	28	31	30	31	30	31	31	30	31	30	31	**365**	**Days**
ETWU (DAY)	7,389	9,544	13,547	19,089	19,294	21,210	22,168	22,168	16,544	13,957	10,181	9,442	**15,378**	**Av. Gal/Day**

- ALL IRRIGATION WILL BE FROM NON-POTABLE RECYCLED WATER
- THE IRRIGATION PLANS SHALL COMPLY WITH THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE PER SECTION MMC SECTION 9.22.080.

NOTE: THIS PLAN IS NOT BASED ON A LEGAL SURVEY, NOR DOES IT IMPLY A LEGAL SURVEY. THIS PLAN IS BASED UPON FIELD MEASUREMENTS ONLY AND IS SOLELY INTENDED FOR LANDSCAPE PURPOSES. ALL PERMANENT IMPROVEMENTS TO BE PLACED OR BUILT ON OR NEAR PROPERTY LINES SHALL BE VERIFIED WITH OWNER FOR EXACT LOCATION OF PROPERTY LINES. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH ALL JURISDICTIONAL CODES, ZONING ORDINANCES AND IN RESPECT OF EASEMENTS.

Delta	Date	Revision

By initialing below, both parties understand, confirm and accept the contents of this sheet and this sheet becomes part of the "Contract Documents"

OWNER

GENERAL CONTRACTOR

DATE

ATOMIC IRRIGATION

LANDSCAPE IRRIGATION DESIGN

1158 26th ST.
P.O. BOX #241
SANTA MONICA
CA, 90403

310.592.4707

EMAIL
info@AtomicIrrigation.com

WEB
ATOMICIRRIGATION.COM

Client/Project Address

Memorial Park & Cemetery at Malibu
4000 Malibu Canyon Road,
Malibu, CA 92065

Sheet Title

Hydrozone Plan - Water Requirement Calculations
Water Requirement by Composite Weighted Landscape Coefficient Method

LICENSED LANDSCAPE ARCHITECT
Mark Smallen 5808
Signature
Apr-1 2518
Renewal Date
Date
STATE OF CALIFORNIA

DRAWING NUMBER
LI-1.0

JOB NUMBER

DRAWN BY MS

DATE MAY 25 2016

SCALE As Shown

REVISION NUMBER

SHEET # OF SHEETS

OVERALL SITE PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	AREA	SPACING	QTY	WUCOLS	
TREES							ZONE 3	
	Quercus Agrifolia	Coast Live Oak	48" BOX	-		56	L/VL	
	Arbutus 'Marina'	Marina Strawberry Tree	48" BOX	-		25	M/L	
	Juglans californica var. californica	California walnut	24" BOX	-		38	L	
	Platanus racemosa	California Sycamore	60" BOX	-		14	M/L	
	Sambucus mexicana	Mexican Elderberry	48" BOX	-		16	L	
PLANTING							ZONE 3	
	Pentagramma triangularis	Goldback fern	5 GAL	120 sf	24" O.C.	24	L	Sm
	Adiantum jordanii	California maiden hair fern	1 GAL		24" O.C.	48	L	Sm
	Myrica californica	Pacific Wax Myrtle	15 GAL	26,100 sf	30" O.C.	3084 SF	L	CA
	Heteromeles arbutifolia	Toyon	15 GAL			1500 SF	L	CA
	Buxus microphylla japonica	Japanese Boxwood	15 GAL	3160 sf	15" O.C.	2828	M/H	
	Baccharis pilularis 'Pigeon Point'	Dwarf Coyote Brush 'Pigeon Point'	5 GAL	222,270 sf	3' O.C.	965	L/VL	
	Arctostaphylus 'Pacific Mist'	Manzanita w/ White Flowers	5 GAL		3' O.C.	965	L/VL	
	Ceanothus griseus horizontalis	California Lilac	5 GAL		3' O.C.	965	L/VL	
	Nassella cernua	Nodding Grass	1 GAL					
	Rhamnus californica	California Coffeeberry	15 GAL	9575 sf	6' O.C.	45	M/L	
	Encelia californica	California bush sunflower	5 GAL		4' O.C.	82	M	
	Myrtus communis 'Compacta'	Dwarf Myrtle	15 GAL		2' O.C.	330	M	
	Trichostema lanatum	Woolly Blue Curls	5 GAL		2' O.C.	330	L	
	Zauschneria	California Fuchsia	1 GAL		1' O.C.	1325	L	
	Elymus glaucus	Western Wild Rye	5 GAL		2' O.C.	330	M/L	
	Sisyrinchium bellum	Blue-eyed Grass	1 GAL		18" O.C.	588	M	
	Agrostis pallens	Native Bent Grass	SOD	448,700 sf	--	448,700 sf	L?	
	Water feature			2083 sf		2083 sf		
	TOTAL LANDSCAPE AREA:			712,008 SF				

- ALL IRRIGATION WILL BE FROM NON-POTABLE RECYCLED WATER
- THE IRRIGATION PLANS SHALL COMPLY WITH THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE PER SECTION MMC 9.22.080.

[place]

[pakshong landscape and architectural collaborative]
324 sunset avenue suite e venice ca 90291
310 450 8100 fax 310 450 8144

CONSULTANTS

LANDSCAPE SITE PLAN

KEY PLAN

MALIBU MEMORIAL PARK

Malibu, CA

Project # : 1430
Drawn by : GS
Scale : 1'=20'-0"

Ref. North

Description:	Date:	No.
-	10.29.15	#
RESUBMITTAL	11.20.15	
	02.12.16	
	04.14.16	
RESUBMITTAL	05.24.16	

PROJECT NO: 1430

These drawings, specifications, ideas, designs, and arrangements presented thereby, are and shall remain the property of [place]. No part thereof shall be copied, disclosed to others or used in connection with any work or project other than the specific project for which they have been prepared and developed without the written consent of [place]. Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions.

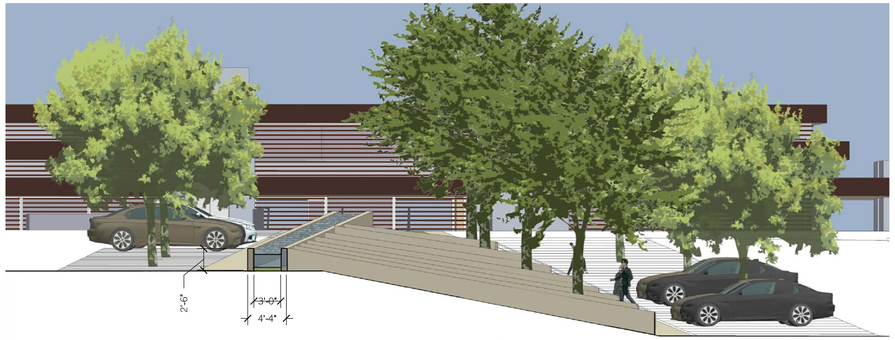
SHEET TITLE:

LANDSCAPE SITE PLAN

L-2.0

NOT FOR CONSTRUCTION

PERSPECTIVE SCALE: NTS



SECTION SCALE: 1/8"= 1'-0"

FOUNTAIN, VISIBLE FROM STREET

6'-0" RETAINING WALL BEYOND

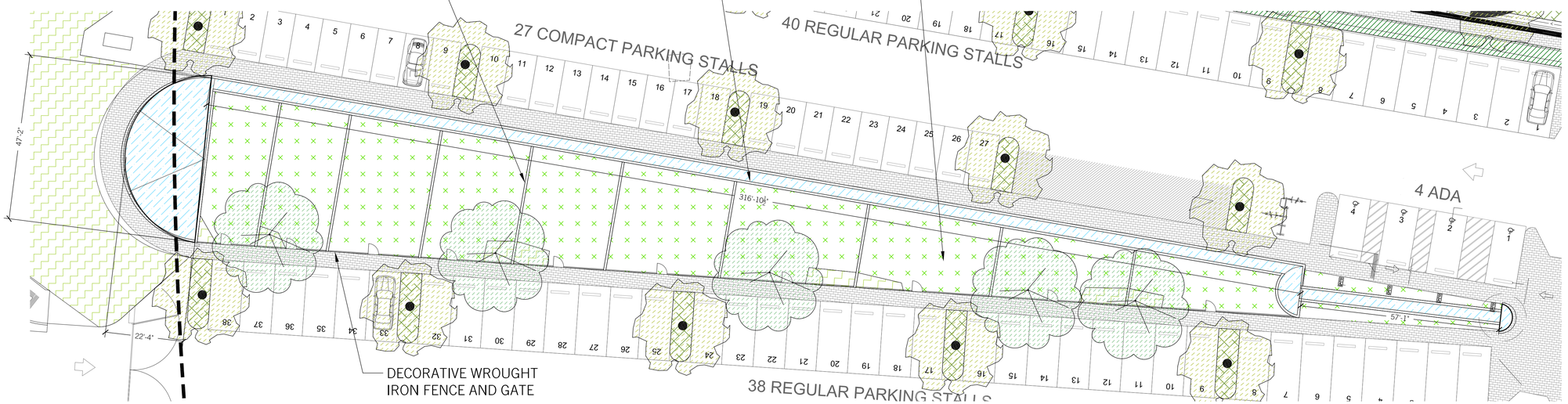
WATER RILLE

ELEVATION SCALE: 1/16"= 1'-0"

30-42" HIGH WALLS TO SEPARATE FAMILY PLOTS

WATER RILLE RUNS LENGTH OF PARKING LOT

LAWN WITH BURIAL PLOTS



DECORATIVE WROUGHT IRON FENCE AND GATE

PLAN SCALE: 1/16"= 1'-0"

NOT FOR CONSTRUCTION

[place]

[pakshong landscape and architectural collaborative]
324 sunset avenue suite e venice ca 90291
310 450 8100 fax 310 450 8144

CONSULTANTS

LANDSCAPE SITE PLAN

KEY PLAN

MALIBU MEMORIAL PARK

Malibu, CA

Project # : 1430
Drawn by : GS
Scale : SEE DRAWING

Ref. North

Description:	Date:	No.
-	10.29.15	#
RESUBMITTAL	11.20.15	
	02.12.16	
	04.14.16	

PROJECT NO: 1430

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SHEET TITLE:

WATER RILLE
PLAN AND ELEVATIONS

L-2.2

[place]

[pakshong landscape and architectural collaborative]
324 sunset avenue suite e venice ca 90291
310 450 8100 fax 310 450 8144

CONSULTANTS

LANDSCAPE SITE PLAN

KEY PLAN

MALIBU MEMORIAL PARK

Malibu, CA

Project # : 1430
Drawn by : GS
Scale : 1"=20'-0"

Ref. North

Description:	Date:	No.
-	-	#
RESUBMITTAL	01.10.2017	

PROJECT NO: 1430

These drawings, specifications, ideas, designs, and arrangements presented thereby, are and shall remain the property of [place]. No part thereof shall be copied, disclosed to others or used in connection with any work or project other than the specific project for which they have been prepared and developed without the written consent of [place]. Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions.

SHEET TITLE:
EXISITNG TREE SITE PLAN

L-2.3

NOT FOR CONSTRUCTION

GENERAL NOTES

1. ALL MATERIALS SHALL BE NEW AND U.L. LISTED.
2. ALL WORK AND INSTALLATION OF ELECTRICAL EQUIPMENT SHALL BE PER CITY OF MALIBU ELECTRICAL BUILDING CODES.

MALIBU LIP-SECTION 6.5 CODE COMPLIANCE

MALIBU LIP – Section 6.5

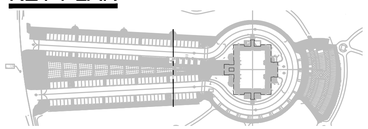
Development Standards

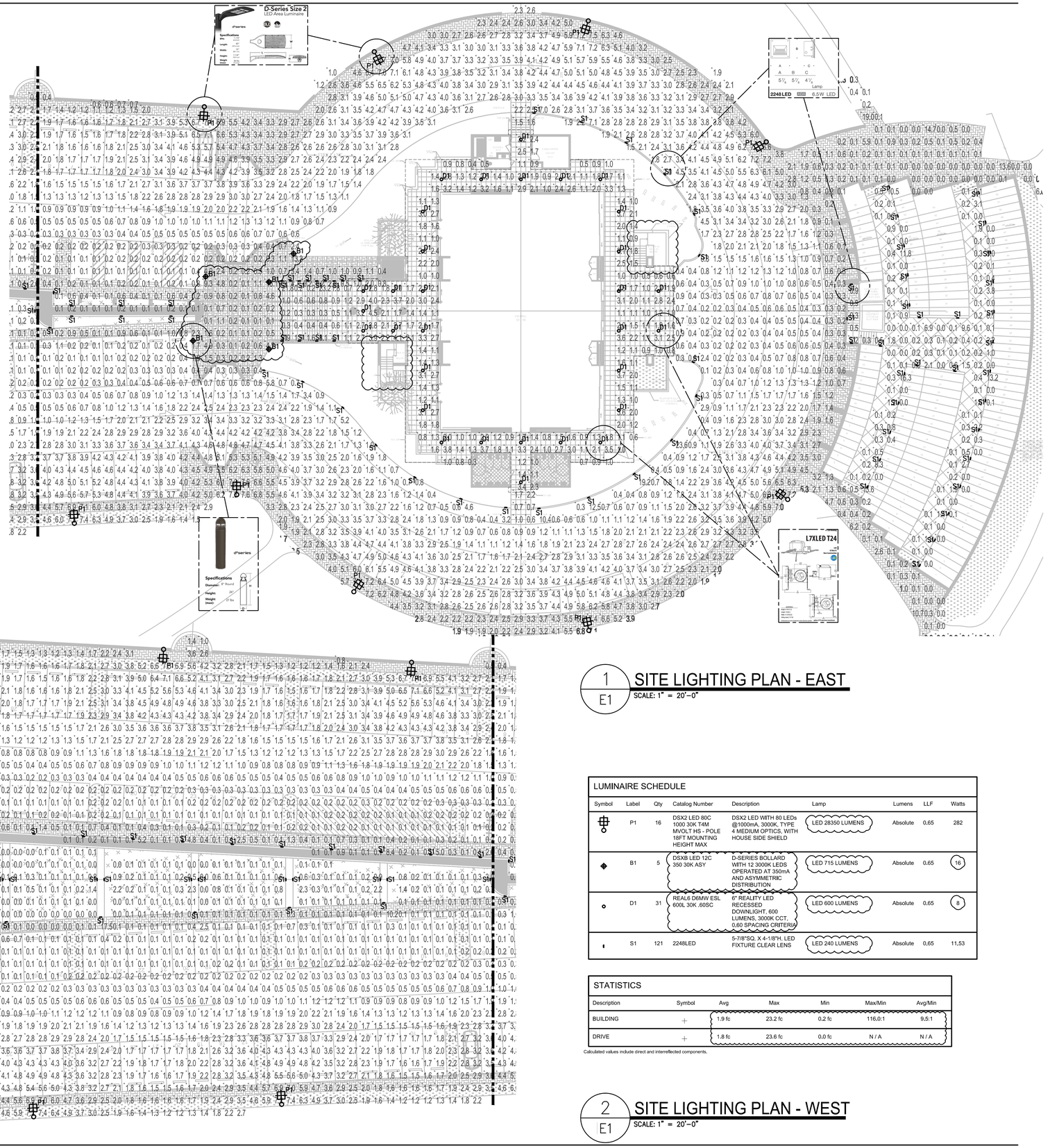
G. Lighting

Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity features, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited. Permitted lighting shall conform to the following standards:

1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Planning Director.
2. Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.
3. The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.
4. A light, not to exceed 60 watts or the equivalent, at the entrance to the (identify non-residential accessory structures).
5. No lighting around the perimeter of the site, no lighting for sports courts or other private recreational facilities, and no lighting for aesthetic purposes is allowed.
6. Prior to issuance of Coastal Development Permit, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction but may be required to submit a written statement agreeing to any applicable restrictions above.

KEY PLAN





1 E1 SITE LIGHTING PLAN - EAST

SCALE: 1" = 20'-0"

2 E1 SITE LIGHTING PLAN - WEST

SCALE: 1" = 20'-0"

LUMINAIRE SCHEDULE								
Symbol	Label	Qty	Catalog Number	Description	Lamp	Lumens	LLF	Watts
	P1	16	DSX2 LED 80C 1000 30K T4M MVOLT HS - POLE 18FT MOUNTING HEIGHT MAX	DSX2 LED WITH 80 LEDs @1000mA, 3000K, TYPE 4 MEDIUM OPTICS, WITH HOUSE SIDE SHIELD	LED 28350 LUMENS	Absolute	0,65	282
	B1	5	DSXB LED 12C 350 30K ASY	D-SERIES BOLLARD WITH 12 3000K LEDS OPERATED AT 350mA AND ASYMMETRIC DISTRIBUTION	LED 715 LUMENS	Absolute	0,65	16
	D1	31	REAL6 D6MW ESL 600L 30K .60SC	6" REALITY LED RECESSED DOWNLIGHT, 600 LUMENS, 3000K CCT, 0,60 SPACING CRITERIA	LED 600 LUMENS	Absolute	0,65	9
	S1	121	2248LED	5-7/8"SQ. X 4-1/8"H, LED FIXTURE CLEAR LENS	LED 240 LUMENS	Absolute	0,65	11,53

STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
BUILDING	+	1.9 fc	23.2 fc	0.2 fc	116.0:1	9.5:1
DRIVE	+	1.8 fc	23.6 fc	0.0 fc	N / A	N / A

Calculated values include direct and interreflected components.

MALIBU MEMORIAL PARK

4000 Malibu Canyon Road
MALIBU,
CA 90265

SASCO
P.O. BOX 6004 ARTESIA, CA 90702-6004
2750 MOORE AVE. FULLERTON, CA. 92833
(714) 870-0217 FAX (714) 738-3571
LICENSE #125897

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NO	DATE	ISSUE
1	04/14/16	REVISION 1

DESCRIPTION:

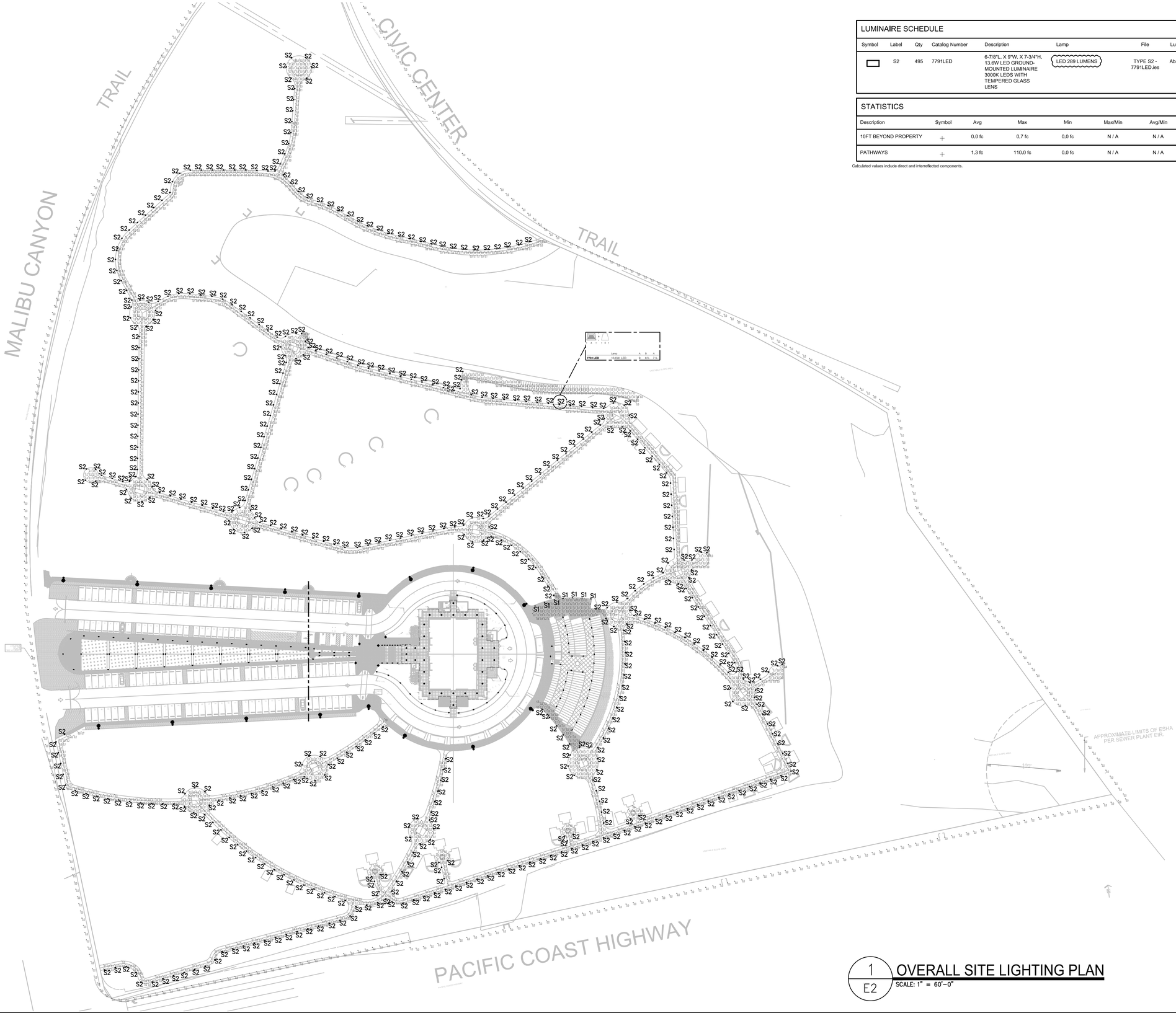
EXTERIOR LIGHTING PHOTOMETRIC PLAN

DRAWING NO.

E1

PROJECT	2550 - Malibu Memorial Park
DATE	01-13-2016
SCALE	AS NOTED
DRAWN BY	MJ

I:\DRAWINGS\MALIBU MEMORIAL PARK\CAD\ELECTRICAL\SHEETS\E1.DWG Wednesday, March 23, 2016 2:33:42 PM MATT JONES



LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	S2	495	7791LED	6-7/8"L, X 9"W, X 7-3/4"H, 13.6W LED GROUND-MOUNTED LUMINAIRE 3000K LEDS WITH TEMPERED GLASS LENS	LED 289 LUMENS	TYPE S2 - 7791LED.ies	Absolute	0.65	15.98

STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
10FT BEYOND PROPERTY	+	0,0 fc	0,7 fc	0,0 fc	N / A	N / A
PATHWAYS	+	1,3 fc	110,0 fc	0,0 fc	N / A	N / A

Calculated values include direct and interreflected components.

1 E2 OVERALL SITE LIGHTING PLAN
SCALE: 1" = 60'-0"

MALIBU MEMORIAL PARK

4000 Malibu Canyon Road
MALIBU,
CA 90265

SASCO
P.O. BOX 6004 ARTESIA, CA 90702-6004
2750 MOORE AVE. FULLERTON, CA. 92833
(714) 870-0217 FAX (714) 738-3571
LICENSE #125897

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NO	DATE	ISSUE
1	04/14/16	REVISION 1

DESCRIPTION:

EXTERIOR LIGHTING
PHOTOMETRIC PLAN

DRAWING NO.

E2

PROJECT	2550 - Malibu Memorial Park
DATE	01-13-2016
SCALE	AS NOTED
DRAWN BY	MJ

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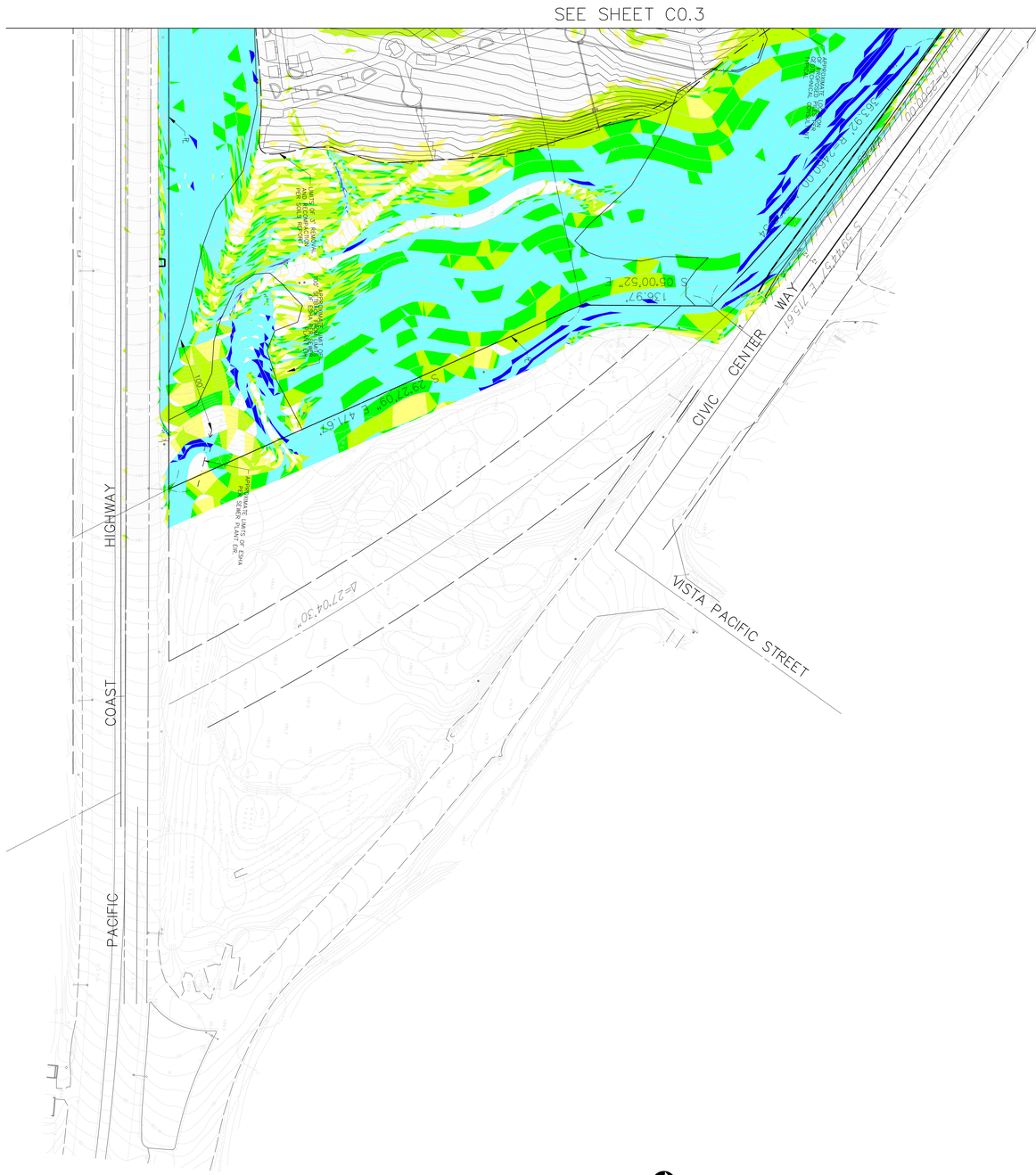
SEE SHEET C0.3



COLOR	SLOPE (%) FROM	SLOPE (%) TO	PERCENT OF TOTAL	Area (SF)
□	0.00	20.00 (5:1)	70.4	860,080
	20.00 (5:1)	25.00 (4:1)	3.4	41,171
	25.00 (4:1)	33.33 (3:1)	4.7	57,188
	33.33 (3:1)	40.00 (2.5:1)	5.4	66,819
	40.00 (2.5:1)	100.00 (1:1)	15.8	194,632
	100.00 (1:1)	600.00 (> 1:1)	0.7	9,018
		TOTAL:	100	1,228,908

— · — · — LIMITS OF GRADING

NOTES:

1. GROSS DEVELOPMENT AREA: 28.2 ACRES (1,228,908 SQ.FT.)
2. NET DEVELOPMENT AREA: 27.8 ACRES (1,211,376 SQ.FT.)
   (EXCLUDES ONLY ACCESS EASEMENT FOR MALIBU CANYON ROAD)
3. EASEMENT AREAS:

   ACCESS EASEMENT:

   100' WIDE EASEMENT FOR PUBLIC ROAD AND HIGHWAY PURPOSES IN FAVOR OF THE COUNTY OF LOS ANGELES. AREA=17,532 SF

   SLOPE EASEMENT:

   THE PRIVILEGE AND RIGHT TO CONSTRUCT AND MAINTAIN CULVERTS, DRAINAGE STRUCTURES AND HIGHWAY EXCAVATION AND EMBANKMENT SLOPES, GRANTED TO THE STATE OF CALIFORNIA. UNDEFINED AREA.

   UTILITY EASEMENT:

   10' WIDE EASEMENT FOR COMMUNICATIONS PURPOSES IN FAVOR OF GENERAL TELEPHONE COMPANY OF CALIFORNIA. AREA=3,238 SF

   4' WIDE EASEMENT FOR ELECTRICAL PURPOSES IN FAVOR OF SOUTHERN CALIFORNIA EDISON. AREA=1,439 SF

   12' WIDE EASEMENT FOR STORM DRAIN PURPOSES IN FAVOR OF THE COUNTY OF LOS ANGELES. AREA=3,545 SF

   10' WIDE EASEMENT FOR STORM DRAIN PURPOSES IN FAVOR OF THE COUNTY OF LOS ANGELES. AREA=832 SF

GRAPHIC SCALE
Note: For reduced sized prints, original scale is in inches

REVISIONS		
1	02/16/2016	2ND INCOMPLETE LETTER RESPONSE
2	04/14/2016	3RD INCOMPLETE LETTER RESPONSE

MALIBU MEMORIAL CEMENTERY

4000 Malibu Canyon Road
Malibu CA, 90265

PSOMAS
555 South Flower Street, Suite 4300
Los Angeles, CA 90071
(213) 223-1400 (213) 223-1444 fax
www.psomas.com

REGISTERED PROFESSIONAL ENGINEER
ROGER A. NORDMARK
No. C056808
CIVIL
STATE OF CALIFORNIA

EXISTING COLOR SLOPE ANALYSIS EXHIBIT

DATE :	02/16/2016
SCALE:	As Noted
DRAWN BY:	DRZ
JOB No.:	1GRE220100
SHEET	1
C0.1 OF 2 SHEETS	

MALIBU MEMORIAL CEMETERY

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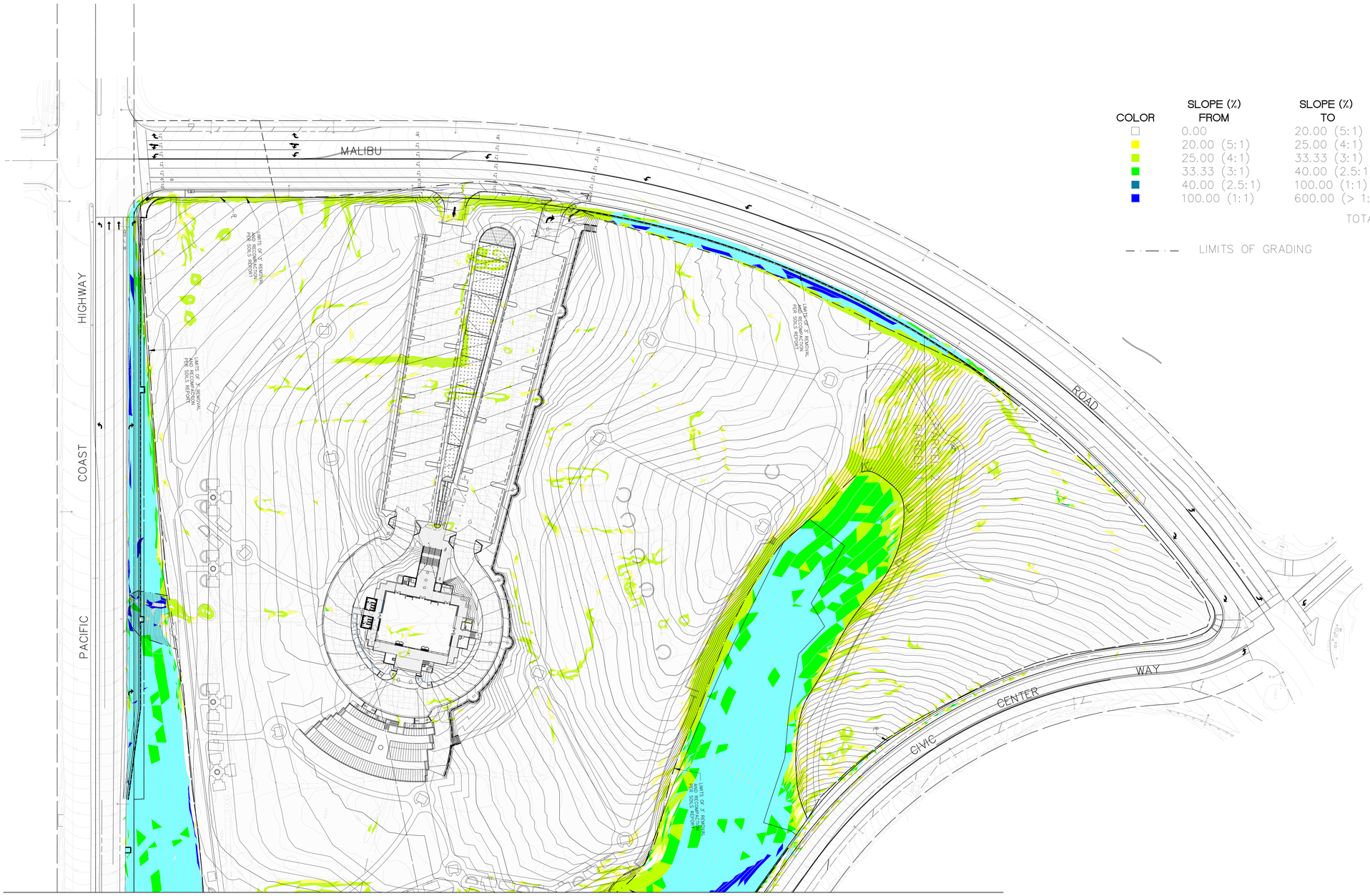

COLOR	SLOPE (%) FROM	SLOPE (%) TO	PERCENT OF TOTAL	Area (SF)
	0.00	20.00 (5:1)	70.4	860,080
	20.00 (5:1)	25.00 (4:1)	3.4	41,171
	25.00 (4:1)	33.33 (3:1)	4.7	57,188
	33.33 (3:1)	40.00 (2.5:1)	5.4	66,819
	40.00 (2.5:1)	100.00 (1:1)	15.8	194,632
	100.00 (1:1)	600.00 (> 1:1)	0.7	9,018
		TOTAL:	100	1,228,908

LIMITS OF GRADING

SEE SHEET C0.2

GRAPHIC SCALE
Note: For reduced sized prints, original scale is in inches

REVISIONS

1	02/16/2016 2ND INCOMPLETE LETTER RESPONSE
2	04/14/2016 3RD INCOMPLETE LETTER RESPONSE

MALIBU MEMORIAL CEMENTERY
4000 Malibu Canyon Road
Malibu CA, 90265

PSOMAS
555 South Flower Street, Suite 4300
Los Angeles, CA 90071
(213) 223-1400 (213) 223-1444 fax
www.psomas.com

REGISTERED PROFESSIONAL ENGINEER
ANDREW A. NICKERSON
No. C056808
CIVIL
STATE OF CALIFORNIA

EXISTING COLOR SLOPE ANALYSIS EXHIBIT

DATE :	02/16/2016
SCALE:	As Noted
DRAWN BY:	DRZ
JOB No.:	1GRE220100
SHEET	2

C0.2
OF 2 SHEETS

MALIBU MEMORIAL CEMETERY

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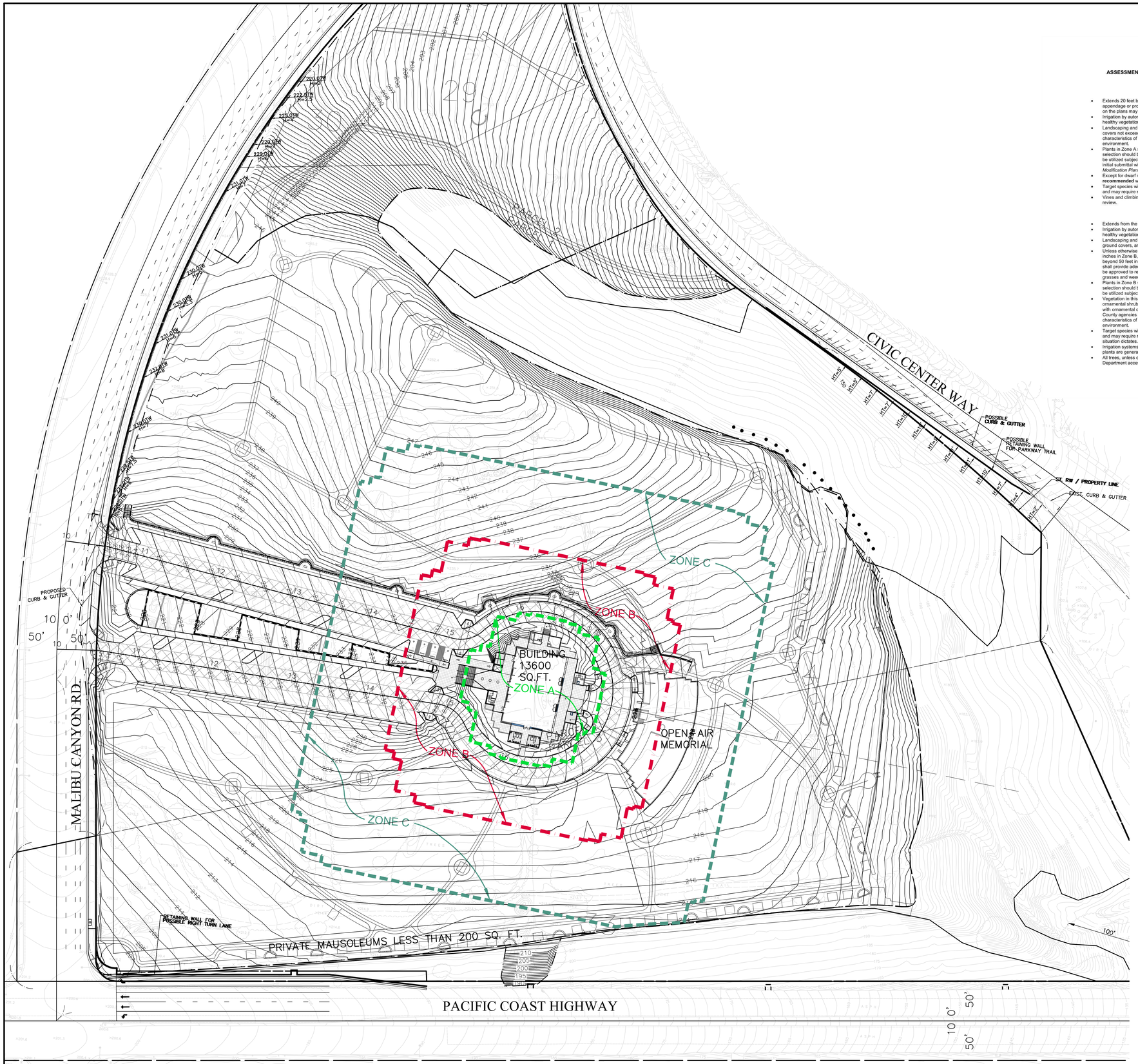

ASSESSMENT NOTES AND MAINTENANCE AGREEMENT FOR FUEL MODIFICATION PLAN

Zone A – Setback Zone

- Extends 20 feet beyond the edge of any combustible structure, accessory structure, appendage or projection. Overhangs or other parts of the structure not accurately reflected on the plans may negate the approval of plant location on the approved plan.
- Irrigation by automatic or manual systems shall be provided to landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall consist primarily of green lawns, ground covers not exceeding 6 inches in height, and adequately spaced shrubs. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Plants in Zone A shall be inherently highly fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval. Final or revised Plans submitted after 6 months from the initial submittal will have plants in all zones evaluated based on the most current *Fuel Modification Plant List* available from the Fuel Modification Unit.
- Except for dwarf varieties or mature trees small in stature, trees are generally **not recommended** within Zone A.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site.
- Vines and climbing plants shall not be allowed on any combustible structure requiring review.

Zone B – Irrigated Zone

- Extends from the outermost edge of Zone A to 100 feet from structure.
- Irrigation by automatic or manual systems shall be provided to landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall typically consist primarily of green lawns, ground covers, and adequately spaced shrubs and trees.
- Unless otherwise approved, Ground covers shall be maintained at a height not to exceed 6 inches in Zone B, 12 inches is acceptable within 50 feet of a structure and 18 inches beyond 50 feet in Zone B if it is on a slope. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment. Specimen native plants may be approved to remain if properly maintained for adequate defensible space. Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- Plants in Zone B shall typically be fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval.
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site. This distance may extend to 50 feet if the situation dictates.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, un-seasonal supplemental water.)
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhang any structure or access at maturity.

Zone C – Native Brush Thinning Zone

- Extends from the outermost edge of Zone B up to 200 feet from structure.
- Required thinning and clearance will be determined upon inspection. Required clearance may increase to the maximum allowed by the Fire Code as needed because of vegetation growth.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, un-seasonal supplemental water.)
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Plants in Zone C shall be spaced appropriately. Existing native vegetation shall be modified by thinning and removal of those species constituting a fire risk. These species include, but are not limited to chamise, sage, sage brush, and buckwheat.
- Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- General spacing for existing native shrubs or groups of shrubs is 15 feet between canopies. Native plants may be thinned by reduced amounts as the distance from development increases.
- General spacing for existing native trees or groups of trees is 30 feet between canopies. This distance may increase or decrease depending on the slope, arrangement of the trees in relation to slope, and the species of tree.

Fire Access Road Zone

- Extends a minimum of 10 feet from the edge of any public or private roadway that may be used as access for fire-fighting apparatus or resources.
- Clear and remove flammable growth for a minimum of 10 feet on each side of Fire Access Roads. (Fire Code 325.10) Additional clearance beyond 10 feet may be required upon inspection.
- Fire access roads, driveways and turnarounds shall be maintained in accordance with fire code. Fire Access Roads shall have unobstructed vertical clearance for a width of 20 feet. (Fire Code 503.2.1)
- Landscaping and native plants within the Fire Access Road Zone shall be appropriately spaced and maintained to provide safe egress in wildland fire environments.
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhang any structure or access at maturity.

Maintenance

Routine maintenance shall be regularly performed in all zones. Requirements include but are not limited to those items in the Fuel Modification Guidelines and those outlined below:

- Removal or thinning of undesirable combustible vegetation and removal of dead or dying landscaping to meet minimum brush clearance requirements.
- Pruning and thinning to reduce the overall fuel load and continuity of fuels.
- Fuel loads shall be reduced by pruning lower branches of trees and tree-form shrubs to 1/3 of their height, or 6 feet from lowest hanging branches to the ground, to help prevent fire from spreading and make maintenance easier. Trees with understory plants should be limbed up at least three times the height of the underlying vegetation or up to a height of 40 feet, whichever is less, to help prevent fire from spreading upward into the crown.
- Accumulated plant litter and dead wood shall be removed. Debris and trimmings produced by thinning and pruning should be removed from the site or chipped and evenly dispersed in the same area to a maximum depth of 6 inches.
- All invasive species and their parts should be removed from the site.
- Manual and automatic irrigation systems shall be maintained for operational integrity and programming. Effectiveness should be regularly evaluated to avoid over or under-watering.
- Compliance with the Fire Code is a year-round responsibility. Enforcement will occur following inspection by the Fire Department. Annual inspections for brush clearance code requirements are conducted following the natural drying of grasses and fine fuels, between the months of April and June depending on geographic region. Inspection for compliance with an approved Fuel modification Plan may occur at any time of year.
- Brush Clearance enforcement issues on adjacent properties should be directed to the County of Los Angeles Fire Department's Brush Clearance Unit at (626) 969-2375.
- All future plantings shall be in accordance with the County of Los Angeles Fire Department Fuel Modification Guidelines and approved prior to installation. Changes to the approved plan which require an additional plan review will incur a plan review fee.
- Questions regarding landscape planting and maintenance with regard to fire safety should be directed to the Fire Department's Fuel Modification Unit at (626) 969-5205.

Long Term Maintenance Agreement

- **All future plantings shall be in accordance with the County of Los Angeles Fire Department Fuel Modification Guidelines.**
- **All Lots within this project will be required to submit plans to the Fuel Modification Unit prior landscaping being installed and must be identified in the CC&Rs.**
- **Changes to the landscaping in common areas or individual lots reviewed by the Fuel Modification Unit shall be approved prior to installation.**
- **Walls may be required on lots based on location of structure and proximity to slope (to be determined upon final tract submittal or individual lot review)**
- **Adjoining property owners are responsible for offsite Brush Clearance as required by the Fire Code.**
- **Zone C may be adjusted during inspection depending upon field conditions.**

The property owner(s) agree to be responsible for the long-term maintenance of this Fuel Modification plan, as described herein. A Covenant & Agreement identifying the applicable Fuel Modification Plan will be recorded on the parcel(s) or CC&R's approved, prior to occupancy being granted. Notification of Fuel Modification requirements is to be made upon sale to new owners. Proposed changes to the Final Fuel Modification plan must be submitted to the Fuel Modification Unit for approval, prior to implementation. Plans will be reviewed based on the current plant list. Regular inspections will be performed by the Fire Department to ensure compliance with the approved plan. Failure to comply with the Fuel Modification Plan requirements may result in an Administrative Fine of at least $500 per violation, as well as possible liens, assessments, and legal action. Violations may also be corrected at the owners expense with the cost placed on the property tax bill with the addition of an Abatement Enforcement Cost of $648.

Name (Print) _____ Signature _____ Date _____

Name (Print) _____ Signature _____ Date _____

Approval of this Fuel Modification Plan constitutes approval for only those Codes reviewed as part of the Fuel Modification process and does not replace the needed approval of any other office or agency with jurisdiction and review responsibility for those items which may or may not be illustrated on the plan.

LEGEND:

- TRACT BOUNDARY
- PROPOSED LOT LINE
- BUILDING
- 1500 PROPOSED CONTOUR
- 1500 EXISTING CONTOUR
- D DAYLIGHT LINE
- SD STORM DRAIN LINE
- SS SANITARY SEWER LINE
- W WATER LINE
- RW RECLAIMED WATER LINE
- WALL
- SLOPE

SCALE: 1" = 120'

60' 30' 0' 60' 120'

GRAPHIC SCALE

CONTACT INFORMATION

OWNER/DEVELOPER:

GREEN ACRES, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY
P.O. BOX 6528
MALIBU, CA 90264
CONTACT: JAKE JESSON
TELEPHONE: (310) 456-2600

OWNER REPRESENTATIVE:

PROJECT DELIVERY ANALYSTS, LLC.
14342 SHAWNEE STREET
MOORPARK, CA 93021
CONTACT: BRUCE MCBRIDE
TELEPHONE: (805) 298-6570
FAX: (805) 552-0046

SOILS ENGINEER/GEOLOGISTS:

GEOSOILS CONSULTANTS, Inc.
VAN NUYS, CA 91406
TELEPHONE: (818) 785-2158
CONTACT: RUDY RUBERTI

CIVIL ENGINEER:

PSOMAS
555 S. FLOWER STREET, SUITE 4400
LOS ANGELES, CA 90071
CONTACT: ANDREW NICKERSON
TEL: (213) 223-1400

JOB ADDRESS:

EXISTING: 24111 PACIFIC COAST HIGHWAY
PROPOSED: 4000 MALIBU CANYON ROAD
MALIBU, CA 90265

SEAL

DESIGNED D.R.Z.
DRAFTED D.R.Z.
CHECKED A.N.

REV	DATE	DESCRIPTION	BY	APP'D

BENCHMARK N/A
ELEVATION N/A ADJUSTMENT N/A
PATH/PLOT DATE:

MALIBU MEMORIAL CEMETERY
PRELIMINARY FUEL MODIFICATION PLAN
GREEN ACRES, LLC - 4000 MALIBU CANYON ROAD

IN THE CITY OF MALIBU COUNTY OF LOS ANGELES STATE OF CALIFORNIA

DATE: NOVEMBER 3, 2015
SCALE: 1" = 40'
PROJECT NUMBER: 1GRE220100
SHEET 1 OF 1

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 15-89

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING MISCELLANEOUS APPLICATION NO. 15-001, DETERMINING THAT A CEMETERY/MEMORIAL PARK WITH ASSEMBLY STRUCTURE IS A PERMITTED USE IN THE COMMERCIAL VISITOR SERVING-TWO ZONING DISTRICT, SUBJECT TO OBTAINING A CONDITIONAL USE PERMIT (4000 MALIBU CANYON ROAD / GREEN ACRES, LLC)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On April 13, 2015, Schmitz and Associates, Inc., on behalf of Green Acres, LLC, property owner, submitted Miscellaneous Application (MA) No. 15-001 to the Planning Department for a determination of use pursuant to Malibu Municipal Code (M.M.C.) Section 17.04.050. The application requests a determination that a cemetery/memorial park with assembly structure, although not specifically listed as a permitted or conditionally permitted use in the Commercial Visitor Serving-Two (CV-2) zoning district, is a conditionally permitted use in the CV-2 zone.

B. On April 13, 2015, staff deemed the application complete for processing.

C. After reviewing the application, the Planning Director referred the matter to the Planning Commission, as contemplated in M.M.C. Section 17.04.050.

D. On August 8, 2015, a Notice of Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On September 8, 2015, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, staff presentation and written reports, public testimony, and other information in the record and requested staff to prepare a resolution approving the request for a determination of use.

ATTACHMENT 3

Section 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission evaluated the determination of use and found its quasi-legislative decision on the determination of use to be exempt from review under CEQA. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not governed by CEQA, and CEQA does not apply. Any future development application proposing the subject use will be evaluated in accordance with CEQA for potential environmental impacts. The Planning Commission hereby determines that there is no possibility the decision on the determination of use application will have a significant effect on the environment and accordingly, the exemption set forth in CEQA Section 15061(b)(3) applies.

Section 3. Findings.

Based on substantial evidence contained within the record and pursuant to M.M.C. Section 17.04.050, the Planning Commission hereby makes the following findings of fact:

A. M.M.C. Section 17.04.050 enables the City to determine a specific use is permitted in a zone even if the use is not expressly permitted, permitted subject to Director's review, or conditionally permitted (collectively "permitted") in a zone if it is similar to and not more objectionable than a permitted use.

B. The cemetery/memorial park use with assembly structure is similar to and not more objectionable than other uses allowed in the CV-2 zoning district with a conditional use permit. Examples of similar uses allowed in the CV-2 zoning district by right include equestrian/hiking trails, amphitheaters, and charitable/philanthropic activities within enclosed buildings. Similar conditionally permitted uses allowed in the CV-2 zoning district include cultural and artistic uses (including performing arts venues) and parks, beaches and playgrounds.

C. The cemetery/memorial park use is visitor serving, for both visitors and residents, and also respects the rural character and natural environmental setting of Malibu consistent with M.M.C. Section 17.28.010. Similar to a park, beach or playground, it serves the needs of the community and provides outdoor space largely undeveloped with structures and preserves unobstructed views of the area and coast. It also has similar resource demands, structural impacts, parking requirements, and is friendly to many types of wildlife while respecting the natural environmental setting of Malibu. Similar to other cultural and artistic uses, it could draw visitors and provide a unique venue.

D. The cemetery/memorial park use is not more objectionable than other uses allowed in the CV-2 zoning district. Among the reasons why it is not more objectionable are the facts that compared to other uses allowed in the CV-2 zone, such as commercial businesses and hotels, the cemetery/memorial park use will generate substantially less traffic, fewer impacts on the environment, fewer visual impacts and obstructions, and will also generally use fewer resources in its development and operation. Although a cemetery has an unusual permanency distinct from other land uses, the stability associated with such permanency is desirable in a community with sensitive resources. Furthermore, while cemeteries may present land use complications unique to burials, they are part of a highly regulated industry that provides a significant measure of local control.

E. Approval of the determination of use does not approve a specific project; rather it allows an applicant to seek a conditional use permit from the City, at which time the specific merits and impacts will be evaluated to determine whether that project should be approved or denied.

Section 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby determines that a cemetery/memorial park and assembly structure is a permitted use within the CV-2 zone, subject to obtaining a conditional use permit.

Section 5. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 21st day of September 2015.

ROOHI STACK, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action), a decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 15-89 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 21st day of September 2015 by the following vote:

AYES:	3	Commissioners:	Brotman, Jennings, Stack
NOES:	0		
ABSTAIN:	0		
ABSENT:	2	Commissioners:	Mazza, Pierson

Kathleen Stecko

KATHLEEN STECKO, Recording Secretary

Site and Story Pole Photographs

From Malibu Canyon Road

Entrance

Mausoleums, taken from onsite

ATTACHMENT 4

Chapel and Site, taken from onsite

Chapel and Site, taken from onsite

From Malibu Canyon Road

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

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

Project Title	Malibu Memorial Park
Application Nos.	Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001, Coastal Development Permit No. 15-028, Variance No. 16-016, Site Plan Review No. 16-009, Minor Modification No. 16-010, Conditional Use Permit No. 15-011, and Lot Merger No. 16-001
Location:	4000 Malibu Canyon Road Assessor's Parcel Numbers (APNs): 4458-030-007, 4458-028-015 and 4458-028-019
Project Applicant:	Bruce McBride
Property Owner:	Green Acres, LLC

Project Description: The Malibu Memorial Park Project (proposed project) consists of a chapel, 176 parking spaces, 47 freestanding mausoleum structures with a total square footage of 9,400, approximately 28,265 in-ground burial plot spaces intermittently located throughout the property, 3,644 interments in above grade wall crypt structures and approximately 65,036 square feet of walking trails on approximately 21.0 acres of the 27.8 acre site. The 28-foot in height chapel building consists of a 6,673 square foot main level and 9,348 square foot subterranean garage and basement located in the center of the project site. Visitor access will be provided by a system of pedestrian and golf cart trails used to access the individual mausoleums and burial plots. A sloping waterfall would mark the primary entrance from Malibu Canyon Road, with an additional water feature in the median of the entry driveway. The project is located in the Commercial Visitor Serving-2 zoning district. The complete project description is provided in the Initial Study.

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

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

Review Period: Begins: **November 14, 2016** Ends: **December 14, 2016**

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

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

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

City of Malibu Website: http://www.malibucity.org/cemetery

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

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

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

Bonnie Blue, Planning Director

Date: November 10, 2016

City of Malibu
Initial Study Environmental Checklist Form

1.	Project Title:	Malibu Memorial Park
2.	Project Location:	4000 Malibu Canyon Road Assessor's Parcel Numbers (APNs): 4458-030-007, 4458-028-015 and 4458-028-019
3.	Application:	Initial Study (IS) No. 16-002 Mitigated Negative Declaration (MND) No. 16-001 Coastal Development Permit (CDP) No. 15-028 Variance (VAR) No. 16-016 Site Plan Review (SPR) No. 16-009 Minor Modification (MM) No. 16-010 Conditional Use Permit (CUP) No. 15-011 Lot Merger (LM) No. 16-001
4.	Lead Agency Name and Address:	City of Malibu Planning Department 23825 Stuart Ranch Road Malibu, CA 90265-4861
5.	Contact Person and Phone Number:	Adrian Fernandez Senior Planner (310) 456-2489, Ext. 482
6.	Project Applicant Name and Address:	Bruce McBride P.O. Box 6528 Malibu, CA 90265
7.	Property Owner:	Green Acres, LLC P.O. Box 6528 Malibu, CA 90265
8.	Malibu Municipal Code (MMC) Zoning:	Commercial Visitor Serving-2 (CV-2)
9.	General Plan Land Use Designation:	CV-2
10.	Local Coastal Program (LCP) Zoning:	CV-2
11.	LCP Land Use Designation:	CV-2

12. Description of Proposed Project:

The Malibu Memorial Park Project (proposed project) consists of a 6,673 square foot chapel, 176 parking spaces, 47 freestanding mausoleum structures, approximately 28,265 in-ground burial plot spaces[1] intermittently located throughout the property 3,644 interments in above grade wall crypt structures and approximately 65,036 square feet of walking trails on approximately 21.0 acres of the 27.8 acre site located at the northeast corner of the intersection of Pacific Coast Highway (PCH) and Malibu Canyon Road. (Refer to **Figures 1a and 1b, Proposed Project Site Plan** and **Figures 2a** and **2b, Proposed Project Elevations**). The main chapel would serve as the central axis for the development and is proposed to house clergy offices and meeting rooms, religious burial preparation areas and private grieving areas. Additional project components include a public mausoleum, private estate plots, terraced estate plots, bench estates, cremation gardens/ossuaries/niche walls, a pet cemetery, and lawn crypts.

The 6,673 square foot chapel would be located in the center of the project site. Primary site access would be provided via a main entrance/exit driveway located at the site's western frontage with Malibu Canyon Road approximately 475 feet north of its intersection with PCH. Visitors would access individual mausoleums and burial plots via a system of pedestrian and golf cart trails. A sloping waterfall would mark the primary entrance from Malibu Canyon Road, with an additional water feature in the median of the entry driveway. The grounds would also include several contemplation areas (with benches). Various topiary features (large and small) would be located throughout the grounds.

Project lighting would be wall mounted or ground mounted, directed downward, and shielded away from adjacent uses. Building security lighting would be operated by an energy management system and would be used at all entry/exits; it would remain on from dusk to dawn but would be designed to prevent glare or spillover onto adjacent properties. Lighting for all parking areas would remain lit at a lower level after normal business hours for security purposes.

As a new project, all lighting for the proposed project would be required to meet the standards in the City's General Plan, MMC Title 17, and LCP Local Implementation Plan (LIP) Sections 4.6.2 and 6.5(G). In addition, all exterior lighting fixtures would be fully shielded and operated at low intensity. As such, the project would be in compliance with current applicable lighting standards.[2]

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1 This figure includes single, tandem, pet, and factional burial crypts.

2 The City of Malibu has contracted with the International Dark-Sky Association (IDA) to prepare a citywide lighting ordinance. However, to date, the City does not have an adopted citywide lighting ordinance.

A new driveway accessible from Malibu Canyon Road would provide vehicular access to the project site. Most vehicles would be directed to park in the surface parking areas; designated stalls located along the entry drive and around the chapel. The entry driveway would provide one way entry and exit via a circular driveway around the chapel with access to the guest surface parking stalls. No parking would be allowed within the required width of the fire-lane surrounding the chapel. A total of 133 perpendicular guest parking stalls would be located along the entry driveway and chapel ring. An additional 19 subterranean parking spaces would be available for family members, clergy, and staff. Parking to accommodate an additional 24 stalls would be provided along the perimeter of the ring driveway and parking for several limousines would be provided near the front entry of the chapel. In sum, a total of 176 parking spaces would be provided for the project.

As shown in **Figures 2a and 2b**, as the topography of the project site is sloped to the southeast, the chapel reflects this slope in its design. The chapel would consist of two levels (basement and ground level). The total proposed floor area for the proposed project is 16,073 square feet (the 6,673 square foot chapel building and 9,400 square feet of mausoleums) and excludes the subterranean garage and basement[3], which results in a project floor area ratio (FAR) of 0.013.

The ground floor of the chapel building would consist primarily of the entryway leading to a lobby/reception area, restrooms, an open stairway and elevator bank, and the assembly hall. Indoor fixed seating in the assembly hall would accommodate 392 persons. Additional ground floor components include the chapel office, a small kitchen facility, and the casket lift.

Below the chapel would be a 9,348 square foot basement, including a 19-stall subterranean garage. The subterranean garage would be used for service ingress/egress while the basement area would include bathrooms, storage, elevators and a casket lift car to the main floor.

A public mausoleum would be located directly behind and adjacent to the chapel, to the east, and would accommodate caskets.[4] The public mausoleum would be sunk below grade but open to the sky. As a result, this public mausoleum will not be visible from elsewhere on the site.

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3 FAR does not include underground floor area, interior parking spaces, and spaces with floor-to-ceiling height less than six feet. The FAR calculation is: 16,073 sf / 1,210,968 sf (27.8 acres) = 0.013

4 A public mausoleum contains multiple crypts that can be purchased individually by community members.

Forty-seven freestanding private mausoleums would be located throughout the site and would be available for purchase.[5] The 47 mausoleums range from approximately 140 to 200 square feet each.[6] Generally, these mausoleums would range from 12 to 14 feet in height and width. The majority of these mausoleums would be located in the south and east portions of the site. The applicant has also revised the mausoleums off the mesa and closer to the chapel.

The project site is zoned CV-2. Similar to other properties zoned CV-2, the proposed project would provide a visitor serving use (e.g., a memorial park and trails) and include landscaping and open space consistent with the surrounding uses and natural setting (surrounding uses and setting are discussed in greater detail under Project Site Setting and Surrounding Land Uses below). Landscaped areas are discussed in greater detail below but generally would include trees, shrubs, and native grasses (refer to **Figures 3** and **4, Proposed Project Landscape Plan**). Existing vegetation in the open space areas would not be disturbed. Two water features would be included on the site, with the largest feature located at the vehicle entrance/exit along Malibu Canyon Road and continuing the length of the main driveway. A smaller water feature would be located at the rear of the chapel.

Excluding the existing vegetation located in the south, east and north portions of the project site (i.e., the portions of the site that would not be developed), all existing vegetation would be removed to accommodate the proposed project. Existing vegetation shall be removed in accordance with the approved project plans.

The project site would be used for services and burials only. No embalming or cremation would occur on the project site. However, the site is anticipated to be used to accommodate various religious functions, special events and public uses, including the chapel and trails, lawns and contemplation areas. Activities could include educational programs and social activities.

The project site, including the landscaped areas, walking trails and public mausoleums would be open to the public from 7:00 AM to 9:00 PM daily, while the chapel would be open from 9:00 AM to 9:00 PM. The private mausoleums would not be open to the public. The project is estimated to employ approximately 18 full-time, part-time, seasonal, and permanent employees at any given time. Staffing would consist of administration, clergy, chapel and service operations staff, and maintenance and security.

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5 Private mausoleums typically hold fewer crypts than a public mausoleum and are purchased to accommodate fewer caskets, such as for a single family.

6 The total square footage attributed to the private mausoleums is approximately 9,400 square feet and is counted as gross floor area in the FAR calculation.

13. Project Site Setting and Surrounding Land Uses:

The project site is located at 4000 Malibu Canyon Road in the City of Malibu (Refer to **Figure 5, Regional Location**). The project site is an elevated coastal terrace bordered by Malibu Canyon Road to the north and west, PCH to the south, and Civic Center Way to the east. The central portions are generally level, but drop steeply 60 to 80 feet into Winter Canyon and the road cut for PCH on the southeastern portions of the project site. The project site is vacant; however, several dirt driveways traverse the site with trees and shrubs located intermittently throughout the project site. Although the project site is 27.8 acres, approximately seven acres contain sensitive habitat and/or are considered unstable because of steep slopes, therefore, development is only proposed on 21 acres. Currently, a variety of native and non-native trees, coastal sage scrub, and native grasses are located on the project site. While coast live oak, Southern California black walnut, and toyon trees were recorded on the site, none of the existing specimens satisfied the combined two-trunk 8-inch diameter or one-trunk measuring six inches or more at breast height requirement for protection under LIP Chapter 5 Native Tree Protection.[7]

The three parcels that make up the project site (APNs 4458-030-007, 4458-028-015 and 4458-028-019) are designated CV-2 (in all City land use documents). Land uses permitted under this designation include visitor serving uses that are consistent with the rural setting, with a maximum FAR of 0.15.[8]

The roughly triangular shaped parcel is bordered by Malibu Canyon Road and Pepperdine's' Alumni Park to the north and west, Civic Center Way and mixed institutional and residential uses to the north, the Malibu Civic Center Wastewater Treatment Facility (CCWTF) to the east, and PCH, the City-owned portion of Malibu Bluffs Park and the undeveloped Crummer site to the south.[9] Nearby land uses include Pepperdine to the north and west, the State-owned portion of Malibu Bluffs Park to the south, the Los Angeles County Road Maintenance Yard, Webster Elementary School, Our Lady of Malibu Catholic Church and School, and three condominium complexes off of Vista Pacifica and De Ville Way to the east. (Refer to **Figure 6, Project Site and Surrounding Land Uses**). The Pacific Ocean is 0.3 mile to the south, lower Malibu Creek is 0.5 mile to the east and the base of the Santa Monica Mountains foothills are to the north across Malibu Canyon Road. The site borders the low-lying lands of the Civic Center area and is visible from nearby neighborhoods, portions of the Civic Center area,

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7 Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, City of Malibu, prepared by Rincon Consultants, November 2015. (Refer to **Appendix IV**)

8 City of Malibu LCP Local Implementation Plan Section 3.8(A)(5)(a), pg. 85, http://malibucity.org/DocumentCenter/View/4421, accessed June 27, 2016

9 The Crummer site is currently undeveloped land with approvals for the construction of five single-family residences and associated development.

the Pepperdine campus, westbound PCH and southbound Malibu Canyon Road. In the foothills above the site to the north and east are the Malibu Knolls single-family residential neighborhood, and the structures and faculty housing of Pepperdine. Further to the east is the Civic Center area, including City Hall, various County buildings, Malibu Library, three commercial shopping centers, and Legacy Park.

14. Project Background

The project site was previously proposed as the Rancho Malibu Hotel project. The Rancho Malibu Hotel project included a 274,775 square-foot hotel complex, comprised of 146 rooms, a spa, swimming pool, bar, and ballroom, as well as meeting room facilities, and retail and restaurant uses.[10] A four-level parking structure was proposed to provide 543 parking spaces. The parking structure included three levels of subterranean parking and one ground level parking lot.

A Draft Environmental Impact Report (EIR) for the Rancho Malibu Hotel Project was released in October 2013 for public comment. A Final EIR was not prepared for the project. In September 2014, the project applicant proposed that the subject memorial park be developed on the project site, in place of the Rancho Malibu Hotel Project. The technical studies completed for the Rancho Malibu Hotel Project as well as the Draft EIR are incorporated into this Initial Study by reference and provide background and technical information as appropriate.

15. Landscaping and Open Space

To comply with the City's landscape and open space regulations, 40 percent of the site must be landscaped (approximately 11 acres) and 25 percent must be designated as open space (approximately 7 acres). The applicant is proposing that approximately 57 percent of the project site be landscaped (approximately 16 acres) and 35 percent be left as open space (approximately 10 acres).[11]

Landscaping and open space would consist of approximately 20.1 acres of the total 27.8 acre site, including landscaped areas and walkways immediately surrounding the chapel and 6.8 acres of "natural vegetation"/open space on undeveloped slopes at the north, east and south sides of the site and environmentally sensitive habitat area (ESHA) area bordering the southeast side of the ground. Landscaping would consist of a mix of walled planters, lawns and other landscaping. Features would include topiaries, the entry drive meandering stream, ponds, fountains, and screening hedges.

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10 City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Executive Summary, October 2013.

11 The percentage of open space includes hardscape and landscape areas as allowed by LIP Section 3.8(A)(5)(b).

The unstable slopes to the north, east, and south (approximately seven acres) would be maintained in their natural condition. The primary internment areas would consist of lawns that use drought tolerant Native Bent Grass (Agrostis pallens), and a combination of drought tolerant groundcovers including Berkley Sedge and Myoporum. The remaining landscaped portions would include plantings of native and drought tolerant trees (i.e., California Buckeye, Horse Chestnut, Southern Magnolia, Camphor, and Mexican Elderberry) and native and drought tolerant shrubs (i.e., Coast/Dwarf/Trailing blue rosemary, Japanese Wax Myrtle, Boxwood, California Lilac). The applicant is proposing the use of 24 to 36-inch boxed Coast Live and Engelmann Oaks along the perimeter to provide screening.

Should non-potable recycled water from the CCWTF become available, it may be used to irrigate the landscaped areas and operate the water features. As discussed in Section XVII Utilities and Service Systems, recycled water use would be phased in over time as it becomes available from the CCWTF. Signs would be posted throughout the project site to disclose the use of non-potable water.

16. Circulation

Vehicular access to the project site would be provided via Malibu Canyon Road approximately 700 feet north of the PCH centerline. The entrance and exit is near the curvature of Malibu Canyon Road which restricts the sight distance for vehicles exiting the site. For this reason, right-turn egress only would be allowed i.e., no left turns exiting the site would be permitted. However, left-turn entering the site would be allowed. Vehicles would be able to head south on Malibu Canyon Road by performing a U-turn at the intersection of Seaver Drive and Malibu Canyon Road upon exiting the site.

A total of 176 parking spaces would be provided on the project site, including four Americans with Disabilities Act (ADA) compliant spaces. Staff would be directed to park in the chapel basement parking area, while visitors would be directed to park in the surface parking stalls located along the entry driveway and chapel circular driveway. A new driveway accessible from Malibu Canyon Road would provide vehicular access to the project site. Vehicles would be directed to park in the designated surface parking spaces and around the chapel. The entry driveway would provide one way entry and exit via a circular driveway around the chapel with access to the guest surface parking stalls. Visitor access to the individual mausoleums and burial plots from the designated surface parking spaces would be provided by a system of pedestrian and golf cart trails.

17. Archeological Study Area

Archeological resources are discussed in greater detail in Section V(b) Cultural Resources. The current design of the project will include all above grade structures (terraced lawn crypts, wall crypts and a private mausoleum) bounded on all sides by a

native plant screening hedge of 10 feet. The archeological area would be capped with grading of a sufficient depth so as to allow necessary coverage as mandated in the Cultural Resources Management Report (approximately three feet). Total earthwork quantities for capping are approximately 16,985 cubic yards which would be provided by the remaining excavated material from the various grave sites.

18. Construction

Construction of the chapel, parking, driveway improvements, public mausoleum and freestanding mausoleums would involve site preparation activities, limited grading, construction of the proposed structures, and paving. The project is anticipated to require a total of 302,879 cubic yards of earthwork as shown in **Table 1, Estimated Earthwork Quantities**. A total of 76,625 cubic yards is estimated to be exported from burials for the life of the project. Parking and staging is expected to be accommodated on-site in a secured area, with the exception of ingress and egress of vehicle and truck traffic. All required parking and material staging is anticipated to be on-site and within the traffic controlled or delineated areas, per a construction staging plan approved by the City Planning Department and City Public Works Department.

Table 1
Estimated Earthwork Quantities

	Exempt					
	Removal and Recompaction	Under Structure	Safety	Non-Exempt	Remedial	Total
Cut	70,045	106,367	1,172	12,168	0	189,752
Fill	70,045	0	231	32,567	0	113,127
Total	**140,090**	**106,367**	**1,403**	**44,735**	**0**	**302,879**

Source: Green Acres LLC, August 2016.

The initial construction is expected to take approximately 18 to 21 months in two sequences and four phases. The initial construction does not include the ongoing construction of burials which has an estimated 45-year buildout.

Sequence One: the perimeter of the site will be improved. All pre-installed crypts will be placed in the median of the driveways. Excavated material that cannot be fully re-used during this sequence will be temporarily stockpiled at five locations on the project site. These locations are adjacent to anticipated fill locations. Stockpiles are not expected to exceed 12 feet in height.

Sequence Two: this sequence includes the majority of the earthwork removal and recompaction, as well as the soldier piles necessary to stabilize the top of the mesa slope

to the north. The excavation spoil stockpiled from Sequence One (including earthwork from the basement and public mausoleum) will be used to balance the site.

Phase I – site preparation and grading is anticipated to require two to three months and would include removal and grubbing of vegetation and initial rough grading.

Phase II – is expected to require approximately three to four months and would entail site preparation activities, including excavation cut/fill of slopes, removal and recompaction, rough and fine site grading, retaining walls and street work.

Phase III – would entail construction of the proposed substructure and Chapel, as well as all on-site landscape and hardscape improvements, and is anticipated to require up to 10 to 13 months. Private mausoleums will be site prepped only, ready for individual owner design and foundation work.

Phase IV would include completion of off-site improvements for project frontage and utilities and would require two to three months to complete.

The projected number of construction workers is estimated to range from 10 to 40 depending on the project phase. Material delivery would occur throughout the day, with large-scale deliveries typically scheduled outside of the peak traffic hours. Although earthwork for the initial construction is expected to be balanced on-site, any/all haul truck trips would be scheduled outside of the morning and afternoon peak traffic hours, as permitted by the California Department of Transportation (Caltrans).

Off-Site Improvements

An existing 15 3/8-inch water main is located at the intersection of Seaver Drive and Malibu Canyon Road. While the project site is located immediately south of the existing water main owned and operated by the Los Angeles County Waterworks District 29 (WWD No. 29), the project site lacks sufficient infrastructure and necessary facilities including, water pumps and pipes.

The project applicant has also agreed to design and construct all water related property specific improvements which would include a 16-inch water main approximately 1,800 feet long along Malibu Canyon Road, a 16-inch water main approximately 1,200 feet long along PCH, a pressure reducing station, fire hydrant assemblies, and a reduced pressure principle detector assembly(ies). These improvements are necessary in order for WWD No. 29 to provide the customary level of water service required by the Los Angeles County Fire Department.

The project also includes traffic mitigation in the form of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way.

Lastly, as part of the project, existing above ground utilities (operated by Southern California Edison) will be relocated underground, as well as the relocation of two existing transformers and installation of two additional transformers.

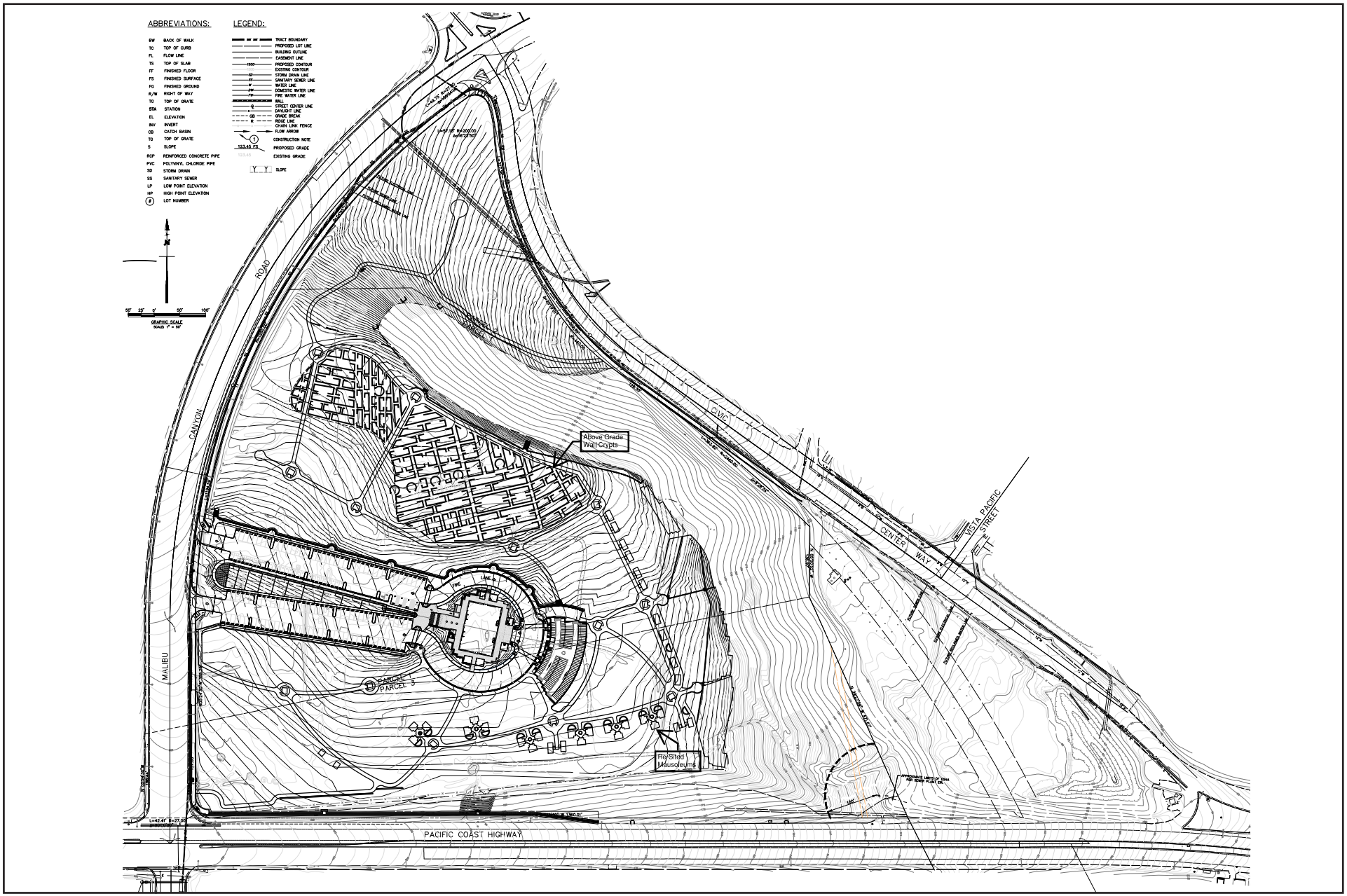
19. Discretionary Entitlements

The City's approval of the following discretionary entitlements would be necessary to facilitate development of the proposed project:

- SPR No. 16-009 for height over 18 feet but less than 28 feet for the sloped roof of the chapel.
- VAR No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum allowed. This is needed in order to cap the archaeological site.
- MM No. 16-010 for the mausoleums to have a less than 50 percent reduction of the required front yard setback.
- CUP No. 15-011 for the proposed memorial park and chapel in the CV-2 zoning district.
- LM No. 16-001 for consolidation of the three existing legal lots into one legal lot.
- CDP No. 15-028: LCP development entitlement.
- Encroachment permit from the City's Public Works Department for all improvements located within the City's right-of-way.
- City approval for recycled water use.
- Individual administrative plan review approvals for each private mausoleum.

Non-City entitlements include:

- WWD No. 29 approval for water supply and sources for the site
- Caltrans Standard Encroachment Permit (TR-0100) for all improvements adjacent to State highways, namely PCH
- County of Los Angeles Building Code Manual (LACBC) 2011: Cemetery Grading Plan Review and Permit Protocol from County's Public Works Department for all planned cemetery grading at the site
- Applicable State of California Licensing through the Department of Consumer Affairs Cemetery and Funeral Bureau



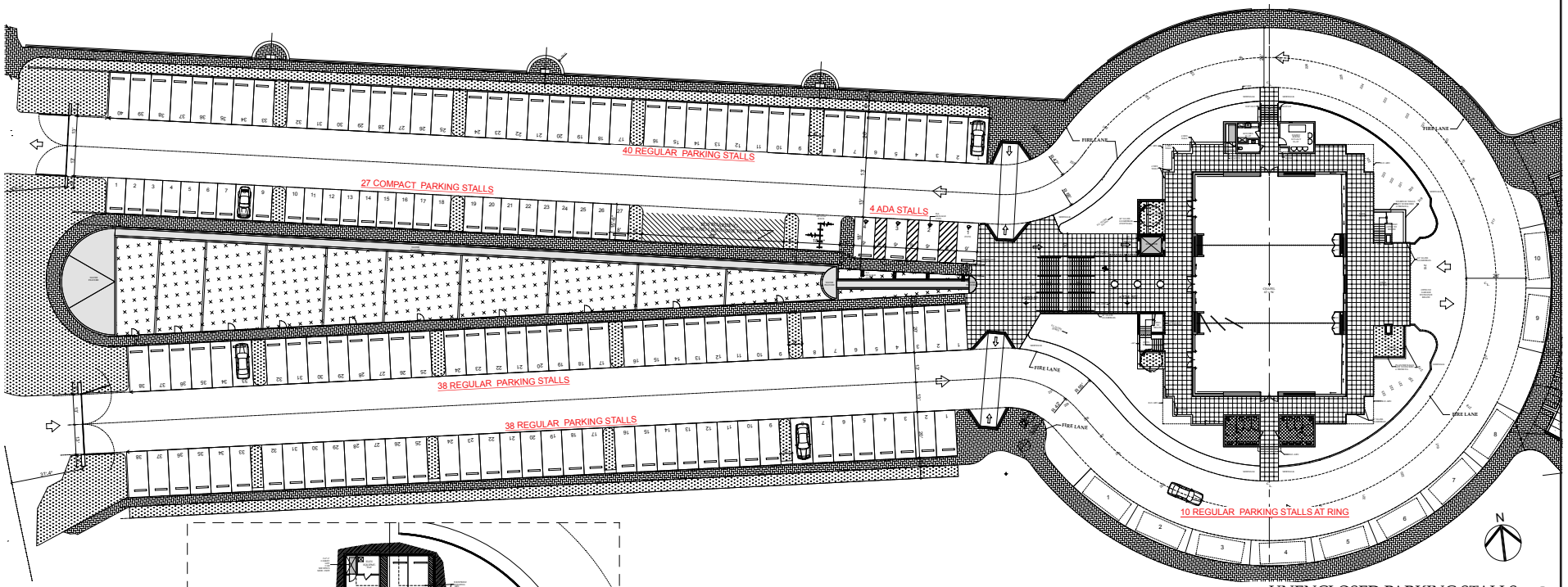
SOURCE: Burdge and Associates Architects

FIGURE **1a**

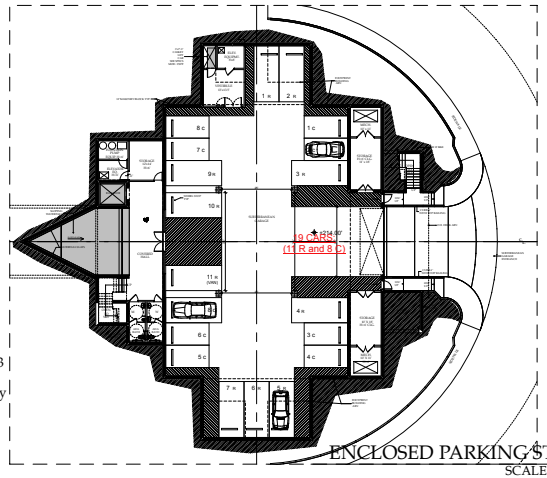
IMPACT SCIENCES

Proposed Project Site Plan

0592.004•11/16



UNENCLOSED PARKING STALLS (1)
SCALE: 1" = 20'



ENCLOSED PARKING STALLS (2)
SCALE: 1" = 20'

REQUIRED PARKING SPACES:

PER LIP 3.14.3 and 2.1.
Proposed fixed seats in the main Chapel: 392* ---> 131 stalls (1 space every 3 seats)
Proposed gross floor area outside the main chapel: 2,019 s.f.*1 ---> 6 stalls (1space every 350 s.f.)
*1 *See Area exhibits sheet A-1.1 and A-1.2*

TOTAL REQUIRED: 137 of which 20% of required parking spaces can be compact - ADA Min required (6)
-Regular: 110
-Compact: 27

TOTAL PROPOSED: 176
-Regular: 137 of which 2 ADA
-Compact: 35
-ADA 4

Enclosed: 8 Compact + 11 Regular of which 2 ADA
Unenclosed: 27 Compact + 126 Regular + 4 ADA*2

*2 ADA Accessible Parking Spaces dimensions per CBC 2013 -->(min. 18'x20')

Local Implementation Plan

3.14. PARKING **REGULATIONS**
3.14.3 Specific Parking **Requirements**
Places of Assembly and Recreational Uses

Chapels, mortuaries or funeral homes

1 space for each 3 fixed seats or for every 21 square feet of seating area where there are no fixed seats in the main chapel, **plus 1 space for each 350 square feet of gross floor area outside the main chapel**.

CHAPTER 2—DEFINITIONS
2.1. GENERAL DEFINITIONS
FLOOR AREA, GROSS - the sum of the **gross** horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the **floor**-to-ceiling height is less than six feet.

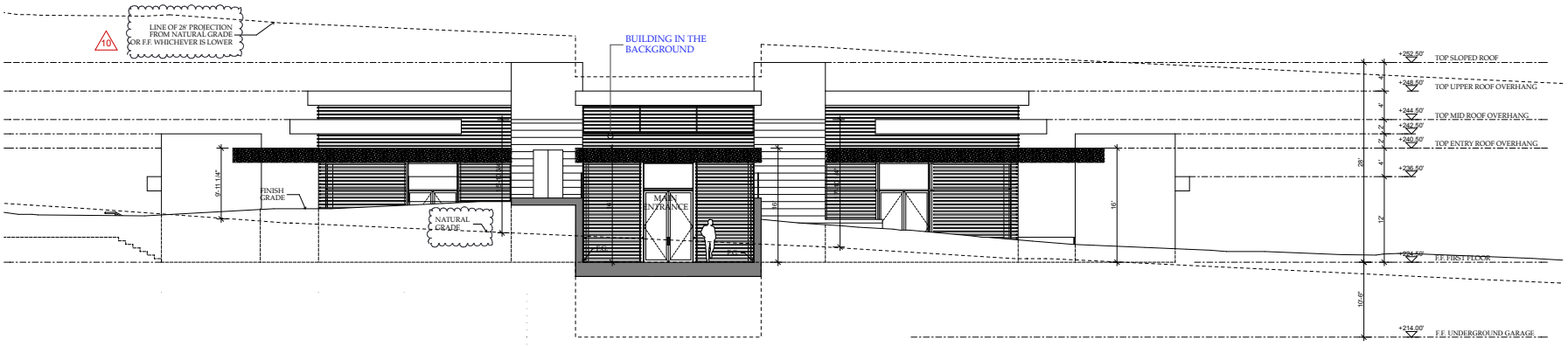
NOTE:
1. All parking areas shall be surfaces with asphaltic or cement concrete paving which is at least 3 inches thick or permeable paving comparable load carrying capacity and durability.

SOURCE: Burdge and Associates Architects

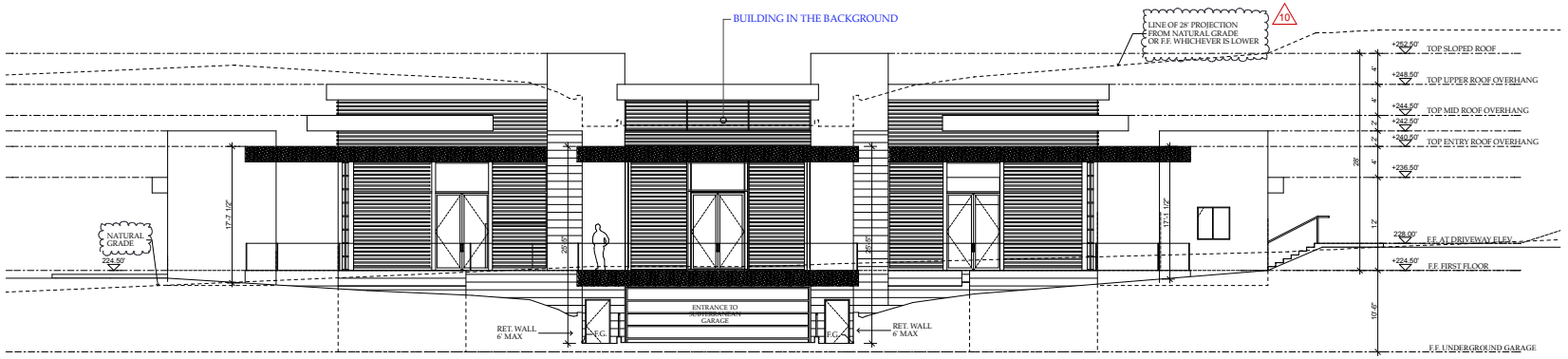
FIGURE **1b**

Proposed Project Site Plan

IMPACT SCIENCES



WEST ELEVATION
SCALE: 1/8" = 1'-0" (2)



EAST ELEVATION
SCALE: 1/8" = 1'-0" (1)

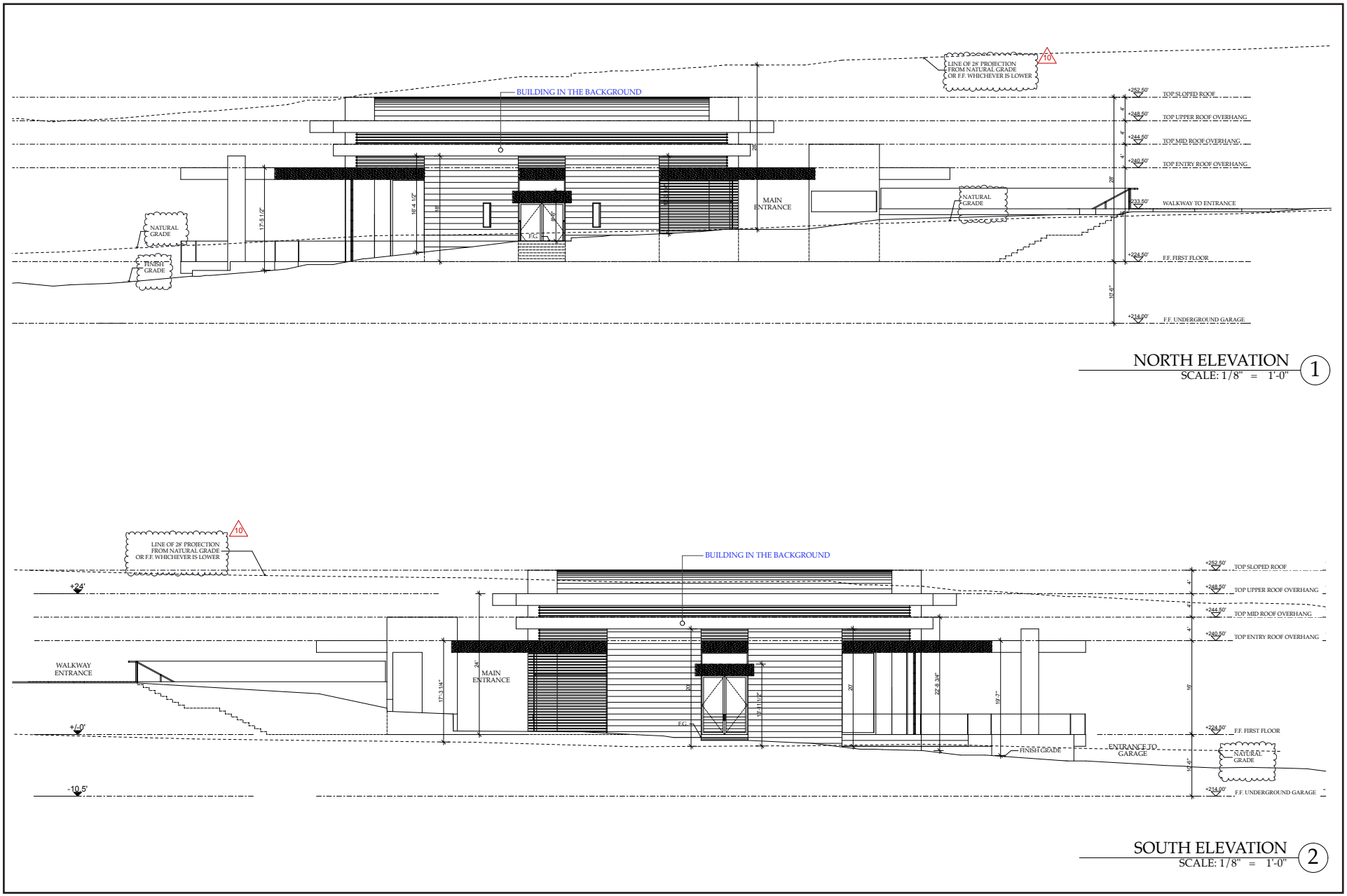
SOURCE: Burdge and Associates Architects

FIGURE **2a**

IMPACT SCIENCES

Proposed Project Elevations

0592.004•10/16



SOURCE: Burdge and Associates Architects

FIGURE **2b**

IMPACT SCIENCES

Proposed Project Elevations

0592.004•10/16

CINNAMOMUM CAMPHORA

MAGNOLIA GRANDIFLORA

OVERALL SITE PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	AREA	SPACING	QTY	WUCOLS
TREES							ZONE 3
	Quercus Agrifolia	Coast Live Oak	48" BOX	-	20' O.C.	56	L/VL
	Aesculus californica	California Buckeye and Horse Chestnut	48" BOX	-	20' O.C.	25	L
	Magnolia grandiflora	Southern Magnolia	60" BOX	-	30' O.C.	38	M
	Cinnamomum camphora	Camphor Tree	60" BOX	-		14	M/L
	Sambucus mexicana	Mexican Elderberry	48" BOX	-		16	L
PLANTING							ZONE 3
	Westringia 'Wynyabbie Gem'	Coast Rosemary	15 GAL	120 sf	30" O.C.	12	L
	Rosmarinus officinalis Irene	Trailing Blue Rosemary	15 GAL		3' O.C.	12	L
	Westringia fruticosa Grey Box	Dwarf Coast Rosemary	15 GAL		2' O.C.	8	L
	Myrica californica	Pacific Wax Myrtle	15 GAL	26,100 sf	30" O.C.	4584	L
	Buxus microphylla japonica	Japanese Boxwood	15 GAL	3160 sf	15" O.C.	2828	M/H
	Baccharis pilularis 'Pigeon Point'	Dwarf Coyote Brush 'Pigeon Point'	5 GAL	25,930 SF sf	3' O.C.	965	L/VL
	Arctostaphylus 'Pacific Mist'	Manzanita w/ White Flowers	5 GAL		3' O.C.	965	L/VL
	Ceanothus griseus horizontalis	California Lilac	5 GAL		3' O.C.	965	L/VL
	Arbutus unedo 'Compacta'	Dwarf Strawberry Tree	15 GAL	9575 sf	6' O.C.	45	M/L
	Wheeler's Dwarf Japanese Mock Orange	Pittosporum tobira 'Wheeler's Dwarf'	5 GAL		4' O.C.	82	M
	Myrtus communis 'Compacta'	Dwarf Myrtle	15 GAL		2' O.C.	330	M
	Lavandula x intermedia 'Grosso'	Lavandin	5 GAL		2' O.C.	330	L
	Salvia species - ornamental varieties	Sage	5 GAL		3' O.C.	147	M/L
	Santolina chamaecyparissus	Lavender Cotton	1 GAL		1' O.C.	1325	L
	Dietes bicolor	Fortnight Lily	5 GAL		2' O.C.	330	M/L
	Iris species & varieties/cultivars	Douglas Iris	1 GAL		18" O.C.	588	M
	Myoporum parvifolium	Groundcover Myoporum	Flats	196,340 sf	18" O.C.	178940	L
	Carex tumulicola	Berkley Sedge	1 GAL		18" O.C.	17,400	L
	Agrostis pallens	Native Bent Grass	SOD	448,700 sf	--	448,700 sf	L?
	Water feature			2083 sf		2083 sf	
	TOTAL LANDSCAPE AREA:			712,008 SF			

- ALL IRRIGATION WILL BE FROM NON-POTABLE RECYCLED WATER
- THE IRRIGATION PLANS SHALL COMPLY WITH THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE PER SECTION MMC 9.22.080.

AESCULUS CALIFORNICA

TOPIARY

QUERCUS AGRIFOLIA

MYRICA CALIFORNICA

NOT FOR CONSTRUCTION

SOURCE: Pakshong Landscape and Architectural Collaborative

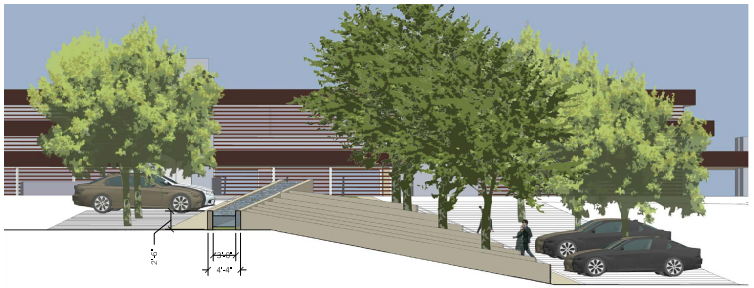
FIGURE 3

IMPACT SCIENCES

Proposed Project Landscape Plan

0592.004-7/16

PERSPECTIVE SCALE: NTS



SECTION SCALE: 1/8"= 1'-0"

FOUNTAIN, VISIBLE FROM STREET

6'-0" RETAINING WALL BEYOND

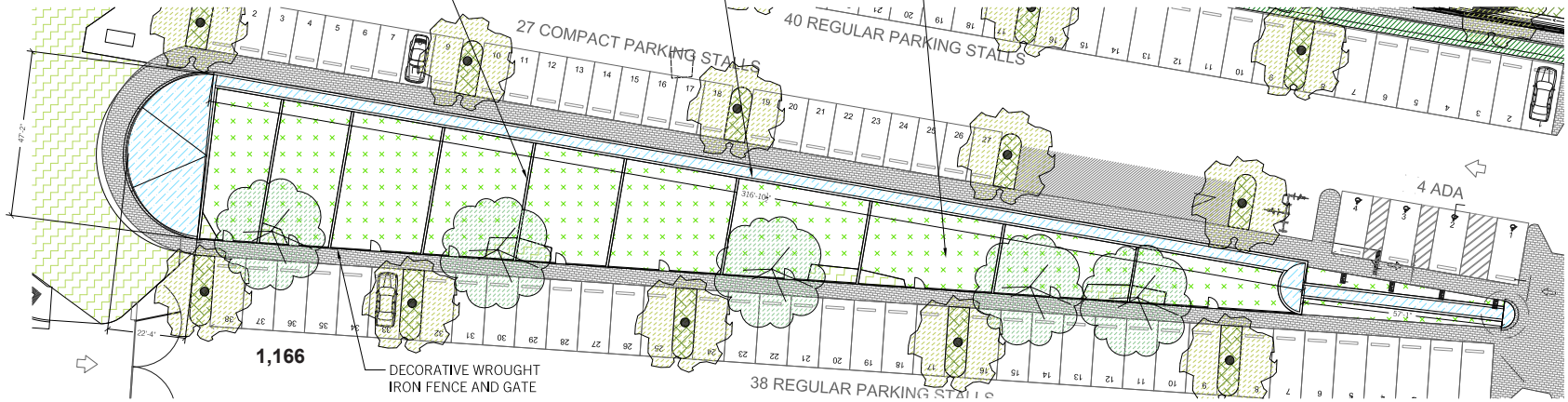
WATER RILLE

ELEVATION SCALE: 1/16"= 1'-0"

30-42" HIGH WALLS TO SEPARATE FAMILY PLOTS

WATER RILLE RUNS LENGTH OF PARKING LOT

LAWN WITH BURIAL PLOTS



PLAN SCALE: 1/16"= 1'-0"

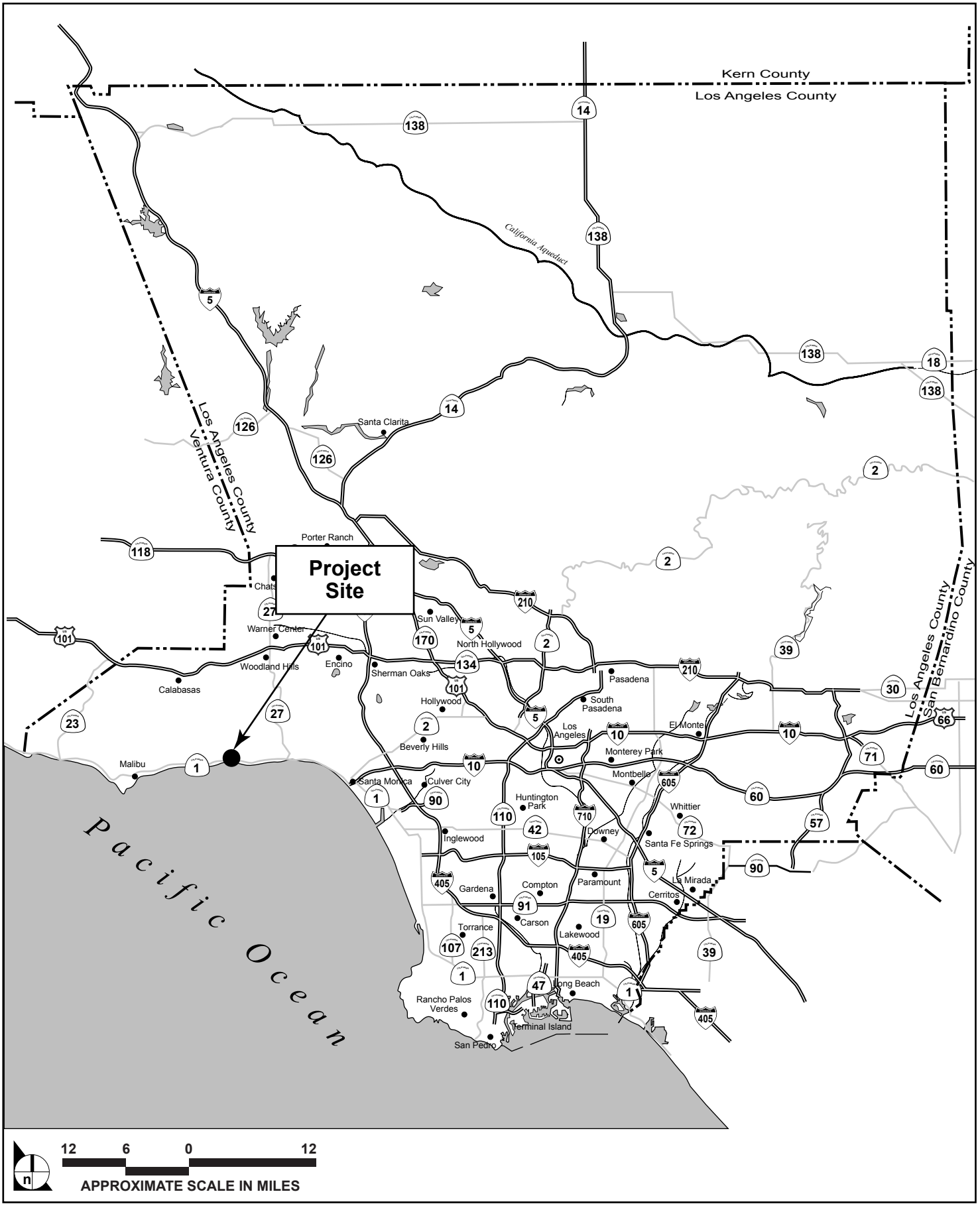
SOURCE: place, 2016

FIGURE **4**

IMPACT SCIENCES

Proposed Project Landscape Plan

0592.004•05/16



SOURCE: Impact Sciences, Inc. – May 2016

FIGURE **5**

IMPACT SCIENCES

Regional Location

0592-004•5/16

SOURCE: Google Maps

FIGURE 6

IMPACT SCIENCES

Project Site and Surrounding Land Uses

0592.004-2/16

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology and Soils
☐ Greenhouse Gasses	☐ Hazards and Hazardous Materials	☐ Hydrology and Water Quality
☐ Land Use and Planning	☐ Mineral Resources	☐ Noise
☐ Population and Housing	☐ Public Services	☐ Recreation
☐ Transportation and Traffic	☐ Utilities and Service Systems	☐ Mandatory Findings of Significance

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

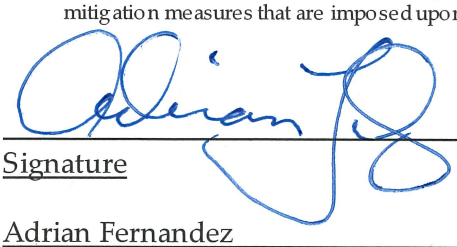
☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

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

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

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



Signature — 11/14/16 — Date

Adrian Fernandez — Printed Name

City of Malibu — For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analyses Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and

   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

10) The LCP is a certified CEQA document. Therefore, if all LCP standard conditions designed to minimize impacts to environmental resources are incorporated, and those conditions mitigate potentially significant impacts to a level of less than significant, then no additional mitigation is required by law. For discussion purposes, standard conditions may be listed below the impact discussions but are not actual mitigation measures.

I. AESTHETICS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact Discussion:

a) **Less than significant impact.** The project site is located at the intersection of Malibu Canyon Road and PCH. Malibu Canyon Road borders the project site to the west and north. The topography of the site is a relatively level terrace or mesa with 60 to 80 feet slopes along the north, east and south portions of the site. The project site is not identified as a scenic vista by the City in the General Plan, but is highly visible from both Malibu Canyon Road and PCH. Malibu Canyon Road and PCH, both of which offer foreground and distant views of the project site, are designated as scenic roads in the LCP. PCH and segments of Malibu Canyon Road offer views of natural vegetation and hillsides on the project site, as well as more distant ocean and mountain views over the site from Malibu Canyon Road.

The project site's east facing slopes, visible from Civic Center Way, are thickly vegetated with coastal sage scrub. The level and gently-sloping portions of the coastal terrace contain large areas of coastal sage scrub, grasslands and open disturbed areas and several groves of eucalyptus, ranging from 10-30 feet in height on the eastern and southern portions of the terrace, with numerous palm trees distributed across the eastern portion of the project site. The site's south-facing slopes, visible from PCH

support limited coastal sage scrub vegetation and scattered eucalyptus trees, with some areas disturbed by highway maintenance activities.

The project site is visually prominent from surrounding roads and neighborhoods, as well as from Pepperdine. Primary public views of the project site are from PCH and Malibu Canyon Road, which together carry almost 50,000 vehicle trips per day by the project site. The project site is also visible from adjacent public use areas at Pepperdine, the Malibu Knolls and Malibu Country Estates neighborhoods, as well as more distant locations such as the Serra Retreat neighborhood and portions of the Civic Center. Further, distant views of the project site are available from public recreation areas including Malibu Bluffs Park and trails in the Santa Monica Mountains, such as the Coastal Slope Trail.

Existing Views from PCH

Views of the project site from eastbound PCH are mostly of the sloped sides of the mesa as elevated terrain within Pepperdine's Alumni Park blocks views of the project site for east-bound travelers until approximately 600 feet from the intersection with Malibu Canyon Road. The intersection of PCH and Malibu Canyon Road offers open views of the project site and the Santa Monica Mountains to the north. As travelers proceed east on PCH, views of the project site are limited east of Malibu Canyon Road due to this road's steep descent towards Webb Way, as PCH is at approximately 40-60 feet below the project site's level terrace or mesa. Overall, unless stopped at the intersection of PCH with Malibu Canyon Road, motorists traveling eastbound can glimpse the project site for roughly 25 seconds (at the posted speed limit of 45 miles per hour), with substantially longer view times for bicyclists and pedestrians.

For westbound travelers on PCH, views of the project site have a much longer duration. Continuous generally open views of the project site are available from the intersection of Cross Creek Road west to more than 1,000 feet past Webb Way. Although partially obscured at times by hillside condominiums east of the site, the project site's level mesa is visible from a distance. Additionally, the heavily vegetated hillsides associated with both the project site and the Crummer Property (located immediately south of PCH and the project site) are visible to westbound travelers. Views of the project site are most prominent from this vantage for motorists on PCH. Overall, unless stopped at the intersection of PCH and Cross Creek Road or Webb Way, westbound motorists have sustained views of the project site lasting for approximately one minute (at the posted speed limit of 45 miles per hour), with longer view times for bicyclists and pedestrians.

Existing Views from Malibu Canyon Road

Malibu Canyon Road in the project site vicinity extends north from its intersection with PCH to Malibu Knolls Road. Views from this road are relatively open, including

undeveloped hillsides of the Santa Monica Mountains, Pepperdine's Alumni Park, and the undeveloped mesa and hillsides of the project site. The Santa Monica Mountains form a backdrop to the north with the Pacific Ocean to the south.

Northbound motorists on Malibu Canyon Road have views of the western edge of the project site, but views across the entire mesa top are limited as the roadway is located an average of 10-20 feet below the mesa along most of the project site. As motorists approach Civic Center Way, views of the project site's heavily vegetated north facing hillsides and portions of the mesa top become available, backed by more distant views of existing development in Winter Canyon and the Pacific Ocean in the distance. North of Civic Center Way, views of the site along Malibu Canyon Road north of Civic Center Way are intermittent, partially obstructed by shrubs, trees, and existing homes, with steep hillsides dominated by native vegetation and limited views of the HRL Laboratories hillside development.

Southbound motorists exiting Malibu Canyon Road have intermittent brief views of the project site, mesa top and hillsides, and in the last 900 feet before Civic Center Way, unobstructed views for about 15 seconds of most of the project site to the southwest. Motorists moving southbound past Civic Center Way have views of the entrance to the project site and Alumni Park, with glimpses of the Pacific Ocean.

California Coastal Commission 1986 Approval of a 300-Room Hotel

In January 1986, the California Coastal Commission (CCC) approved the following project (Permit No. 5-85-418) for the subject property: 300 room hotel (222,200 square feet), 32,800 square foot community center, offices, restaurant, information kiosk and art center, and 1,039 parking spaces. The CCC's approval had been kept valid over the years but expired on January 7, 2014. The EIR completed for this project in 1986 found the project to be potentially out of character with the extent and types of most existing development in the area, and noted it would be readily visible from certain areas of Malibu and parts of two scenic highway corridors; however, it concluded that the hotel project would not result in impacts to significant ocean views. It also noted that nighttime lighting from the project could disturb adjacent apartment and condominium residents and some nighttime coastline views. The EIR required mitigation that included designing the project to complement natural landforms; revegetation of graded slopes with native vegetation; screening development within native vegetation; and use of low-level outdoor lighting. Impacts to visual resources were considered less than significant with mitigation.

Findings of the 1998 Project EIR

In 1998, the City Council certified an EIR and approved a 146-room hotel design. This EIR determined that the previously proposed project would result in adverse aesthetic

impacts due to the project's large size and high visibility from nearby areas, but that impacts would be less than significant with the incorporation of mitigation. Mitigation consisted of incorporation of design guidelines pursuant to the Civic Center Specific Plan[12] (which was never completed) and completion of the City's MMC permitting process. Further, to minimize the effect of eliminating the natural visual quality of the site, the EIR required mitigation to include a Scrub Garden Component into the Landscape Plan to provide an area for native scrub landscaping to preserve the natural visual appearance of the site to the maximum extent feasible. The approval for this project has since expired.

Findings of the 2013 Rancho Malibu Hotel Draft EIR

The 2013 Rancho Malibu Hotel Draft EIR determined that the Rancho Malibu Hotel project would result in potentially significant impacts due to the massing of the hotel project. Mitigation to "break up" building massing on the top of the hillside and design review was to be included in the project. Potential mitigation of these adverse visual changes would require site plan alterations (i.e., additional setbacks, reductions in height of several specific buildings, reductions in visibility of development from key viewing points, reduction of development envelope, elimination or reduction of retaining walls, or a combination of these measures). The setback of structures further from the edges of slopes, particularly within the southern portion of the site, was found to reduce the prominence and mass of development as viewed from scenic roads, particularly PCH. Impacts related to views of the Pacific Ocean or Santa Monica Mountains were found to be less than significant without mitigation.

Project Visual Analysis

The proposed project would introduce new structures to the undeveloped site. The 28-foot tall chapel and the 47 freestanding mausoleums would be visible on the site. **Figure 7 Viewpoint Key Map**, identifies the location of the six viewpoints on and around the project site that were selected for this analysis because views from these locations would be representative of the views from surrounding scenic areas. As described above, the project site is visible from the surrounding parcels as well as scenic roads such as Malibu Canyon Road and PCH (refer to **Figure 8, View of Project Site from PCH Westbound Lanes**). Visibility of the project site from designated scenic roadways such as PCH and Malibu Canyon Road includes the ascending slopes from these roads to the site's mesa. However, visibility of the project site from scenic resources such as Malibu Bluffs Park, Legacy Park, the Pacific Ocean and Malibu Lagoon, is more limited and obscured by intervening topography, vegetation, and existing commercial development.

12 The draft Guidelines can be accessed online here: http://www.malibucity.org/index.aspx?NID=704

In April 2016, story poles representing the height of the chapel and the location of several of the mausoleums were installed on the project site. The story poled mausoleum locations were selected as representative of the types of structures to be constructed and also as the most likely to be viewed from local roadways. As shown in **Figure 9** and **Figure 10,** off-site views of the chapel and freestanding mausoleums from the surrounding area would be intermittent. Story poles illustrating the location, height and width (that would range from 12 to 14 feet in height and width) of the freestanding mausoleums are shown in these figures.

The views of the Santa Monica Mountains from Pepperdine's Alumni Park, Malibu Bluffs Park, and Legacy Park would not be substantially affected by project development. Malibu Bluffs Park is directly south of the project site, but views of the project site are largely blocked by existing topography. Views of the Santa Monica Mountains would not be affected by the proposed project as viewed from Legacy Park, the closest City-designated vista point. Views of the Santa Monica Mountains from this point occur primarily to the north, while proposed project development would occur approximately one mile to the east and outside the primary viewshed of the mountains from this vantage.

The project development would alter public views of the Santa Monica Mountains from PCH and other public viewpoints. Portions of the proposed development, including the chapel and several of the mausoleums, may be visible; however, this obstruction would be limited, with only the lower slopes of the mountains partially obscured. The project would not obstruct mountain views available to westbound travelers on PCH. Because there are other large commercial, institutional, and residential structures within the same viewshed, the project would not substantially degrade views of the Santa Monica Mountains from this vantage.

The views of the Pacific Ocean from PCH, Legacy Park, and Malibu Bluffs Park would not be affected by the project development. All of these public viewpoints are south of the project site; therefore, the ocean views from such vantages would not be affected.

As shown in the **Figure 10 Photo 6,** the freestanding mausoleums would be visible from Malibu Canyon Road. Ocean views from Malibu Canyon Road and other public roadways and viewpoints located north of the project site could be altered. However, Mitigation Measure LP-2 under the Land Use and Planning section requires that in the administrative plan review process for the mausoleums, it is demonstrated to the satisfaction of the Planning Director that the mausoleums would not have any bluewater view obstructions from Malibu Canyon Road. As a result, these structures would not obstruct views of the Pacific Ocean across the site.

Scenic views from trails in the Santa Monica Mountains, on the Pepperdine campus, and from other high points in the Malibu area would be altered through development of the

proposed project in the foreground of the ocean vista. Such views, however, are sweeping panoramic views, and the proposed project would constitute a relatively minor additional urbanized element of the view alongside adjacent condominium neighborhoods and Pepperdine. As such, these views would not be obstructed nor significantly impacted. Although the proposed project would alter views of both the Santa Monica Mountains and the Pacific Ocean from various vantage points, the project would not substantially obstruct or degrade views of these significant visual resources from key public viewing locations. Therefore, impacts would be less than significant.

The project applicant agreed to revise the site plan to reduce visibility of the mausoleums. As shown in **Figure 11 View of Re-Sited Mausoleums from PCH** and **Figure 12 View of Re-Sited Mausoleums from Civic Center Way**, these changes would change the views from PCH, Malibu Canyon Road, Civic Center Way, and Legacy Park. Adverse impacts related to views with the proposed design would be less than significant.

SOURCE: place, 2016

FIGURE 7

IMPACT SCIENCES

Viewpoint Key Map

0592.004•05/16

SOURCE: City of Malibu, 2016

FIGURE 8

IMPACT SCIENCES

Views of the Project Site from PCH Westbound Lanes

0592.004•05/16

③

④

SOURCE: City of Malibu, 2016

FIGURE 9

Offsite Views of the Mausoleum Story Poles (Facing North)

IMPACT SCIENCES

0592.004•05/16

5

6

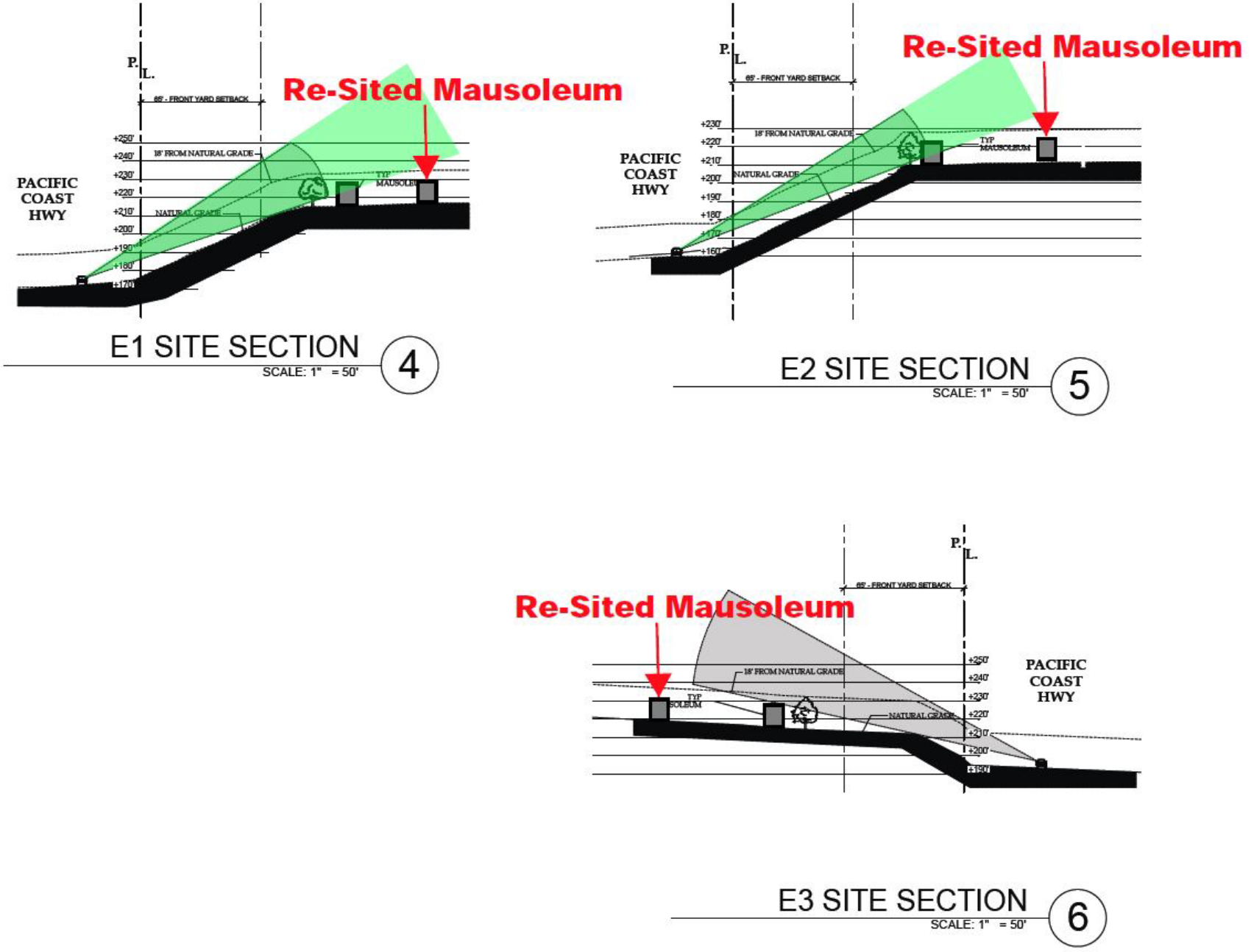
SOURCE: City of Malibu, 2016

FIGURE 10

IMPACT SCIENCES

Offsite Views of the Mausoleum Story Poles (Facing South)

0592.004•05/16



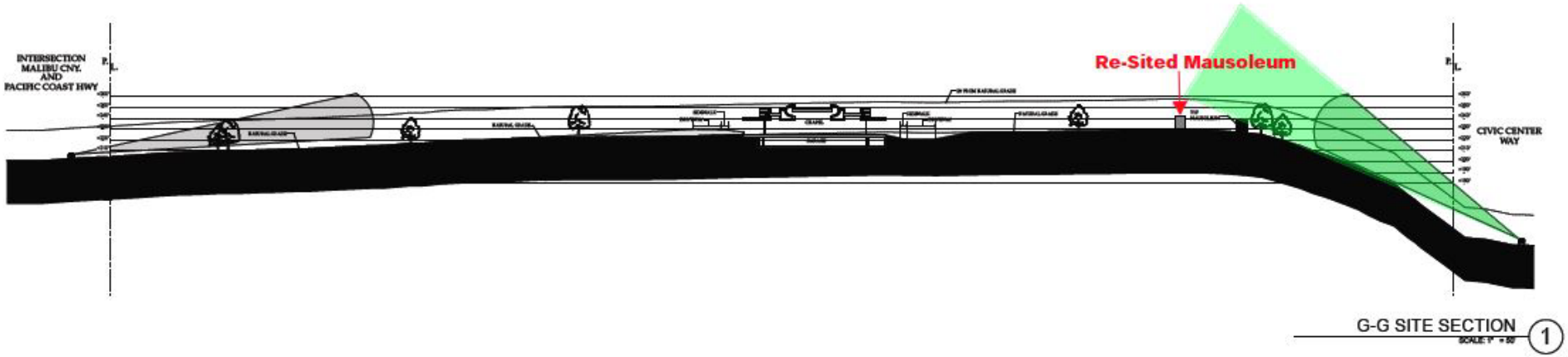
SOURCE: Burdge & Associates, 2016

FIGURE **11**

View of Re-Sited Mausoleums from PCH

IMPACT SCIENCES

0592.004•07/16



SOURCE: Burdge & Associates, 2016

FIGURE **12**

IMPACT SCIENCES

View of Re-Sited Mausoleums from Civic Center Way

0592.004•07/16

b) **Less than significant impact.** The project site is not within a state scenic highway, and no unique rock outcroppings or historic buildings exist on the project site.[13] However, pursuant to LIP Section 6.5(H)(2), the PCH corridor shall be protected as a scenic highway. The viewshed from PCH would be mostly preserved by requiring that the existing landscape on the property's south slopes be preserved and new landscaping at the perimeter of the project site to consist of native, drought tolerant plant species. The parking lot would be screened with landscaping. All new on-site landscaping has been designed to help screen the proposed project. Additionally, the proposed mausoleums have been re-sited to avoid visibility from PCH adjacent to the subject property and bluewater view obstructions from Malibu Canyon Road. Therefore, the project would result in less than significant impact on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

c) **Less than significant impact.** Visual Quality is a measure of the overall impression or appeal of an area as determined by the particular landscape's characteristics and scenic resources (e.g., Santa Monica Mountains, Pacific Ocean, bluffs, ridges, etc.). It is possible for new structures to be compatible with the existing setting if they replicate existing forms, lines, colors, and textures of the surrounding environment and if the new structures do not appreciably change the balance of natural elements. In summary, visual quality is concerned with the overall attractiveness of an area and the ability to preserve this attractiveness when new features are introduced.[14] Nearby land uses include Pepperdine to the north and west, Malibu Bluffs Park to the south, the Los Angeles County Road Maintenance Yard, Webster Elementary School, Our Lady of Malibu Catholic Church and School, and three condominium complexes off of Vista Pacifica and De Ville Way to the east.

Buildout of the proposed project would change the existing visual character of the project site. The vacant project site would be developed with a chapel, landscaping, trails, freestanding mausoleums parking and ancillary features. The change in visual character would occur in two parts (1) exposure of soils during grading/construction, storage of equipment on-site during construction, and similar visual changes, and (2) an overall change from undeveloped/underutilized to a memorial park and cemetery.

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13 California Scenic Highway Mapping System, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm, accessed February 2, 2015.

14 General interpretation of the Bureau of Land Management (BLM) guidelines: BLM Handbook H-8431-1, Visual Resource Contrast Rating. Available on the BLM website at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjOi8KZup_QAhVklFQKHYWbBbsQFggbMAA&url=http%3A%2F%2Fwww.blm.gov%2Fstyle%2Fmedialib%2Fblm%2Fwo%2FInformation_Resources_Management%2Fpolicy%2Fblm_handbook.Par.79462.File.dat%2F8431.pdf&usg=AFQjCNEC8YFnNSoQ6vLlUWo-MEfCpjhKfA&bvm=bv.138169073,d.cGw

Construction

Construction of the proposed project is anticipated to occur over a period of 18 to 21 months. During that time, it is expected that grading, minimal contouring, and excavation activities would occur prior to the construction of the chapel, a public mausoleum, and subterranean and surface parking stalls. Due to the amount of grading that would be necessary (a total of 207,569 cubic yards of cut and fill, excluding 76,625 cubic yards of cut from ongoing burials) grading would be expected to occur over an approximately two to three month period, with the remainder of the construction timeframe being associated with building construction and site improvements such as landscaping, roadway, and drainage improvements.

Evaluation of construction impacts focuses on the short-term visual impacts resulting from construction of the proposed project, the presence of equipment and material storage, as well as the grading and earthmoving activities in the existing landscape. In a visual sense, construction impacts from the proposed project could be obtrusive or out of character with the surrounding landscape. The visual impact is created by the unsightliness of mobile construction equipment, unfinished building pads, and unfinished structures without the final building materials, colors, and landscaping.

During construction, motorists traveling along PCH and Malibu Canyon Road could view the project site. Views could include exposed dirt, construction equipment, and construction material laydown areas. While this impact could be adverse, it would be short-term, and is thus determined to be less than significant and no mitigation is needed. No further analysis necessary.

Operation

Although the general size of the mausoleums is known, the exact design of each structure is not known at this time. The applicant has indicated that the mausoleums would be constructed over time, with each individual mausoleum designed by the purchaser of the mausoleum. Each individual mausoleum would be subject to permitting under an administrative plan review, subject to the conditions of approval of the overall project coastal development permit, including but not limited to conditions for colors, materials and siting. The City could also condition the Project such that all future administrative plan reviews for each mausoleum are reviewed by the Planning Commission. The administrative plan review process, regardless of whether Planning Commission review is required, would ensure the structures are consistent with the form, lines, colors, and textures of the surrounding environment and the buildings are sited to avoid visual impacts from PCH and bluewater view impacts from Malibu Canyon Road.

Although visible, the individual mausoleums would be set back by 168 feet along Malibu Canyon Road and would maintain greater setbacks along the northern, eastern, and southern perimeter. The chapel would be centrally located on the project site, and set back approximately 295 feet from PCH, with greater setbacks established for the western, northern, and eastern boundaries. Landscaping would be provided at the entry and along the perimeter of the site, as well as along sidewalks and throughout the memorial park. **Figures 5** and **6, Proposed Project Landscape Plan,** illustrates the variety of trees and smaller vegetation that would be planted throughout the project site. Site development would generally conform to, or appear subordinate to the existing landscape and would not obscure ocean views, remaining below the sight line of large trees on the site. Therefore, the public's enjoyment of the view would not be significantly diminished as ocean views would be maintained, and through the design review process, the structures would conform to the natural landscape.

As the project site is visible from scenic areas, the proposed project is subject to the lighting standards of LIP Section 6.5(G). These standards require that exterior lights be minimized, restricted to low intensity features, shielded, and concealed to the maximum extent feasible. These standards would also be added to the project as standard conditions of approval and are listed later in this study under Standard Conditions of Approval.

The proposed project would alter the visual appearance of the project site, but as described above it would not substantially degrade the visual character or quality of the site or introduce any aesthetic elements incompatible with the surrounding land uses. Thus, impacts would be less than significant and no further analysis is necessary.

d) **Less than significant impact.** The project site is vacant and surrounded by education, religious, residential and open space uses. The proposed project would introduce new light sources on the project site. Such light sources would include interior lighting, exterior way finding and security lighting and headlights associated with motor vehicles using the split driveway on Malibu Canyon Road. The project's exterior lighting is proposed to be dark-sky compliant, meaning fully shielded and low intensity. The City's standard conditions (described above) limit the use of glare producing or reflective materials in scenic areas. Further, the chapel would be located in the central portion of the project site and set back from the surrounding land uses.

A photometric plan was prepared for the proposed project and is included in **Appendix I**. As shown on the photometric plan, all lighting would be in compliance with Malibu LIP Section 6.5's lighting design standards for scenic areas.

With incorporation of these standard conditions, no light would spillover onto nearby properties.

Applicable development and design standards pursuant to LIP Section 6.5(B) for colors and materials would also be required for the project.

Currently, neither the City's General Plan nor the MMC have detailed lighting standards. MMC Title 17 has only general standards that require lighting from parking lots to be shielded and arranged so as to not cause a nuisance either to highway traffic or to adjacent properties.

Therefore, with compliance with standards required in the City's General Plan, MMC Title 17, LIP Sections 4.6.2 and 6.5(G), the potential impacts from the proposed project introducing sources of daytime glare and nighttime lighting spillover effects is considered less than significant. No further analysis is necessary.

Standard Conditions of Approval

- New development in scenic areas visible from scenic roads or public viewing areas shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
  - Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown, and gray with no white or light shades and no bright tones.
  - The use of highly reflective materials shall be prohibited except for solar energy panels or cells which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
  - All windows shall be comprised of non-glare glass.

- All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

- Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
  - Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
  - Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
  - Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;

  - Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
  - Site perimeter lighting shall be prohibited; and
  - Outdoor decorative lighting for aesthetic purposes is prohibited.
  - Exterior lighting from parking lots shall be shielded and arranged so as to not cause a nuisance to highway traffic and adjacent properties.

- Night lighting for sports courts or other private recreational facilities shall be prohibited.

- No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

- Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no off-site glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.

- Prior to issuance of Coastal Development Permit, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction but may be required to submit a written statement agreeing to any applicable restrictions above.

II.	**AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:**	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
II.	**AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:**				
e)	Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Impact Discussion:

a, b, e) **No impact.** The California Department of Conservation lists Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under the general category of "Important Farmland." According to the Farmland Mapping and Monitoring Program the project site is classified as Urban and Built Up land.[15] The project site is not zoned for agricultural use and/or under a Williamson contract. The City has zoned the map for commercial use (CV-2). The proposed project would not convert farmland to non-agricultural uses. No impacts would occur and no further analysis is necessary.

c-d) **No impact.** The site is not located near or within an area that is zoned for timberland production (as defined by Public Resources Code section 4526), or for timberland production. No impacts resulting from the loss or conversion of forestland would occur and no further analysis is necessary.

15 California Department of Conservation, Farmland Mapping and Monitoring 2012 Los Angeles County Map, http://www.conservation.ca.gov/dlrp/fmmp/Pages/LosAngeles.aspx, accessed February 2, 2016.

III.	**AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:**	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e)	Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Pollutants

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards for outdoor concentrations. The federal and state standards have been set at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. Pollutants of concern include carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter 2.5 microns or less in diameter (PM2.5), particulate matter 10 microns or less in diameter (PM10), and lead (Pb). These pollutants are discussed below.

Carbon Monoxide (CO) is a colorless and odorless gas formed by the incomplete combustion of fossil fuels. CO is a health concern as it competes with oxygen, often replacing it in the blood and reducing the blood's ability to transport oxygen to vital organs. Excess CO exposure can lead to dizziness, fatigue, and impair central nervous system functions. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. It is a non-reactive air pollutant that dissipates quickly, thus ambient concentrations generally follow the spatial and temporal distributions of vehicular traffic. Concentrations are also influenced by local meteorological conditions; primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, a typical situation at dusk in urban areas between November and February.[16] The highest concentrations occur during the colder months of the year when inversion conditions are more frequent.

Ozone (O_3) is a colorless gas and a secondary pollutant that is formed in the atmosphere when reactive organic gases (ROG) and nitrogen oxides (NO_X) react in the presence of ultraviolet sunlight. The primary sources of O_3 (ROG and NO_X), are automobile exhaust and industrial sources. Meteorology and terrain play major roles in the formation of O_3. During the summer and early autumn months low wind speeds, stagnant air, warm temperatures, and cloudless skies can create ideal conditions for the formation of O_3. Short-term exposure (lasting for a few hours) to O_3 at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes.

Similar to O_3, Nitrogen Dioxide (NO_2) is not a primary pollutant but is formed by an atmospheric chemical reaction between nitric oxide (NO) and atmospheric oxygen. NO and NO_2 are collectively referred to as NO_X and are major contributors to the formation of O_3. NO_2 also contributes to the formation of PM10. High concentrations of NO_2 can result in a brownish-red cast in the atmosphere, reducing visibility, as well as causing breathing difficulties. There is some indication of a relationship between NO_2 and chronic pulmonary fibrosis, as well as some cases of bronchitis in children (two to three years old), which has been observed at concentrations below 0.3 part per million (ppm).

Sulfur Dioxide (SO_2) is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Primary sources of SO_2 include coal and oil, often used in power and industrial plants. Generally, the highest levels of SO_2 are located near large industrial complexes. In recent years, SO_2 concentrations have been reduced by the

16 Inversion is an atmospheric condition in which a layer of warm air traps cooler air near the surface of the earth, preventing the normal rising of surface air.

increasingly stringent controls placed on stationary source emissions of SO_2 and limits on the sulfur content of fuels. SO_2 is an irritant gas that attacks the throat and lungs and can cause acute respiratory symptoms and diminished ventilator function in children. In addition, the gas can cause plant leaves to turn yellow and erode iron and steel.

Particulate Matter (PM) consists of small liquid and solid particles floating in the air, including smoke, soot, dust, salts, acids, and metals. The small particles form when gases emitted from industrial plants and motor vehicles undergo chemical reactions in the atmosphere. Fine particulate matter, or PM2.5, is roughly 3.5 percent of the diameter of a human hair and results from fuel combustion (from motor vehicles, power generation, and industrial plants), residential fireplaces, and wood stoves. In addition, PM2.5 particles can be formed in the atmosphere from gases such as SO_2, NO_X, and VOC. Inhalable particulate matter, or PM10, is about 14 percent of the thickness of a human hair. Major sources of PM10 particles include crushing or grinding operations; dust stirred up by vehicles traveling on roads; wood burning stoves and fireplaces; dust from construction, landfills, and agriculture; wildfires and brush/waste burning; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions.

PM2.5 and PM10 particles pose a greater health risk to individuals compared to larger-size particles. When inhaled, they can penetrate the human respiratory system's natural defenses and damage the respiratory tract, as well as increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Very small particles of substances, such as lead, sulfates, and nitrates can cause lung damage directly by being absorbed into the blood stream and cause damage elsewhere in the body. These substances can transport absorbed gases, such as chlorides or ammonium, into the lungs and cause injury. Whereas PM10 particles tend to collect in the upper portion of the respiratory system, PM2.5 particles are much smaller and can penetrate deeper into the lungs and damage lung tissues. Suspended particulates also damage and discolor surfaces on which they settle, as well as produce haze and reduce regional visibility.

Lead (Pb) in the atmosphere occurs as particulate matter. Sources of lead include lead gasoline; the manufacturers of batteries, paint, ink, ceramics, and ammunition; and secondary lead smelters. Prior to 1978, mobile emissions were the primary source of atmospheric lead. Between 1978 and 1987, lead gasoline was phased out, reducing the overall inventory of airborne lead by nearly 95 percent. However, secondary lead sources including, smelters, battery recycling, and manufacturing facilities, remain sources of concern. Prolonged exposure to atmospheric lead poses a serious threat to human health. Health effects associated with exposure to lead include gastrointestinal disturbances, anemia, kidney disease, and in severe cases, neuromuscular and neurological dysfunction. Of particular concern are low-level lead exposures during infancy and childhood. Such exposures are associated with a diminishment in

neurobehavioral performance, including intelligence quotient performance, psychomotor performance, reaction time, and growth.

Toxic Air Contaminants (TAC) are airborne pollutants that may increase a person's risk of developing cancer or other serious health effects. TACs include over 700 chemical compounds that are identified by state and federal agencies based on a review of available scientific evidence. In California, TACs are identified through a two-step process established in 1983 that includes risk identification and risk management.

Regulatory Framework

Federal

United States Federal Protection Agency (USEPA)

The United States Environmental Protection Agency (USEPA) is responsible for enforcing the Federal Clean Air Act (CAA), the legislation that governs air quality in the United States, and establishing the National Ambient Air Quality Standards (NAAQS). NAAQS are required under the 1977 CAA and subsequent amendments. USEPA regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, and certain types of locomotives. USEPA has jurisdiction over emission sources outside state waters (e.g., beyond the outer continental shelf) and establishes emission standards, including those for vehicles sold in states other than California, where automobiles must meet stricter emission standards set by CARB.

As required by the CAA, NAAQS have been established for seven major air pollutants: CO, NO_2, O_3, PM2.5, PM10, SO_2, and Pb. The CAA requires USEPA to designate areas as attainment, nonattainment, or maintenance for each criteria pollutant based on whether the NAAQS have been achieved. The federal standards are summarized in **Table 2, State and National Ambient Air Quality Standards and Attainment Status for the South Coast Air Basin.** The USEPA has classified the Los Angeles County portion of the South Coast Air Basin as nonattainment for O_3, PM2.5, and PM10, as well as Pb (for the federal standard only).

State

California Air Resources Board (CARB)

In addition to being subject to the requirements of CAA, air quality in California is also governed by more stringent regulations under the California Clean Air Act (CCAA). The California Air Resources Board (CARB), which became part of the California Environmental Protection Agency in 1991, is responsible for administering the CCAA and establishing the California Ambient Air Quality Standards (CAAQS). The CCAA, as

amended in 1992, requires all air districts in the state to achieve and maintain the CAAQS, which are generally more stringent than the federal standards and incorporate additional standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.

Table 2
State and National Ambient Air Quality Standards and Attainment Status for the South Coast Air Basin

		California		Federal	
Pollutant	Averaging Period	Standards	Attainment Status	Standards	Attainment Status
Ozone (O_3)	1-hour	0.09 ppm (180 µg/m³)	Nonattainment	–	–
	8-hour	0.070 ppm (137 µg/m³)	/a/	0.075 ppm (147 µg/m³)	Nonattainment
Respirable Particulate Matter (PM10)	24-hour	50 µg/m³	Nonattainment	150 µg/m³	Nonattainment
	Annual Arithmetic Mean	20 µg/m³	Nonattainment	–	–
Fine Particulate Matter (PM2.5)	24-hour	–	–	35 µg/m³	Nonattainment
	Annual Arithmetic Mean	12 µg/m³	Nonattainment	12 µg/m³	Nonattainment
Carbon Monoxide (CO)	8-hour	9.0 ppm (10 mg/m³)	Attainment	9 ppm (10 mg/m³)	Unclassified/ Attainment
	1-hour	20 ppm (23 mg/m³)	Attainment	35 ppm (40 mg/m³)	Unclassified/ Attainment
Nitrogen Dioxide (NO_2)	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)	Nonattainment	53 ppm (100 µg/m³)	Unclassified/ Attainment
	1-hour	0.18 ppm (338 µg/m³)	Nonattainment	100 ppb (188 µg/m³)	Unclassified/ Attainment
Sulfur Dioxide (SO_2)	24-hour	0.04 ppm (105 µg/m³)	Attainment	–	Attainment
	3-hour	–	–	0.5 ppm	Attainment
	1-hour	0.25 ppm (655 µg/m³)	Attainment	75 ppb (196 µg/m³)	Attainment
Lead (Pb)	30-day average	1.5 µg/m³	Attainment	–	–
	Calendar Quarter	–	–	0.15 µg/m³	Nonattainment

/a/ CARB has not determined 8-hour O_3 attainment status.
Source: CARB, Ambient Air Quality Standards, and attainment status, accessed October 20, 2014 (www.arb.ca.gov/desig/adm/adm.htm)

CARB has broad authority to regulate mobile air pollution sources, such as motor vehicles. It is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB established passenger vehicle fuel specifications, which became effective in March 1996 and oversees the functions of local air pollution control districts and air quality management districts, which, in turn, administer air quality activities at the regional and county levels. The state standards are summarized in **Table 2.**

The CCAA requires CARB to designate areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a state standard and are not used as a basis for designating areas as nonattainment.

Local

South Coast Air Quality Management District (SCAQMD)

The South Coast Air Quality Management District (SCAQMD) is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards. Programs include air quality rules and regulations that regulate stationary sources, area sources, point sources, and certain mobile source emissions. The SCAQMD is also responsible for establishing stationary source permitting requirements and for ensuring that new, modified, or relocated stationary sources do not create net emission increases.

The SCAQMD's jurisdiction is 10,743 square miles, including the South Coast Air Basin (SoCAB), which covers an area of 6,745 square miles and is bounded by the Pacific Ocean to the west; the San Gabriel, San Bernardino and San Jacinto mountains to the north and east; and the San Diego County line to the south. SoCAB includes Orange, Riverside, and San Bernardino Counties, in addition to the non-desert portions of Los Angeles County. The SCAQMD also regulates the Riverside County portion of the Salton Sea Air Basin and Mojave Desert Air Basin.

All areas designated as nonattainment under the CCAA are required to prepare plans showing how they will meet the air quality standards. The SCAQMD prepares the Air Quality Management Plan (AQMP) to address CAA and CCAA requirements by identifying policies and control measures. In 2012 the SCAQMD adopted its 2012 AQMP for meeting the 24-hour PM2.5 strategy standard by 2014. Further in February 2015 the CARB and SCAQMD adopted the 2015 Minor Revision to the South Coast 2012 PM2.5 State Implementation Plan.

The Southern California Association of Governments (SCAG) assists the SCAQMD by preparing the transportation portion of the AQMP. This includes the preparation of a Sustainable Communities Strategy (SCS) that addresses the planning requirements of SB 375 and demonstrates the region's ability to attain greenhouse gas reduction targets set forth in state law.

In its role as the local air quality regulatory agency, the SCAQMD also provides guidance on how environmental analyses should be prepared. This includes recommended thresholds of significance for evaluating air quality impacts.

The SoCAB is susceptible to temperature inversions which can create smog and cause air pollutants to be trapped at low altitudes, preventing air pollutants from dispersing upward. During the summer, interactions between the ocean surface and the lower layer of the atmosphere can create air quality problems. An upper layer of warm air mass forms over the cool marine layer, preventing air pollutants from dispersing upward. Additionally, hydrocarbons and NO_2 react under strong sunlight, creating smog. Light daytime winds, predominantly from the west, further aggravate the condition by driving air pollutants inland toward the mountains. Air quality problems also occur during the fall and winter, when CO and NO_2 emissions tend to be higher. CO concentrations are generally worse in the morning and late evening (around 10:00 PM.) when temperatures are cooler. High CO levels during the late evenings result from stagnant atmospheric conditions trapping CO. Since CO emissions are produced almost entirely from automobiles; the highest CO concentrations in the SoCAB are associated with heavy traffic. NO_2 concentrations are also generally higher during fall and winter days.

Impact Discussion:

a) **Less than significant impact.** The proposed project is located within the SoCAB and, therefore, falls under the jurisdiction of the SCAQMD. In conjunction with SCAG, the SCAQMD is responsible for formulating and implementing air pollution control strategies. As discussed above, the SCAQMD's most recent AQMP was adopted in 2012 and establishes a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SoCAB, which is in nonattainment for Ozone (O_3), coarse, or respirable particulate matter (PM10), and fine particulate matter (PM2.5).[17] The AQMP also addresses the requirements set forth in the state and federal Clean Air Acts. Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SCAQMD thresholds as a result of the nature and small scale of the proposed project. Implementation of the proposed project would fall

17 California Environmental Protection Agency, California Air Resources Board, Area Designations Maps, State Area Designations, http://www.arb.ca.gov/desig/adm/adm.htm, accessed February 25, 2016

below the SCAQMD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SCAQMD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality violations, and neither cause or contribute to new air quality violations, nor delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP. Similarly, the ongoing minor activities of constructing burials and private mausoleums would not contribute to nor create substantial new sources of existing air quality violations, nor would they delay the timely attainment of air quality standards.

Projects that are consistent with growth forecasts identified by SCAG are considered consistent with the AQMP growth projections. This is because the growth projections by SCAG form the basis of the land use and transportation control portions of the AQMP. Development of the proposed project would not result in the development of residential uses and/or result in population growth. Thus, the development and operation of the proposed project would not impact the SCAG population growth projections.

The proposed project would be consistent with the AQMP forecasts for the City, would be considered consistent with the air quality related regional plans, and would not jeopardize attainment of state and federal ambient air quality standards in the SoCAB. For these reasons, the proposed project would be consistent with the AQMP. Based on the above discussion, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be less than significant. No further analysis is necessary.

b) **Less than significant impact.** The SCAQMD has divided the SoCAB into 38 air-monitoring areas with a designated ambient air monitoring station representative of each area. The project site is located in the area represented by air quality data measured at the Northwest Coastal Los Angeles County Source Receptor Area (SRA) No. 2. The nearest air quality monitoring station within the Northwest Coastal region of Los Angeles County is located in Malibu. The data collected at this station is considered representative of the air quality experienced in the vicinity of this project.

A project may have a significant impact if project-related emissions would exceed federal, state, or regional standards or thresholds, or if project-related emissions would substantially contribute to an existing or projected air quality violation. To address potential impacts from construction and operational activities, exceedance of the SCAQMD thresholds, outlined in **Table 3, SCAQMD's Significant Emissions Thresholds** are considered to be significant.

Table 3
SCAQMD'S Significant Emissions Thresholds

Pollutant	Construction Threshold (lbs/day)	Operational Threshold (lbs/day)
Volatile Organic Compounds (VOC)	75	55
Nitrogen Oxides (NOx)	100	55
Carbon Monoxide (CO)	550	550
Sulfur Oxides (SOx)	150	150
Respirable Particulate Matter (PM10)	150	150
Fine Particulate Matter (PM2.5)	55	55

Note: lbs = pounds
Source: South Coast Air Quality Management District, Air Quality Significance Thresholds, website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2, accessed February 25, 2016.

Construction

Construction activities associated with the project would temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), NO_x, SO_x, and CO concentrations in the project vicinity and regional emissions within the SoCAB. Construction of the proposed project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust emissions would result from demolition and construction activities. The primary source of construction-related CO, SO_x, VOC, and NO_x emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions would be clearing activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities have the potential to cause short-term significant impacts with respect to air quality standards. According to the SCAQMD, a project's construction emissions are considered to cause a significant impact to air quality if they would exceed the SCAQMD thresholds of significance for VOC, NO_x, CO, SO_x, PM10, and PM2.5. The construction emissions associated with the proposed project were estimated using the California Emissions Estimator Model (CalEEMod). CalEEMod is a program that calculates air pollutant emissions from land use sources and incorporates the CARB EMFAC2007 model for on-road vehicle emissions and the OFFROAD2007 model for off-road vehicle emissions. The model also incorporates factors specific to the project region, such as vehicle fleet mixes. During project construction, the model can analyze emissions that occur during different phases, such as grading and building construction, concurrently or separately. The proposed project would require a total of 302,879 cubic yards of cut and fill material, which would include 76,625 cubic yards of export from burials for the life of the project. Other site-specific or project-specific data were used in the CalEEMod model where available. For the purpose of analysis construction was

assumed to begin in January 2016 and end in September 2017[18]. The number and types of construction equipment, vendor trips (e.g., transport of building materials), and worker trips were based on values provided in the CalEEMod model. Construction activities would generate dust and equipment exhaust, grading, and building construction. Dust is typically the primary concern during grading associated with the construction of new buildings. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive dust emissions." Fugitive dust includes larger dust particles that settle out near the source, as well as smaller particles that remain suspended indefinitely.

In order to account for dust suppression in the CalEEMod model, it was assumed that the project contractor would comply with SCAQMD Rule 403 as required. The rule identifies measures to reduce fugitive dust and is required to be implemented at all construction sites located in the SoCAB.

The emission reduction percentage associated with compliance with Rule 403 measures was based on data from the SCAQMD. **Table 4, Estimated Daily Construction Emissions**, shows the construction emissions that would occur from construction of the proposed project. As shown in **Table 4** construction emissions would not exceed SCAQMD's regional or local thresholds of significance. Therefore construction-related impacts would be less than significant and no further analysis is necessary.

Table 4
Estimated Daily Construction Emissions

	Maximum Emissions in Pounds per Day				
Construction Phases	**ROG**	**NOx**	**CO**	**PM10**	**PM2.5**
Maximum lbs/day	73	97	65	21	13
SCAQMD Threshold:	75	100	550	150	55
Exceeds Threshold?	NO	NO	NO	NO	NO

*Source: Malibu Memorial Cemetery Project Air Quality Study, prepared by Rincon Consultants, Inc., **Appendix III***
Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Operation

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

18 Although construction did not begin in January 2016, the construction of the Proposed Project is projected to last 18 to 21 months. The analysis and CalEEMod models provided would still remain accurate at the time of build out. Further, an earlier construction date actually presents a more conservative analysis as new regulations requiring cleaner fleets and construction equipment get phased in gradually over time.

burial sites and private mausoleums. Area source emissions would be generated by fuel combustion from landscaping equipment, backhoes, and the application of architectural coatings. Mobile emissions would be generated by motor vehicles traveling to, from, and within the project site.

As the project site is currently vacant, the proposed project would result in additional vehicle trips to and from the site compared to existing conditions. According to SCAQMD, a project's operational emissions are considered to cause a significant impact to air quality in the region if they would exceed the SCAQMD thresholds of significance for VOC, NO_X, CO, SO_X, PM10, and PM2.5. The operational emissions associated with the proposed project were estimated using CalEEMod. CalEEMod can estimate mobile and area source emissions associated with land uses specific to a given operational year and location. **Table 5, Estimated Operational Emissions (Unmitigated)**, shows the pollutant emissions associated with operation of the proposed project.

The majority of project-related operational emissions would be due to vehicle trips to and from the project site. As discussed in **Section XVI, Transportation and Traffic**, (refer to **Table 17**) the traffic impact analysis prepared for the proposed project calculated that operation of the project would generate a total of 213 daily weekday vehicle trips and 258 weekend (Saturday) vehicle trips. The air quality analysis relied on the CalEEMod default trip rates, which are based on the Institute of Transportation Engineers *Trip Generation Manual, 9th Edition.* Although the number of trips calculated in the traffic impact analysis are less when compared to the CalEEMod default trip rates, the larger number of trips rates used for this air quality analysis results in a conservative estimate.

As shown in **Table 5**, operational emissions associated with implementation of the proposed project would not exceed the SCAQMD thresholds for significance for any pollutant. Projects that generate emissions below the thresholds of significance would not be considered to contribute a substantial amount of air pollutant to regional or local air quality. Therefore, operational-related impacts would be less than significant and no further analysis is necessary.

Table 5
Estimated Daily Operations Emissions (Unmitigated)

Emission Source	Pounds per Day					
	ROG	NO_x	CO	SO_x	PM10	PM2.5
Mobile Sources	0.6	1.2	5.0	<0.1	0.7	0.2
Energy Sources	<0.1	0.1	0.1	<0.1	<0.1	<0.1
Area Sources	24.2	<0.1	<0.1	0.0	<0.1	<0.1
Total Emissions	**24.7**	**1.3**	**5.1**	**<0.1**	**0.7**	**0.2**
SCAQMD Threshold	**55**	**55**	**550**	**150**	**150**	**55**
Exceed Threshold?	No	No	No	No	No	No

Source: Malibu Memorial Cemetery Project Air Quality Study, prepared by Rincon Consultants, Inc., ***Appendix III***

c) **Less than significant impact.** The SCAQMD's *CEQA Air Quality Handbook* identifies methodologies to determine the cumulative significance of land use projects. These methods differ from the methodology used in other sections in which all foreseeable future development within a given service boundary or geographical area is predicted and its impacts measured. The SCAQMD has not identified thresholds to which the total emissions of all cumulative development can be compared. Instead, the SCAQMD's methods are based on performance standards and emission reduction targets necessary to attain the federal and state air quality standards identified in the AQMP. According to the SCAQMD's *CEQA Air Quality Handbook*, projects that are within the emission thresholds identified above for construction and operation should be considered less than significant on a cumulative basis.[19] As shown in **Table 4**, as discussed above, emissions associated with construction activities of the proposed project would not exceed any of the SCAQMD-recommended construction thresholds of significance and therefore would not cause an individually significant impact. Likewise, as shown in **Table 5**, emissions associated with the operation of the proposed project would not exceed any of the SCAQMD-recommended operational thresholds of significance and therefore would not cause an individually significant impact. As construction emissions and operational emissions are below the thresholds of significance, the proposed project would not result in a cumulatively considerable impact. No further analysis is necessary.

d) **Less than significant impact.** The SCAQMD recommends the evaluation of localized air quality impacts to sensitive receptors in the immediate vicinity of the project site. Our Lady of Malibu Church is located approximately 350 feet northeast of the project site, Webster Elementary School is located 550 feet northeast of the project site, Pepperdine University is located 950 feet west of the project site, and residences are located 350 feet east of the project site, along Civic Center Way. The evaluation is based on SCAQMD's

19 South Coast Air Quality Management District, *CEQA Air Quality Handbook*, (1993) 9–12.

Final Localized Significance Threshold Methodology[20] (LST Methodology), which recommends that anticipated ambient air concentrations of CO, NO_x, PM10, and PM2.5, determined using a computer-based air quality dispersion model, be compared to the localized significance thresholds. The thresholds are based on the difference between the maximum monitored ambient pollutant concentrations and the CAAQS or NAAQS. Therefore, the thresholds depend upon the concentrations of pollutants monitored locally with respect to a project site. For pollutants that already exceed the CAAQS or NAAQS (e.g., PM10 and PM2.5), the thresholds are based on standards established by the SCAQMD. The significance threshold for PM10, which is 10.4 micrograms per cubic meter ($\mu g/m^3$), assumes compliance with SCAQMD Rule 403. The thresholds for NO_2 and CO represent the allowable increase in concentrations above background levels in the vicinity of the project that would not cause or contribute to an exceedance of the relevant ambient air quality standards. The significance threshold for PM2.5, which is also 10.4 $\mu g/m^3$, is intended to constrain emissions to aid in progress toward attainment of the ambient air quality standards.

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

The project site is located in the City of Malibu, which is in the area designated by the SCAQMD as SRA 2 (Northwest Coastal Los Angeles County). This analysis assumes that there would be no more than 5-acres of the site under active construction at one time. As required by SCAQMD Rule 403 additional requirements to reduce emissions must be incorporated into a project if more than five acres are to be disturbed. (The nearest sensitive receptors are residences and a church, located approximately 350 feet north and west of the project site. According to the LST Methodology, "projects with boundaries located closer than 25 meters (equivalent to 164 feet) to the nearest receptor should use the LSTs for receptors located at 25 meters."[21] The LSTs for the proposed project are shown in **Table 6, Localized Significance Thresholds Analysis,** and are compared with the maximum daily on-site construction and operational emissions.

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20 South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, (2008).

21 South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, (2008). 3-3.

The LSTs are not applicable to off-site mobile sources (e.g., on-road motor vehicles); therefore, off-site mobile source emissions are not included in the analysis.[22]

Table 6
Localized Significance Thresholds (LST) Analysis

Pollutant	Maximum On-Site Emissions (Pounds per day)	LST Thresholds (Pounds per day)[1]	Exceeds LST?	SCAQMD Thresholds	Exceeds SCAQMD?
Construction Emissions					
Respirable Particulate Matter (PM10)	21.2	55	No	150	No
Fine Particulate Matter (PM2.5)	12.7	14	No	55	No
Nitrogen Oxides (NOx)	96.7	226	No	100	No
Carbon Monoxide (CO)	69.4	2,762	No	550	No
Operation Emissions					
Respirable Particulate Matter (PM10)	0.7	NA	NA	150	No
Fine Particulate Matter (PM2.5)	0.2	NA	NA	55	No
Nitrogen Oxides (NOx)	1.3	NA	NA	55	No
Carbon Monoxide (CO)	5.1	NA	NA	550	No

Source: Malibu Memorial Cemetery Project Air Quality Study, prepared by Rincon Consultants, Inc., ***Appendix III****.*
Notes: LSTs are for a five-acre project in SRA-2 within a distance of 328 feet from the site boundary.

As indicated in **Table 6,** on-site construction and operational emissions would not exceed the LST screening thresholds at nearby sensitive receptors for NOx, PM10, PM2.5 or CO.

In addition to criteria pollutants, the SCAQMD assesses levels of toxic air contaminants (TACs) in the SoCAB. This section evaluates potential impacts to off-site sensitive populations that may result from TAC emission associated with long-term operation of the project. The proposed project is a memorial park and cemetery and it is unlikely to emit TACs (unlike industrial facilities) since the project would include burials only and no embalming or cremation would occur on the project site. Based on the lack of toxic air contaminant sources to be constructed as part of the proposed project, detailed health risk assessment is not warranted. Therefore, the project's impact on human health would be less than significant. No further analysis is necessary.

22 South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, (2008). 1-4.

CO Hotspots

Motor vehicles are a primary source of pollutants within the project vicinity. Traffic congested roadways and intersections have the potential to generate localized high levels of CO. Localized areas where ambient concentrations exceed state and/or federal standards are termed CO "hotspots." Such hotspots are defined as locations where the ambient CO concentrations exceed the state or federal ambient air quality standards. CO is produced in greatest quantities from vehicle combustion and is usually concentrated at or near ground level because it does not readily disperse into the atmosphere. As a result, potential air quality impacts to sensitive receptors are assessed through an analysis of localized CO concentrations. Areas of vehicle congestion have the potential to create CO hotspots that exceed the state ambient air quality 1-hour standard of 20 ppm or the 8-hour standard of 9.0 ppm. The federal levels are less stringent than the state standards and are based on 1- and 8-hour standards of 35 and 9 ppm, respectively. Thus, an exceedance condition would occur based on the state standards prior to exceedance of the federal standard.

The proposed project was evaluated to determine if it would cause a CO hotspot. The proposed project would not result in exceedances of CO air quality standards at roadways in the area as CO hotspots are extremely rare and require unusual atmospheric and extreme low temperatures (neither of which apply to the proposed project) to occur. In addition, auto-related emissions of CO continue to decline as a result of advances in fuel combustion technology and the proposed project would not contribute to the levels of congestion required to produce the amount of emissions needed to trigger a potential CO hotspot. It is possible that occasionally funerals may generate congestion from idling vehicles exiting or entering the site. Only one driveway would exist for the purpose of vehicle ingress and egress. However, these incidents would be short-term and infrequent. Further, based on improved vehicle efficiency standards (which will continue to improve in the future), car idling would not be expected to result in a CO hotspot and, therefore, would not create a substantial adverse effect. No significant CO hotspot impacts would occur to sensitive receptors in the vicinity of the intersection. As a result, no significant project-related impacts would occur relative to future carbon monoxide concentrations.

Local Levels of Toxic Air Contaminants

The SCAQMD evaluated local levels of toxic air pollution in its Final 2015 Multiple Air Toxics Exposure Study IV (MATES IV). The monitoring program measured more than 30 air pollutants, including both gases and particulates, and estimated the risk of cancer from breathing toxic air pollution throughout the region. The MATES IV study found that cancer risk in the region from carcinogenic air pollutants averages 367 in 1

million.[23] Cancer risk refers to the probability of contracting cancer associated with exposure to toxic air contaminants.

The traffic impact analysis completed for the proposed project concluded that traffic volumes are lower on Malibu Canyon Road than the traffic volumes recorded on PCH.

According to Caltrans traffic data for 2014, average daily traffic on PCH at Malibu Canyon Road is between 32,500 and 36,500. Because traffic levels on Malibu Canyon Road are lower than PCH, the addition of truck trips on Malibu Canyon Road associated with construction and operation of the project would not cause traffic levels exceeding 50,000 vehicles per day. As such, traffic on Malibu Canyon Road would not create significant health risks to sensitive receptors even with temporary haul truck traffic, particularly due to the very limited number of haul trucks that could be necessary as the proposed 76,625 cubic yards of export from burials amortized over a 25 year period would amount to 3.3 truckloads per week. As such, the location of the proposed project would not expose sensitive receptors on or off-site to substantial toxic air quality and impacts would be less than significant. No further analysis is necessary.

e) **Less than significant impact.** A project-related significant adverse effect could occur if construction or operation of the proposed project would result in generation of odors that would be perceptible in nearby sensitive areas.

Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. The proposed project consists of a chapel, a public mausoleum, burial plots, and surface and subterranean parking, as well as landscaped areas and would connect to the CCWTF. The project would include burials only and no embalming or cremation would occur on the project site. Such uses are not typically associated with odor complaints. As the proposed project involves no elements related to industrial projects, no objectionable odors are anticipated. Impacts associated with objectionable odors would be less than significant and no further analysis is necessary.

23 South Coast Air Quality Management District. *Draft Multiple Air Toxics Exposure Study IV*, May 2015

IV. BIOLOGICAL RESOURCES. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐

IV. BIOLOGICAL RESOURCES. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Impact Discussion:

a, b) Less than significant with mitigation incorporated. Two California Native Plant Society List 4 species were observed on-site: Plummer's baccharis (*Baccharis plummerae* var. *plummerae*) and southern California black walnut (*Juglans californica* var. *californica*).[24] Both species are on the Watch List as "limited in distribution" in California. No special status wildlife species, nesting birds or raptors, were observed on-site. However, a moderate potential exists that three special status wildlife species may occur within the property, including the coastal whiptail (*Aspidoscelis tigris stejnegeri*), Bryant's [San Diego desert] woodrat (*Neotoma bryanti* [*N. lepida intermedia*]), and coast horned lizard (*Phrynosoma blainvillii*). The loggerhead strike (*Laninus ludovicianus*), which is a California species of special concern, is a potentially sensitive wildlife that is likely to use the isolated coastal sage scrub habitat on-site while nesting.

The Updated Biological Inventory Report stated that the property is comprised of five habitats identified as 1) dense, intact coastal sage scrub; 2) foothill needlegrass patches; 3) successional coastal sage scrub with ornamentals; 4) saltgrass-fasciculed tarplant fields; and 5) disturbed / ruderal. A map of these five habitats is available in the Updated Biological Inventory Report. Furthermore, a small area at the southeastern-most corner of the property consists of a drainage course previously identified as

24 Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, City of Malibu, prepared by Rincon Consultants, November 2015. (Appendix IV)

stream/riparian ESHA.[25] The property is surrounded by Civic Center Way to the north, Malibu Canyon Road to the west, PCH to the south and the recently approved CCWTF to the east. As a result, the property is considered functionally isolated from the Santa Monica Mountains and Malibu Bluffs Park. For that reason, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed. Therefore, the proposed project is consistent with applicable LIP ESHA and Native Tree Protection development standards.

The proposed development, including the required fuel modification of the proposed chapel, is mostly located within the saltgrass-fasciculed tarplant fields and disturbed / ruderal habitats which are not considered sensitive habitats. Although most of the on-site habitat is not considered ESHA, the dense, intact coastal sage scrub, foothill needlegrass patches and successional coastal sage scrub with ornamental habitats are considered sensitive and mitigation through restoration or in lieu fee is recommended for the sensitive habitat areas that are proposed to be affected by the proposed development.

As most of the existing sensitive habitat would be preserved and the majority of the developed portion of the property would serve as private open space, the impacts to the three special status wildlife species that may be present at the property is considered minimal with mitigation. As provided in Mitigation Measures BIO-1 through BIO-6, a survey conducted during the blooming periods of rare and special status plant species, nesting bird survey, and fencing off habitat and sensitive plant species during construction are required. Following implementation of the recommended mitigation, no significant impacts to special status resources and riparian and other sensitive habitats are anticipated.

c) **No impact.** The proposed project is not expected to result in any impacts to federally protected wetlands, as no wetlands have been identified on or adjacent to the subject property and the proposed development would maintain a setback of at least 300 feet from the stream/riparian ESHA on-site.

d) **Less than significant impact.** The project is not expected to substantially interfere with the movement of any native resident or migratory fish or wildlife species, as the site has not been identified as a migratory corridor and the majority of the sensitive habitat on the property would be preserved. Further, the project site is isolated, and therefore not

25 Final EIR for Malibu Civic Center Wastewater Treatment Facility Project, Figure 7, prepared by RMC Water and Environment and ICF International, November 2014

expected to impact any native wildlife nursery sites as the existing conditions on the project site would not be expected to serve as a wildlife nursery.

e) **Less than significant impact.** LIP Chapter 5 (Native Tree Protection) sets forth requirements for the preservation and protection of native trees including alder, California walnut, oak, toyon, and western sycamore with a single trunk diameter of at least six inches or the combined diameter of any two trunks of least eight inches measured at four and half feet above natural grade. A single oak tree (*Quercus suber*) found on-site that would qualify for protection due to its size, is not considered to be a native tree because this species is native to southwestern Europe and northern Africa. The on-site California black walnut trees do not meet the size criteria and are also located within the sensitive habitat outside of the proposed development area. Further, the project does not conflict with any other local policies or ordinances protecting biological resources. Therefore, the proposed project is expected to have a less than significant impact on protected native trees.

f) **No impact.** There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan in place for the proposed property or adjacent areas that could be impacted. As such, no impacts to such plans would occur.

Standard Conditions of Approval

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

- Construction fencing shall be installed within five feet of the limits of grading or at the top of slope prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

Mitigation Measures

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

BIO-1 All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub, foothill needlegrass patches, and successional coastal sage scrub with ornamentals as identified on the Updated Biological Inventory Report, dated November 18, 2015, including the removal, conversion, or modification of these natural habitats for new development and required fuel

modification. One of the following three Habitat Impact Mitigation methods shall be required: 1) habitat restoration; 2) habitat conservation; or 3) in lieu fee for habitat conservation. The ratio for [off-site habitat restoration] shall be 2 to 1 (number of acres of created or restored habitat required for each acres of habitat impacted). Prior to the issuance of a grading permit, the applicant shall submit and obtain approval from the City Biologist for either a detailed habitat restoration plan, or evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts. The property owner / applicant may also provide sufficient evidence to the satisfaction of the Planning Director that habitat impact mitigation has already been satisfied due to the dedication of property for habitat protection that was required and dedicated for similar habitat impacts related to the previously proposed hotel.

BIO-2 Prior to vegetation clearance / ground disturbance, a qualified botanist must conduct seasonal plant surveys. Surveys should be conducted during the blooming periods of special-status species with the potential to occur on-site (typically up to three surveys between March and July). Rare plant surveys should be conducted in accordance with CNPS and CDFG protocol.

BIO-3 Should rare or special status plant species be discovered during the surveys, a recovery/transplant and revegetation plan shall be prepared and implemented in the event site design could not avoided as determined by the Planning Director. Otherwise, such area should be fenced off and protected. Alternatively, in lieu fees for conserved habitat in the Santa Monica Mountains suitable for the species found may be provided at a mitigation ratio of 5 to 1 for the on-site occupied habitat.

BIO-4 Grading and fuel modification scheduled between February 1 and August 30 would require nesting bird surveys by a qualified biologist five (5) days prior to initiation of these activities. Should active nests be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal or demolition on the site.

BIO-5 A qualified biologist (with a valid Scientific Collecting Permit) shall conduct focused surveys for any special-status wildlife species present on-site prior to any site disturbance. The focused surveys shall be conducted five (5) days prior to any activity on-site requiring grading, vegetation removal, etc. Should any resident special-status wildlife species be detected on-site, the surveying biologist, with concurrence from California Department of Fish and Wildlife (CDFW), shall make every effort to capture the animal and relocate it away from the project area and to any predetermined suitable habitat directed by CDFW.

BIO-6 Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be used around limits of special habitat and special status plant species within or adjacent to the construction area that may be disturbed during construction or grading activities. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas.

V. CULTURAL RESOURCES. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐
e)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074?	☐	☒	☐	☐

Impact Discussion:

a) Less than significant with mitigation incorporated. A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.[26] Section 15064.5 of the *State CEQA Guidelines* defines an historical resource as (1) a resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; (2) a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain state guidelines; or (3) an object, building, structure, site, area, place, record or manuscript that a lead agency determines to be significant in the architectural,

26 *California Public Resources Code Section 21084.1*

engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record. Based on the results of a Phase II investigation conducted on February 8-12, 2016, February 16, 2016, and February 29-March 5, 2016, site CA-LAN-266 appears to be eligible for listing in the California Register under Criterion 4 (potential to yield information important in prehistory) and is therefore considered a historical resource under CEQA. However, with implementation of **Mitigation Measure CR-3**, which would require a layer of soil above this area to preserve in place any cultural resources, the proposed project would result in a less than substantial adverse change in the significance of a historical resource as defined in § 15064.5.

b) **Less than significant with mitigation incorporated.** Section 15064.5 of the *State CEQA Guidelines* defines significant archaeological resources as resources that meet the criteria for historical resources, as discussed above, or resources that constitute unique archaeological resources. The project site is located within an area that has a history of habitation by the Chumash and Tongva people, and therefore should be considered to have the potential for undiscovered archaeological resources.

Records Search and Backgrounds Research

Field surveys, literature reviews, and cultural resource reports have been completed on the project site and the surrounding area as early as 1962.[27] The most recent records search completed for the project site and surrounding area (e.g., within 0.5-miles of the project site) was completed on September 20, 2012, at the South Central Coast Information Center (SCCIC), California State University, Fullerton. The records search indicated that 42 cultural resource reports have been completed within 0.5-miles of the project site; nine of which included at least a portion of the project site. A list and description of the cultural resources located within a 0.5-mile radius and/or located on the project site are below.[28]

- CA-LAN-31: A prehistoric surface site on a small knoll with shell midden. Metate fragments, manos, core, scrapers, and point fragment were also discovered on the project site.

- CA-LAN-319: A prehistoric open site on a slope below a small rock shelter, with shell midden. In addition, core tools, mano fragments, ollercla, shell bead, shell midden were uncovered on the site.

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27 Cultural Resource Summary for the Rancho Malibu EIR, May 1996, prepared by Historical Environmental Archaeological Research Team.

28 City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Section 3.3 Cultural Resources, October 2013.

- CA-LAN-406: A prehistoric 200 square foot site with scattered flakes and cores.
- CA-LAN-2790: A prehistoric site consisting of stone grinding tools (manos and metates), cores, core fragments, hammerstones, flakes, and shell midden.
- CA-LAN-2937: A prehistoric site with sparse lithic scatter, flakes, and limestone shatter.
- CA-LAN-1417: A prehistoric site with a possible hearth or oven due to fire-affected rock and charcoal. The site is buried 4-5 feet. Shell and flake debitage with small amounts of bone and fire affected rock and charcoal were found on the project site, as well as core flakes.
- CA-LAN-266: A prehistoric shallow surface site located on the project site. Lithic scatter of ground and chipped lithics. An abundant debitage, flakes, tools, ground stone, cores, and hammerstones were also uncovered on the project site.
- CA-LAN-1715: A prehistoric shallow surface site located on the project site. Light lithic scatter of ground and chipped lithics. Small unifacial mano, 3 cores, numerous flakes.

Construction

Based on the findings of the Phase I investigation, the project would affect two archeological sites, CA-LAN-266 and -1715.[29] Previous work conducted in 1990 at site CA-LAN-266 and -1715 included close-interval survey and surface collection of artifacts, and subsurface investigation. Based on the results of this work, researchers indicated that site CA-LAN-266 was significant and site CA-LAN-1715 had been subject to disturbances from the plant nursery and lacked integrity, and therefore was not significant. However, a report documenting the result of the 1990 investigation was never produced. In addition, neither site was formally evaluated for listing in the California Register. In order to adequately address impacts to sites CA-LAN-266 and -1715 under CEQA, both sites required additional investigation and evaluation for listing in the California Register to determine if they meet the definition of a historical resource (CEQA Guidelines Section 15064.5).

A Phase II investigation of sites CA-LAN-266 and -1715 was conducted on February 8-12, 2016, February 16, 2016, and February 29-March 5, 2016. The investigation consisted of a combination of close-interval pedestrian survey and surface collection, mechanical trenching, and hand excavation.

29 Malibu Phase II Investigation and Evaluation of Sites CA-LAN-266 and -1715 – Preliminary Results, ESA March 22, 2016.

The investigation found Site CA-LAN-266 constituents consist mainly of lithic debitage with some groundstone and flaked stone tools. All of the ground stone was recovered from the surface. The flaked stone tools were all recovered subsurface. One feature (Feature 1 – possible hearth) was also identified subsurface. Cultural deposits varied in depth across the site with a maximum depth of approximately 60 centimeters (~2 feet) below ground surface. During the first field rotation, an artifact commonly known as a "winged" crescent was identified necessitating a second field rotation in order to further investigate the site's constituents and ensure that the site was properly characterized and the data potential fully identified. The artifact is a type of flaked stone tool typically found in earlier components of archaeological sites, and dates to the early to middle Holocene, indicating that site CA-LAN-266 may be of some antiquity. The materials recovered from the site have the potential to answer regional research questions about site type, technology, and chronology. Based on the results of the Phase II investigation, site CA-LAN-266 appears to be eligible for listing in the California Register under Criterion 4 (potential to yield information important in prehistory) and is therefore considered a historical resource under CEQA. The Phase II investigation concluded that the field investigation consisted of a robust sampling and based on the preliminary findings, the data potential of the site appears to have been exhausted during the Phase II investigation and additional investigation or data recovery does not appear warranted. However, a Phase II investigation prepared in May 1995 by Robert J. Wlodarski recommended in-situ preservation or capping the site with a layer of imported soil (fill). As a result, implementation of **Mitigation Measure CR-3** requires capping of site CA-LAN-266.

Site CA-LAN-1715 constituents consist of a small scattering of surface artifacts with a couple of pieces of lithic debitage and shell fragments recovered subsurface. No other formed tools or features were recovered. Based on the results of the Phase II investigation, site CA-LAN-1715 does not appear to be eligible for listing in the California Register and is therefore not considered a historical resource under CEQA. No additional work or special treatment is warranted for this site.

Given the significance of site CA-LAN-266 and the overall sensitivity of the Project area, in order to ensure that the project results in a less than significant impact to historical resources, unique archaeological resources, and human remains, seven mitigation measures have been incorporated and are provided below.

The current design for the approximately 99,406 sf (2.28 acre) Archaeological Study Area will be comprised of all above-grade structures (terraced lawn crypts, private mausoleums, and wall crypts) bounded on all sides visible to the Civic Center by a native plant screening hedge of 10 feet in height.

It is anticipated that the capping of this area will involve a minimum of 12 inches of cover over existing natural grade. The proposed structures would require footings, with

the deepest footings being generated by the private mausoleums. These mausoleum footings would be approximately 24 inches of over-all depth. Therefore, there would be 24 inches of added soil depth in addition to the 12 inches of capping for a total of 36 inches of capping.

While the capping of the site would reduce the potential for impacts to CA-LAN-266, due to the fact that the project site has yielded archeological finds in the past, there is the potential that additional archeological resources could be located below the surface. As such, impacts are considered to be potentially significant and mitigation is required. Implementation of **Mitigation Measures CR-1** and **CR-2** would require a cultural resources management plan be submitted to the City's Planning Department to ensure existing archaeological artifacts remain undisturbed; and if uncovered, that the Native American Heritage Commission (NAHC) is contacted and that the artifacts remain protected. Thus, **Mitigation Measures CR-1** and **CR-2** would reduce construction related impacts to less than significant.

Operation

As the proposed project would include burial plot spaces across 21 acres of the project site (as described in the project description, the remaining 7 acres of the property are considered unstable and would not be developed), a small backhoe would be used during the preparation of each burial plot. In general burial plots are approximately four feet deep, but vary depending on the configuration (i.e., single or double plot), and based on the fact that archeological resources have been found on the site in the past, unknown archaeological resources could be disturbed during preparation of burial plots.

CA-LAN-266 would be capped and designed with above ground crypts and burials only. As such, once the CA-LAN-266 is capped, additional impacts to the area would not occur. However, additional impacts from construction and operation of the proposed project to unknown historic and archaeological resources, as well as the remote possibility of unknown human remains could occur. Mitigation measures are required. **Mitigation Measures CR-1** through **CR-4**, **CR-6** and **CR-7** would reduce construction related impacts to a less than significant level by requiring a qualified archaeologist and Native American Monitor to evaluate any uncovered resources, controlled grading and monitoring near and around the CA-LAN-266 site while the capping occurs, cultural resources sensitivity training for all construction workers, and the halt of all work activities in the area upon the discovery of human remains and/or cultural resources. Implementation of **Mitigation Measures CR-1, CR-5,** and **CR-7** would ensure impacts from operation of the proposed project would remain less than significant by requiring

archaeological and Native American monitoring during preparation of the burial plots and 47 private mausoleums.[30]

c) Less than significant with mitigation incorporated.

Construction

As described above, construction of the proposed project would require grading and excavation on a majority of the project site. The ground-disturbing activities could potentially disturb subsurface paleontological resources. The portion of the site that would be developed (the mesa) is generally level. Previous records searches and site surveys performed on the project site did not identify any existing paleontological resources within the site. However, the project site is underlain by the Sespe Formation which is known to include significant marine and non-marine terrace deposits.[31] Therefore, ground-disturbing activities during construction could potentially uncover previously unknown paleontological resources. Should such resources be disturbed during project construction, impacts would be potentially significant. Implementation of **Mitigation Measures CR-1** through **CR-4**, **CR-6** and **CR-7** would reduce construction impacts to a less than significant level.

Operation

As discussed above, burial plots and private mausoleums would be prepped on an ongoing basis. Excavation for plots would vary based on the configuration of the plot, thus it is possible unknown paleontological resources could be disturbed during preparation burial plots. Should such resources be disturbed, impacts would be potentially significant. With implementation of **Mitigation Measures CR-1, CR-5,** and **CR-7**, the potential impacts of the project on paleontological resources would be reduced to a less than significant level, and no further analysis is necessary.

d) Less than significant with mitigation incorporated. No formal cemetery exists on-site or in the vicinity of the project site and there are no known cemeteries or burial grounds on the project site. As indicated above, the site has a history of use by Native Americans; therefore, there is potential for additional archaeological resources, including burial grounds, to exist. Because the potential exists for human remains to be unearthed during earthwork associated with construction or operation of the project, impacts would be potentially significant. Implementation of required **Mitigation Measures CR-2**, **CR-5, CR-7** and **CR-8** would require the presence of a Native American monitor during

30 Phase II Investigation and Evaluation of Sites CA-LAN-266 and CA-LAN-1715, March 2016.

31 Geologic and Geotechnical Report, Proposed Malibu Memorial Cemetery, January 23, 2015, prepared by GeoSoils Consultants, Inc.

construction activities and during burial plot preparations according to the specifications outlined below. Further, all construction activity is to be halted on the project site if human remains are discovered and thus, would reduce potentially significant impacts to less than significant levels. No further analysis is necessary.

e) **Less than significant with mitigation incorporated.** Pursuant to AB 52, a tribal consultation notice was sent to all California Native American tribes who requested consultation. A Native American tribe representative contacted the City and indicated that the project site was outside his tribe's territory. While no tribe has indicated tribal cultural resources are present, **Mitigation Measures CR-1** through **CR-7** would prevent any substantial adverse change to such resources if they are discovered.

Mitigation Measures

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

CR-1 Prior to the issuance of a grading permit and the start of ground-disturbing activities, the project applicant shall retain a qualified archaeologist (Qualified Archaeologist) meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) who is also qualified to evaluate the types of resources that may be encountered, and a Native American Monitor, approved by the City and the project applicant, to carry out all mitigation described in **CR-3** through **CR-8**.

CR-2 Prior to the start of ground-disturbing activities, the Qualified Archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The training shall also include safety procedures for working with archaeological and Native American monitors. The project applicant shall ensure that all construction personnel are made available for and attend the training, and shall retain documentation demonstrating attendance.

CR-3 The entire CA-LAN-266 area identified as sensitive (see Ehringer and Vader, 2016) must be capped with a layer of fill soil of sufficient depth to accommodate the footings of the proposed private mausoleums and above grade crypt structures plus an additional foot of clearance. No other development that would impact the subsurface portions of this area below the capped soil is permitted. Soil capping performed within this area must be monitored by a

qualified archaeologist and Native American monitor to ensure that the subsurface soils are not disturbed.

CR-4 Archaeological and Native American monitoring shall be conducted for all ground-disturbing activities for all ground disturbances at all depths across the project area. The monitors shall observe the ground-disturbing activities and shall have the authority to redirect such activity to investigate potential archaeological resources discoveries. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent ground disturbances would impact the resource, the provisions of **CR-6** (Inadvertent Discoveries) shall apply. The archaeological monitor, in coordination with the Qualified Archaeologist, may recommend that monitoring be reduced or discontinued in certain portions of the project site other than in site CA-LAN-266, if observations of soil conditions indicate a low likelihood of encountering archaeological resources. The archaeological monitor shall keep daily logs detailing the types of activities and soils observed, and any discoveries made. After monitoring has been completed, a monitoring report shall be prepared by a qualified expert that details the results of monitoring (including monitoring conducted as part of **CR-3**) and an accompanying sensitivity map that documents: (1) areas where soil excavations have exceeded the maximum depth of future burial plots; (2) areas where the Qualified Archaeologist has determined that, based on observations during monitoring, there is a low likelihood of encountering archaeological resources; and (3) areas where there is the potential for subsurface archaeological resources. The map shall be used as a tool by which to guide the need for monitoring during ground disturbance associated with plot preparation as described in **CR-5** (Archaeological Monitoring During Plot Preparation). The report and accompanying sensitivity map shall be submitted to the City, the project applicant, the South Central Coastal Information Center (SCCIC), and any Native American groups who request a copy, as directed by the City.

CR-5 During the operations phase of the project, archaeological and Native American monitoring shall occur during excavation of all burial plots and any other ground disturbing activities occurring in those areas identified on the sensitivity map (being prepared as described in **CR-4**) as remaining sensitive for the potential for subsurface archaeological resources to be encountered. No monitoring would occur in areas where ground disturbance during the construction phase of the project has exceeded the maximum depth of the planned burial plot or other planned ground disturbance; or where during the construction phase of the project the Qualified Archaeologist determined soils of low likelihood for encountering archaeological resources with the exception of site CA-LAN-266. The archaeological monitor shall inspect the soil and shall have the authority to halt ground disturbing activities to investigate potential

archaeological resource discoveries during plot preparation. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent excavation would impact the resource, excavation shall be redirected and the provisions of **CR-6** (Inadvertent Discoveries) shall apply. Following the monitoring of each burial plot excavation or other planned ground disturbance, the Qualified Archaeologist shall prepare a brief memorandum that identifies the location where the monitoring took place and a description of observations. The memoranda shall be kept on file with the City and the project applicant.

Participation of a Native American monitor during ground disturbing activities associated with plot preparation shall be determined through consultation amongst the City, qualified tribal representatives as documented on listings provided by the Native American Heritage Commission, and the project applicant.

CR-6 In the event of the discovery of potentially significant archaeological resources, in any circumstance including those outlined in **CR-3**, **CR-4,** and **CR-6**, the project applicant shall immediately cease all work activities in the area (within approximately 50 feet) of the discovery until an Archaeological Resources Testing Plan (Testing Plan) is developed by the qualified Archaeologist in consultation with the project applicant, the qualified tribal representatives, and the City. The Testing Plan shall be completed within 48 hours of the discovery, shall be approved by the City, and shall address the methods of determining the extent and contents of the resource, and a research context in which the resource's significance would be evaluated. Potentially significant archaeological resources shall be avoided until the Testing Plan is implemented and completed and until such a time when a course of action on whether the resource does or does not require further treatment is developed and agreed to by the project applicant, the City, and the qualified tribal representatives, in coordination with the Qualified Archaeologist. A reduction in the buffer zone may also be considered, if agreed to by these same parties.

If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. If preservation in place is determined to be a feasible method by which to mitigate impacts to the resource, an Archaeological Resources Preservation Plan shall be developed in coordination with the qualified archaeologist, the project applicant, the qualified tribal representatives, and approved by the City. To ensure future work does not impact the resource, appropriate measures shall be taken that may include permit conditions.

In the event that preservation in place is demonstrated to be infeasible, the capping as outlined in CR-3 may be used to protect the resource, provided such project change is consistent with applicable design and development standards. The Applicant shall bear the cost of this mitigation.

CR-7 If human remains are encountered, the project applicant shall halt work in the vicinity (within 100 feet) of the find and contact the Los Angeles County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) shall be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code Section 5097.98 (as amended by AB 2641). The NAHC shall designate a Most Likely Descendant (MLD) for the remains per Public Resources Code Section 5097.98. Until the landowner has conferred with the MLD, the project applicant shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials. Relocation of the burials following consultations with the designated MLD may be an alternative action. In all instances Native American concerns and subsequent treatment of any human remains shall be handled with the utmost respect, with the understanding that these remains are sacred.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Impact Discussion:

a) i, ii) Less than significant impact. The project site is located within the Malibu Beach 7.5-minute quadrangle, for which there are no identified Alquist-Priolo Earthquake Fault Zones. There are no active or potentially active faults known to exist on the site. The Malibu Coast fault traverses the southern portion of the project site parallel to PCH. In addition, the Malibu Bowl fault traverses the eastern portion of the project site. While the Malibu Coast fault was previously identified by the state as potentially active, having exhibited seismic activity in the last 1.6 million years, additional studies and information gathered by Van Beveren and Butelo, Inc. 2007 and GeoSoils Consultants Inc. 2011 have determined that surface rupture or displacement has not occurred in over 100,000 years and that the fault is not active.[32] Therefore, expert review has concluded that there is no significant risk associated with fault rupture.

As the project site is located within the seismically active Southern California region, there is a possibility that there could be (a) trace(s) of (a) previously unidentified fault(s) somewhere on-site. The proposed project would be required to follow design provisions through the Uniform Building Code (UBC) and California Building Code (CBC) (as adopted by the City of Malibu in codified in MMC Section 15.04.010) to employ design standards that consider seismically active areas in order to safeguard against major structural failures or loss of life. In addition, the proposed project would be required to comply with the California Health and Safety Code Division 8 Cemeteries, Part 5 Mausoleums and Columbariums, Chapter 5 Construction that includes required

32 City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Section 3.5 Geology and Soils, October 2013.

construction provisions such as, ventilation, types of incombustible materials that can be used in construction, and sealing methods (to prevent future leaks)Therefore, while the project site would be subject to ground shaking during future seismic events, (as most structures within Southern California are) through the incorporation of proper engineering measures in accordance with existing regulations, building codes, and the application of the engineering recommendations provided in the approved geotechnical report, risks to life and property would be minimized.

Impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault would be less than significant levels and no further analysis is necessary.

a) iii) Less than significant impact. Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similarly to a fluid when subjected to high-intensity ground shaking. Liquefaction occurs when three general conditions exist: (1) shallow groundwater; (2) low-density, fine, clean sandy soils; and (3) high intensity ground motion. Studies indicate that saturated, loose and medium dense, near-surface cohesionless soils exhibit the highest liquefaction potential, while dry, dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential.

The site is not located in an area susceptible to liquefaction.[33] A 2011 geological and geotechnical engineering report completed for the Rancho Malibu Hotel project (discussed under the Project Background, above) prior project proposed on the project site (2011 geological and geotechnical report Rancho Malibu Hotel) determined that the underlying earth material consists of terrace deposits and bedrock. In addition, no state designated liquefaction zones are mapped on the project site.[34]

Impacts related to ground failure during an earthquake, including liquefaction and lateral spreading would be less than significant and no further analysis is necessary.

a) iv) Less than significant impact. Landslides and other types of slope failures, such as rock falls and mud and debris flows, can result in areas with varying topography in the event of an earthquake or wet winters. The perimeter of the project site is generally surrounded by natural descending slopes, with the steepest slopes located along the

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33 Updated Geologic and Geotechnical Engineering Report, Rancho Malibu Resort, Tentative Tract Map 69653, 4000 Malibu Canyon Road, Malibu California, prepared by GeoSoils Consultants, Inc., September 2011 (**Appendix VI**)

34 Updated Geologic and Geotechnical Engineering Report, Rancho Malibu Resort, Tentative Tract Map 69653, 4000 Malibu Canyon Road, Malibu California, prepared by GeoSoils Consultants, Inc., September 2011 (**Appendix VI**)

site's northern and eastern boundaries.[35] A landslide is located along the eastern portion of the project site, however soil testing and slope stability analyses completed in 2007 indicated that alluvium has buttressed the toe of the landslide and has stabilized the area. Slope stability analyses were completed for the three slopes with potential seismic slope instability, located in the eastern portion of the project site.

The proposed project would be required to implement the engineering design specifications included in the UBC, CBC, and approved geotechnical report. Therefore potential impacts to people and/or structures related to the exposure of landslides would be less than significant. No further analysis is required.

b) **Less than significant impact.** Construction activity associated with large-scale grading can result in wind, gravity, and water driven erosion of soils. The proposed project would require a total of 302,879 cubic yards of cut and fill material which could result in a substantial loss of topsoil on the project site.

The proposed project would be subject to compliance with a National Pollutant Discharge Elimination System (NPDES) permit, including the implementation of Best Management Practices (BMPs), some of which are specifically implemented to reduce soil erosion or loss of topsoil.

Pursuant to LIP Section 17.4.1, prior to the issuance of a grading or building permit, the project applicant shall be required to prepare and submit an Erosion and Sediment Control Plan for approval (MS4 Permit Section VI.D.8.h.ii) that identifies BMPs during the construction phases of development to minimize or prevent construction-related soil erosion or loss of topsoil. BMPs include practices such as installing sandbag barriers, temporary desilting basins near inlets, gravel driveways, dust controls, employee training, and other general good housekeeping practices that help prevent erosion and water quality contamination. The Erosion and Sediment Control Plan BMPs would ensure that erosion and sediment transport are minimized to ensure that potential off-site impacts during construction would be reduced to less than significant.

The northern and eastern perimeters of the project site consist of natural slopes. These slopes would remain and the proposed improvements include a row of soldier piles and a three foot tall retaining wall at the top of the slope to protect the unstable portions of the slope that are outside the landslide area that was analyzed to be stable. As discussed above, BMPs would be implemented during construction of the proposed project to minimize impacts from soil erosion. Once constructed, the project site would be

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35 Geologic and Geotechnical Engineering Report, Proposed Malibu Memorial Cemetery, Tentative Tract Map 69653, 4000 Malibu Canyon Road, Malibu California, prepared by GeoSoils Consultants, Inc., January 23, 2015 (**Appendix VI**)

landscaped with vegetation, hardscape areas, and exclude any constructed slopes. Thus impacts from soil erosion or the loss of topsoil during the operation of the proposed project would be less than significant. No further analysis is necessary.

c) **Less than significant impact.** Potential impacts with regard to liquefaction and landslide potential are evaluated above.

Soils sample taken from the project site exhibited the potential for unstable soils (e.g., moderately expansive soils that could swell upon the addition of water); however, soil shrink was limited and appears not to pose a substantial hazard to the project site.[36]

The proposed project would be designed and constructed in conformance with the CBC, and the requirements of the Malibu Public Works Department and the MMC. Compliance with these codes and requirements would assure impacts related to unstable soils would be less than significant. No further analysis is necessary.

d) **Less than significant impact.** The project site is vacant. Prior use includes a plant nursery. Soils analysis conducted in 2011 determined that soils within the project site have moderate expansion potential.

The 2011 geological and geotechnical report evaluated the characteristics of the soils present within the project site and concluded that moderately expansive soils are located on the site. While the expansion potential is projected to be minimal (between ¼ to ½ inch), without mitigation impacts associated with lateral spreading, subsidence, or collapse could be significant.[37]

The proposed project would be designed and constructed in conformance with the California Code of Regulations, Title 24, Part 2, Volume 2, and would be subject to the requirements of the Malibu Public Works Department and the MMC. In the event that expansive soils are encountered during project construction, compliance with these codes and regulations would avoid potentially significant impacts associated with expansive soils. Nonetheless, the standard condition of approval listed below would require the submittal of detail plans showing that all geotechnical work is consistent with the recommendations included in the 2011 geological and geotechnical report. With implementation of this standard condition of approval, potentially significant impacts would be reduced to a less than significant level. No further analysis is necessary.

e) **No impact.** Project implementation would not use septic tanks or alternative wastewater disposal systems. The proposed project would be required to connect to the CCWTF by

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36 City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Section 3.5 Geology and Soils, October 2013.

37 City of Malibu, Rancho Malibu Hotel Project Public Draft EIR, Section 3.5 Geology and Soils, October 2013.

November 2019. The CCWTF is expected to be operational for commercial properties in June 2017 (prior to operation of the proposed project). Therefore, no impact would occur, and no further analysis is required.

Standard Condition of Approval

- All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

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

Background

Greenhouse gas (GHG) emissions refer to a group of emissions that are believed to affect global climate conditions. These gases trap heat in in the atmosphere and the major concern is that increases in GHG emissions are causing global climate change. Global climate change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, most agree that there is a direct link between increased emission of GHGs and long-term global temperature. What GHGs have in common is that they allow sunlight to enter the atmosphere, but trap a portion of the outward-bound infrared radiation and warm up the air. The process is similar to the effect greenhouses have in raising the internal temperature, hence the name greenhouse gases. Both natural processes and human activities emit GHGs. The accumulation of greenhouse gases in the atmosphere regulates the earth's temperature; however, emissions from human activities such as electricity generation and motor vehicle operations have elevated the concentration of GHGs in the atmosphere. This accumulation of GHGs has contributed to an increase in the temperature of the earth's atmosphere and contributed to global climate change.

The principal GHGs are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H_2O). Because GHGs absorb different amounts of heat, a common reference gas (CO_2) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as "carbon dioxide equivalent" (CO_2e), and is the amount of a GHG emitted multiplied by its global warming potential. Carbon dioxide has a global warming potential of one. By contrast, methane (CH_4) has a global warming potential of 21, meaning its global warming effect is 21 times greater than carbon dioxide on a molecule per molecule basis (IPCC, 1997).

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emission of GHG would be progressively reduced, as follows:

- By 2010, reduce greenhouse gas emission to 2000 levels;
- By 2020, reduce greenhouse gas emission to 1990 levels; and
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

In response to Executive Order S-3-05, the Secretary of Cal/EPA created the Climate Action Team (CAT), which, in March 2006, published the Climate Action Team Report to Governor Schwarzenegger and the Legislature (2006 CAT Report). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce climate change greenhouse gas emissions. These are strategies that could be implemented by various state agencies to ensure that the Governor's targets are met and can be met with existing authority of the state agencies.

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Section 38500, et seq., or AB 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

In August 2007, the Legislature adopted Senate Bill 97 (SB 97), which required the Governor's Office of Planning and Research (OPR) to prepare and transmit new CEQA guidelines for the mitigation of GHG emissions or the effects of GHG emissions to the Natural Resources Agency by July 1, 2009. On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97. These proposed CEQA Guideline amendments provided guidance to public agencies regarding the analysis and mitigation of the effects of greenhouse gas emissions in draft CEQA documents. On December 31, 2009, the Natural Resources Agency transmitted the Adopted Amendments and the entire rule-making file to the Office of Administrative Law (OAL). On February 16, 2010, OAL approved the Adopted Amendments and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Adopted Amendments became effective on March 18, 2010.

In the CEQA Guideline Amendments, a threshold of significance for greenhouse gas emissions was not specified, nor does it prescribe assessment methodologies or specific mitigation measures. Instead, the amendments encourage lead agencies to consider

many factors in performing a CEQA analysis and rely on the lead agencies to make their own significance threshold determinations based upon substantial evidence. The CEQA Amendments also encourage public agencies to make use of programmatic mitigation plans and programs from which to tier when they perform individual project analyses.

There are several unique challenges to analyzing greenhouse gas emissions and climate change under CEQA, largely because of climate change's "global" nature. Typical CEQA analyses address local actions that have local – or, at most, regional – impacts, whereas climate change presents the considerable challenge of analyzing the relationship between local activities and the resulting potential, if any, for global environmental impacts. Most environmental analyses examine the "project-specific" impacts that a particular project is likely to generate. With regard to global warming, however, it is generally accepted that while the magnitude of global warming effects may be substantial, the GHG emissions from a single general development project would have no noticeable effect on global climate.

For greenhouse gas emissions and global warming, there is not, at this time, one established, universally agreed-upon "threshold of significance" by which to measure an impact. While the ARB published some draft thresholds several years ago, they were never adopted and the ARB recommended that local air districts and lead agencies adopt their own thresholds for GHG impacts.

The SCAQMD has published draft thresholds using a tiered approach. The draft approach as most recently updated in September 2010 is as follows:[38]

- Tier 1: Is the project exempt from further analysis under existing statutory or categorical exemptions? If yes, there is a presumption of less than significant impacts with respect to climate change.

- Tier 2: Is the project's GHG emission within the GHG budgets in an approved regional plan? (The plan must be consistent with *State CEQA Guidelines* §§15064(h)(3), 15125(d), or 15152(s).) If yes, there is a presumption of less than significant impacts with respect to climate change.

- Tier 3: Is the project's incremental increase in GHG emissions below or mitigated to less than the significance screening level (10,000 metric tons of carbon dioxide equivalent [$MTCO_2e$] per year for industrial projects; 3,500 $MTCO_2e$ for residential projects; 1,400 $MTCO_2e$ for commercial projects; 3,000 $MTCO_2e$ for mixed-use or all

38 South Coast Air Quality Management District, "Greenhouse Gases (GHG) CEQA Significance Thresholds Working Group Meeting #6," http://www.aqmd.gov/ceqa/handbook/GHG/2008/oct22mtg/oct22.html. 2008.

land use projects)? If yes, there is a presumption of less than significant impacts with respect to climate change.

- Tier 4: Does the project meet one of the following performance standards? If yes, there is a presumption of less than significant impacts with respect to climate change.

- Option #1: Achieve some percentage reduction in GHG emissions from a base case scenario, including land use sector reductions from AB 32.

- Option #2: For individual projects, achieve a project-level efficiency target of 4.8 $MTCO_2e$ per service population by 2020 or a target of 3.0 $MTCO_2e$ per service population by 2035. For plans, achieve a plan-level efficiency target of 6.6 $MTCO_2e$ per service population by 2020 or a target of 4.1 $MTCO_2e$ per service population by 2035.

- Tier 5: Does the project obtain offsets alone or in combination with the above to achieve the target significance screening level (offsets provided for 30-year project life, unless project life limited by permit, lease, or other legally binding conditions)? If yes, there is a presumption of less than significant impacts with respect to climate change. Otherwise, the project is significant.

As of July 2011, the SCAQMD has not announced when staff is expecting to present a finalized version of these thresholds to the Governing Board for consideration. The SCAQMD has adopted Rules 2700, 2701, and 2702 that address GHG reductions; however, these rules are currently applicable to boilers and process heaters, forestry, and manure management projects.

Because the SCAQMD has not yet adopted GHG emissions thresholds that apply to land use projects where the SCAQMD is not the lead agency and no GHG emissions reduction plan or GHG emissions thresholds have been adopted in the City of Malibu, the proposed project is evaluated based on the SCAQMD's recommended/preferred option threshold for all land use types – including retail – of 3,000 metric tons CO2e per year (SCAQMD, "Proposed Tier 3 Quantitative Thresholds – Option 1", September 2010). Tier 3 requires that a project's incremental increase in GHG emissions should be below or mitigated to less than the significance screening level. Proposed projects that do not exceed the thresholds would not be considered to have a significant impact on the attainment of air quality goals and would, therefore, be considered to be consistent with the current air quality plan.

Impact Discussion:

a) Less than significant impact.

Methodology

CO_2, CH_4, and N_2O emissions associated with the proposed project are provided to identify the magnitude of the proposed project's potential impacts. The analysis focuses on CO_2, CH_4, and N_2O as these make up 98.9 percent of all GHG emissions by volume (IPCC, 2007) and are the GHG emissions that the proposed project would emit in the largest quantities. Fluorinated gases, such as HFCs, PFCs, and SF6, were also considered for the analysis. However, as emissions of fluorinated gases are primarily associated with industrial processes, the quantity of fluorinated gases would be minimal. As discussed above, GHG emissions are converted into their equivalent weight in CO_2 (CO_2e). Minimal amounts of other GHGs (such as chlorofluorocarbons [CFCs]) would be emitted during operation and construction of the proposed project however, they would not substantially add to the calculated CO_2e amounts. Calculations are based on the methodologies discussed in the California Air Pollution Control Officers Association (CAPCOA) *CEQA and Climate Change* white paper (January 2008) and included the use of the California Climate Action Registry (CCAR) General Reporting Protocol (January 2009).

This analysis calculates GHG emissions by quantifying the proposed project's amenities and design features and also takes into account current state and federal measures that are intended to reduce GHG emissions. State and federal measures that are built into the emissions model calculation include Title 24 Energy Standards, Pavley (Clean Car Standards), and Low Carbon Fuel Standards.

Construction

The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily carbon dioxide (CO_2), and methane (CH_4) are the result of fuel combustion by construction equipment and motor vehicles. As stated above, the other primary GHGs (hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. The emissions of GHG were estimated using CalEEMod, using the same factors and assumptions as described above in **Section III, Air Quality.** As shown in **Table 7**, **Projected Construction GHG Emissions,** construction emissions of CO_2 would peak in 2016 at 1,266 metric tons of CO_2e annually.

The SCAQMD defines a project lifetime as 30 years. For construction related GHGs, SCAQMD recommends that construction emissions be amortized over 30 years and added to operational emissions and then compared to the significance threshold, as part

of the operational strategy to reduce GHG emissions. Therefore, the total construction-related GHG emissions have been amortized over a 30-year period. Thus the proposed project would generate approximately 74 metric tons of CO_2e per year.[39]

Table 7
Projected Construction GHG Emissions

Construction Year	CO_2	CH_4	N_2O	CO_2e
2016	1,263	0.14	0	1,266
2017	938	0.09	0	940

Source: Malibu Memorial Cemetery Project GHG Study, prepared by Rincon Consultants, Inc., ***Appendix VII***
Totals in table may not appear to add exactly due to rounding in the computer model calculations.

Operation

At buildout, the proposed project would result in direct annual emissions of GHGs during operation. Direct emissions of GHG from operation of the proposed project are primarily due to mobile source emissions. Area and mobile source emissions were calculated using CalEEMod default assumptions for place of worship, enclosed parking structure, and a city park.

The proposed project would also result in indirect GHG emissions due to the electricity demands of the proposed project. The emission factors for GHG due to electrical demand from Southern California Edison, the electrical utility serving the proposed project, were selected in the CalEEMod model. The emission factors take into account the current mix of energy sources used to generate electricity and the relative carbon intensities of these sources.

Electricity consumption was based on default data found in CalEEMod for the appropriate land use type. In addition to electrical demand, the project would also result in indirect GHG emissions due to water consumption, and solid waste generation. GHG emissions from water consumption are due to the electricity needed to convey, treat, and distribute water. GHG emissions from solid waste generation are due to the decomposition of organic material, which releases CH_4 into the atmosphere. CalEEMod default values were used for consumption of water and generation of waste as well as the emissions resulting from these activities.

Table 8, Estimated Annual GHG Emissions, lists the estimated GHG emissions from the proposed project's operational, mobile, and construction activities. The estimated emissions are reported in units of metric tons of carbon dioxide equivalent ($MTCO_2e$)

39 Calculations including the CalEEMod output are included in **Appendix VII**.

per year. As discussed above, carbon dioxide equivalent (CO_2e) incorporates impacts from GHGs other than CO_2, which are primarily N_2O and CH_4 for this project.

Table 8
Estimated Annual GHG Emissions

GHG Emissions Source	Emissions ($MTCO_2e$/year)
Proposed Project	
Transportation (Mobile Sources)	112
Energy	231
Water	77
Solid Waste	23
Amortized Construction	74
Total GHG Emissions	**517**
SCAQMD Threshold	**3,000**
Exceeds Threshold?	**NO**

Source: Malibu Memorial Cemetery Project GHG Study, prepared by Rincon Consultants, Inc., ***Appendix VII***
$MTCO_2e$ = metric tons carbon dioxide equivalent.
Totals in table may not appear to add exactly due to rounding in the computer model calculations.

As shown in **Table 8**, the proposed project's operational, mobile, and construction emissions would not exceed the threshold of 3,000 $MTCO_2e$ for land use development projects. Consequently there are no significant impacts from GHG emissions attributable to the project. No further analysis is necessary.

b) Less than significant impact.

The California Attorney General has prepared a Fact Sheet listing various mitigation measures that local agencies may consider to offset or reduce global warming impacts and ensure compliance with AB 32. Compliance with GHG reduction policies is shown by assessing the Cal/EPA's Climate Action Team's (CAT) Greenhouse Gas Reduction Strategies and the Attorney General Greenhouse Gas Reduction Measures. As shown in **Tables 9** and **10**, the proposed project would be consistent with GHG reduction policies.

Table 9
Project Consistency with Climate Action Team Greenhouse Gas Emission Reduction Strategies

Strategy	Project Consistency
California Air Resources Board	
Vehicle Climate Change Standards: AB 1493 required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.	**Consistent:** The vehicles that travel to and from the project site on public roadways would be in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase. The proposed project would not interfere with the statewide implementation of this strategy.
Diesel Anti-Idling: The CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling in July 2004.	**Consistent:** Current state law restricts diesel truck idling to 5 minutes or less. Diesel trucks making deliveries to the project site are subject to this statewide law. Construction vehicles are also subject to this regulation.
Hydrofluorocarbon (HFC) Reduction 1. Ban retail sale of HFC in small cans. 2. Require that only low global warming potential (GWP) refrigerants be used in new vehicular systems. 3. Adopt specifications for new commercial refrigeration. 4. Add refrigerant leak-tightness to the pass criteria for vehicular inspection and maintenance programs. 5. Enforce federal ban on releasing HFCs.	**Consistent:** This strategy applies to consumer products. All applicable products would comply with the regulations that are in effect at the time of manufacture.
Alternative Fuels: Biodiesel Blends: CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	**Consistent:** The diesel vehicles that travel to and from the project site on public roadways could utilize this fuel once it is commercially available.
Alternative Fuels: Ethanol: Increased use of E-85 fuel.	**Consistent:** Employees and patrons could choose to purchase flex-fuel vehicles and utilize this fuel once it is commercially available in the region and local vicinity. The proposed project would not interfere with the statewide implementation of this strategy.
Heavy-Duty Vehicle Emission Reduction Measures: Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.	**Consistent:** The heavy-duty vehicles that travel to and from the project site on public roadways would be subject to all applicable CARB efficiency standards that are in effect at the time of vehicle manufacture. The proposed project would not interfere with the statewide implementation of this strategy.
Achieve 50 Percent Statewide Recycling Goal: Achieving the state's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills.	**Consistent:** The City of Malibu is currently meeting the state's 50 percent diversion rate.
Zero Waste – High Recycling: Efforts to exceed the 50 percent goal would allow for additional reductions in climate change emissions.	**Consistent:** The City of Malibu is currently meeting the state's 50 percent diversion rate and will be required to divert 75 percent of its waste by 2020. The proposed project would also be subject to all applicable state and City requirements for solid waste reduction as they change in the future.

Strategy	Project Consistency
Department of Forestry	
Urban Forestry: A new statewide goal of planting 5 million trees in urban areas by 2020 would be achieved through the expansion of local urban forestry programs.	**Consistent:** The proposed project would include drought-resistant landscaping. In addition, green open space areas will surround the chapel.
Department of Water Resources	
Water Use Efficiency: Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.	**Consistent:** All landscaping will be in compliance with the MMC Model Water Efficient Landscape Ordinance per Section 9.22.080. Thus, non-potable recycled water would be used to irrigate the landscaped areas and operate the water features. Signs will be posted throughout the project site to disclose the use of non-potable water. Further, all fixtures will comply with Title 24 requirements.
Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress: Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).	**Consistent**: The proposed project will comply with the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).
Appliance Energy Efficiency Standards in Place and in Progress: Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards (that apply to devices and equipment using energy that are sold or offered for sale in California).	**Consistent:** Under state law, appliances that are purchased for the proposed project - both pre- and post-development – would be consistent with energy efficiency standards that are in effect at the time of manufacture.
Fuel-Efficient Replacement Tires & Inflation Programs: State legislation established a statewide program to encourage the production and use of more efficient tires.	**Consistent:** Employees and patrons could purchase tires for their vehicles that comply with state programs for increased fuel efficiency. The proposed project would not interfere with the statewide implementation of this strategy.
Municipal Utility Energy Efficiency Programs/Demand Response: Includes energy efficiency programs, renewable portfolio standard, combined heat and power, and transitioning away from carbon-intensive generation.	**Consistent:** Southern California Edison leads the nation in renewable energy, delivering approximately 17.7 billion kilowatt-hours of renewable energy to customers in 2014. This constitutes about 23.5 percent of the energy delivered to customers.[40] Southern California Edison (SCE) currently has sufficient contracts in place that, when delivered, will meet 20 percent or more of its customers' energy needs with renewable energy.
Municipal Utility Renewable Portfolio Standard: California's Renewable Portfolio Standard (RPS), established in 2002, requires that all load-serving entities achieve a goal of 20 percent of retail electricity sales from renewable energy sources by 2017, within certain cost constraints.	**Consistent:** Renewable energy accounts for 23.5 percent of energy.
Municipal Utility Combined Heat and Power: Cost effective reduction from fossil fuel consumption in the commercial and industrial sector through the application of on-site power production to meet both heat and electricity loads.	**Not Applicable:** The proposed project will adhere to the City's requirements for energy efficient development.
Energy Commission (CEC) (continued)	
Alternative Fuels: Non-Petroleum Fuels: Increasing the use of non-petroleum fuels in California's transportation sector, as recommended as recommended in the CEC's 2003 and 2005 Integrated Energy Policy Reports.	**Consistent:** employees and patrons of the project site could purchase alternative fuel vehicles and utilize these fuels once they are commercially available in the region and local vicinity.

[40] Southern California Edison, Renewable Power Summary for 2014.

Strategy	Project Consistency
Business, Transportation, and Housing	
Measures to Improve Transportation Energy Efficiency: Builds on current efforts to provide a framework for expanded and new initiatives including incentives, tools, and information that advance cleaner transportation and reduce climate change emissions.	**Consistent:** As discussed in **Section XVI, Transportation and Traffic,** the proposed land uses would have readily available access to public transportation.
Smart Land Use and Intelligent Transportation Systems (ITS): Smart land use strategies encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors.	**Consistent:** The project traffic impact analysis provides a list of the bus lines near the project site. The public transportation system provides access to the project site from across the region.
State and Consumer Service Agency (Department of General Services)	
Green Buildings Initiative: Green Building Executive Order, S-20-04 (CA 2004), sets a goal of reducing energy use in public and private buildings by 20 percent by the year 2015, as compared with 2003 levels. The Executive Order and related action plan spell out specific actions state agencies are to take with state-owned and -leased buildings. The order and plan also discuss various strategies and incentives to encourage private building owners and operators to achieve the 20 percent target.	**Consistent:** Southern California Edison leads the nation in renewable energy, delivering approximately 17.7 billion kilowatt-hours of renewable energy to customers in 2014. This constitutes about 23.5 percent of the energy we deliver to customers. SCE currently has sufficient contracts in place that, when delivered, will meet 20 percent or more of its customers' energy needs with renewable energy.
Public Utilities Commission (PUC)	
Accelerated Renewable Portfolio Standard: The Governor has set a goal of achieving 33 percent renewable in the state's resource mix by 2020. The joint PUC/Energy Commission September 2005 Energy Action Plan II (EAP II) adopts the 33 percent goal.	**Consistent:** Southern California Edison leads the nation in renewable energy, delivering approximately 17.7 billion kilowatt-hours of renewable energy to customers in 2014. This constitutes about 23.5 percent of the energy we deliver to customers. SCE currently has sufficient contracts in place that, when delivered, will meet 20 percent or more of its customers' energy needs with renewable energy.
California Solar Initiative: The solar initiative includes installation of 1 million solar roofs or an equivalent 3,000 megawatt by 2017 on homes and businesses, increased use of solar thermal systems to offset the increasing demand for natural gas, use of advanced metering in solar applications, and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	**Consistent:** Solar panels are not proposed for the proposed project at this time. However, the chapel could support the installation and use of solar equipment when and if they become cost effective from a purchase and maintenance standpoint of the project applicant.

Table 10
Project Consistency with Applicable Attorney General Greenhouse Gas Reduction Measures

Strategy	Project Consistency
Transportation-Related Emissions	
Diesel Anti-Idling: Set specific limits on idling time for commercial vehicles, including delivery vehicles.	**Consistent:** CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling restricts diesel truck idling to 5 minutes or less. Diesel trucks making deliveries to the project site are subject to this statewide law.
Transportation Emissions Reduction: The project applicant shall promote ride sharing program by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading waiting areas.	**Consistent:** The project traffic impact analysis provides a list of bus lines near the project site. The public transportation system provides access to the project site from across the region.

Strategy	Project Consistency
Transportation Emissions Reduction: Contribute transportation impact fees per residential and commercial unit to the City to increase transit service.	**Consistent:** The project applicant would be required to pay applicable fees.
Transportation Emissions Reduction: Provide shuttle service to public transportation.	**Consistent:** Shuttle service to public transportation would be unnecessary as the proposed project is near bus stops.
Transportation Emissions Reduction: Incorporate bike lanes into the project circulation system.	**Not applicable:** The proposed project would use the existing Malibu circulation system. However, the proposed project would not preclude the addition of bike lanes to City streets.
Transportation Emissions Reduction: Provide on-site bicycle and pedestrian facilities (showers, bicycle parking, etc.) for commercial uses, to encourage employees to bicycle or walk to work.	**Consistent:** The proposed project is in close proximity to the local bus lines.
Solid Waste and Energy Emissions	
Solid Waste Reduction Strategy: Project construction shall require reuse and recycling of construction and demolition waste.	**Consistent:** The City of Malibu is meeting the state's required 50 percent diversion rate.
Water Use Efficiency: Require measures that reduce the amount of water sent to the sewer system. (Reduction in water volume sent to the sewer system means less water has to be treated and pumped to the end user, thereby saving energy.	**Consistent:** Approximately 40 percent of the project site will be comprised of landscaped areas and permit water percolation on the project site. In addition, high efficiency appliances will be installed prior to operation of the proposed project.
Land Use Measures, Smart Growth Strategies and Carbon Offsets	
Smart Land Use and Intelligent Transportation Systems: Encourage mixed-use and high-density development to reduce vehicle trips, promote alternatives to vehicle travel, and promote efficient delivery of services and goods.	**Consistent:** The project site is adjacent to a variety of land uses. The proposed project is located near public transit.
Smart Land Use and Intelligent Transportation Systems: Require pedestrian-only streets and plazas within the project site that may be reached conveniently by public transportation, walking or bicycling.	**Consistent:** The proposed project is a memorial park. The proposed project is located near public transit and will provide sidewalks to ensure pedestrian safety.

The proposed project is consistent with the CAT Greenhouse Gas Reduction Strategies and the Attorney General Greenhouse Gas Reduction Measures. Impacts would be less than significant and no further analysis is necessary.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

Impact Discussion

a) **Less than significant impact.** A significant impact would occur if the proposed project would create a significant hazard though the routine transfer, use, or disposal of hazardous materials.

Construction

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

during construction and impacts would be less than significant. No further analysis is necessary.

Operation

The proposed project includes burial plots and ancillary uses. Embalming and/or cremation procedures would be completed off-site; chemicals used during the embalming or cremation process would not be stored on the project site. Additional analysis of the potential for embalming chemicals to contaminate groundwater is included in **Section IX Hydrology and Water Quality**.

Solvents, cleaning products, fertilizers, and pesticides would be used during operation of the proposed project. These materials would be used for facility upkeep and would only be considered hazardous if used inappropriately or if exposed to unfavorable conditions. Such materials include cleaning solvents used for janitorial purposes, materials used for landscaping, and materials used for maintenance. However, all potentially hazardous materials transported, stored, offered for sale, or used on-site for daily upkeep would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Compliance with existing local, state, and federal regulations would ensure the transport, disposal, and storage of these materials would not pose a significant hazard to the public or the environment. Therefore, project impacts related to this issue would be less than significant and no further analysis is necessary.

b) **Less than significant impact.** A significant impact would occur if the proposed project created a significant hazard to the public or environment due to a reasonably foreseeable release of hazardous materials. As discussed above, compliance with federal, state, and local laws and regulations relating to transport, storage, and disposal of hazardous materials would minimize any potential for accidental release or upset of hazardous materials, and impacts would be less than significant. No further analysis is necessary.

c) **Less than significant impact.** Three schools are located less than a mile from the project site. Webster Elementary School and Our Lady of Malibu (a parochial elementary and middle school) are 0.5 miles north of the project site. Pepperdine University, a private university, is located adjacent to the project site (approximately 0.1 miles west) along Malibu Canyon Road. The proposed project would comply with all local, state, and federal standards, regulations, and good housekeeping practices; it is not anticipated to emit any hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste during construction or operation. As described above, no embalming or cremation activities would occur on the project site. Potential impacts from hazardous materials to surrounding schools would be less than significant and no further analysis is necessary.

d) **No Impact.** The project site is not located on a property associated with a hazardous site listed under Government Code Section 65962.5, also known as the Cortese List.[41] Impacts would be less than significant and no further analysis is necessary.

e, f) **No Impact.** The nearest airport to the project site is Santa Monica Municipal Airport located approximately 16.9 miles to the southeast. Other airports in the general area include Los Angeles International Airport, located approximately 25.3 miles to the southeast and Bob Hope (Burbank) Airport, located approximately 35.8 miles to the northeast. The project site is not located within two miles of a public airport or within the boundaries of an airport land use plan and would not result in a safety hazard for people residing or working in the project area. Therefore, no impact would occur. No further analysis is necessary.

g) **Less than significant impact.** The proposed project is not anticipated to interfere with an emergency response plan or evacuation plan. According to the City of Malibu Emergency Operations Plan (EOP), in the project vicinity, Malibu Canyon Road and PCH are the designated disaster routes.[42] Disaster routes function as primary thoroughfares for the movement of emergency response traffic and access to critical facilities. Although the project site is situated in the vicinity of these streets, neither the construction nor the operation of the project would require or result in long-term modifications to any of these roadways that would impact emergency traffic. Construction of the project could temporarily interfere with local and on-site emergency response as construction activities could require partial lane closures. Local streets adjacent to the project site would be used for construction traffic; however, construction traffic would conform to all local access standards to allow adequate emergency access. The majority of construction activities for the project would be confined to the site, except for infrastructure improvements, which may require some work in adjacent street rights-of-way. The required use of flag personnel during these periods would minimize traffic obstruction and delays. While the proposed project and cumulative development are anticipated to affect future (2030) vehicle/capacity ratios and the level of service of roadways in the project vicinity, with proposed mitigation, the proposed project would have less than significant impacts to area traffic both on a project and cumulative level (refer to **Section XVI, Transportation and Traffic**). Further, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Impacts would be less than significant and no further analysis is required.

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41 Cortese List, http://www.calepa.ca.gov/SiteCleanup/CorteseList/SectionA.htm, accessed February 17, 2016.

42 City of Malibu SEMS/NIMS Emergency Operations Plan 2012, https://www.malibucity.org/DocumentCenter/View/68, accessed February 17, 2016.

h) **Less than significant impact.** The City, and therefore the project site, is located within a Very High Fire Hazard Severity Zone (VHFHSZ). All project construction would be in compliance with the goals, policies, and implementation measures and codes of the Los Angeles County Fire Department (LACFD); the City's General Plan Safety Element; the LCP; the Department of Public Works, Building and Safety Division; and VHFHSZ building codes and requirements. Examples of protective building construction measures include Fuel Modification Zones; development with specific building materials, such as fire-retardant roofing; and the installation of fire sprinkler systems in the chapel, and the provision of fire-safe landscaping. Therefore, impacts would be less than significant and no further analysis is required.

IX. HYDROLOGY AND WATER QUALITY. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d)	Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or-off-site?	☐	☐	☒	☐

IX. HYDROLOGY AND WATER QUALITY. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Create or contribute runoff water which would exceed the capacity of existing planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f)	Otherwise substantially degrade water quality?	☐	☐	☒	☐
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐
h)	Place within a 100-year flood hazard areas structures which would impede or redirect flood flows?	☐	☐	☒	☐
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j)	Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

Impact Discussion:

a, f) **Less than significant impact.** A significant impact would occur if the proposed project substantially degraded water quality. This includes discharging water that does not meet the quality standards of agencies which regulate surface water quality and water discharge into stormwater drainage systems. To ensure impacts remain less than

significant the proposed project must comply with all applicable regulations with regard to surface water quality as governed by the State Water Resources Control Board (SWRCB), the County of Los Angeles, and the City of Malibu, including the submittal and approval of a Storm Water Management Plan (SWMP) and Water Quality Mitigation Plan (WQMP).

Construction

Three general sources of potential short-term, construction-related stormwater pollution associated with the proposed project include: (1) the handling, storage, and disposal of construction material containing pollutants, (2) the maintenance and operation of construction equipment; and (3) earth moving activities which, when not controlled, may generate soil erosion via storm runoff or mechanical equipment.

As no drainage infrastructure exists on the project site, surface water runoff drains via sheet flow to the northeastern portion of the site towards Winer Canyon.[43] Development of the proposed project would require a total 302,879 cubic yards of grading (cut and fill, which would include 76,625 cubic yards of export from the burials for the life of the project.). Excluding the natural slope areas on the project site, existing vegetation would be removed, leaving the soil exposed and susceptible to erosion. Construction activities could result in the contamination of the soil which could potentially degrade the surrounding water quality. During the 18 month construction period, surface water runoff would flow into Winter Canyon (directly east of the project site) and would be directed to the Canyon's stormwater drainage system which discharges into the Pacific Ocean.

Pursuant to LIP Section 17.4.1, prior to the issuance of a grading or building permit, the project applicant shall be required to prepare and submit an Erosion and Sediment Control Plan for approval (MS4 Permit Section VI.D.8.h.ii) that identifies BMPs during the construction phases of development to minimize or prevent construction-related polluted runoff. BMPs include practices such as installing sandbag barriers, temporary desilting basins near inlets, gravel driveways, dust controls, employee training, and other general good housekeeping practices that help prevent water quality contamination. With the implementation of the BMPs, short-term water quality impacts would be reduced to less than significant levels.

As required under the NPDES, the project applicant is responsible for preparing a Stormwater Pollution Prevention Plan (SWPPP) to mitigate the effects of erosion and the inherent potential for sedimentation and other pollutants entering the stormwater system during construction. The SWPPP includes an erosion and sediment control plan

43 City of Malibu Department of Public Works

and is required for all development projects that disturb more than one acre. The SWPPP is submitted to the Regional Water Quality Control Board. The primary objective of the NPDES stormwater program is to: (1) effectively prohibit non-storm water discharges, and (2) reduce the discharge of pollutants from stormwater conveyance systems to the Maximum Extent Practicable ("MEP" statutory standards). The SWPPP would incorporate the required implementation of BMPs for erosion control and other measures to meet the NPDES requirements for stormwater. Implementation of the BMPs identified in the SWPPP and compliance with the NPDES and City discharge requirements would ensure that the construction of the proposed project would not violate any water quality standards or discharge requirements, or otherwise substantially degrade water quality. Thus, compliance with regulatory measures would ensure that the proposed project's construction-related water quality impacts would be less than significant. No further analysis is required.

Operation

Post-development stormwater runoff has the potential to contribute pollutants to the stormwater conveyance system and ultimately to the ocean. The quality of stormwater is generally affected by the length of time since the last rainfall, the rainfall intensity, the urban uses of the area, and the quantity of transported sediment. Pursuant to LIP Section 17.3.2.B.2, prior to operation a SWMP must be submitted to and approved by the City's Public Works Department. The SWMP requirements for new development that would be applicable to the project are included in MMC Section 13.04.110. The SWMP and the proposed project's site design shall incorporate Source Control BMPs to mitigate increased runoff generated by the increase of impervious surfaces on the project site. As stated in LIP Section 17.4.2, post-construction phase water quality requirements requires post construction plans detailing how stormwater and polluted runoff would be managed or mitigated during the life of the project. A Water Quality Management Plan (WQMP) is required for all development that requires a Coastal Development Permit and shall require the implementation of appropriate site design and source control BMPs from Section 17.6 of the LIP and Appendix A to minimize or prevent post-construction polluted runoff. With the preparation, approval and successful implementation of a WQMP, impacts to water quality would be reduced to less than significant levels.

As previously discussed, compliance with NPDES MS4 Permit (Section VI.D.7.c), and the Malibu LCP and MMC Section 13.04 would be provided through the implementation of the WQMP which shall include Site Design BMPs, Source Control BMPs, and Treatment Control BMPs that retains on-site the Stormwater Quality Design Volume (SWQDv), or where it is technically infeasible to retain on-site, the project shall bio-filtrate 1.5 times the SWQDv that is not retained on-site. The SWQDv is defined as the greater of the 85th percentile, 24-hour storm event or the 0.75-inch, 24-hour storm event.

For wastewater disposal, the project proposes to connect to the future CCWTF. Therefore there would be no project impacts related to a violation of wastewater discharge requirements. Refer to **Section XVII, Utilities and Service Systems,** for further discussion and analysis.

The project includes burial plots. Although embalming would not be completed on the project site, the potential for release of chemicals associated with internments into the groundwater would be potentially significant. The following information was obtained from a memo *Potential Groundwater Impacts from Embalming Agents, Proposed Malibu Memorial Park Tract Map 69653, 4000 Malibu Canyon Road, Malibu California*, prepared by earthforensics, inc in August 2016.

Embalming

Embalming is usually required only for bodies that will be viewed or kept for visitation. Embalming fluid is designed to inhibit autolysis, kill bacteria, harden tissues, and neutralize the malodorous products of putrefaction. Formaldehyde, the principal ingredient in embalming fluid, converts the enzymes of autolysis into hard solid products which are unable to remain in solution, destroying the enzyme's activity.

Putrefaction

Putrefaction is the decomposition of organic matter, especially protein, by microorganisms, resulting in production of foul-smelling matter. Putrefaction is a complex phenomenon involving a range of chemical reactions. Putrefaction is not possible under conditions that prohibit the development of living organisms. Many of the products of putrefaction are powerful poisons, and are called cadaveric poisons. The end products of putrefaction are ammonia and ammonia compounds; hydrogen sulfide and hydrogen phosphide; mercaptans; methane; hydrogen; nitrogen; carbon dioxide; and water. Although the rate of decomposition is influenced by many variables, unembalmed bodies exposed to air begin to decompose within one to three days and become well advanced in three to six months.

Also part of the putrefaction process, autolysis is a self-digestion of the body tissues by substances produced within those tissues. The agents that cause this form of post mortem tissue disintegration are called enzymes, which persist after death and eventually destroy all cells and tissues.

The composition of a typical human body is, by weight, 64 percent water, 20 percent protein, 1 percent carbohydrate, 5 percent mineral salts, and 10 percent fats. The elemental components of the human body are *carbon, nitrogen, calcium, magnesium, sodium, potassium, phosphorus, sulphur, chloride, iron, and trace heavy metals*. The primary process governing the production, release and potential migration of pollutants from a

buried corpse is microbial decay. The rate of decay depends on several factors. These include:

- availability of nutrients and moisture which encourages degradation
- pH levels
- climate - warm temperatures accelerate decomposition
- soil lithology where well drained soil will accelerate decay
- burial practice - the depth and coffin construction which determine the ease of access by vertebrates and invertebrates

Pathogens may also be present, but typically die off rapidly and reduce in concentration with increasing distance from the grave.

In regards to embalmed cadavers, it appears that there is little potential for the formaldehyde in the embalming solution to be a source of pollution. This is based upon the following facts, (1) formaldehyde binds to proteins in tissue, (2) upon degradation, the bound protein breaks down to carbon dioxide, water, and amines, and (3) there should be no free formaldehyde in the embalmed bodies, therefore no formaldehyde should leach from cadavers, and there would be no contamination.

Further, prior correspondence from Dodge Chemical Company (the world's largest supplier of embalming chemicals) states that embalmed tissue immersed in water would not release formaldehyde as formaldehyde combines with protein into a very stable new hydrocarbon chain. Therefore, simple contact with water is not sufficient to cause an additional reaction liberating the formaldehyde.

Concrete vaults will be used exclusively for the proposed project; this will limit the potential transfer of leachates from the remains to the surrounding soil. In order for leachates to escape the vaults, water would have to move through the concrete vault, into the casket and back out. This scenario would require the water table to reach the top of the vault, find its way through the lid's seal and then also get into the casket (which would require the entire vault to fill up with water). As the depth of groundwater on-site is in excess of 60 feet below the surface this is highly unlikely. In order for this leachate to escape, the vault would again have to fill completely with water and then the water would have to find its way out. Therefore, the use of the concrete vault will greatly limit the potential of leachate contaminating the surrounding soils.

Therefore, based on the depth of groundwater below the surface and the legally required design conditions associated with burials, it is unlikely that decomposition byproducts would contaminate the local groundwater.

Thus, impacts to groundwater would be less than significant and no further analysis is required.

b) **Less than significant impact.** A significant impact would occur if the proposed project substantially depleted groundwater or interfered with groundwater recharge. There are eight existing on-site groundwater monitoring wells on the project site. The proposed project does not include the construction of a groundwater wells, and would not otherwise directly withdraw any groundwater.

Currently, 100 percent of the project site is permeable. Approximately 92 percent[44] of the site would remain permeable post development, resulting in an increase in the percentage of surface water runoff generated on the project site, as well as a potential decrease in stormwater infiltration into the soil. While the proposed project would not include the withdrawal or use of groundwater supplies, the project would introduce irrigation water that could percolate into the groundwater supply.

As discussed above, the proposed project would implement a WQMP to contain and treat as much stormwater on-site as feasible (via site design, source control, and treatment control BMPs) prior to discharge into the municipal drainage system. In addition, nearly all stormwater is anticipated to remain and be infiltrated on-site. Therefore, the proposed project would not substantially deplete groundwater supplies, or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table and impacts would be less than significant. Therefore, impacts to groundwater would be less than significant and no further analysis is required.

c) **Less than significant impact.** A significant impact would occur if the proposed project substantially altered the drainage pattern of the site or an existing stream or river, so that substantial erosion or siltation would result on- or off-site. As discussed above, the project site generally drains to the northeastern portion of the site, into Winter Canyon. No drainage infrastructure currently exists on the site.

Construction

During construction, erosion and siltation from the project site and surrounding areas could increase significantly as a result of soil disturbance and construction operations. Construction-related activities that expose soils to potential mobilization by rainfall/runoff and wind are primarily responsible for sediment releases. Such activities include removal of vegetation from the site, grading of the site, and trenching for infrastructure improvements. Environmental factors that affect erosion include topographic, soil, and rainfall characteristics. Unless adequate erosion controls are

44 92 percent represents the percentage of proposed open space and landscaped area.

installed and maintained at the site during construction, significant quantities of sediment may be delivered to the downstream receiving waters.

As the SWPPP would incorporate the required implementation of BMPs for erosion control and other measures, and would comply with the NPDES and City discharge requirements, construction of the proposed project would not substantially alter the existing drainage pattern of the site in a manner that would result in substantial erosion or siltation on or off-site. Compliance with regulatory measures would result in less than significant impacts to hydrologic resources and water quality during construction of the proposed project. No further analysis is required.

Operation

Although operation of the proposed project would result in an increase in land use intensity, the WQMP would be designed to handle runoff from the project site from a SWQDv storm event and further, would ensure that all stormwater discharged into the municipal drainage system is within water quality standards and would not increase erosion or sedimentation on- or off-site. Impacts associated with operation of the proposed project would be less than significant and no further analysis is required.

d) **Less than significant impact.** A significant impact would occur if the proposed project substantially altered the drainage pattern of the site or an existing stream or river so that flooding would result. As discussed above, the project site generally drains towards the southeast portion of the site into Winter Canyon. MMC Section 13.04.110 includes requirements related to post-development conditions. In the event that peak runoff post-development exceeds peak runoff pre-development, on-site detention would be necessary. As such, the proposed project would include BMPs such as on-site infiltration and treatment of flows prior to being released into the storm drain outlet that would discharge into the existing storm drain system along Civic Center Way.

Under the proposed project a private storm drain system that would include a stormwater detention area, a stormwater drain with a sump pump, and an overflow drain will connect to the existing storm drain located on Civic Center Way. Upon buildout of the proposed project the percentage of impervious area would increase by approximately seven percent. However, improvements on the site, including the construction of a new storm drain system would result in the site peak flow rates decreasing. Therefore, impacts related to drainage and flooding would be less than significant and no further analysis is required.

e) **Less than significant impact.** A significant impact would occur if runoff water exceeded the capacity of an existing or planned storm drain system serving the project site. A project-related significant adverse effect would also occur if a project would substantially increase the probability that polluted runoff would reach the storm drain

system. Upon implementation of the proposed project, a private storm drain system would collect and transport stormwater runoff to the existing stormwater infrastructure along Civic Center Way. While the percentage of impervious surfaces on the project site would increase, compliance with the SWPPP and inclusion of BMPs would ensure off-site flows to Civic Center Way would not substantially increase. In addition, all flows would be treated prior to being discharged into the storm drain. As stormwater flows would be controlled on-site, the proposed project would not result in runoff exceeding the capacity of the existing or planned storm drain system. Therefore, impacts related to runoff would be less than significant and no further analysis is required.

g) **Less than significant impact.** The project site is located in Zone D.[45] Properties located in Zone D are susceptible to possible but undetermined flood hazards, as no level of flood hazard analysis has been completed for the site. The project site is elevated and no housing is proposed. Thus impacts would be less than significant. No further analysis is required.

h) **Less than significant impact.** A significant impact would occur if the proposed project would place structures within a 100-year floodplain such that flood flows would be impeded or redirected. The project site is not located within the 100-year flood zone. As a result, impacts would be less than significant and no further analysis is required.

i) **Less than significant impact.** A significant impact would occur if the proposed project was located within an area susceptible to flooding. No dams or levees are located near the project site. Furthermore, the project site is not located in a floodplain. Impacts related to flooding would be less than significant and no further analysis is required.

j) **Less than significant impact.** A significant impact would occur if the proposed project exposed persons or structures to an area susceptible to inundation by seiche, tsunami, or mudflow. A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, or lake. A tsunami is a large sea wave produced by an earthquake or submarine landslide. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity. Due to its proximity to the Pacific Ocean, the City of Malibu is susceptible to tsunamis. However, the project site is elevated and is not located within a tsunami inundation area.[46] Although the project site is located within a hilly area and is surrounded by other hillside parcels, the project site is elevated and thus would not be susceptible to potential mudflows. Impacts related to inundation

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45 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, 06037C1537CF

46 Department of Conservation, Los Angeles County Tsunami Inundation Malibu Quad, http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/LosAngeles/Documents/Tsunami_Inundation_Malibu_Quad_LosAngeles.pdf, accessed February 17, 2016.

by seiche, tsunami, or mudflow would be less than significant and no further analysis is required.

Standard Conditions of Approval

- A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls Scheduling	• Erosion Controls Scheduling
	• Preservation of Existing Vegetation
Sediment Controls Silt Fence	• Sediment Controls Silt Fence
	• Sand Bag Barrier
	• Stabilized Construction Entrance
Non-Storm Water Management	• Water Conservation Practices
	• Dewatering Operations
Waste Management	• Material Delivery and Storage
	• Stockpile Management
	• Spill Prevention and Control
	• Solid Waste Management
	• Concrete Waste Management
	• Sanitary/Septic Waste Management

- All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

- Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.

- A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations.

- A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:

- Site Design Best Management Practices (BMPs);

- Source Control BMPs;

- Treatment Control BMPs;

- Drainage improvements;

- Methods for on-site percolation, site re-vegetation and an analysis for off-site project impacts;

- Measures to treat and infiltrate runoff from impervious areas;

- A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;

- A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and

- The WQMP shall be submitted to the Building Safety Division and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.

X.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Impact Discussion:

a) **No impact.** The project site is adjacent to a Los Angeles County Public Works maintenance yard, parochial elementary and middle school, church, Webster Elementary School, Winter Canyon Road, and light industrial parcels (across Civic Center Way) to the north, Malibu Bluffs Park and the Crummer site (across PCH) to the south, Pepperdine University (across Malibu Canyon Road) to the west, and the CCWTF to the east. The proposed project is surrounded by development and would not obstruct the present functionality of the surrounding development. Further, no residential uses are located immediately surrounding the project site that could be disrupted by the proposed project. The streets bordering the project site provides a buffer between the site and the nearest residential uses. Thus the proposed project would not physically divide an established community and no impact would occur. No further analysis is required.

b) **Less than significant with mitigation incorporated.** The project site is designated CV-2 under the General Plan land use element. The CV-2 land use designation is intended to provide for visitor serving uses that would be consistent with the surrounding rural and natural environment. In August 2015, Planning Staff presented the use proposed by the

project (i.e., memorial park with cemetery and chapel) to the Planning Commission for review to determine whether the proposed uses are compatible with the CV-2 land use designation. After thorough discussion of the proposed project and the existing land use designation, the Planning Commission concluded that the proposed project would be a conforming use, similar to and no more objectionable than other uses allowed in the zone.[47]

Pursuant to LIP Sections 6.5(A)(1) and (3), new development must be sited and designed to minimize adverse impacts on scenic areas and site selection to avoid visual impacts is preferred over landscaping. To meet the design standards set forth in the LIP, the mausoleums have been relocated further away from the top of slopes along PCH and east of the project site to minimize adverse impacts from PCH, Malibu Bluffs Park, Civic Center Way and Legacy Park, which are considered scenic areas. **Figure 11 View of Re-sited Mausoleums from PCH** shows re-sited mausoleums further away from the top of these slopes. As redesigned, the proposed project is more consistent with LIP Sections 6.5(A)(1) and (3). However, story poles representing the location and height of the relocated mausoleums would be necessary to verify whether the mausoleums are sited far enough from the top of slope to avoid visibility from motorists traveling on PCH from any vantage point immediately adjacent to the subject property. With implementation of **Mitigation Measures LP-1** and **LP-2** and Planning Commission approval of applicable discretionary requests, the proposed project would have a less than significant impact on applicable design and development standards adopted for the purpose of avoiding or mitigating an environmental effect.

Due to sensitive cultural resources within a 2.28 acre area of the project site, the project applicant revised the project to cap this area to maintain a total of approximately 3,644 above grade internments in wall crypt structures and eight private mausoleums. It is anticipated that the capping of this area will involve a minimum of 12 inches of cover over existing natural grade. The proposed structures would require footings, with the deepest footings being generated by the private mausoleums. These mausoleum footings would be approximately 24 inches of over-all depth. Therefore, there would be 24 inches of fill depth added to the 12 inches of capping for a total of 36 inches of capping. This total amount of fill for capping is estimated to be 16,985 cubic yards. This amount of grading is considered non-exempt grading and exceeds the total amount of grading allowable for the site; therefore, Variance No. 16-016 is proposed for this project. The project site is zoned CV-2. Similar to other properties zoned CV-2, the proposed project would provide a visitor serving use (e.g., a memorial park and trails) and include landscaping and open space consistent with the surrounding uses and natural setting. Landscaped areas would include trees, shrubs, and drought-tolerant native plants (refer

47 City of Malibu Commission Agency Report, Planning Commission Meeting September 8, 2015, https://www.malibucity.org/AgendaCenter/ViewFile/Item/1852?fileID=2170, accessed May 2, 2016

to Figures 3 and 4, Proposed Project Landscape Plan). Existing vegetation in the open space areas would not be disturbed. Two water features would be included on the site, with the largest feature located at the vehicle entrance/exit along Malibu Canyon Road and continuing the length of the main driveway. A smaller water feature would be located at the rear of the chapel.

To facilitate development of the proposed project, the City's approval of the following discretionary land use entitlements would be necessary:

- SPR No. 16-009 for height over 18 feet but less than 28 feet for the sloped roof.
- MM No. 16-010 for the mausoleums to have a less than 50 percent reduction of the required front yard setback.
- VAR No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum required. This is needed in order to cap the archaeological site.
- CUP No. 15-011 for the proposed memorial park and chapel in the CV-2 zoning district.
- LM No. 16-001 for consolidation of the three existing legal lots into one legal lot.
- CDP No. 15-028: LCP development entitlement.
- Encroachment permit from the City's Public Works Department for all improvements located within the City's right-of-way.
- City approval for recycled water use.
- Individual administrative plan review approvals for each private mausoleum.

Non-City entitlements include:

- WWD No. 29 approval for water supply and sources for the site
- Caltrans Standard Encroachment Permit (TR-0100) for all improvements adjacent to State highways, namely PCH
- County of Los Angeles Building Code Manual (LACBC) 2011: Cemetery Grading Plan Review and Permit Protocol from County's Public Works Department for all planned cemetery grading at the site
- Applicable State of California Licensing through the Department of Consumer Affairs Cemetery and Funeral Bureau

Procurement of these discretionary entitlements would mitigate any potential land use impacts to a less than significant level. The proposed project would meet all other specific development standards that apply to the project site. Impacts would be less than significant and no further analysis is required.

c) **No impact.** No adopted habitat conservation plan or natural community conservation plan exists for the project site or immediate area. Consequently, implementation of the proposed project would not conflict with the provisions of any adopted conservation plan. No impact would occur and no further analysis is required.

Mitigation Measures

The following mitigation measure is required to reduce potential impacts related to land use and planning to a less than significant level.

LP-1 Prior to the issuance of a building permit for any of the mausoleums located within 100 feet from the top of the slope adjacent to Pacific Coast Highway, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid visibility from motorists traveling on Pacific Coast Highway from any vantage point immediately adjacent to the subject property to the satisfaction of the Planning Director.

LP-2 Prior to the issuance of a building permit for any of the mausoleums, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid any obstruction to bluewater views from motorists traveling on Malibu Canyon Road from any vantage point along Malibu Canyon Road to the satisfaction of the Planning Director.

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

Responses:

a-b) No impact. No known mineral resources are located on the site. The State Divisions of Mines and Geology has not mapped any mineral resources in the City.[48] [49] No impacts would occur and no further analysis is required.

48 City of Malibu General Plan, Conservation Element

49 City of Malibu Rancho Malibu Draft EIR, 2013.

XII. NOISE. Would the project result in:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Responses:

a) Less than significant with mitigation incorporated.

Background

Sound is measured on a logarithmic scale of sound pressure level known as a decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. The human ear does not respond uniformly to sounds at all frequencies, being less sensitive to low and high frequencies than to medium frequencies that correspond with human speech. In response to this, the A-weighted noise level (or scale) has been developed. It corresponds better with people's subjective judgment of sound levels. This A-weighted sound level is called the "noise level" referenced in units of dB(A). Because noise is measured on a logarithmic scale, a doubling of sound energy results in a 3 dB(A) increase in noise levels. However, changes in a community noise level of less than 3 dB(A) are not typically noticed by the human ear. Changes from 3 to 5 dB(A) may be noticed by some individuals who are extremely sensitive to changes in noise. A 5.0 dB(A) increase is readily noticeable, while the human ear perceives a 10 dB(A) increase in sound level to be a doubling of sound.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway.

Noise sources occur in two forms: (1) point sources, such as stationary equipment or individual motor vehicles; and (2) line sources, such as a roadway with a large number of point sources (motor vehicles). Sound generated by a point source typically diminishes (attenuates) at a rate of 6.0 dB(A) for each doubling of distance from the source to the receptor at acoustically "hard" sites and 7.5 dB at acoustically "soft" sites. For example, a 60.0 dB(A) noise level measured at 50 feet from a point source at an acoustically hard site would be 54.0 dB(A) at 100 feet from the source and 48 dB(A) at 200 feet from the source. Sound generated by a line source typically attenuates (i.e., becomes less) at a rate of 3.0 dB(A) and 4.5 dB(A) per doubling of distance from the source to the receptor for hard and soft sites, respectively. Examples of hard sites include asphalt, concrete, and hard and sparsely vegetated soils. Examples of acoustically soft sites include sand, plowed farmland, grass, crops, and heavy ground cover.

Sound levels can also be attenuated by man-made or natural barriers (e.g., sound walls, berms, ridges), as well as elevational differences. Solid walls and berms may reduce noise levels by 5.0 to 10.0 dB(A) depending on their height and their horizontal distance relative to the noise source and the noise receptor. A higher noise barrier lengthens the path of a sound wave from the source to the receptor. The longer the distance a sound wave needs to travel to reach the receptor, the greater the sound attenuation. Sound levels may also be attenuated 3.0 to 5.0 dB(A) by a first row of houses and 1.5 dB(A) for each additional row of houses in residential environments.

The most frequently used noise descriptors are summarized below:

Leq: The equivalent sound level is used to describe noise over a specified period of time, typically 1 hour, in terms of a single numerical value. The Leq is the constant sound level, which would contain the same acoustic energy as the varying sound level, during the same period (i.e., the average noise exposure level for the given period).

Lmax: The instantaneous maximum noise level for a specified period of time.

L50: The noise level that is equaled or exceeded 50 percent of the specified time. This is the median noise level during the specified time.

L90: The noise level that is equaled or exceeded 90 percent of the specified time. The L90 is often considered the background noise level averaged over the specified time.

DNL: The Day/Night Average Sound Level is the 24-hour day and night A-weighed noise exposure level, which accounts for the greater sensitivity of most people to nighttime noise by weighting noise levels at night. Noise between 10:00 PM and 7:00 AM is weighted (penalized) by adding 10 dB(A) to take into account the greater annoyance from nighttime noise (also referred to as Ldn).

CNEL: Similar to the DNL, the Community Noise Equivalent Level (CNEL) adds a 5-dB(A) "penalty" for the evening hours between 7:00 PM and 10:00 PM in addition to a 10-dB(A) penalty between the hours of 10:00 PM and 7:00 AM.

The DNL and CNEL values differ by much less than 1 dB(A). In general, changes in a community noise level of less than 3.0 dB(A) are not typically noticed by the human ear. Changes from 3.0 to 5.0 dB(A) may be noticed by some individuals who are extremely sensitive to changes in noise. A greater than 5.0 dB(A) increase is readily noticeable, while the human ear perceives a 10.0 dB(A) change in sound level to be a doubling or halving sound. A 1 dB difference in noise level is not noticed by the human ear. Therefore, as a matter of practice, Ldn and CNEL values are considered to be equivalent and are treated as such in this assessment.

Construction

Construction noise sources cannot be strictly related to a 24-hour City of Malibu community noise standard because this type of noise typically occurs only during certain hours of the day, and construction source noise levels vary greatly over time. Construction activities are also treated separately in many community noise ordinances because they do not represent a chronic, permanent noise source. To abate the potential nuisance from construction noise, the Noise Control Ordinance of the City of Malibu (Chapter 8.24 Noise) regulates construction and building noise in several ways. The applicable noise regulation is described below:

> ***Section 8.24.050-G–*** *Construction: operating or causing the operation of any tools, equipment, impact devices, derricks or hoists used in construction, chilling, repair, alteration, demolition or earthwork, on weekdays between the hours of seven p.m. and seven a.m., before eight a.m. or after five p.m. on Saturday, or at any time on Sundays or holidays, except as provided in Section 8.24.060(D);*

During construction, ground clearing, grading, structural, and other noise-generating activities would occur on the project site between the hours of 7:00 AM and 7:00 PM in accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G). For the purposes of this analysis, the project's construction activities are assumed to result in significant impacts if they increase ambient noise levels above 85 dB(A) for commercial and institutional uses, and 75 dB(A) for residential uses, (considered by the City of Malibu to be the "maximum exterior noise limits for non-transportation sources.")

The nearest sensitive receptors include condominiums (located approximately 400 feet east of the project site), single-family residences located in the Malibu Knolls neighborhood across Civic Center Way (located approximately 700 feet east of the project site), Our Lady of Malibu Church (located approximately 350 feet north of the project site), Webster Elementary School (located approximately 550 feet northeast of the project site), and housing at Pepperdine University (located approximately 1,600 feet northwest of the project site).

Table 11, Construction Noise Levels, summarizes projected construction noise levels and increases resulting from construction based on a Noise Study prepared by Rincon Consultant, Inc., dated March 2016. It is assumed that construction activities would occur at the perimeter of the site, approximately 350 feet west of Our Lady of Malibu Church, the closest sensitive receptor. Construction of the proposed project would not increase ambient noise levels above 85 dB(A) for commercial and institutional uses and 75 dB(A) for residential uses, thus the on-site construction noise levels would not exceed the City's maximum daytime exterior noise limits. Impacts from on-site construction activities would be less than significant and no further analysis is required.

Table 11
Construction Noise Levels

Sensitive Receptor	Distance from Construction (feet)	Maximum Construction Noise Level (dB(A))	City's Maximum Exterior Noise Limit
Our Lady of Malibu Church	350	72 dB(A)	85 dB(A)
Residences Across Civic Center Way	350	72 dB(A)	75 dB(A)
Webster Elementary School	550	68 dB(A)	85 dB(A)
Pepperdine University	950	63 dB(A)	85 dB(A)
Single-Family Residences Across Civic Center Way	700	95 dB(A)	75 dB(A)

Source: Rincon Consultants, Inc., 2015, ***Appendix XII****.*

Daily construction worker trips would result in approximately 151 daily vehicle trips (76 AM peak trips and 76 PM peak trips) to and from the project site. In addition, delivery truck trips with construction materials would access the project site periodically. Six truck trips would occur at the commencement and completion of the 18 month construction period to transport necessary equipment and periodic delivery trucks with construction materials. Vehicle access to the project site would be provided via Malibu Canyon Road. Although a truck haul route has not been determined, construction vehicles would most likely utilize PCH and Malibu Canyon Road. Both roadways carry a high volume of vehicles each day (e.g., 1,111 PM peak hour trips on Malibu Canyon Road and 3,310 PM peak hour trips on PCH). As the increase in the number of AM and PM peak trips, due to construction of the proposed project, along Malibu Canyon Road and PCH would be minimal, noise impacts to nearby sensitive receptors would be less than 3 dB(A), the level at which an increase in sound is detectable.[50] Impacts from construction vehicles would be less than significant and further analysis is required.

Operation

Operation of the proposed project would primarily result in noise impacts from the incremental increase in project-related motor vehicles traveling on local roadways, delivery and refuse trucks accessing the site, ground maintenance and excavation activities, and mechanical equipment on the roofs of the project buildings.

Rooftop Mechanical Equipment

Rooftop mechanical equipment, including HVAC equipment, would be installed on the chapel. Noise levels from commercial HVAC equipment can reach 100 dB(A) at a

50 Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc.

distance of three feet.[51] These units usually have noise shielding cabinets, placed on the roof or mechanical equipment rooms and are not usually significant sources of noise impacts. Typically, the shielding and location of these units reduces noise levels to no greater than 55 dB(A) at 50 feet.[52] The proposed chapel would be located in the center of the project site, approximately 800 feet west of Our Lady of Malibu Church, approximately 1,000 feet west of the condominiums and single-family residences, and approximately 2,200 feet east of the closest residential building located on the Pepperdine Campus. Based on an attenuation rate of 6 dB(A) per doubling of distance, this would result in an external noise level at the nearest existing sensitive receptor (800 feet east) of 31 dB(A) and would not exceed the City's maximum exterior noise limits during evening hours (from 7:00 PM to 7:00 AM) for commercial and institutional uses (60 dB(A)) and/or residential uses, (45 dB(A)).[53] As a result, noise impacts associated with rooftop mechanical equipment would be less than significant and no further analysis is required.

Delivery Trucks and Refuse Trucks

The California Motor Vehicle Code establishes maximum sound levels for trucks operating at speeds less than 35 miles per hour (Section 23130). The maximum sound level established by the code is 86 dB(A) at 50 feet. However, The California Motor Vehicle Code Section 23130 established that average noise levels for single idling trucks generally range from 60 to 65 dB(A) Leq at a distance of 100 feet, and maximum noise levels associated with heavy truck passages range from 70 to 75 dB Lmax at a distance of 100 feet. Maximum noise levels generated by passages of medium duty delivery trucks generally range from 55 to 65 dB at a distance of 100 feet, depending on whether or not the driver is accelerating.

On-site activities would require occasional delivery truck trips (containing supplies for the chapel and site management) and refuse hauling. Trucks would access the site from Malibu Canyon Road and be directed to the surface parking stalls. Assuming the delivery trucks park in the surface parking stalls closest to the surrounding sensitive uses, the trucks would be located approximately 800 feet west of Our Lady of Malibu Church, approximately 1,000 feet east of the single-family residences and condominiums, and approximately 2,000 feet east of the nearest residential use located on the Pepperdine University campus. Based on an attenuation rate of 6 dB(A) per doubling of distance, the sound level at the nearest sensitive receptor (800 feet away)

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51 Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, USEPA 1974.

52 Malibu Memorial Cemetery Project Noise Study, 2015, prepared by Rincon Consultants, Inc.

53 As stated above the City's daytime maximum exterior noise levels for commercial and institutional uses is 85 dB(A) and for residential uses is 75 dB(A).

from idling delivery trucks would be approximately 47 dB Leq, and the maximum sound level at the nearest residential unit (1,000 feet away) would be 45 dB Leq. The maximum sound level at the nearest sensitive receptor (800 feet away) from delivery trucks (assuming heavy-duty trucks) would be approximately 57 dB Lmax, while the maximum sound level at the nearest residential unit (1,000 feet) would be 55 dB Lmax. As the maximum dB(A) would be below the City's threshold for permitted daytime maximum exterior noise, and as delivery truck trips would be a sporadic and temporary source of noise, impacts would be less than significant. Although truck trips were determined to be less than significant, **Mitigation Measure NOI-1** is included in the project to ensure no deliveries would occur outside of permitted hours. With compliance with the MMC and **Mitigation Measure NOI-1**, impacts would be less than significant and no further analysis is required.

Ground Maintenance and Excavation Activities

Operation of the proposed project would require ground maintenance and regular excavation activities for burial plots. Ground maintenance activities would include landscape maintenance. A majority of the burial plots would be located on the western portion of the project site, away from the surrounding residential and institutional uses[54] Backhoes would be used during preparation of burial plots. While the noise level associated with backhoes required during construction activities is 86 dB(A) (at a distance of 25 feet), this could be reduced if smaller backhoes are used. For the purposes of this analysis, it is assumed that the larger backhoes (similar to those described in the construction analysis above) would be used. Preparation of burial plots would occur along the eastern edge of the property approximately 400 feet from the condominiums to the east. Based on a sound attenuation rate of 6 dB(A) per doubling of distance, noise from a backhoe would be 62 dB(A) at these residences. Noise levels in excess of 75 dB(A) from 7:00 a.m. to 7:00 p.m., 65 dB(A) from 7:00 p.m. to 10:00 p.m., and 60 dB(A) from 10:00 p.m. to 7:00 a.m. would be considered a significant impact. .Although it is unlikely that backhoes would be in use from 10:00 PM to 7:00 AM, if backhoes were used during these hours, noise levels would exceed 60 dB(A) and impacts would be potentially significant. Implementation of **Mitigation Measure NOI-2,** which would limit hours of operation for backhoes, would reduce impacts to a less than significant level.

Roadway Noise Levels

Operation of the proposed project would result in increased noise levels on area roadways due to trips to and from the project site. Existing traffic volumes during PM peak hours are shown in **Table 12, Existing Traffic Volumes for Surrounding Roadway**

54 As discussed above, the applicant is not developing approximately seven acres along the northern and eastern portions of the project site due to the existing slopes and a landslide.

Segments. Based on the ITE Trip Generation Manual, the project would generate 258 weekend trips and 213 weekday trips.

In general, traffic volumes on a roadway must double for the associated noise level to increase by 3 dB(A). If 100 percent of the maximum vehicle trips were allocated to one of the street segments in **Table 12,** traffic would increase by less than 15 percent compared to existing conditions. This increase would be far less than the 50 percent increase required to be noticeable. As a result, roadway noise level from the project would have a less than significant impact. No further analysis is required.

Table 12
Existing Traffic Volumes for Surrounding Roadway Segments

Roadway Segment	Existing Traffic Volumes PM Peak Hour
Malibu Canyon Road between PCH and Civic Center Way	1,111
PCH between Malibu Canyon Road and Webb Way	3,310
Civic Center Way between Malibu Canyon Road and PCH	1,246

Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc. ***Appendix XVI***

b) **Less than significant with mitigation incorporated.** Vibration is sound radiated through the ground. The rumbling sound caused by the vibration of room surfaces is called groundborne noise. The ground motion caused by vibration is measured as particle velocity in inches per second, and in the US is referenced as vibration decibels (VdB).

The background vibration velocity level in residential and educational areas is usually around 50 VdB. The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors causes most perceptible indoor vibration. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity level, and 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

The general human response to different levels of groundborne vibration velocity levels is described in **Table 13, Vibration and Human Response**.

Table 13
Vibration and Human Response

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.

Note:
VdB = Vibration Decibel
Source: Federal transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.

Construction

A variety of the equipment used for the proposed project could generate groundborne vibration and noise. Bulldozers and other earth moving equipment would generate the highest vibration VdB levels, but would not involve pile driving or other activities associated with heavy grading. Further, the addition of heavy vehicle traffic at and around the project site would create on-road truck vibration; however, this type of vibration is not typically perceptible by humans.

The *State CEQA Guidelines* do not define the levels at which groundborne vibration or groundborne noise is considered "excessive." In addition, the City of Malibu has not adopted any thresholds for groundborne vibration impacts. Therefore, the norm is to use the Federal Transit Administration's (FTA) vibration impact thresholds for sensitive buildings, residences, and institutional land uses under conditions where there are an infrequent number of events per day. Thus, in accordance with the vibration impact thresholds of the FTA, a significant impact may occur if the proposed project generates groundborne vibration levels at or exceeding 80 VdB at residences where people normally sleep.

Construction activities that would occur on the project site may have the potential to generate low levels of groundborne vibration. **Table 14, Vibration Source Levels for Construction Equipment**, identifies various vibration velocity levels for construction equipment that may operate during construction of the proposed project.

Table 14
Vibration Source Levels for Construction Equipment

Construction Equipment	Approximate VdB at 25 feet
Large Bulldozer	87
Loaded Trucks	86
Pneumatic Tools	80
Jackhammer	79

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.

The nearest off-site residential structure is approximately 350 feet east of the project site. **Mitigation Measure NOI-3** would require construction activities that produce vibration to be sequenced; as such, vibration levels would not exceed 87 VdB at 25 feet. Further, given that construction activities would occur in excess of 50 feet from the nearest sensitive land uses and the infrequent number of vibration events per day; with implementation of **Mitigation Measure NOI-3,** construction activities would not exceed the ground-borne vibration threshold for sensitive land uses. Additionally, **Mitigation Measure NOI-1** would restrict heavy duty trucks from accessing the project site during the hours of 10:00 PM to 7:00 AM, minimizing vibration impacts during the evening hours. **Mitigation Measure NOI-2** would restrict construction activities during the hours of 7:00 AM to 7:00PM (in accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G).

As vibration generated from construction activities would not occur during recognized sleep hours, construction vibration impacts on residential uses would be less than significant. Further, **Mitigation Measures NOI-4** would restrict the proximity between the vibration construction activities and the nearest residential uses, approximately 350 feet east of the site.

Thus with implementation of **Mitigation Measure NOI-1** through **NOI-4**, impacts would be less than significant and no further analysis is required.

Operation

During operation of the proposed project, there would not be a significant source of ground-borne vibration, such as heavy equipment. Most operational ground-borne vibration would be generated by ground maintenance and excavation activities (required for internments) and vehicular travel on the local roadways. Project-related traffic vibration levels and the use of backhoes during internments would not be perceptible by sensitive receptors. As stated above, a majority of the burial plots would be located on the western portion of the project site, away from the surrounding residential and institutional uses. Thus, operational vibration impacts would be considered less than significant and no further analysis is required.

c) **Less than significant impact.** As discussed above, long term noise impacts would not result from the minimal increase in the number of vehicles traveling to and from the project site. Any roadway noise increase would be negligible and would not be perceptible to the human ear. Thus, impacts would be less than significant. No further analysis is required.

d) **Less than significant with mitigation incorporated.** Construction of the proposed project would contribute to cumulative construction noise levels. In addition to ambient growth in traffic, proposed and/or planned projects that could cause an increase in ambient noise at nearby sensitive receptors if construction of the projects were to occur simultaneously.

However, all related projects would be subject to the City's Noise Ordinance (Chapter 8.24, Section 8.24.050-G) which limits the hours of allowable construction activities. With incorporation of **NOI-1,** through **NOI-4** the proposed project's cumulative construction noise impact would be considered less than significant. No further analysis is required.

e, f) **No Impact.** The nearest airport to the project site is Santa Monica Municipal Airport located approximately 16.9 miles to the southeast. Other airports in the general area include Los Angeles International Airport, located approximately 25.3 miles to the southeast and Bob Hope (Burbank) Airport, located approximately 35.8 miles to the northeast. The project site is not located within two miles of a public airport or within the boundaries of an airport land use plan and would not result in a safety hazard for people residing or working in the project area. Therefore, no impact would occur.

Mitigation Measures

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

NOI-1 Heavy duty trucks accessing the project site, including refrigerator, refuse, recycling, and street cleaning vehicles shall be restricted to daytime and evening operating hours (7:00 AM to 10:00 PM).

NOI-2 In accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G, the use of backhoes and other heavy construction equipment on-site during the operation of the proposed project shall be restricted to daytime and evening hours (7:00 AM to 7:00 PM). Such activity shall be prohibited during nighttime hours (7:00 PM to 7:00 AM).

NOI-3 The project contractor shall use demolition and construction methods not involving impact, where possible. The following shall be included as notes on the project plans:

- Pile drivers, packers, clam shovel drops, hydromills, vibratory rollers, and other major sources of vibration should not be used during construction of the proposed project.
- When feasible, non-impact demolition and construction methods, such as saw or torch cutting and removal for off-site demolition, chemical splitting, and hydraulic jack splitting, shall be used instead of high impact methods.
- Construction activities that produce vibration (e.g., demolition, excavation, earthmoving and ground impacting), shall be sequenced so that the vibration sources do not operate simultaneously.
- Rubber-tired construction equipment shall be in used in place of steel-track equipment whenever possible.

NOI-4 The construction contractor shall avoid using high vibration construction equipment (e.g., large bulldozers) within eight feet of the eastern property line, whenever possible.

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

Responses:

a) **No impact.** The proposed project does not include a residential component and therefore would not directly induce population. Further, the proposed project does not include the extension of infrastructure such as roads that could indirectly induce population. As such, no impact would occur and no further analysis is necessary.

b) **No impact.** The project site is currently vacant, thus no structures (including residential uses) would be demolished to accommodate development of the proposed project. No impact would occur. No further analysis is required.

c) **No impact.** No structures are located on the project site. Therefore, no residents would be displaced as a result of the proposed project. There would be no impacts associated with the displacement of substantial numbers of people. No further analysis is required.

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

Impact Discussion:

a)

Fire Protection?

Less than significant impact.

Construction

Construction of the proposed project could result in a variety of operations that have the potential to increase the risk of fire, such as the use of mechanical equipment in vegetated areas, cutting and grinding metal, welding, and the storage of flammable materials such as fuel, wood and other building materials. Although rare, fires do occur at construction sites. Installation of the electrical, plumbing, and communication infrastructure would be subject to City codes and inspection by City personnel prior to dry walling. In addition, construction sites would also be subject to City requirements relative to water availability and accessibility to fire-fighting equipment during construction. Compliance with City Code requirements would reduce potential fire-

related impacts from construction activities to less than significant. No further analysis is required.

Operation

The County of Los Angeles Fire Department (LACFD) provides fire protection and emergency medical services for the City of Malibu. Operation of the proposed project would increase the demand for fire and emergency services. Increased demand for non-emergency services could include services such as fire safety inspections (e.g., vegetation clearance), building inspections, fire code investigations and code compliance. Emergency responses could include medical and fire protection services.

In addition to the incremental increase in routine emergency and non-emergency response, the project site is located in a VHFHSZ and would be subject to wildfire risk. The proposed project includes multiple design features and other measures to address wildfire hazards, including use of fire resistant building materials, vegetation clearing, and management, security gates with a minimum access width of 26-feet, and approved signs that include the words "NO PARKING FIRE LANE." The project site is not currently served by water infrastructure such as water mains or fire hydrants. The proposed project would be required to install public and private fire hydrants to meet the LACFD water requirements. The water pressure needed to supply the required fire flow of 2,000 gallons per minute (gpm) at 20 psi residual pressure for two consecutive hours for public fire hydrants would be provided by connecting the proposed on-site water infrastructure to the existing water main at the intersection of Seaver Drive and Malibu Canyon Road. The project applicant would be required to obtain a will serve letter from WWD No. 29, to ensure adequate water flow capacity exists to serve the project site, prior to the commencement of any construction activities.

As stated above, this property is located within the area described by the California Department of Forestry and Fire Protection (CAL FIRE), and the LACFD County Forester as a Fire Zone 4, VHFHSZ. All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met. Development within the VHFHSZ has the potential to increase the need for fire protection services.

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

Emergency vehicles would enter and exit the site via Malibu Canyon Road. The site is designed with a counterclockwise access loop, thus emergency vehicles entering the site would proceed down the one-way roadway until reaching the exit driveway, negating the need to turnaround. All roadways would be constructed in conformance with City standards and would be consistent with Fire Department access requirements. Consequently, roadways would be adequate to provide Fire Department access to the project site.

The proposed project would increase the intensity of development on the site by adding a memorial park and chapel. With the construction of the proposed project, emergency calls would be expected to incrementally increase. However, the type of use associated with the proposed project would not be expected to generate a large number of service calls. In addition, the project would be required to comply with all City Building Codes, regulations, and the Los Angeles County Fire Code (Title 32) regarding access requirements for the proposed project and design standards for fire prevention (e.g., emergency plans and evacuation routes). With inclusion of all required City and LACFD design standards, the proposed project would not increase calls such that new or expanded facilities would be required. Based on the above information, implementation of the proposed project would not create capacity or service level problems or result in substantial adverse physical or economic impacts associated with the provision of new or physically altered fire and/or emergency facilities and/or the need for new or physically altered fire and/or emergency facilities in order to maintain acceptable service ratios, response times or other performance objectives. Impacts would be less than significant and no further analysis is required.

Sheriff Protection?

Less than significant impact.

Construction

Development of the proposed project would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Such activities at a construction site do not typically place undue demands on law enforcement services. Construction activity would increase traffic both on and adjacent to the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would increase traffic volumes during the AM peak hour. Slow moving construction-related traffic along local roadways may reduce optimal traffic flows and conceivably could incrementally increase response times and increase vehicle accident potential. During construction, the County Sheriff's Department would require ample access for emergency vehicles and access for Sheriff's vehicles conducting routine patrol. With adequate access, response times would not be extended and the ability of deputies to provide proactive policing and efficient crime

suppression would not be diminished. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact. Potential construction impacts related to Sheriff's emergency access and adequacy of Sheriff's response times is considered less than significant.

Operation

Increased vehicle traffic generated at buildout of the proposed project could adversely affect the operating condition of the local roadway network, specifically along Malibu Canyon Road and PCH. Increased traffic could slow emergency response vehicles including reduced response times based upon heavier traffic and denser transient population in the area. However, mitigation measures included in **Section XVI, Transportation and Traffic**, of this MND would maintain future operation of the local roadway network at levels that are consistent with City standards. Because measures are provided to maintain adequate traffic flow and access, impacts are not considered significant.

During project operation, the County Sheriff's Department would have the responsibility to provide sheriff protection services for the project site. The proposed project could incrementally increase demands for sheriff services due to theft, vandalism, and/or trespassing. However, as the proposed project does not involve any development that would result in population growth, impacts to sheriff services would be less than significant. Further, the sheriff analysis included in the Draft EIR previously completed for the Rancho Malibu Hotel Project, a 274,755 square foot hotel complex with 146 rooms, a spa, swimming pool, bar, ballroom, meeting room facilities, and retail and restaurant uses, concluded that the Rancho Malibu Hotel Project would not exceed the capacity of the existing sheriff services and no new or physically-altered facilities would be required. Thus, as the proposed land use would include fewer facilities, occupants and visitors on the site compared to the Rancho Malibu Project, impacts to sheriff services would be less than significant.

The County Sheriff's Department would also review the site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Incorporation of the Department's recommendations would further reduce the potential law enforcement and protection impacts. With the incorporation of safety design techniques into the project design, potentially significant security impacts to persons and property and calls for service to the County Sheriff's Department would be reduced to a less than significant level.

Based on the above information, implementation of the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered sheriff facilities and/or the need for new or physically altered sheriff

facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times or other performance objectives. No further analysis is required.

Schools/Recreation/Other Public Facilities?

No impact. The proposed project would not directly result in population growth. As such there would be no increase in demand for schools, library services, or parks. No impact would occur. No further analysis is required.

Mitigation Measures

The following mitigation measures are required to reduce potential impacts related to Sheriff protection services to a less than significant level.

PS-1 Prior to issuance of a grading permit, the applicant shall submit to the County Sheriff for review and approval project plans including site design, landscaping, building access and visibility, street circulation, building design and defensible space.

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

Impact Discussion:

a) **No impact**. Refer to **Section XIII. Public Services** above. As discussed above, the proposed project would not result in the addition of any residential uses and would not increase demand on local parks. In addition, the project site would provide trails and a publicly accessible outdoor space. Therefore, there would be no impact to existing neighborhood and regional parks. No further analysis is required.

b) **No impact.** Although the project includes trails and would provide publicly accessible outdoor space, no specific recreational facilities (i.e., sport courts, playgrounds, etc.) would be constructed as part of the project. No impact would occur. No further analysis is required.

XVI. TRANSPORTATION and TRAFFIC. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☒	☐	☐
b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e)	Result in inadequate emergency access?	☐	☐	☒	☐

XVI. TRANSPORTATION and TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Impact Discussion:

a) Less than significant impact with mitigation incorporated. Overland Traffic Consultants Inc., prepared a traffic impact analysis for the proposed project in February 2013 with an updated report in January of 2015 and a revised memo (to address project changes) in October 2015 (refer to **Appendix XVI**). The findings from both documents are summarized below. The traffic impact analysis analyzed the following 10 study intersections to determine if the proposed project would result in a potentially significant traffic impact:

1. Kanan Dume Road and PCH
2. Malibu Canyon Road and PCH
3. Malibu Canyon Road and Proposed Project Driveway
4. Malibu Canyon Road and Civic Center Way
5. Civic Center Way and Webb Way/Stuart Ranch Road
6. Webb Way and PCH
7. Cross Creek Road and PCH
8. Malibu Pier Signal and PCH
9. Carbon Canyon Road and PCH
10. Las Flores Canyon Road and PCH

In addition, the following three street segments were analyzed:

1. PCH east of Cross Creek Road
2. PCH west of Malibu Canyon Road
3. Malibu Canyon Road north of Civic Center Way

Project Trip Generation

The number of trips generated by the proposed project was based upon the Institute of Transportation Engineers *Trip Generation Manual, 9th Edition.* Trip rates for church and cemetery uses (ITE Land Use Codes 560 and 566) were utilized to calculate the trip generation for the proposed project uses. **Table 15, Project Trip Generation Summary,** provides a summary of trip generation factors and distribution. The project would generate a total of 258 daily weekday vehicle trips, with 10 trips (6 inbound and 4 outbound) during the AM peak hour, and 29 (10 inbound and 19 outbound) during the PM peak hour. In addition, 258 weekend (Saturday) vehicle trips, with 119 total midday trips (67 inbound and 52 outbound trips).

Table 15
Project Trip Generation Summary

	Weekday	AM Peak			PM Peak			Saturday Daily	Saturday Midday Peak		
Land Use	Daily	In	Out	Total	In	Out	Total		In	Out	Total
Church per 1,000 sq ft	9.11	0.35	0.21	0.56	0.26	0.29	0.55	10.37	2.51	1.03	3.54
Cemetery per acre	4.73	0.12	0.05	0.17	0.28	0.56	0.84	5.94	1.58	1.51	3.09

Sq ft- square feet
*Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc. (**Appendix XVI**)*

Methodology

In accordance with the City of Malibu practices, the Intersection Capacity Utilization (ICU) methodology was applied to determine the level of service (LOS) for signalized intersections, while the LOS for the unsignalized intersection (Webb Way/Stuart Ranch Road and Civic Center Way) was calculated using the Highway Capacity Manual (HCM) methodology.

The ICU method compares existing or future projected traffic volumes at an intersection to the capacity of the intersection to produce a volume-to-capacity (v/c) ratio, which in turn determines LOS. The ICU method uses traffic volume-to-roadway capacity (v/c) ratios to determine LOS. The HCM method LOS is dependent on the occurrence of gaps occurring in the traffic flow of the main street. The HCM method uses traffic volume

and intersection configuration data, which in turn determines LOS. The LOS is determined based on the worst individual movement or movements sharing a single lane. Traffic flow ranges from excellent conditions at LOS A to overloaded conditions at LOS F for both methods.

The City of Malibu traffic impact standards define "significant" project traffic impact for signalized intersections as an increase of four percent or more in v/c if the intersection is operating at LOS C, two percent or more in v/c if the intersection is operating at LOS D, and one percent of more if the intersection is operating at LOS F. A "significant" project traffic impact for unsignalized intersections would occur if: the LOS at an un-signalized intersection is degraded to an LOS of D or worse, for an unsignalized intersection currently operating at an unacceptable level delay is increased by five seconds or more, and/or impacts result in satisfying the most recent California Manual on Uniform Traffic Control Devices peak hour volume warrant or other warrants for traffic signal installation and intersection.

Existing Conditions

Manual intersection counts at the 10 study intersections were performed in July 2012, during the 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM peak periods. Weekend traffic counts were conducted on a Saturday from 11:00 AM to 1:00 PM. The results of the counts were used to determine existing AM and PM peak-hour traffic conditions, as well as weekend midday peak hour traffic conditions. The existing LOS was calculated based on the traffic count levels and intersection geometrics.

Table 16, Existing and Future (2016) With and Without Project Intersection Level of Service (LOS) Summary, indicates the existing LOS at the ten study intersections. For Future Project Buildout (Year 2016) Without Project, traffic conditions for all ten intersections are projected to operate at acceptable LOS during the AM, PM and weekend peak hours.

Table 16
Existing and Future (2016) With and Without Project
Intersection Level of Service Summary

	Study Intersection	Peak Hour	Existing Conditions (2012)		Future 2016 Without Project		Future 2016 With Project		Change in	Sig
			ICU/HCM	*LOS*	*ICU/HCM*	*LOS*	*ICU/HCM*	*LOS*	ICU/HCM	Impact?
1	Kanan Dume Rd./PCH	AM	0.394	A	0.481	A	0.481	A	0.00	No
		PM	0.633	B	0.772	C	0.774	C	0.002	No
		Sat/Midday	0.715	C	0.846	D	0.847	D	0.001	No
2	Malibu Canyon Rd./PCH	AM	0.674	B	0.773	C	0.773	C	0.00	No
		PM	0.669	B	0.659	B	0.659	B	0.00	No
		Sat/Midday	0.716	C	0.853	D	0.863	D	0.010	No
3	Malibu Canyon Rd./Proposed Project Driveway[1]	AM	-	-	-	-	8.9 sec	A	N/A	No
		PM	-	-	-	-	10.1 sec	B	N/A	No
		Sat/Midday	-	-	-	-	9.6 sec	B	N/A	No
4	Malibu Canyon Rd./Civic Center Way	AM	0.503	A	0.524	A	0.525	A	0.001	No
		PM	0.472	A	0.357	A	0.358	A	0.001	No
		Sat/Midday	0.347	A	0.359	A	0.364	A	0.005	No
5	Webb Way/Civic Center Way[2]	AM	10.14 sec	B	11.62 sec	B	11.64 sec	B	0.02 sec	No
		PM	22.15 sec	C	49.76 sec	E	50.52 sec	F	0.76 sec	No
		Sat/Midday	9.73 sec	A	13.82 sec	B	14.33 sec	B	0.51 sec	No
6	Webb Way/PCH	AM	0.526	A	0.576	A	0.577	A	0.001	No
		PM	0.661	B	0.688	B	0.691	B	0.003	No
		Sat/Midday	0.703	C	0.872	D	0.888	D	0.016	No
7	Cross Creek Rd./PCH	AM	0.594	A	0.668	B	0.668	B	0.00	No
		PM	0.781	C	0.979	E	0.981	E	0.002	No
		Sat/Midday	0.800	C	1.021	F	1.029	F	0.008	No
8	Malibu Pier Signal/PCH	AM	0.576	A	0.639	B	0.640	B	0.001	No
		PM	0.655	B	0.764	C	0.766	C	0.002	No
		Sat/Midday	0.638	B	0.764	C	0.784	C	0.010	No
9	Carbon Canyon Rd./PCH	AM	0.538	A	0.606	B	0.607	B	0.001	No
		PM	0.644	B	0.757	C	0.758	C	0.001	No
		Sat/Midday	0.648	B	0.779	C	0.788	C	0.009	No
10	Las Flores Canyon Rd./PCH	AM	0.580	A	0.646	B	0.646	B	0.00	No
		PM	0.691	B	0.802	D	0.803	D	0.001	No
		Sat/Midday	0.678	B	0.802	D	0.812	D	0.010	No

[1]= *The proposed project driveway is not constructed*

[2]= *Unsignalized intersection (stop control delay in seconds per vehicle)*

Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc.

Future (2016) with Project

In addition to the traffic generated by the related project list, other projects outside the study area or projects unknown at this time may contribute to the traffic volume in the area. To account for this outside influence, an ambient annual growth factor (1.5 %) has been applied to the existing 2012 traffic counts to establish the 2016 study year. This growth factor is based on the growth rates agreed to by the City of Malibu staff for the 2016 study year. The use of both the related project traffic volume growth and the ambient growth factor provides a conservative estimate of future traffic growth in the study area for 2016.

Table 15 above includes the Future 2016 with Project and Cumulative conditions LOS for the ten study intersections. All of the ten intersections would continue to operate at an acceptable LOS under the Future 2016 With Project conditions. Impacts would be less than significant.

Future (2030) Cumulative with Project

Table 17, Future (2030) With and Without Project Intersection Level of Service Summary shows the Future 2030 With Project and Cumulative conditions LOS at the 10 study intersections. As shown, nine of the ten intersections would continue to operate at acceptable levels of service during Future 2030 With Project and Cumulative conditions. However the change in traffic flow (generated by the proposed project) would result in a significant impact at the intersection of Webb Way and PCH (no. 6) during the Saturday midday peak hour; the LOS at this intersection would degrade from LOS D to E.

It should be noted that increases to the regional growth by 2030 without any improvements at this intersection degrades the intersection congestion levels during the Saturday mid-day period from Level of Service D to E. At LOS E the additional project traffic becomes significant at the more congested LOS with the cumulative projects traffic and the extra regional growth.

Table 17
Future (2030) With and Without Project Intersection Level of Service Summary

	Study Intersection	Peak Hour	Future 2030 Without Project ICU/HCM	LOS	Future 2030 With Project ICU/HCM	LOS	Change in ICU/HCM	Sig Impact?
1	Kanan Dume Rd./PCH	AM	0.491	A	0.491	A	0.00	No
		PM	0.789	C	0.789	C	0.00	No
		Sat/Midday	0.865	D	0.866	D	0.001	No
2	Malibu Canyon Rd./PCH	AM	0.790	C	0.790	C	0.00	No
		PM	0.674	B	0.674	B	0.00	No
		Sat/Midday	0.873	D	0.883	D	0.10	No
3	Malibu Canyon Rd./Proposed Project Driveway[1]	AM	-	-	9.0 sec	A	N/A	No
		PM	-	-	10.1 sec	B	N/A	No
		Sat/Midday	-	-	9.6 sec	A	N/A	No
4	Malibu Canyon Rd./Civic Center Way	AM	0.537	A	0.537	A	0.00	No
		PM	0.365	A	0.66	A	0.001	No
		Sat/Midday	0.367	A	0.372	A	0.004	No
5	Webb Way/Civic Center Way[2]	AM	11.85 sec	B	11.88 sec	B	0.03 sec	No
		PM	54.57 sec	F	55.48 sec	F	0.91 sec	No
		Sat/Midday	14.10 sec	B	14.18 sec	B	0.08 sec	No
6	Webb Way/PCH	AM	0.588	A	0.590	A	0.002	No
		PM	0.704	C	0.707	C	0.003	No
		Sat/Midday	0.890	D	**0.908**	**E**	**0.018***	**Yes**
7	Cross Creek Rd./PCH	AM	0.682	B	0.683	B	0.001	No
		PM	1.00	E	1.001	F	0.001	No
		Sat/Midday	1.043	F	1.052	F	0.009	No
8	Malibu Pier Signal/PCH	AM	0.653	B	0.655	C	0.001	No
		PM	0.786	C	0.787	B	0.008	No
		Sat/Midday	0.782	C	0.790	C	0.001	No
9	Carbon Canyon Rd./PCH	AM	0.619	B	0.620	B	0.001	No
		PM	0.773	C	0.775	C	0.002	No
		Sat/Midday	0.796	C	0.806	D	0.008	No
10	Las Flores Canyon Rd./PCH	AM	0.660	B	0.661	B	0.001	No
		PM	0.820	D	0.822	D	0.002	No
		Sat/Midday	0.819	D	0.829	D	0.010	No

[1]= *The proposed project driveway is not constructed*
[2]= *Unsignalized intersection (stop control delay in seconds per vehicle)*
*= *Significant impact*
Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc.

As shown in **Table 17**, under the Future 2030 With Project and Cumulative conditions scenario, cumulative development, including the proposed project, is projected to result in significant impacts to the LOS at the intersection of Webb Way and PCH. The Saturday midday peak hour v/c ratio would increase by 0.018 percent, causing the LOS

to drop to E. With the installation of eastbound dual left-turn lanes along PCH, cumulative impacts would be mitigated. However, while PCH is a modified urban arterial, any modifications to the roadway that deviate from the Caltrans highway/freeway design standards would require Caltrans review and approval. Further, prior to installation of the eastbound dual left-turn lanes, the project applicant would be required to apply for and obtain an encroachment permit from Caltrans. If Caltrans denies the encroachment application, the project applicant would be required to cover the costs associated with expanding the south side of PCH at the impacted intersection. Implementation of **Mitigation Measure TR-1** would require the project applicant to submit a restriping plan for the Webb Way and PCH intersection to Caltrans for review and approval, as well as provide the necessary funds needed to implement the proposed restriping. Several land developments have been recently filed with the City of Malibu and are expected to occur within a similar time frame with similar traffic impacts. Therefore, the applicants may implement a mitigation funding mechanism through a fair share process to mitigate the cumulative traffic impacts created by a group of development projects enabling the installation of larger traffic improvements. The proposed project could participate in the funding program to implement the recommended traffic mitigation measures. With mitigation, impacts would be less than significant and no further analysis is required.

Arterial Roadways

The traffic impact analysis analyzed potential impacts on the following three street segments: PCH east of Cross Creek Road, PCH west of Malibu Canyon Road and Malibu Canyon Road north of Civic Center Way. Potential impacts to the three street segments were determined based on a comparison of the future without and without project conditions. Pursuant to City thresholds, a significant impact would occur if the v/c ratio on a roadway segment currently operating at a LOS D, E, or F increases by 0.05 or more. In July 2012, 24-hour traffic counts were conducted to determine the existing number of vehicles as well as the projected number of vehicles as a result of the proposed project and ambient growth. As shown in **Table 18, Arterial Street Segment Traffic Impact Analysis**, potential impacts on the three street segments from the proposed project and cumulative projects would be less than significant and no further analysis is required.

Operational Truck Trips

Soil export for the proposed 28,265 in-ground burial sites is estimated to be a total of 76,625 cubic yards of soil. Assuming a 25 year horizon for complete occupancy of the in-

ground interments for the site[55], and a typical truckload of 18 cubic yards, 4,257 truckloads would be required to remove the grave spoils.

Amortized over a 25 year period this would amount to 3.3 truckloads per week, calculated as follows: 4,257 / 25=170 170/52 =3.3. This would potentially add two truck trips (one in-bound and one out-bound) to local streets four days per week during off-peak periods. As such, roadway impacts from truck trips hauling soil would be less than significant.

Even though the impacts related to operational truck trips would be less than significant, implementation of **Mitigation Measure TR-2**, which is a condition of approval, will be incorporated to the project to further minimize any impacts. The condition of approval will limit truck trips to off-peak traffic hours.

55 As a worst case scenario, this analysis assumes four interments per day, 300 days per year using the following calculations: 28,265/4 = 7,067 7,067/300 = 23.65 , rounded up to 25 years.

Table 18
Arterial Street Segment Traffic Impact Analysis

			Existing Condition					Future 2016 With Project				Future 2030 Condition			
	Street Segment	Capacity	Peak Hour	Volume	V/C	LOS	Project Volume	Percent Increase	Volume	V/C	LOS	Percent Increase	Volume	V/C	LOS	Percent Increase
1	PCH east of Cross Creek Road	3,100	AM	2,839	0.92	E	5	0.2%	3,298	1.06	F	0.2%	3,380	1.09	F	0.1%
			PM	2,640	1.17	F	14	0.4%	4,360	1.41	F	0.3%	4,465	1.44	F	0.3%
			Sat/Midday	3,541	1.14	F	56	1.5%	4,332	1.40	F	1.2%	4,434	1.43	F	1.2%
2	PCH West of Malibu Canyon Road	3,100	AM	1,909	0.62	B	2	0.1%	2,192	0.71	C	0.1%	2,247	0.72	C	0.1%
			PM	2,834	0.91	E	6	0.2%	3,243	1.05	F	0.2%	3,324	1.07	F	0.2%
			Sat/Midday	3,212	1.04	F	30	0.9%	3,707	1.20	F	0.8%	3,799	1.23	F	0.8%
3	Malibu Canyon Road north of Civic Center Way	2,800	AM	1,861	0.66	B	3	0.2%	2,056	0.73	C	0.1%	2,110	0.75	C	0.1%
		2,500	PM	2,073	0.83	D	8	0.4%	2,346	0.94	E	0.3%	2,406	0.96	E	0.3%
		2,650	Sat/Midday	1,557	0.59	A	30	1.9%	1,829	0.69	B	1.6%	1,873	0.71	C	1.6%

Source: Traffic Impact Analysis Malibu Memorial Park, prepared by Overland Traffic Consultants, Inc.

b) **Less than significant impact.** The Congestion Management Program (CMP) was created statewide as a result of Proposition 111 and has been implemented locally by the Los Angeles County Metropolitan Transportation Authority (LACMTA). As detailed in the "Congestion Management Program for Los Angeles County," CMP analysis is a required provision for a traffic impact study if the geographic area examined in the study includes the following:

- All CMP arterial monitoring intersections, including monitored freeway on or off ramp intersections, where the proposed project would add 50 or more trips during either the AM or PM weekday peak hours (of adjacent street traffic).

- If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed project would add 50 or more peak hour trips (total of both directions). Within the study area, the traffic impact analysis must analyze at least one segment between monitored CMP intersections.

- Mainline freeway monitoring locations where the project would add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.

In addition, the City has established a CMP threshold; impacts to CMP intersections would be significant if the proposed project increases the v/c ratio by 2 percent or more at CMP intersections with an LOS F and/or results in LOS F.

The CMP arterial monitoring intersections closest to the project site are:

- Las Flores Canyon Road and PCH

- Malibu Canyon Road and PCH

- Kanan Dume Road and PCH

The City's CMP criterion is the preferred threshold as it is more stringent. The traffic impact analysis prepared for the proposed project determined that project related impacts to the three CMP intersections listed above would be less than significant. No further analysis is required.

In addition, pursuant to the CMP, the traffic impact analysis projected the number of public transit trips generated during operation of the proposed project. Operation of the proposed project would not result in any public transit trips during the weekday however, six project generated trips would occur during the weekend. Based on the low number of public transit trips, and the existing public transit service provided by Metro (including three eastbound and three westbound busses during the weekend mid-day peak hours), impacts would be less than significant. No further analysis is required.

c) **No Impact.** The uses proposed by the project are not associated with a substantial increase in air traffic. The project is not located within an airport safety zone nor does the project propose any structure that would conflict with air traffic patterns. No impact would occur.

d) **Less than significant impact.** Access to the project site would be provided via a divided driveway on Malibu Canyon Road, approximately 700 feet north of PCH. As the project site entrance and exit would be along the curvature of Malibu Canyon Road, views of oncoming traffic would be restricted for vehicles exiting the project site. For this reason, vehicles exiting the project site would not be allowed to make a left hand turn (towards PCH); only right hand turns would be allowed when exiting the project site.

Emergency vehicle access is proposed via the divided driveway on Malibu Canyon Road.[56] Both the entrance and exit driveway would be constructed to the standard width (26 feet) required to accommodate emergency vehicles (For a more detailed discussion see **Section XIV, Public Services Fire**). The impact would be less than significant and no further analysis is required.

e) **Less than significant impact.** The project is not anticipated to interfere with an emergency response plan or evacuation plan. The project would be subject to the conditions included in the CDP approval, submitted on behalf of the project, including development of the project site in consultation with the Los Angeles County Fire Department and Los Angeles County Sheriff Department, as well as in compliance with applicable access standards during construction and operation of the project. All funeral processions during operation would be required to coordinate with the sheriff as to minimize potential nuisances and obstructions on public roadways. In addition, California Vehicle Code § 2817 prohibits anyone from disregarding any traffic signal or direction given by a peace officer in uniform authorized to escort a funeral procession. Therefore, the impact would be less than significant and no further analysis is required.

f) **No impact.** The Metropolitan Transportation Authority (Metro) provides public transportation services in the area. Bus service, Route 534 operates along Civic Center Way, with stops on Malibu Canyon Road (south of Civic Center way and Seaver Drive). Development of the proposed project would not interfere with public transit, bicycle, and/or pedestrian facilities. Further the proposed project would not conflict with any local and/or regional adopted alternative transportation policies, plans, or programs. There would be no impact to alternative transportation plans and/or infrastructure. No further analysis is required.

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56 The 32 foot radius cul-de-sac proposed at the end of the private driveway would provide for the required Fire Department turnaround.

Mitigation Measures

The following mitigation measure is required to reduce potential impacts related to traffic and circulation to a less than significant level.

TR-1 The project applicant shall fund the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way. Prior to construction, all applicable permits shall be obtained from Caltrans. **Figure 13, Conceptual Traffic Mitigation, Webb Way & Pacific Coast Highway,** illustrates the design of the PCH intersection improvements. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection of the project site. Alternatively, should the design exception not be approved, the project applicant shall provide sufficient, proportional funds to Caltrans to widen the southern side of PCH at this intersection. In the event of this occurrence, the applicant would be required to obtain separate permits and undergo a separate environmental review for the highway widening.

TR-2 The property owner and/or operator shall implement the following measures during the ongoing operation of the memorial park:

1. Schedule truck trips for the export of soil related to the burials during off-peak traffic hours;

2. Stockpiles shall be limited to locations that will be pre-determined by the Planning Director where it would avoid visual impacts; and

3. Dust control measures must be in place for the stockpiles.

SOURCE: Webb Way & Pacific Coast Highway Source Overland Traffic Consultants, Inc.

FIGURE **13**

IMPACT SCIENCES

Conceptual Traffic Mitigation

0592-004•6/16

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	☐	☐	☒	☐

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Responses:

a) **Less than significant impact.** The City currently does not maintain a publicly owned and operated sewer system. As a result, residents, businesses and public facilities in the City are required to provide their own on-site wastewater treatment systems (OWTS), commonly known as septic systems, to dispose of wastewater (i.e., percolation through leach lines or dry wells). The project site is currently undeveloped, does not generate any wastewater, and is not served by an OWTS.

The Malibu Creek Watershed has been the subject of numerous recent analyses pertaining to water quality. In particular, permitting decisions and water quality studies have focused on bacterial contamination and nutrient loading to the watershed and, more specifically, to Malibu Creek and Malibu Lagoon, which is situated near Surfrider Beach at the southeastern corner of Malibu Valley.

In response to the findings of these studies, an amendment to the Regional Water Quality Control Board's (RWQCB) "Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties," also known as the Basin Plan,[57]

57 Los Angeles Regional Water Quality Control Board, *Water Quality Control Plan*, 1994.

went into effect on December 23, 2010, for the Malibu Civic Center Area. The amendment (Resolution No. R4-2009-007) was adopted by the RWQCB and ratified by the State Water Resources Control Board (SWRCB) (Resolution No. 2010-0045) to institute a prohibition on new and existing discharges from OWTS in the Malibu Civic Center Area (Prohibition). The Prohibition applies to the "Malibu Civic Center Area," defined as portions of the lower Winter Canyon watershed, Malibu Valley watershed and adjacent coastal strips between and including Amarillo Beach and Surfrider Beach, and also known as the Prohibition Zone (Refer to **Figure 14, Prohibition Zone**).

To address the Prohibition, the City entered into a memorandum of understanding (MOU) with the RWQCB and SWRCB to develop a wastewater treatment plant to handle existing and potential future wastewater treatment needs in the Prohibition Zone. The MOU directs the City to design and construct a centralized wastewater treatment facility and to fund it by way of an assessment district. The MOU states that the facility may utilize deep well injection without the use of reverse osmosis, and sets forth a specific schedule and phasing map for properties to cease discharge (i.e., stop the use of OWTSs) and to connect to the new CCWTF as follows: Phase 1, for the Civic Center Area commercial-core, by November 2015; and Phase 2, the remaining commercial, institutional (including the proposed project), residential and multi-family properties in the Area, by November 2019.[58] A third phase of properties may have to cease discharge at a later date, depending on the water quality monitoring results from instituting the first two phases as prescribed in the MOU.

The proposed project was included in the overall Prohibition Zone capacity and design calculations for the CCWTF, but is not included in the Phase 1 assessment district. The project would need to be included in a subsequent assessment district/phase for connection to the CCWTF.[59] With payment of fees to connect to the CCWTF, impacts would be less than significant and no mitigation is required.

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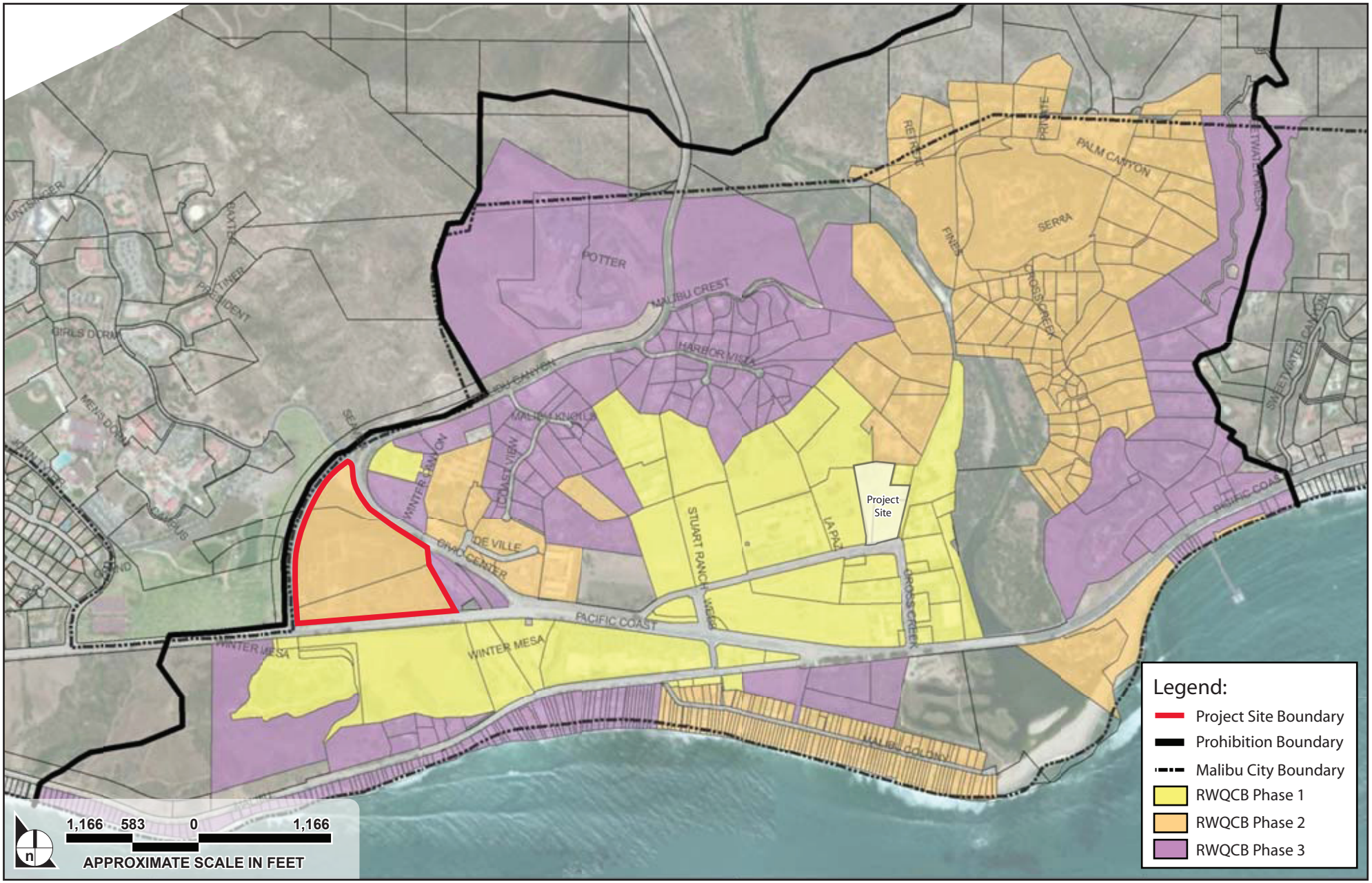
58 Phase 1 of the wastewater treatment facility began in July 2016 and is expected to be completed and operational by Fall 2018. The MOU was amended in December 2014 to allow properties in Phase 1 of the Prohibition Area (primarily the commercial core of the Civic Center) to connect by June 2017 and Phase 2 (primarily residential properties) to connect by November 2022. An additional MOU amendment is expected in early 2017 to adjust the construction and connection schedules to match current expectations.

59 Certified EIR for the CCWTF: http://www.malibucity.org/index.aspx?NID=786



SOURCE: City of Malibu, 2013

FIGURE **14**

IMPACT SCIENCES

Prohibition Zone

0592.004•03/16

b) Less than significant impact.

Wastewater

Based on the Wastewater Conformance Review produced by Ensitu Engineering, Inc., dated November 5, 2015, prepared for the proposed project, the average wastewater discharge from the proposed project during a normal event week would be approximately 860 gallons per day, compared to an average of 1,800 gallons per day during a maximum event week.

Wastewater flow generation estimates for the CCWTF were developed for each type of land use within the Prohibition Zone, including the proposed project. These generation estimates were applied, by parcel, to develop the flow rates used in the CCWTF project design and phasing. These flow rates were applied to each parcel in the Prohibition Zone to arrive at the estimated buildout average dry weather flow for the entire Prohibition Zone. Wastewater collection and recycled water distribution lines for Phase 1 are being constructed in the public rights of way adjacent to the project site. As described in (a) above, the proposed project would be included in a subsequent assessment district/phase of the CCWTF, and would pay the assessment and connection charges. Future phases of the CCWTF are anticipated by the MOU and account for all properties in the civic center area. The project would not require or result in the construction of a new CCWTF or expansion of existing facilities. Impacts would be less than significant and no mitigation is required.

Water

Malibu is supplied water from Los Angeles County WWD No. 29, which is a purveyor for the Metropolitan Water District (MWD) of Southern California. WWD No. 29 is responsible for providing water to its customers while meeting all applicable federal and state water quality standards. WWD No. 29's major system facilities include approximately 200 miles of water main (approximately 5 percent or 53,600 linear feet are above ground), 32 pump stations, and 52 tanks with a storage capacity of approximately 20 million gallons. Currently, WWD No. 29 has storage capacity for approximately three days; however, several projects have been constructed to improve water service reliability.[60] The service area of WWD No. 29 includes Marina del Rey, the City of Malibu, and unincorporated territory within Topanga Canyon.

WWD No. 29 purchases water from the West Basin Municipal Water District, which purchases water from the MWD. MWD serves 26 member agencies and imports water

60 Waterworks District No. 29 , Malibu and the Marina del Rey Water System, *2010 Urban Water Management Plan*

from the Colorado River Aqueduct (CRA) and the State Water Project (SWP) in the Sacramento–San Joaquin Delta and distributes this water to its member agencies.

The City of Malibu receives water through a 30-inch water main running along PCH, with several distribution pipelines running north towards the canyons. Water is pumped at several locations from the main transmission pipeline into canyons and other parts of the City. The Malibu Beach Pump Station, an in-line pump station, maintains pressure in the western half of the transmission main line.[61]

An existing 15 3/8-inch water main is located at the intersection of Seaver Drive and Malibu Canyon Road. While the project site is located immediately south of the existing water main owned and operated by WWD No. 29, the project site lacks sufficient infrastructure and necessary facilities including, water pumps and pipes. It is anticipated that the project applicant could be required to install a 16-inch water main (approximately 1,800 feet long) along Malibu Canyon Road, as well as a 16-inch water main (approximately 1,200 feet long) along PCH.[62]

Temporary disruptions to water service in the project vicinity during the construction of the new pipeline could occur. Such temporary disruptions in water service are generally planned in advance to avoid peak demand times and advance notification would be given.

In addition, construction of the pipeline would occur within the public right of way and could cause vehicle delays. In order to further minimize potential conflicts between construction activity and through traffic in the vicinity of the project site, as a condition of approval, the project applicant would prepare a traffic construction management plan, prior to the initiation of construction. The traffic construction management plan will identify all traffic control measures, haul routes, delineators, and signs required to be implemented by the construction contractor throughout the duration of construction activity. The specific details and extent of associated staging of construction equipment and materials will be included in that plan.

Therefore, as construction activities associated with the installation of the water pipeline would be temporary, impacts would be less than significant.

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61 Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

62 Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

Construction

Water would be used during construction primarily as a dust palliative and to moisten the fill dirt to achieve the required compaction during all grading and excavation activities. During construction, no water use for the proposed institutional use would occur on the project site and it is expected that low volumes of water would be consumed for construction uses. The amount of water required for construction uses is anticipated to be minimal making construction impacts less than significant.

Operation

As mentioned above, the water supply and infrastructure system serving the project site includes a 15 3/8-inch water main at the intersection of Seaver Drive and Malibu Canyon Road. The project applicant has agreed to design and construct all water related property specific improvements which could include a 16-inch water main approximately 1,800 feet long along Malibu Canyon Road, a 16-inch water main approximately 1,200 feet long along PCH, a pressure reducing station, fire hydrant assemblies, and a reduced pressure principle detector assembly(ies). These improvements are necessary in order for WWD No. 29 to provide the customary level of water service required by the Los Angeles County Fire Department.[63]Upon completion of construction of these improvements, the project applicant would dedicate the water infrastructure upgrades to WWD No. 29. Impacts from the construction of new water treatment facilities and the expansion of existing facilities would be less than significant. No mitigation is required.

Development of the project site as a memorial park would increase water demand, as operation of the site would require potable water for restrooms (i.e., sinks, toilets). Projected potable water consumption rates associated with the proposed project is assumed to be 120 percent of the wastewater generated of a given land use. **Table 19, Proposed Project Approximate Water Consumption,** includes the daily projected potable water consumption for the proposed project, during both a regular and maximum event. The proposed project is expected to require approximately 860 gallons of water per day (gpd) during a regular event and 2,160 gpd of water during a maximum event.

63 Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

Table 19
Proposed Project Approximate Water Consumption

Event	Wastewater Flow (gpd)	Generation Rate	Potable Water Consumption (gpd)
Regular	860	1.20	1,032
Maximum	1,800		2,160

Source: Wastewater Conformance Review produced by Ensitu Engineering, Inc

In addition to the increase in potable water consumption, non-potable water would be used for the proposed projects' landscaping and could be used for water features. To comply with the City's landscape and open space regulations the proposed project is required to provide 40 percent of the site area for landscaping (approximately 11 acres) and 25 percent as open space (approximately 7 acres). Under the proposed project, 35 percent of the project site would be landscaped (approximately 16 acres) and 35 percent would be open space (approximately 10 acres). The project site would be landscaped with trees, native shrubs, and native grasses as shown in **Figures 5** and **6.** Based on the landscaping plans provided by the applicant and the proposed plant palette, the project is estimated to use approximately 17.26 acre feet per year of water for irrigation. As described above, non-potable water is required for use to the extent it becomes available for the project.

The existing vegetation located on the southern, eastern, and northern portions of the project site would remain. The landscaping would consist of a mix of developed wall planters, lawns using drought-tolerant plants and other landscaping. Two water features would be included on the site, with the largest feature located at the vehicle entrance/exit along Malibu Canyon Road and continuing the length of the main driveway. A smaller water feature would be located at the rear of the chapel.

Recycled water would be used to irrigate the landscaped areas and operate the water features to the extent that it becomes available to the project. Currently, production and use of recycled water is limited for properties located within WWD No. 29's jurisdiction, as a majority of the properties are not yet serviced by a wastewater treatment plant. Demand for recycled water from the CCWTF is higher than was initially anticipated. Therefore, the applicant would increase the use of recycled water as it becomes available from the CCWTF.

As discussed under **Section VI Geology and Soils (e)** above, the City's CCWTF is expected to be operational for commercial properties in Fall 2018 (prior to operation of the proposed project). Further, operation of the CCWTF would increase the amount of recycled water available (for irrigation use) and may be available to serve the project site over time. Thus, impacts associated with potable and recycled water consumption would be less than significant. No further analysis is required.

c) **Less than significant impact.** Following project buildout, approximately 57 percent of the project would be landscaped with permeable surfaces. The project would be designed with drainage systems, such as gutters, that would direct storm water flows to the proposed private storm water collection system then to the municipal storm drains. Stormwater drainage plans would be submitted to the Malibu Department of Public Works for review and approval prior to the development of any drainage improvements. These plans must meet all requirements for the City's municipal separate stormwater sewer system permit, so that no impact to water quality at downstream facilities would occur. In addition, the proposed project would comply with all applicable water quality standards and waste discharge requirements. Consequently, the construction or expansion of new or existing stormwater drainage facilities is not anticipated, and the impact of the proposed project on storm water drainage facilities would be less than significant. No mitigation is required.

d) **Less than significant impact.** Senate Bill 221 and Senate Bill 610 amended existing California law regarding land use planning and water supply availability by requiring more information and assurance of supply than is currently required in an UWMP. As of January 1, 2002, California law requires water retail providers, like the WWD No. 29, to demonstrate that sufficient and reliable supplies are available to serve large-scale developments (i.e., 500 dwelling units or 250,000 square feet of commercial space) prior to completion of the environmental review process and approval of such large-scale projects.

Under SB 610, it is the responsibility of the water service provider to prepare a Water Supply Assessment (WSA) requested by a City or County for any "project" defined by Section 10912 of the Water Code that is subject to CEQA. Section 10912 of the Water Code defines a "project" as

- a proposed residential development of more than 500 dwelling units;
- a proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- a proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- a proposed hotel or motel, or both, having more than 500 rooms;
- a proposed industrial, manufacturing or processing plant, or industrial park, planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor space;
- a proposed mixed-use project that includes one or more of the previously listed projects; or

- a proposed project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.

The proposed project would not meet any of the criteria resulting in the need for a WSA; therefore, no WSA is needed.

Projected water consumption rates associated with the proposed project are assumed to be 120 percent of the wastewater generated of a given land use. As discussed above, the projected wastewater generation for the proposed project during a maximum event week is 1,800 gallons per day. Based on this information, the proposed project would be expected to require 2,160 gallons of water per day. However, as discussed under the project description, above, the proposed project would comply with the MMC Water Efficient Landscape Ordinance and may use, if made available, recycled water to irrigate the landscaped areas. Therefore, the project's projected water consumption rate (2,160 gallons of water per day) is a conservative estimate.

These water estimates are considered conservative and do not reflect the energy saving features of the proposed project such as low flow fixtures, the use of drought tolerant landscaping, and the requirement to achieve energy consumption rates 15 percent greater than what is required by Title 22. With incorporation of these water saving features, it is expected the proposed project would use less than the projected 2,160 gallons per day.

Water supply entitlements have been secured by WWD No. 29 and are adequate to serve the projected growth in Malibu, including the proposed project. WWD No. 29 purchases water from the West Basin Municipal Water District, which purchases water from the MWD. MWD includes adequate water resources in its Integrated Resources Plan. Therefore, WWD No. 29 would be able to adequately supply the proposed project.

In addition to the required daily water supply, the project applicant would be required to install additional water system facilities required to serve the proposed project and meet the Los Angeles County Fire Department requirements. As discussed above, it is anticipated that the project applicant will be responsible for water supply upgrades to the site, which could include; a 16-inch water main approximately 1,800 feet long along Malibu Canyon Road, a 16-inch water main approximately 1,200 feet long along PCH, a pressure reducing station, fire hydrant assemblies, and a reduced pressure principle detector assembly(ies). These improvements are necessary in order for WWD No. 29 to

provide the customary level of water service required by the Los Angeles County Fire Department.[64]

The water pressure needed to supply the required fire flow of 2,000 gpm at 20 psi residual pressure for two consecutive hours for public fire hydrants and 1250 gpm at 20 psi for private fire hydrants would be provided by connecting the proposed on-site water infrastructure to the existing mainline at Seaver Drive and Malibu Canyon Road. According to Los Angeles County Department of Public Works, WWD No. 29, adequate water flow exists to serve the project site. The project site is located near an existing water main currently owned and operated by WWD No. 29 which under normal conditions would have adequate pressure to accommodate the necessary fire flow.[65] In addition, the project applicant is required to provide the City of Malibu with a letter from WWD No. 29 confirming their ability to serve the project. Thus, impacts would remain less than significant and no mitigation is required.

e) **Less than significant impact**. As discussed above, wastewater flows from the proposed project have been factored into the design capacity of Phase 2 of the CCWTF; thus the proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand. Impacts would be less than significant and no mitigation is required.

f) **Less than significant impact.**

Construction

The project site is vacant. Construction of the proposed project would not require the demolition of any existing structures. Waste generated during demolition and construction would result in an incremental and intermittent increase in solid waste disposal at landfills and other waste disposal facilities generally within Los Angeles County. Trash and wood would be delivered to the Downtown Diversion facility located in Los Angeles. Hazardous materials for construction activities would be disposed of at the Kettleman facility in Kings County. Given the sufficiency of available capacity, the disposal of construction debris would not result in impacts that are considered significant. No mitigation is proposed or is required.

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64 Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

65 Los Angeles County Waterworks Districts, District 29, written communication with Aracely Jaramillo, March 22, 2016.

Operation

Hazardous waste generation and disposal during project operation would be handled and disposed of in accordance with all appropriate state and federal laws. Because of the many laws and regulations associated with the disposal of hazardous waste, it would have to be determined at the time of disposal where any certain hazardous waste would be taken. At this time, hazardous wastes cannot be disposed of within Los Angeles County. However, hazardous debris generated during construction and operation can be accommodated by the permitted Class I and II landfills currently in operation within southern and central California, and no significant impact to hazardous waste disposal facilities are expected as a result of the proposed project. No mitigation is required.

As shown in **Table 20, Proposed Project Solid Waste Generation (No Recycling)** the proposed project would generate a net increase in solid waste generation over existing uses of approximately 42.5 pounds per day, or about 7.8 tons per year. These quantities represent no recycling activities in place. The proposed project would, as applicable for project operations incorporate storage and collection of recycling items into the project design, including applicable provisions of ordinances related to hours of collection and operation of on-site equipment. As recycling would occur in accordance with current state law, the project would generate a total of approximately 3.9 tons per year of solid waste (a 50 percent reduction). With a solid waste diversion program (e.g., adequate areas for collecting and loading recyclables) in place, the project would meet at least the minimum recycling level established by Los Angeles County (currently 50 percent, with an increase by 25 percent in 2020). Thus the proposed project would incrementally increase the amount of solid waste that would be disposed of in area landfills. In accordance with AB 341, the proposed project would be required to provide recycling services to help offset this impact. Additionally, the City may require additional fees that could be used towards development of new facilities or expansion of existing facilities.

Table 20
Proposed Project Solid Waste Generation (No Recycling)

Building	Building Size (square feet)	Generation Factor[1]	Daily Generation (lbs/day)	Annual Generation (tons/year)
Chapel	8,500	5 lbs/1000 sf/day	42.5	7.8

Source: Impact Sciences, Inc. 2014.

[1] *Solid waste daily generation rates provide by CalRecycle.ca.gov; Commercial generation rates was used as a proxy for the chapel.*
lbs = pounds, sf = square feet.

The Simi Valley Landfill and Recycling Center and the Calabasas Landfill are the primary disposal facilities of non-recyclable solid waste for the City. The Simi Valley landfill has an estimated remaining capacity of 53 million tons with a design capacity of at least 60 years. The Calabasas landfill has an estimated remaining capacity of 6.5

million tons and is projected to reach its capacity around 2030.[66] Further, several other landfill facilities in the County, including the Lancaster Landfill and Recycling Center and the Sunshine Canyon City/County Landfill would accept solid waste generated by the proposed project.

The estimated remaining capacity of permitted Class III landfills at the end of 2014 in Los Angeles County was approximately 112 million tons. Further, the Mesquite Regional Landfill, located outside the County has an estimated remaining capacity of 660 million tons and a design capacity of 106 years available to Southern California counties.[67] As the proposed project's contribution would be minimal on a regional scale and would not exceed the capacity of existing Los Angeles County landfills or require provision of new or physically altered facilities to maintain service; impacts would be less than significant.

Although impacts were determined to be less than significant, and no mitigation measures are necessary, project impacts could be further reduced with the implementation of the Standard Conditions of Approval listed below, which would require that at least 50 percent of the solid waste generated during operation of the proposed project be recycled, and all remaining solid waste would be properly disposed of.

g) **Less than significant impact.** During construction and operation of the proposed project, the project applicant would comply with all applicable City, County, and state solid waste diversion, reduction, and recycling mandates, including compliance with the City's Source Reduction and Recycling Element (SRRE), and the MMC. Compliance with these regulations and mandates would assist in reducing the amount of waste deposited in local landfills. Therefore, impacts related to regulatory compliance would be less than significant, and no further analysis is necessary

Standard Conditions of Approval

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

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66 County of Los Angeles Department of Public Works, *Los Angeles County Integrated Waste Management Plan 2014 Annual Report*

67 County of Los Angeles Department of Public Works, *Los Angeles County Integrated Waste Management Plan 2014 Annual Report*

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

- The applicant shall prepare a construction management plan. The construction management plan shall provide information on planned lane closures, timing of construction, haul routes, equipment delivery, and location of staging (if off-site staging is proposed). The construction management plan shall be submitted to the City for review and approval.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☒	☐	☐
c)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Responses:

a) **Less than significant with mitigation incorporated.** Based on the preceding discussion, with the incorporation of recommended mitigation measures, the proposed project would neither degrade the quality of the environment nor significantly affect any endangered fauna or flora. Due to the proposed project's features, including the site design and recommended mitigation measures, as well as the project's environmental setting (e.g., the highly disturbed nature of the project site and the surrounding built environment), the proposed project would not impact the habitat or population level of fish or wildlife species, nor would it threaten a plant or animal community, nor impact the range of a rare or endangered plant or animal. Potential impacts related to archaeological and paleontological resources would be reduced to less than significant levels with implementation of the required mitigation measures, and there would be no impacts related to potential historic resources. No further analysis is needed.

b) **Less than significant with mitigation incorporated.** As indicated in the above analysis, project implementation would not result in significant environmental impacts with the incorporation of mitigation measures. No potential for the project to achieve short-term, to the disadvantage of long-term, environmental goals has been identified. No further analysis is needed.

c) **Less than significant with mitigation incorporated.** It is not anticipated that the proposed project when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects would have a significant effect on the environment. Other projects have been approved nearby such as the Crummer site (five single-family residences and parkland) to the south, Towing Yard (four single-family residences), the La Paz Project (a commercial development) to the east and the Santa Monica College to the east. There are also other projects currently under Planning Department review such as the Whole Foods Shopping Center and the Sycamore Village Shopping Center. While the proposed project and cumulative development are anticipated to affect future (2030) vehicle/capacity ratios and the level of service of roadways in the project vicinity, with proposed mitigation, the proposed

project would have less than significant impacts to area traffic both on a project and cumulative level. Also, as previously discussed in the Air Quality, Hazards and Hazardous Materials, and Noise sections of this study, cumulative impacts were analyzed and with implementation of mitigation measures the proposed project is not expected to result in any unmitigated significant adverse impacts either individually or cumulatively. No further analysis is needed.

d) **Less than significant with mitigation incorporated.** As discussed in the above analyses for the project, with implementation of the required mitigation measures, the proposed project would not result in any unmitigated significant adverse impacts. Thus, the project would not have the potential to result in substantial adverse effect on human beings. No further analysis is needed.

MALIBU MEMORIAL PARK

INITIAL STUDY
LIST OF APPENDICES

Appendix I:	Photometric Plan Set - Sasco
Appendix III:	Air Quality Study Update – Rincon
Appendix VI.a:	Geotechnical Report - GeoSoils
Appendix VI.b:	Geotechnical Report Update – GeoSoils
Appendix VI.c:	Geotechnical Report Addendum – GeoSoils
Appendix VII:	Greenhouse Gas Study Update – Rincon
Appendix IX.a:	Contamination Memo from Richard Sells
Appendix IX.b:	Groundwater Report – earthfornesics, inc.
Appendix IX.c:	HydroGeologic Report Update - earthfornesics, inc.
Appendix XII:	Noise Study Update – Rincon
Appendix XVI:	Traffic Impact Analysis – Overland Traffic Consultants

The appendices to the Initial Study is available for review at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA 90265, or on the City's website at http://www.malibucity.org/cemetery.

Malibu Memorial Park

Final Initial Study / Mitigated Negative Declaration

Prepared for:

Lead Agency

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

Prepared by:

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28 N. Marengo Avenue
Pasadena, California 91101

April 2017

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1.0 INTRODUCTION

This document is the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Malibu Memorial Park project in the City of Malibu. An Initial Study (IS) supporting a proposed MND was prepared for the project in accordance with the requirements of the California Environmental Quality Act (CEQA). The City of Malibu is acting as the lead agency as defined by CEQA for environmental review of this project.

The Final IS/MND has been prepared pursuant to requirements of CEQA, Public Resources Code, Section 21000 et al, and the *State CEQA Guidelines*. The Final IS/MND incorporates by reference the Draft IS/MND and its supporting appendices in their entirety.

PROCESS

Section 15073 of the *State CEQA Guidelines* indicates that a lead agency shall provide public review period of not less than 20 days. The Draft IS/MND for the Malibu Memorial Park project was circulated for a 30-day public review period beginning on November 14, 2016 and ending on December 14, 2016. A Notice of Intent (NOI) to adopt an MND and Initial Study were sent to all interested parties, persons, and individuals and posted at the Los Angeles County Clerk.

State CEQA Guidelines Section 15074(b) requires that the decision-making body of the Lead Agency consider the proposed mitigated negative declaration together with any comments received during the public review process prior to approving a project.

Nineteen comment letters were received before the close of the comment period. **Section 2.0, Responses to Comments**, of this document contains the written comments received and provides responses to these written comments. Individual comments within a letter are numbered and responses are numbered correspondingly. **Section 3.0, Corrections and Additions**, identifies the changes to the text of the Draft IS/MND that occur in response to the comments received in response to the Draft IS/MND, as well as any City of Malibu staff directed changes.

State CEQA Guidelines Section 15074(d) requires that the Lead Agency adopt a program for reporting on or monitoring the changes which it has made a condition of approval to mitigate significant environmental effects. A Mitigation Monitoring and Reporting Program is provided in **Section 4.0, Mitigation Monitoring and Reporting Program**, of this Final IS/MND.

2.0 RESPONSES TO COMMENTS

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Malibu Memorial Park project was circulated for public review November 14, 2016. The public review period, which ended on December 14, 2016, afforded public agencies, organizations, and the public in general the opportunity to review the Draft IS/MND and submit written comments regarding the Draft IS/MND and the proposed project in accordance with Section 15073 of the *California Environmental Quality Act (CEQA) Guidelines*.

A total of three agencies, seven organizations, and eight individuals provided comments and/or letters during the circulation period for the Draft IS/MND. This section includes copies of the letters and/or comments received, with the responses to the comments raised immediately following each letter.

Table 2.0-1
Comment Letter Matrix

Comment Number	Commenter	Name	Date
A	**Public Agencies**		
A-1	California Department of Transportation, District 7 – Office of Regional Planning	Severin Martinez	12/14/16
A-2	California Department of Transportation, District 7 – Office of Regional Planning	Dianna Watson	12/21/16
A-3	California Department of Fish and Wildlife	Andrew Valand	12/19/16
A-4	County of Los Angeles Fire Department	Frank Vidales	12/06/16
B	**Organizations**		
B-1	California Native Plant Society	Betsey Landis	12/14/16
B-2	Pepperdine University	Rhiannon L. Bailard	12/14/16
B-3	Wishtoyo Chumash Foundation	Luhui Isha	12/14/16
B-4	Gaines & Stacey	Fred Gaines	12/14/16
B-5	Montgomery Clark Advisors	Loren Montgomery	12/14/16
B-6	Malibu Community Alliance	Steve Uhring	12/12/16
B-7	Malibu Coalition for Slow Growth	Patt Healy	12/14/16

Comment Number	Commenter	Date
C	**Private Citizens/Individuals**	
C-1	Daniel Ducovny	12/16/16
C-2	Carol Hahn	12/06/16
C-3	Ali Johnson	12/01/16
C-4	Sam Hall Kaplan	12/08/16
C-5	Jeff Kramer	12/19/16
C-6	Caitlin Madden	12/16/16
C-7	Brian Merrick	12/14/16
C-8	Robert Schienberg	12/02/16

PUBLIC COMMENT AND RESPONSES

The following pages provide the written comment letters and the City's responses to these comments.

Letter A-1

From: Martinez, Severin@DOT
To: Adrian Fernandez
Subject: Question: Malibu Memorial Park: SCH# 2016111054
Date: Wednesday, December 14, 2016 8:55:28 AM

Dear Mr. Fernandez,

My name is Severin and I am reviewing the Malibu Memorial Park for Caltrans District7's intergovernmental review branch. Part of our review includes an analysis of potential transportation-related impacts with special attention to State facilities (in this case SR-1 / PCH). Our engineer reviewing this component of this project would like additional time to review- would you be willing to accept comments by December 23?

1

Thank you for your consideration and I look forward to hearing from you.

Severin

- - - - - - - - - - - - - -

Severin Martinez

Transportation Planner
Local Development/Intergovernmental Review Branch
Caltrans District 7
(213)-897-0067

Letter No. A-1: California Department of Transportation

California Department of Transportation
District 7 – Office of Regional Planning
100 S. Main Street, MS 16
Los Angeles, CA 90012
Severin Martinez, Transportation Planner

Response A-1-1

The commenter requests an extension to the comment deadline for the Draft IS/MND.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter A-2

DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-0067
FAX (213) 897-1337
www.dot.ca.gov

Serious drought.
Help save water!

December 21, 2016

Mr. Adrian Fernandez
City of Malibu
23825 Stuart Ranch Road
Malibu, CA, 90265

RE: Malibu Memorial Park
Mitigated Negative Declaration
Vic: 1 / PM: 48.042
GTS# 07-LA-2016-00306
SCH# 2016111054

Dear Mr. Fernandez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project consists of a chapel, 176 parking spaces, 47 freestanding mausoleum structures with a total square footage of 9,4000, as well as in-ground burial plot spaces intermittently located throughout the property on an existing site. The project site directly abuts State Route 1. 1

Based on the information received, Caltrans has the following comments:

Traffic Operations would like to see queuing analysis for left turning vehicles on southbound SR-1 onto Malibu Canyon Road as well as for left turning vehicles from SR-1 onto Webb Way. Further, it is recommend to install flashing beacons between the transition of speed limit from 50mph to 45mph for the southbound approach on SR-1 between John Tyler Drive and Malibu Canyon Road. 2

If any partial or whole lane closure is required as part of the project then the lead agency will need an encroachment permit from Caltrans. Any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. Caltrans recommends that large size truck trips be limited to off-peak commute periods.

Also, storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that project needs to be designed to discharge clean run-off water. 3

If you have any questions regarding these comments, please contact project coordinator Severin Martinez, at (213)-897-0067 or severin.martinez@dot.ca.gov and refer to GTS# LA-2016-00306.

Sincerely,

Melanie Brent

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

Letter No. A-2: California Department of Transportation

California Department of Transportation
District 7 – Office of Regional Planning
100 S. Main Street, MS 16
Los Angeles, CA 90012
Dianna Watson, IGR/CEQA Branch Chief

Response A-2-1

The commenter restates the general project description for the proposed project and mitigation measure. The commenter further states that the California Department of Transportation (Caltrans) is aware of the proposed improvements and will continue to work with the City to implement them in a timely manner.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response A-2-2

A queuing analysis has been conducted for existing 2016 conditions with and without the project (refer to **Appendix 3.0-2, Traffic Queuing Analysis**, of the Final IS/MND for reference). The analysis shows that the project will not create a significant traffic impact to the eastbound vehicle queue with ample capacity to accommodate the left turn demand with the project. It should be noted that the dual left turn mitigation at Pacific Coast Highway and Webb Way has been assumed for this analysis.

The transition from 50 mph to 45 mph on Pacific Coast Highway occurs over 1,700 feet west of John Tyler Drive, and not between John Tyler Drive and Malibu Canyon Road. Currently, a flashing beacon is provided to identify a traffic signal on the approach to John Tyler Drive but not a speed limit change. The commenter has not provided a nexus between the project impacts and the requested flashing beacon.

Any proposed lane closures for the proposed project would be required to obtain the appropriate permits and approvals from all agencies having jurisdiction over such closures. The project would also provide all logistics, vehicle transport plans, routes, and schedules for each separate lane closure.

Response A-2-3

The proposed project will implement the requisite engineering design and related equipment to insure clean run-off water discharge from site.

Upon implementation of the proposed project, a private storm drain system would collect and transport stormwater runoff to the existing stormwater infrastructure along Civic Center Way. While the percentage of impervious surfaces on the project site would increase, compliance with the SWPPP and inclusion of BMPs would ensure off-site flows to Civic Center Way would not substantially increase. In addition, all flows would be treated prior to being discharged into the storm drain. As storm flows would be controlled on-site, the proposed project would not result in runoff exceeding the capacity of the existing or planned storm drain system.

Letter A-3

From: Valand, Andrew@Wildlife
To: Adrian Fernandez
Cc: Rodriguez, Randy@Wildlife
Subject: CDFW Comments on Malibu Memorial Park
Date: Monday, December 19, 2016 10:29:21 AM

Good morning Mr. Fernandez,

I am currently reviewing the Malibu Memorial Park Mitigated Negative Declaration and have a draft comment letter on behalf of the California Department of Fish and Wildlife. We are awaiting signatures on the letter and have many people out of the office at this time. I ask that you allow for an extension of the review period (our clearinghouse lists the comments due 12/19/16) to the end of this week so that we can have the appropriate signatories review and contribute to the letter. Please feel free to contact me for any further information that you may need from CDFW. Thank you and have a good day.

1

Andrew Valand
CEQA Biologist
California Dept. of Fish & Wildlife
4665 Lampson Ave
Los Alamitos, CA 90720
562-342-2142
Andrew.Valand@wildlife.ca.gov

Letter No. A-3: California Department of Fish and Wildlife

California Department of Fish & Wildlife
4665 Lampson Ave
Los Alamitos, CA 90720
Andrew Valand, CEQA Biologist

Response A-3-1

The commenter requests an extension to the comment deadline for the Draft IS/MND.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Note to readers and decision makers: a subsequent letter was never received from the California Department of Fish & Wildlife

Letter A-4

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

RECEIVED
DEC 13 2016
PLANNING DEPT.

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

December 6, 2016

Adrian Fernandez, Senior Planner
City of Malibu
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Mr. Fernandez:

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION, "MALIBU MEMORIAL PARK PROJECT," CONSISTS OF A CHAPEL, 176 PARKING SPACES, 47 FREESTANDING MAUSOLEUM STRUCTURES WITH A TOTAL SQUARE FOOTAGE OF 9,400, APPROXIMATELY 28,265 IN-GROUND BURIAL PLOT SPACES INTERMITTENTLY LOCATED THROUGHOUT THE PROPERTY, 4000 MALIBU CANYON ROAD, MALIBU, FFER 201600185

The Notice of Intent to Adopt a Mitigated Negative Declaration has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. 1

The following are their comments:

PLANNING DIVISION:

We have no comments.

LAND DEVELOPMENT UNIT:

1. The proposed development may necessitate multiple ingress/egress access for the circulation of traffic and emergency response issues. 2

2. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants.

3. Specific fire and life safety requirements for the construction phase will be addressed at the building fire plan check. There may be additional fire and life safety requirements during this time.

4. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

5. The maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep within such grade. In such cases, an absolute maximum of 20% will be allowed for up to 150 feet in distance. The average maximum allowed grade, including topographical difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in ten feet.

6. When involved with subdivision in a city contracting fire protection with the County of Los Angeles Fire Department, Fire Department requirements for access, fire flows, and hydrants are addressed during the subdivision tentative map stage.

7. Fire Department requirements for access, fire flows, and hydrants are addressed during the building permit stage.

8. Fire sprinkler systems are required in some residential and most commercial occupancies. For those occupancies not requiring fire sprinkler systems, it is strongly suggested that fire sprinkler systems be installed. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use.

9. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

   a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.

   b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

c) Additional hydrants will be required if hydrant spacing exceeds specified distances.

d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.

e) A cul-de-sac shall not be more than 500 feet in length when serving land zoned for commercial use.

10. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.

b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

c) Additional hydrants will be required if hydrant spacing exceeds specified distances.

d) When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block.

e) A cul-de-sac shall not be more than 500 feet in length when serving land zoned for commercial use.

11. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.

12. All on-site driveways/roadways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The centerline of the access driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure.

13. Driveway width for non-residential developments shall be increased when any of the following conditions will exist:

a) Provide 34 feet in-width when parallel parking is allowed on one side of the access roadway/driveway. Preference is that such parking is not adjacent to the structure.

b) Provide 42 feet in-width when parallel parking is allowed on each side of the access roadway/driveway.

c) Any access way less than 34 feet in-width shall be labeled "Fire Lane" on the final recording map and final building plans.

d) For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.

14. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

a) No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.

b) No portion of a building shall exceed 400 feet via vehicular access from a properly spaced fire hydrant.

c) When cul-de-sac depth exceeds 200 feet, hydrants will be required at the corner and mid-block.

d) Additional hydrants will be required if the hydrant spacing exceeds specified distances.

15. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.

16. All on-site driveways shall provide a minimum unobstructed width of 28 feet, clear-to-sky. The 28-foot width does not allow for parking and shall be designated as a "Fire Lane," and have appropriate signage. The centerline of the on-site driveway shall be located parallel to and within 30 feet of an exterior wall on one side of the proposed structure. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building.

17. The 28 feet in width shall be increased to:

    a) Thirty-four feet in width when parallel parking is allowed on one side of the access way.

    b) Thirty-six feet in width when parallel parking is allowed on both sides of the access way.

    c) Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map and final building plans.

    d) For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use.

18. When serving land zoned for residential uses having a density of more than four units per net acre:

    a) A cul-de-sac shall be a minimum of 34 feet in width and shall not be more than 700 feet in length.

    b) The length of the cul-de-sac may be increased to 1000 feet if a minimum of 36 feet in width is provided.

    c) A Fire Department approved turning area shall be provided at the end of a cul-de-sac.

19. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in-length and at the end of all cul-de-sacs.

20. Fire Department access shall provide a minimum unobstructed width of 28 feet, clear-to-sky and be within 150 feet of all portions of the exterior walls of the first story of any single unit. If exceeding 150 feet, provide 20-feet-minimum paved width "Private Driveway/Fire Lane" clear-to-sky to within 150 feet of all portions of the exterior walls of the unit. Fire Lanes serving three or more units shall be increased to 26 feet.

21. Streets or driveways within the development shall be provided with the following:

    a) Provide 36 feet in width on all streets where parking is allowed on both sides.

b) Provide 34 feet in width on cul-de-sacs up to 700 feet in length. This allows parking on both sides of the street.

d) Provide 36 feet in width on cul-de-sacs from 701 to 1,000 feet in length. This allows parking on both sides of the street.

e) For streets or driveways with parking restrictions: The entrance to the street/driveway and intermittent spacing distances of 150 feet shall be posted with Fire Department approved signs stating "NO PARKING - FIRE LANE" in three-inch high letters. Driveway labeling is necessary to ensure access for Fire Department use. Turning radii shall not be less than 32 feet. This measurement shall be determined at the centerline of the road.

22. All access devices and gates shall comply with California Code of Regulations, Title 19, Articles 3.05 and 3.16.

23. All access devices and gates shall meet the following requirements:

a) Any single-gated opening used for ingress and egress shall be a minimum of 26 feet in-width, clear-to-sky.

b) Any divided gate opening (when each gate is used for a single direction of travel i.e., ingress or egress) shall be a minimum width of 20 feet clear-to-sky.

c) Gates and/or control devices shall be positioned a minimum of 50 feet from a public right-of-way and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.

d) All limited access devices shall be of a type approved by the Fire Department.

e) Gate plans shall be submitted to the Fire Department prior to installation. These plans shall show all locations, widths, and details of the proposed gates.

24. All proposals for traffic calming measures (speed humps/bumps/cushions, traffic circles, roundabouts, etc.) shall be submitted to the Fire Department for review prior to implementation.

2

25. Provide three sets of alternate route (detour) plans with a tentative schedule of planned closures prior to the beginning of construction. Complete architectural/ structural plans are not necessary.

26. Disruptions to water service shall be coordinated with the County of Los Angeles Fire Department and alternate water sources shall be provided for fire protection during such disruptions. 2

The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed. 3

HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division of the Los Angeles County Fire Department has determined from our review of information on the California State Water Resource Control Board GeoTracker website that a listed site is located on the project site.

The listed site is referenced as the Rancho Malibu Hotel and has an open Los Angeles Regional Water Quality Control Board (LARWQCB) draft Waste Discharge Requirement (WDR) permit. Information regarding the WDR should be further reviewed and the LARWQCB should be contacted to determine whether WDR permit was ever implemented and whether there are any known environmental issues/concerns at the project site. 4

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

Frank Vidales

FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:ac

Letter No. A-4: County of Los Angeles Fire Department

County of Los Angeles Fire Department
1320 North Eastern Avenue
Los Angeles, CA 90063-3294
Frank Vidales, Chief, Forestry Division

Response A-4-1

The commenter notes receipt of the Draft IS/MND and states that the documents has been reviewed by Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department and that comments are provided below.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response A-4-2

The project has been designed to include and meet all County Fire Department requirements, codes, and ordinances; please refer to Section 2.0, Project Description, Figure 2.0-16, Fire Department Access Plan which includes information regarding required clearances and hydrant locations.

The project has been designed to take into account all County of Los Angeles Fire Department requirements and conditions for fire and life safety. Prior to obtaining grading or building permits for the project, the City will obtain all required building and fire plan check approvals from the County of Los Angeles Fire Department.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response A-4-3

The comment restates the statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division, but does not raise an environmental issue within the meaning of CEQA, no further response is required. The project will obtain final approval of its fuel modification plan from the Forestry Division prior to grading permit issuance. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response A-4-4

The comment from the Health Hazardous Materials Division of the Los Angeles County Fire Department refers to the Rancho Malibu Hotel, a previous project that has been superseded by the proposed project on the same project site. The applicants of the Rancho Malibu Hotel requested a Waste Discharge Requirement (WDR) Permit from the Los Angeles Regional Water Quality Control Board during their environmental review process. As the Rancho Malibu Hotel project was never implemented, the WDR Permit will be closed out and does not apply to the proposed project. The comment will be included as part of the record and made available to the decision makers prior to a final decision.

Letter B-1

California Native Plant Society

Los Angeles / Santa Monica Mountains Chapter

3908 Mandeville Canyon Road, Los Angeles, CA 90049

December 14, 2016

City of Malibu
Planning Department Fax: (310) 456-7650
23825 Stuart Ranch Road
Malibu, CA 90265
Adrian Fernandez, Senior Planner
(310) 456-2489, extension 482
afernandez@malibucity.org

Dear Adrian Fernandez:

RE: Comments on Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001 for Malibu Memorial Park Project, 4000 Malibu Canyon Road

The Los Angeles / Santa Monica Mountains Chapter of California Native Plant Society has about 500 members, As members of the California Native Plant Society (CNPS), we are dedicated to conserving California's native plants through science, conservation, education, and horticulture. 1

Having read the Initial Study No. 16-002 (IS) and the Mitigated Negative Declaration No. 16-001 (MND) for the Malibu Memorial Park project (MMP), we have the following comments:

General Comments:
1) On page 19 of the IS document is a list of Environmental Factors Potentially Affected. None of the factors were checked. Yet the rest of the document lacks sufficient up-to-date studies of the biology, the ESHA, the justification for water (potable or recirculated or treated wastewater?) displays in major drought and climate change conditions, an exceedingly poor list of landscaping plants that will significantly harm wildlife in the project and surrounding ESHA areas, insufficient analysis of how the structures (crypts, mausoleums, chapel, other concrete structures) are to remain level on highly unstable soils and uneven topography or why deep-rooted trees and shrubs are being removed, when they are excellent stabilizers of these types of soil conditions. 2

2) Please check as Environmental Factors Significantly Affected by this project:
Biological Resources: plants, animals and ESHA
Cultural Resources: native American site(s)
Hazards and Hazardous Materials: Wildfire frequency and history, illegal dumping of debris in ESHA areas
Geology and Soils: effects onsite and offsite, e.g. on PCH, Winter's Canyon, ESHA areas
Hydrology and Water Quality: construction and impact on local water supplies and on landscaping
Recreation: where is a map of the areas of Visitor's use that satisfies the CV-2 zoning? 3

Specific Comments:
1) Biological Resources:

a. The location of this site at the junction of Malibu Canyon Road and PCH, and bordering Winter's Canyon, makes it part of a very important ESHA. Malibu Canyon is a major migratory pathway for both plant seeds and for many species of animals—birds, mammals, reptiles, amphibians and insects –as they seek the coast and Malibu Bluffs or seek to go inland after traveling along the coast and through Malibu Lagoon and the Civic Center into Winter's Canyon. The fact that the site has *Baccharis pilularis* 4

alliance
range of
woodrats
plants
unmitigated

intergrading with *Quercus agrifolia* and *Juglans californica* alliances, establishes an excellent food, nesting and resting areas for a wide range of animals. From raptors in the treetops to creating homes under shrubs, to lizards and to butterflies. Removing large numbers of these providing food, nesting and resting for such a wide range of species is a significant and impact. 4

b. Has an expert arborist examined the *Quercus agrifolia* and *Juglans californica* trees that have been tagged for removal? Are these actually resprouts from existing root systems after the last wildfire in 2007? If they are resprouts then they are old enough and well-established enough to leave alone as they will grow quickly and provide much needed shade and food for the wildlife. 5

c. No statement has been made about the frequency of wildfires on this site, even though wildfire has an important effect on location of flammable structures, fire-fighting services, and emergency access and egress.The wildfire records at the Santa Monica Mountains National Recreation Area for the last half-century show that wildfires have burned this site in 1970, 1996 and 2007. The assessment of the health of the ESHA and of the other native plants on this site should have taken this fire history into account. Why not? 6

d. The native habitats on site are designed to recover from this frequency of wildfires. Those plant species should be used in the landscaping for this Memorial Park. 7

e. The landscaping plant list in Figure 3 contains some toxic plant species and some invasive plant species, as well as other problems. These plant species pose a significant threat to the ESHA and to all wildlife depending on this site for survival.
The plant list in Figure 3:
Toxic plants:
Aesculus californica-all parts of the plant are toxic to all animals, even honey bees.
Myoperum-poisonous to grazers, such as deer.

Invasive (will displace native plants and degrade surrounding ESHA):
Cinnamomum camphora
Rosemary species in general spread easily, become flammable as they age
Wheeler's Dwarf Japanese Mock Orange 8
Santolina chamaecyparissus
Carex tumilicola

Other problems:
Should not plant 32-inch box Quercus agrifolia or any Quercus or Juglans californica because the root systems are usually unable to survive transplantation and the plants die.

Non-natives:
Magnolia grandiflora
Buxus microphylla
Mytus communis 'Compacta"
Lavandula x intermedia 'Grosso"
Dietes bicolor

f. Replace non-native plants with native plants that will be beautiful, drought-tolerant, and provide food, resting and nesting places for the wildlife that also live in Malibu and the Santa Monica Mountains.

2) Suggestions for native plants to replace those non-native plant species listed on Figure 3.

Juglans californica
Baccharis pilularis
Artemisia californica
Ceonothus thyrsiflorus
Eriogonum cinereum or *parvifolium* or *cultivars of those species*
Salvia leucophylla or apiana
local native *Carex* species
native coastal grasses

9

At this time there are too many significant impacts that will affect the health of the ESHA, and the future success of this project. For the future success of this project a full CEQA process is necessary.

10

Sincerely,

Betsey Landis

Betsey Landis
Vice President
Los Angeles / Santa Monica Chapter
California Native Plant Society

Letter No. B-1: California Native Plant Society

Response B-1-1

This comment is a set of general introductory remarks and explanation of the California Native Plant Society. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-1-2

This comment raises concerns regarding certain aspects of the Initial Study and its analyses. Extensive biological studies have been conducted on the site over the years, the most recent of which is included in the document as **Appendix IV.**

Plant palettes have been adjusted to conform to drought tolerant species (refer to Figure 4a, (Revised) Proposed Project Landscape Plan), and Maximum Applied Water Allowance (MAWA) limitations.

All of the proposed structures, including, but not limited to, the chapel, mausoleums and crypts, would be constructed in accordance with existing regulations, building codes, and the application of the engineering recommendations provided in the approved geotechnical report. Further, all structures would incorporate all current water conservation and energy efficient engineering practices.

The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-1-3

This comment raises concerns regarding certain environmental impacts that may be affected by the proposed project. However, as discussed further in the analysis of the proposed project, all potentially significant impacts of the proposed project would be mitigated to a level of less than significant; therefore, no Environmental Factors need to be checked.

Impacts regarding cultural resources are addressed below in responses to comments made in **Letter No. B-3: Wishtoyo Chumash Foundation.**

Hazards: The City of Malibu, and therefore the project site, is located in a Very High Fire Hazard Severity Zone. All project construction would be in compliance with the goals, policies, and implementation measures and codes of the Los Angeles County Fire Department (LACFD); the City's General Plan Safety Element; the LCP; the Department of Public Works, Building and Safety Division; and VHFHSZ building

codes and requirements. The last major wildfires occurred in 1970, 1996, and 2007. Vehicle paths for potential dumping into Environmental Sensitive Hillside Areas will be inaccessible.

Geology: Extensive soil analysis of onsite and offsite conditions have been conducted and address identified issues with the implementation of required retaining walls and soil compaction requirements, and all the geotechnical consultant's recommendations.

Hydrology: Drought-tolerant landscaping will meet the requirements of the City's Landscape Water Conservation Ordinance (Malibu Municipal Code (MMC) Chapter 9.22). Los Angeles County Waterworks District No. 29 (WD29) has issued a will-serve letter for the property indicating water supplies are available. An updated letter will be required prior to building permit issuance.

Recreation: The entire project site will be open to the public and includes open space areas, scenic vistas, walking paths and resting areas, plus a chapel structure, all of which are consistent with the property's CV-2 zoning.

Response B-1-4

This commenter states that the presence of *Baccharis pilularis* alliance with *Quercus agrifolia* and *Juglans californica* alliances would warrant a significant impact if they were to be removed upon project implementation.

Rincon Consultants, Inc. (Rincon), conducted a Native Tree Assessment on the project site and concluded that very few native trees are designated for removal (refer to Figure 4b, Native Tree Map). The southeast corner of the Environmentally Sensitive Hillside Area would be unaffected, and native slopes to the north, east, and south of the project site are to remain intact. No native trees meeting the definition for protection under LIP Chapter 5 (Native Tree Protection) will be removed. A condition of approval has been included to require an updated survey of native trees prior to ground disturbance to ensure that any trees disturbed that have grown to a size that is protected under LIP Chapter 5 will be mitigated in accordance with LIP Section 5.5.

Response B-1-5

Rincon conducted a Native Tree Assessment on the project site (refer to **Figure 4b, Native Tree Map**). No *Juglans californica* trees are tagged for removal. Five *Quercus agrifolia* trees have been tagged to be removed; all were on the flat, former nursery section of the site and did not meet the City's size requirements for protection. An updated native tree survey and mitigation will be required if applicable, as described in Response B-1-4.

Response B-1-6

This comment states the importance of addressing the frequency of wildfires on the project site. As mentioned in **Response B-1-3,** the City of Malibu is located in a Very High Fire Hazard Severity Zone. All project construction would be in compliance with the goals, policies, and implementation measures and codes of the Los Angeles County Fire Department (LACFD); the City's General Plan Safety Element; the LCP; the Department of Public Works, Building and Safety Division; and VHFHSZ building codes and requirements. Health of existing trees on the project site was reported in a Native Tree Assessment that was conducted in 2012, subsequent to the last major fire in the area in 2007.

Response B-1-7

This comment recommends that native species suited for frequent wildfires should be used in the landscaping of the Memorial Park. The plant palette has been revised to incorporate almost entirely native species.

Response B-1-8

This comment states that the landscaping plant list in Figure 3 of the IS/MND contains some toxic and invasive plant species that may pose a significant threat to the environmentally sensitive habitat area (ESHA).

Tree and plant selections have been revised to be mostly native plants with the exception of the boxwood hedges for some of the topiaries, refer to Figure 4a, (Revised) Proposed Project Landscape Plan. Standard conditions of approval prohibit the use of invasive species.

Response B-1-9

This comment recommends native plants to replace non-native plant species listed in Figure 3. Tree and plant selections have been revised to be mostly native plants with the exception of the boxwood hedges for some of the topiaries, refer to Figure 4a, (Revised) Proposed Project Landscape Plan. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-1-10

This comment states that there are too many significant impacts that will affect the health of the ESHA.

As discussed on page 59 of the Draft IS/MND, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed. A condition of approval has been incorporated to require an updated native tree survey prior to ground-disturbance, and require mitigation pursuant to LIP Section 5.5 for any trees meeting the thresholds for protection. Therefore, the proposed project is consistent with applicable LIP ESHA and Native Tree Protection development standards. Furthermore, the 30-acre offsite conservation easement on the Francisco property was dedicated to the City in 2001 as mitigation for development of the subject property as a 146-room hotel that was going to remove sensitive habitat (Deed of Conservation Easement for Wildlife Habitat and Open Space Resources, recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737). The hotel project (CUP No. 96-005) was approved by the City in 1998. The easement remains in place and serves as mitigation for the habitats disturbed by the subject project. No additional mitigation or conditions of approval are required.

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter B-2

PEPPERDINE UNIVERSITY

GOVERNMENTAL AND REGULATORY AFFAIRS

Mr. Adrian Fernandez
Senior Planner
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

December 14, 2016

Re: Pepperdine University's Comments on Malibu Memorial Park (Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001)

Dear Mr. Fernandez:

I write on behalf of Pepperdine University regarding the Mitigated Negative Declaration (the "MND") released on November 10, 2016 for the Malibu Memorial Park project (the "Project"). Pepperdine University appreciates the opportunity to comment on the MND for the Project as we take our role of being a good neighbor and steward of the land very seriously. With that in mind, we respectfully submit the following comments on the Malibu Memorial Park MND and encourage the City to carefully study all of the potential Project impacts. 1

I. **Traffic**

The MND does not appear to provide a complete picture of the traffic that will likely be generated by this Project. Cemeteries are a unique land use and their trip generation characteristics are best determined on a case-by-case basis. Given its Malibu location and likelihood of high profile interments, Pepperdine feels strongly that the MND should provide additional analysis of the reasonable foreseeable potential traffic and circulation impacts that this particular cemetery could impose on the community. Specifically, the traffic analysis provided in the MND is based on the estimated number of daily trips associated with the Project, calculated according to trip generation rates developed by the Institute of Transportation Engineers for church and cemetery uses. While this trip generation methodology and analysis may account for potential traffic generated by a typical service, it does not provide a sufficient analysis of the potential for many large funeral services in one day or for celebrity funerals that may generate significant public attention. For example, the applicant stated that up to 345 vehicles could be accommodated on-site with the use of valet parking and an additional 120 vehicles traveling to the Malibu Memorial Park could be parked along Malibu Canyon Road for an estimated total of 1,395 patrons during "high profile or celebrity interments." The MND does not account for these traffic impacts or include event traffic control measures. 2

Given the desirable location of the Memorial Park in Malibu, and the number of celebrities and public figures who may be buried there, it is reasonable to assume that such large-scale services could occur with the potential for hundreds or even thousands of mourners attempting to attend. The impacts of such large funeral services would be compounded if they were to occur on the same day as other high-traffic events in Malibu, such as festivals or public gatherings (e.g., Malibu Arts Festival and Chili Cook-off), holiday weekends (e.g., Fourth of July), or special events at Pepperdine (e.g., graduations). Furthermore, the traffic analysis in the MND does not address the fact that many burial services would include a motorcade procession to the Memorial Park. Funeral motorcades often travel at slow speeds accompanied by escorts that block cross traffic during the procession. Even a small funeral motorcade could potentially have a substantial effect on traffic along Pacific Coast Highway or Malibu Canyon Road, and a large motorcade could create a significant traffic issue, particularly during peak traffic times. Additionally, it is possible that ongoing visitation of high-profile graves may occur (e.g., on anniversaries of birthdays or deaths.

24255 Pacific Coast Highway, Malibu, California 90263-4702 ▪ 310-506-4702 Fax: 310-506-7768

Although the occurrence of high profile funeral services at Malibu Memorial Park with hundreds or even thousands of attendees would be unpredictable, the MND should analyze such special events, and associated funeral procession motorcades, ongoing visitation of high-profile graves, and the impact of scheduling such services during already anticipated high-traffic days in the City. 2

II. Circulation and Parking

The Project will be served by one new driveway opening onto Malibu Canyon Road for ingress and egress. The MND states that all vehicles exiting the Memorial Park must make a right turn onto Malibu Canyon Road, travelling north, and then "perform a U-turn at the intersection of Seaver Drive and Malibu Canyon Road" to travel south on Pacific Coast Highway. This turning movement was not analyzed in the traffic impact analysis prepared for the Project. While this traffic pattern may not produce noticeable effect during normal operations, it may create a bottleneck during larger services and is likely to impact access to Seaver Drive, which is the main entrance to the Pepperdine University campus. As stated above, the applicant stated that 1,395 people might attend a high-profile internment. If we were to, for example, reasonably assume that there are two people per vehicle, and 2/3 of them are heading to West Los Angeles, that would result in 459 vehicles trying to make a U-turn at the main entrance to the Pepperdine University campus. We request that the MND analyze potential egress scenarios and impacts associated with the contemplated "U-turn at the intersection of Seaver Drive and Malibu Canyon Road." 3

Additionally, as noted above, the applicant has stated that it anticipates that up to 120 vehicles could be parked along Malibu Canyon Road during large funeral services. The MND does not provide specific information about the location of these 120 street parking spaces or the potential effects on congestion and pedestrian safety in the area, nor does the applicant provide any information about the potential to secure additional parking in the area for services that may draw hundreds or thousands of vehicles. It would similarly prove helpful if the MND would analyze the off-street parking and identify where this parking on Malibu Canyon Road is located, as well as where vehicles will park if the parking identified both on- and off-site is not sufficient for a given funeral service.

III. Conclusion

Pepperdine University values its role as a good neighbor to the Malibu community, and we appreciate the opportunity to comment on the MND for the Malibu Memorial Park. We look forward to reviewing further analysis of the Project to address the issues we have identified. Should you have any questions, please do not hesitate to contact me at (310) 506-4702, or rhiannon.bailard@pepperdine.edu. 4

Very truly yours,

Rhiannon L. Bailard
Associate Vice President

Cc Andrew K. Benton, President, Pepperdine University
Gary A. Hanson, Executive Vice President, Pepperdine University
Phil E. Phillips, Vice President for Administration, Pepperdine University

Letter No. B-2: Pepperdine University

Response B-2-1

This comment is a set of general introductory remarks of the IS/MND. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-2-2

Conditions of approval have been incorporated into the project to address occasions for which a high number of visitors would be expected to minimize adverse impacts on traffic and parking. Please refer to Planning Commission Resolution No. 17-17, Section 5, Conditions of Approval, under *Operations*. These conditions require valet parking at no charge on Memorial Day and other high visitation days to maximize the efficiency of use of the onsite parking; require a temporary use permit (TUP) and/or transportation management plan (TMP) for events or services and burials that would exceed the 176-space capacity of the onsite parking or involve a procession with a large number of cars; and would prohibit funeral processions involving a large number of vehicles during peak traffic hours, certain holidays (4th of July, Memorial Day weekend, and Labor Day weekend). The conditions also require the property owner/operator to monitor visitors and services daily and report the data to the City for annual review against the anticipated parking and traffic generation estimates so that this information may be reported to the Planning Commission. The TMP would be reviewed and approved by the Public Works Department and Los Angeles County Sheriff. Depending on the size, type, and duration of the event, the Transportation Management Plan (TMP) would address all aspects of event transportation and may include an evaluation of site access, parking, valet staging, temporary on-site parking, usage of shuttles, routing information and traffic control/security personnel. A traffic control plan – a specific set of plans showing the location of traffic control devices (e.g., cones, barricades, signs) may also be necessary. Furthermore, individual funeral processions are limited duration events and categorically exempt from CEQA review. The City of Malibu can authorize funeral escorts to control traffic for a funeral procession. Licensed funeral escorts are authorized to regulate traffic in accordance with the movement of the funeral procession as outlined in the California vehicle code. Vehicles taking part in a funeral procession have the right-of-way, and interference, obstruction, or interruption of the funeral procession is subject to a citation. When required, escorts will facilitate movement of large numbers of vehicles to the project site efficiently, keeping traffic impacts to a minimum. Each planned event would be analyzed on a case-by-case basis.

A review of the available street parking on Malibu Canyon Road between Pacific Coast Highway and the intersection of Civic Center Way/Seaver Drive has been completed. Chapter 3.0, Corrections and Additions, corrects the estimate to reflect the potential parking spaces on Malibu Canyon Road as approximately 72 parking spaces not 120 as mentioned in the comment. Bus stops, acceleration lanes, and red curb determine the number of spaces that could be provided.

Currently, there are 34 spaces on the east side of Malibu Canyon road adjacent to the site and 38 parking spaces on the west side. It should be noted that this potential parking assumes the proposed street improvements along Malibu Canyon Road associated with the proposed project including sidewalks and a 10' curb parking lane adjacent to the proposed bike lane.

Response B-2-3

The statement in the IS/MND that vehicles would be able to head south on Malibu Canyon Road by performing a U-turn at the intersection of Seaver Drive and Malibu Canyon Road upon exiting the site has been corrected in Chapter 3.0, Corrections and Additions. The geometry of the intersection does not provide sufficient space for a U-turn maneuver. A "No U-Turns" sign will be posted at this intersection. Also, signs will be posted on the project site to direct drivers to the appropriate route to Pacific Coast Highway – right on Malibu Canyon Road, right on Civic Center Way, and either right on the connector to Pacific Coast Highway, or right on Webb Way to Pacific Coast Highway. I This worst case scenario was identified as a significant project traffic impact for year 2030 peak hour project condition and has been analyzed and mitigated for in the Draft IS/MND.

Response B-2-4

This comment is a set of closing remarks for the letter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter B-3

WISHTOYO
CHUMASH FOUNDATION
FIRST NATIONS ECOLOGICAL CONSERVATION ALLIANCE

December 14, 2016

SUBMITTED ELECTRONICALLY AT 4:16 P.M.

Adrian Fernandez
Senior Planner City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
afernandez@malibucity.org

VIA E-MAIL

Dear Adrian:

I'm writing to you to express concern with regards to the City of Malibu's Proposed Malibu Memorial Park Project ("Project"), which has the potential to desecrate an area that is already a well-known cemetery site to the ancestral remains of the pre-historical ancestors of Modern Chumash People, their Ancestors.

The area of the "Project" site is not merely known as an "archeologically" significant site and burial site. It is an established cemetery where there are Grandmothers, Aunties, and Uncles, and children who have a human right to be undisturbed and taken care of by their descendants. They are family and are referenced as less than human by using scientific terms that make it okay to desecrate the ancestor's graves. How is that a negative impact?

"Capping" the "Project" site at CA-LAN-266 is not a solution to the potential problem. The fact that the proposed "Project" both acknowledges the cultural sensitivity of the site and at the same time intends to bury the modern day dead of non-Chumash people over the ancestors who are already buried there, is highly problematic on a Human Rights level and on a scientific procedural level. First, as was previously stated, there are already Human Beings buried in an established historic graveyard. This area is also a known pre-historic settlement, burial grounds and a significant ceremonial site.

1

While I appreciate the idea of "capping" the site at CA-LAN-266 as a measure to "reduce the potential for impacts" to this known cemetery and sacred ceremonial site. I propose that you take into deep consideration preserving this cemetery in

place; instead of taking the highly probable chance of breaching this already established historical cemetery and sacred site.

The capping, as you know, of 24 inches cannot be adhered to until the job is taking place where the potential is high that there will be grading or preparation of the area to be capped and disturbance of the site undeniable. Even with Mitigation Measures CR-1 and CR-2 "would reduce" but not prohibit "impacts to this known historic cemetery and sacred ceremonial site.

This area at CA-LAN-266 should be preserved in place and permanently protected by listing it on the California Register of Historical Places especially being both the phase I report from 1990s and the phase II report from 2016 both confirm this is already a sacred site, burial site, and ceremonial site.

It is no surprise then that the report from the South Central Coast Information Center, California State University, Fullerton from 2012 show a consistency in the fact that this "Project" area AND adjacent areas of study are historically and archeologically significant natural cultural resources, known burial sites, and sacred sites at CA-LAN-31, 319, 406, 2790, 2937, 1417, AND 1715.

"In the case of CA-LAN-266, as in other habitation sites of the similar age and location, there is a high probability that the site contains multiple human burials. From the information available, I judge that, rather than being utilized primarily as a hunting encampment, the site was used as a settlement…Typically, people from this time have different sized of grinding tools: larger tools remained at the village, and smaller, more portable grinding tools that would be used at excursion sites. Because this site contains larger tools and a variety of artifacts used for manufacturing, this site was most definitely used as a habitation site rather than a temporary hunting encampment."

"In almost every settlement site from this time period, including the smaller settlements of similar size, there is a cemetery form human burials and sweat lodges and moon lodges for spiritual practices. In site contemporary with CA-LAN-266, mutates usually indicate human burials, as they were used as offerings and grave markers," --synonymous to modern day head stones.

Excerpt from an assessment report by Chester King, Archeologist, on CA-LAN-266

In the mission statement of the City of Malibu it states: *"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,*

WISHTOYO
CHUMASH FOUNDATION
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archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting."

If we protect cultural resources we protect the environment. Therefore I urge the City of Malibu to show leadership in denying this project to create a gigantic graveyard of close to 30,000 in ground burial plots, almost 4,000 standing wall crypts, a Chapel, mausoleum, and parking structure that will positively inhumanly impact and be built directly on top of an 8,000 year old historical Chumash burial, sacred and ceremonial site.

1

It would be wonderful to see a protection of the already historical and established burial and ceremonial site not only to be listed on the California Register of Historical Places but also in addition set aside as a "Sacred Heart" Spiritual Reserve and Place of Reflection. A place where the Chumash People could errect a memorial to take care of the Ancestors and where all people could go to pray and reflect.

Thank you for the opportunity to provide comment. Please feel free to contact me at any time.

Luhui Isha
Cultural Resource & Education Director
Wishtoyo Chumash Foundation
33904 Pacific Coast Highway
Malibu, CA 90265
Cell:805.729.7692
luhuiisha@wishtoyo.org
www.wishtoyo.org

Letter No. B-3: Wishtoyo Chumash Foundation

Response B-3-1

This comment addresses the potentially significant cultural impact of project implementation at CA-LAN-266, a site where the commenter claims that an established, historical cemetery exists and that capping the area of this historical site would not adequately mitigate the potential ground-disturbing activities of construction.

It is not anticipated that the project would have an adverse effect on what may be left of the sites. This conclusion was reached by ESA after conducting an extensive site testing program, including scientific backhoe trenching, multiple hand-dug test pits, and completion of additional meter square units to determine if significant archaeological deposits were present in the project area. No human remains were encountered, and although some artifacts were uncovered, ESA determined that even though the site did at one time contain enough information in the form of archaeological data to be considered as significant, previous testing and removal of material by archaeologists, prior use of the site as a tree farm, various fires and other natural processes, as well as ESA's current detailed Phase II work have exhausted the research potential of the site from an archaeological perspective. The City acknowledges that cultural significance cannot be determined from archaeological research alone. ESA worked with the federally recognized tribe and the most Likely Descendant of Chumash ancestry, Ms. Beverly Salazar-Folkes, as identified by the California Native American Heritage Commission. Native American representatives monitored all onsite work and were involved in the planning and determination that substantial work had been done to determine if the testing program was sufficient for probative value.

In addition, Beverly Salazar-Folkes of the Native American Monitoring Group, and designated Most Likely Descendant (MLD), addressed the historical, cultural, and tribal findings of this site location with her letter dated January 20, 2017 (included as Appendix 2.0 to this Final IS/MND). Thorough site surveys, record searches, and archaeological testing resulted in the identification of two prehistoric sites in the project area. The site in question, CA-LAN-266, does retain integrity, including the presence of a hearth feature and several flaked stone and ground stone tools within a relatively shallow deposit (60cm). This site does meet the significance criteria as a historical resource under CEQA. However, numerous archaeological studies have shown no indication that this site contains any human remains. Therefore, the suggestion to cap by fill soils to limit any further subsurface impacts is a viable mitigation measure.

That being stated, there are known and recognized cemetery complexes within a mile of the proposed project site related to much large settlements at CA-LAN-264 and CA-LAN-267. The proposed project would not involve any disturbance to these sites. If there is any specific factual information regarding the

presence of burials at CA-LAN-266, the City requests its immediate submittal to the City and the Native American Monitoring Group.

The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter B-4

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON*
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December 14, 2016

ORIGINAL BY MAIL

VIA EMAIL afernandez@malibucity.org

Adrian Fernandez
Senior Planner
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Comment Letter - Malibu Memorial Park
Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001

Dear Mr. Fernandez:

This law office represents Green Acres, LLC, the property owner of the above-referenced project (the "Malibu Memorial Park"). The City of Malibu (the "City") published the Initial Study and proposed Mitigated Negative Declaration ("MND") on November 14, 2016 for a thirty (30) day review period, the purpose of which is to allow public agencies and interested members of the public the opportunity to share expertise, disclose agency analysis, check for accuracy, detect omission, discover public concerns and solicit counter proposals pursuant to CEQA Section 15200 ("Purposes of Review"). 1

This correspondence contains Green Acres' formal comments on the Initial Study and proposed MND, which are listed below in page order. Some corrections are shown in redline: ~~strikeouts~~ are for text to be removed and underlined text is for text to be added.

- **Page 4, Paragraph 1, Second Sentence:** "The 47 mausoleums ~~range from~~ will average approximately ~~140 to~~ 200 square feet each." 2
- **Page 8, Paragraph 1, 1st full sentence:** "The archeological area would be capped with grading of a sufficient depth so as to allow necessary coverage as mandated in the Cultural Resources Management Report (maximum cap of approximately three feet)." 3
- **Page 8, Table 1:** The source date of the table is November 2016, rather than August 2016. 4

- **Page 8, Second Paragraph under "Construction":** "The initial construction does not include the ongoing construction of burials which has an estimated ~~45-year buildout~~ 40 to 80 year sell out period." 5
- **Page 8, Third Paragraph under "Construction":** "Sequence One: the perimeter of the site will be improved. ~~All~~ Approximately 240 pre-installed crypts will be placed in the median of the driveways." 6
- **Page 10, Paragraph 1:** It should be clarified and noted that this is a condition of the City of Malibu, not a condition of Southern California Edison. 7
- **Page 10:** "WWD No. 29 approval for water supply and sources for the site." A will serve letter and proof of accompanying water supply agreements have been supplied to the City on a least two previous occasions. 8
- **Page 11, Figure 1a:** In some of the digital versions of the Initial Study and MND, the "Impact Sciences" name/logo is pasted over Figure 1a, almost completely obscuring it. Please correct. 9
- **Page 15, Figure 3:** The Proposed Project Landscape Plan has been revised and updated. 10
- **Page 18, Figure 6:** There is a typo in the key – "Educational Facilities" is misspelled. Please correct. 11
- **Page 115, Table 11**: For "Single Family Residences Across Civic Center Way," it states maximum construction noise level is 95dBA. This is incorrect. Per the Rincon Report, Table 9, the maximum construction noise level is 65dBA. Please correct. 12
- **Page 125:** "The project applicant would be required to obtain a will serve letter from WWD No. 29, to ensure adequate water flow capacity exists to serve the project site, prior to the commencement of any construction activities." The will serve letter has already been supplied to the City on at least two separate occasions, as well as proof of a water availability agreement with Pepperdine. 13
- **Page 142:** Please change the following sentence to: "The project applicant shall participate in funding the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way." 14
- **Page 147:** "Project Site" location is mislabeled on map. Please correct. 15

- **Page 154:** "In addition, the project applicant is required to provide the City of Malibu with a letter from WWD No. 29 confirming their ability to serve the project." Again, the will serve letter has already been provided to the City on at least two separate occasions. 16

- **Appendices:** The Initial Study "List of Appendices" appears to be missing Appendix IV, which is the Updated Biology Inventory Report (this is referenced in the IS/MND). The list also skips over Appendices II, V, VII, VIII, X, XI, XIII, XIV, and XV. These may not exist as they do not appear to be referenced in the IS/MND. Please clarify and/or correct. 17

Thank you for your attention addressing these comments and corrections. 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

cc: Bonnie Blue, Planning Director (Via Email)

Letter No. B-4: Gaines & Stacey

Response B-4-1

This comment is a set of general introductory remarks and opinions. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-4-2

The text on page 4 is revised as follows:

The 47 mausoleums ~~range from~~ will average approximately ~~140 to~~ 200 square feet each.

Response B-4-3

The text on page 8 is revised as follows:

The archaeological area would be capped with grading of a sufficient depth so as to allow necessary coverage as mandated in the Cultural Resources Management Report (maximum cap of approximately three feet).

Response B-4-4

Table 1, Estimated Earthworks Quantity on page 8 is revised as follows:

Table 1
Estimated Earthwork Quantities

	Exempt					
	Removal and Recompaction	**Under Structure**	**Safety**	**Non-Exempt**	**Remedial**	**Total**
Cut	70,045	106,367	1,172	12,168	0	189,752
Fill	70,045	0	231	32,567	0	113,127
Total	**140,090**	**106,367**	**1,403**	**44,735**	**0**	**302,879**

Source: Green Acres LLC, ~~August~~ November 2016.

Response B-4-5

The text on page 8 is revised as follows:

The initial construction does not include the ongoing construction of burials which has an estimated ~~45-year buildout~~ 40 to 80 year sell out period.

Response B-4-6

The text on page 10 is revised as follows:

Sequence One: the perimeter of the site will be improved. ~~All~~ Approximately 240 pre-installed crypts will be placed in the median of the driveways.

Response B-4-7

The responses to comments contain additional information, clarifications and minor revisions that will be added to the text of the Final IS/MND. City of Malibu staff has reviewed this material and determined that the incorporation of this additional information as part of the Final IS/MND will not require recirculation of the Draft IS/MND. This new material will not result in a significant new environmental impact not previously disclosed in the Draft IS/MND. Additionally, this material will not result in a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15073.5

Response B-4-8

The text on page 10 is revised as follows:

Updated WWD No.29 approval for water supply and sources for the site.

Response B-4-9

Figure 1a, Proposed Project Site Plan on page 11 has been revised.

Response B-4-10

Figure 3, Proposed Project Landscape Plan on page 15 has been revised and updated, refer to **Figure 4a, (Revised) Proposed Project Landscape Plan**. .

Response B-4-11

Figure 6, Project Site and Surrounding Land Uses on page 15 has been revised.

Response B-4-12

Table 11, Construction Noise Levels on page 115 has been revised as follows:

Table 11
Construction Noise Levels

Sensitive Receptor	Distance from Construction (feet)	Maximum Construction Noise Level (dB(A))	City's Maximum Exterior Noise Limit
Our Lady of Malibu Church	350	72 dB(A)	85 dB(A)
Residences Across Civic Center Way	350	72 dB(A)	75 dB(A)
Webster Elementary School	550	68 dB(A)	85 dB(A)
Pepperdine University	950	63 dB(A)	85 dB(A)
Single-Family Residences Across Civic Center Way	700	~~95~~65 dB(A)	75 dB(A)

Source: Rincon Consultants, Inc., 2015, ***Appendix XII****.*

Response B-4-13

The text on page 125 is revised as follows:

Updated WWD No.29 approval for water supply and sources for the site.

Response B-4-14

The text on page 142 is revised as follows:

The project applicant shall participate in funding the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way.

Response B-4-15

Figure 14, Prohibition Zone on page 147 has been revised.

Response B-4-16

The text on page 154 is revised as follows:

Updated WWD No.29 approval for water supply and sources for the site.

Response B-4-17

The responses to comments contain additional information, clarifications and minor revisions that will be added to the text of the Final IS/MND. City of Malibu staff has reviewed this material and determined that the incorporation of this additional information as part of the Final IS/MND will not require recirculation of the Draft IS/MND. This new material will not result in a significant new environmental impact not previously disclosed in the Draft IS/MND, or any other circumstances requiring recirculation described in Section 15073.5.

Letter B-5

MONTGOMERYCLARK
ADVISORS

10877 Wilshire Boulevard
Suite 1103
Los Angeles, California 90024
Telephone 310.443.7711

December 14, 2016

VIA E-MAIL

Mr. Adrian Fernandez
Senior Planner
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265
afernandez@malibucity.org

Re: **Malibu Memorial Park Initial Study and Mitigated Negative Declaration**

Dear Adrian:

I write on behalf of our client Malibu Bay Company regarding Initial Study No. 16-002 and Mitigated Negative Declaration No. 16-001 for the Malibu Memorial Park project ("Project") released on November 10, 2016. We have some concerns that the Mitigated Negative Declaration ("MND") does not fully and adequately identify and analyze the potential environmental impacts of the Project as required by the California Environmental Quality Act. Specifically, the MND does not provide sufficient information about the water use and wastewater discharge of the Project, the MND does not analyze potential traffic impacts caused by special events at the Project, and the MND does not identify all of the entitlements that may be required for the Project. 1

I. Wastewater and Recycled Water Use

The Malibu Memorial Park project includes a substantial amount of landscaped area, with more than 16.35 acres to be irrigated, as well as two water features. The MND states that the Project will require at least 17.62 acre feet of water per year, or more than 5,741,000 gallons per year, for irrigation. The latest version of the landscaping plans for the Project made available to the public provides an Estimated Total Water Use (ETWU) of 5,624,819 gallons per year. The Maximum Applied Water Allowance (MAWA) for the Project is significantly higher, stated as 19,511,867 gallons per year in the Project landscape plans.

The MND states that the Memorial Park will use recycled water for water features and landscape irrigation from the Civic Center Wastewater Treatment Facility ("CCWTF") "to the extent that it becomes available to the project." The MND does not include any information about how such recycled water will be made available to the Project, or whether sufficient quantities of recycled water will be available. The scant analysis provided in the MND merely concludes that recycled water from the CCWTF "may be available to serve the project site over time." The City's Biological Review for the Project issued on May 3, 2016 does include a condition providing that the approval of the Project is based on an assumption that up to 53,000 gallons per day will be available to the Project from the CCWTF and that no lawn shall be planted anywhere on the site "until such time as that water is made available to the subject property at 4000 Malibu Canyon Road." (*Biology Review Referral Sheet,* City of Malibu, May 3, 2016.) This condition is not included in the analysis provided in the MND, nor is it included as a mitigation measure. 2

The Project property at 4000 Malibu Canyon Road was not included in Assessment District No. 2015-1 to fund Phase I of the CCWTF project, and is not currently scheduled to be connected to the CCWTF for wastewater discharge or obtaining recycled water until Phase 2 of the CCWTF project, which may not occur until 2022. The MND does not provide a clear explanation of how the Project will obtain recycled water from the CCWTF, or why the Project would be eligible to connect to the CCWTF for wastewater discharge. It is also unclear how the Project may be considered for approval before connecting to the CCWTF, considering that it is located within the Prohibition Zone established by Los Angeles Regional Water Quality Control Board's Basin Plan. 2

The MND states that the Project "would need to be included in a subsequent assessment district/phase for connection to the CCWTF" but provides no further information about the timing or mechanism to connect the Project to the CCWTF. The list of entitlements provided in the MND does not include the addition of the 4000 Malibu Canyon Road property to Assessment District No. 2015-1, or identify any other process to permit the Project to connect to the CCWTF. The list of entitlements provided in the MND does include a "City approval for recycled water use," but the MND does not clarify if such approval will entitle the Project to use water from the CCWTF, the cost to obtain this recycled water, and the source of the City's authority to issue such an approval.

II. Traffic Impacts of Special Events

We are also concerned that the MND fails to acknowledge that the Malibu Memorial Park may present some unique traffic issues. The MND does not include an analysis of Project traffic under special circumstances such as large funeral services and motorcades for celebrities or public figures, and other special events to be held in the Memorial Park such as weddings or other large gatherings. The chapel at the Memorial Park can seat up to 392 patrons. According information provided by the applicant to the City, Malibu Memorial Park could host six to seven funeral services or events per day, and the site could accommodate more than 450 vehicles through a combination of valet parking on-site and street parking on Malibu Canyon Road. The MND also states that the Memorial Park will host "various religious functions, special events, and public uses, including the chapel and trails, lawns and contemplation areas." 3

Given the location of the Memorial Park and its capacity, it is reasonable to assume that very large events (either funeral services or other special events) that will generate significant levels of traffic will occur frequently. The traffic analysis included in the MND fails to address the traffic that would be generated by these special events. In order to provide a full and complete analysis of the potential impacts that the Project may have on Malibu traffic, the MND must address the traffic generated by special events.

III. Entitlements for Height

As shown on the elevations provided in the MND, some portions of the flat roof of the chapel will extend up to 28 feet above natural grade. Pursuant to Malibu Municipal Code Section 17.40.080(A)(1)(c) and Malibu LIP Section 3.8(A)(1)(b), the City may only approve a maximum height of 24 feet above natural grade for a flat-roof structure through Site Plan Review. However, the MND states that the Project will require a Site Plan Review approval for height up 4

to 28 feet. Based on a review of the Project elevations, it appears that the Project should require the approval of a variance for a flat roof structure up to 28 feet in height above natural grade. 4

We encourage the City to address the inadequacies of the Malibu Memorial Park MND raised in this letter so that we can better understand the potential impacts of this Project, and look forward to reviewing any supplemental information the City may provide. 5

Very Truly Yours,

Loren Montgomery
Montgomery Clark Advisors

Letter No. B-5: Montgomery Clark Advisors

Response B-5-1

This comment is a set of general introductory remarks and explanation of the letter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-5-2

The Estimated Total Water Use (ETWU) based on the revised landscape plan is less than the Maximum Applied Water Allowance (MAWA); therefore, the project complies with the MMC Chapter 9.22, the Landscape Water Conservation Ordinance. The "lawn" areas in the landscape plan consist of compliant drought-tolerant grasses. The CCWTF is under construction currently and Phase 1 is scheduled to be operational by September 2018. At this time, the City has not determined how it will allocate recycled water generated by the CCWTF. The amount of recycled water available will be determined by the wastewater produced by properties connected in Phase 1 and overall demand, among other things. The City Biologist's condition pertaining to 53,000 gallons per day of recycled water has been deleted. It is no longer necessary as the project does not propose traditional high-water use lawns and the amount of recycled water available to the project has not yet been determined. The proposed project does not include construction of an onsite wastewater treatment system and the applicant seeks to connect to Phase 1 of the CCWTF. The build-out design of the CCWTF project evaluated in the Final EIR for the CCWTF project accounted for all land uses within the entire Prohibition Area, including commercial use of the subject property, and Phase 1 includes construction of wastewater collection and recycled water distribution lines along Malibu Canyon Road, adjacent to the subject property. On March 13, 2017, the City Council authorized the CCWTF design engineer and assessment engineer to evaluate the feasibility and cost of connecting the project to Phase 1, at the applicant's expense, and if sufficient capacity exists, authorized the City Manager to negotiate an agreement with the applicant to connect to Phase 1. Conditions of approval have been incorporated into the project clarifying that the project is prohibited from connecting to Phase 1 if the connection would exceed the wastewater treatment requirements/capacity of the CCWTF, and stating that prior to issuance of a grading permit, the applicant shall submit an executed agreement with the City allowing connection to Phase 1, or it shall have obtained approval for connection to Phase 2. Approval by the RWQCB is not required for connection to Phase 1.

Response B-5-3

Conditions of approval have been incorporated into the project to address occasions for which a high number of visitors would be expected to minimize adverse impacts on traffic and parking. Please refer to Planning Commission Resolution No. 17-17, Section 5, Conditions of Approval, under *Operations.* These conditions require valet parking at no charge on Memorial Day and other high visitation days to maximize the efficiency of use of the onsite parking; require a temporary use permit (TUP) and/or transportation management plan (TMP) for events or services and burials that would exceed the 176-space capacity of the onsite parking or involve a procession with a large number of cars; and would prohibit funeral processions involving a large number of vehicles during peak traffic hours, certain holidays (4th of July, Memorial Day weekend, and Labor Day weekend). The conditions also require the property owner/operator to monitor visitors and services daily and report the data to the City for annual review against the anticipated parking and traffic generation estimates so that this information may be reported to the Planning Commission. The TMP would be reviewed and approved by the Public Works Department and Los Angeles County Sheriff. Depending on the size, type, and duration of the event, the Transportation Management Plan (TMP) would address all aspects of event transportation and may include an evaluation of site access, parking, valet staging, temporary on-site parking, usage of shuttles, routing information and traffic control/security personnel. A traffic control plan – a specific set of plans showing the location of traffic control devices (e.g., cones, barricades, signs) may also be necessary. Furthermore, individual funeral processions are limited duration events and categorically exempt from CEQA review. The City of Malibu can authorize funeral escorts to control traffic for a funeral procession. Licensed funeral escorts are authorized to regulate traffic in accordance with the movement of the funeral procession as outlined in the California vehicle code. Vehicles taking part in a funeral procession have the right-of-way, and interference, obstruction, or interruption of the funeral procession is subject to a citation. When required, escorts will facilitate movement of large numbers of vehicles to the project site efficiently, keeping traffic impacts to a minimum. Each planned event would be analyzed on a case-by-case basis.

A review of the available street parking on Malibu Canyon Road between Pacific Coast Highway and the intersection of Civic Center Way/Seaver Drive has been completed. Chapter 3.0, Corrections and Additions, corrects the estimate to reflect the potential parking spaces on Malibu Canyon Road as approximately 72 parking spaces not 120 as mentioned in the comment. Bus stops, acceleration lanes, and red curb determine the number of spaces that could be provided.

Currently, there are 34 spaces on the east side of Malibu Canyon road adjacent to the site and 38 parking spaces on the west side. It should be noted that this potential parking assumes the proposed street

improvements along Malibu Canyon Road associated with the proposed project including sidewalks and a 10′ curb parking lane adjacent to the proposed bike lane.

Response B-5-4

The roof design is a combination of slopes and flat surfaces. Pursuant to a site plan review, the sloped portions are considered pitched and are allowed to be 28 feet high, and the flat portions are limited to 24 feet. The evidence in the record supports the site plan review findings.

Response B-5-5

This comment is a set of closing remarks for the letter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter B-6

From: Steve Uhring
To: Adrian Fernandez
Subject: Comments on the proposed Malibu Cemetery
Date: Monday, December 12, 2016 4:52:40 PM
Attachments: sigimg0

Adrian

The Malibu Community Alliance has been working with the City and the International Dark Sky Association to develop a nighttime lighting plan for Malibu. We submitted the proposed lighting plan for the cemetery to our experts at the International Dark Sky Association. Following is their comment on the proposed lighting plan.

-

From: Peter Strasser <pete@darksky.org>

Date: Wednesday, November 30, 2016 at 3:05 PM

Subject: RE: proposed Malibu Cemetery

Hi

IDA's position on cemetery lighting is that it is absolutely unnecessary for such use.

1

Best, Pete

Pete Strasser Technical Director
International Dark-Sky Association

pete@darksky.org
+ 1 (520) 293-3198 x402
darksky.org

Do you believe in IDA's mission protecting night skies? Please consider donating today.

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Letter No. B-6: Malibu Community Alliance

Response B-6-1

This comment is a set of remarks about the lighting plan for the memorial park, and a general statement opposing the current proposed cemetery lighting. The onsite chapel, walking paths and hours of operation until 9:00 in the evenings warrant some amount of lighting. Conditions of approval require lighting to comply with the standards of LIP Chapter 6 (Scenic and Visual Resources), and that these conditions be recorded as a deed restriction. A condition of approval also requires exterior lighting to be extinguished at close of business, except for security lighting.

Letter B-7

To: Adrian Fernandez
From: Malibu Coalition for Slow Growth(MCSG) by Patt Healy
Re: Malibu Memorial Park
Date: 12 14-16

Hi Adrian, thank you for giving us the opportunity to comment on the Mitigated Negative Declaration (MND) for Malibu Memorial Park. These comments are those of many MCSG supporters and are by any means complete.

Blue italics indicate quotes from the MND, if not identified. If from another source,the source is is identified.

1

AESTHETICS

The suggested MND mitigations in the Land Use section do not protect views from PCH as you travel west from the Civic Center and travel east at the PCH and Malibu Canyon Rd. intersection. To be more protective of view structures should be set further back from edge of slopes or landscaped to block their view.

2

In fact, all structures, including the chapel, should not be visible from any public streets or public parks should be screened from view with landscaping.

What is the justification and reason for this site being open after sunset?

3

Since there will be a dark sky ordinance in effect when the cemetery opens why is it not bound by the dark sky ordinance once it is enacted?

The proposed lighting is very bright. While there might not be light spill. Will the night lighting be seen from any public roads or park? Please analyze.

Will the lighting create night glow?

4

What impact will lighting have on the wildlife? Please analyze.

Will the night lighting be visible from any public roads or parks?

Will there be grave stones on top of burials?
Will they lay on the ground or vertical? If vertical is there a height limit?
Will other decorative objects be allowed on top of the graves and what is their allowable height**?**

5

Why is the chapel allowed to be higher than 24 ft. since the roof is flat and 28 ft. is not allowed. If there is a sloping roof where is the slope? Eighteen feet is high enough.

6

What is the color pallet for the chapel, crypts mausoleums? Will everything be one color or a variety of colors?
Since mausoleums and crypt will be surfaced with granite or marble, does marble come in earth tone colors as required? If so, what colors?
Will everything be in the same earth tone color or can purchasers of mausoleums/ crypts select the earth tone color they desire? 7

Are there or will there be design standards which will control the design of the mausoleums? If so, please provide for review. 8

How high are each of the above ground structures? Where will they be visible from?

Analyze the view impacts of cemetery structures from the 1.7 Crummer /city donation, developed bluffs park and 84 acres undeveloped bluffs. 9

Where is the height of the 47 mausoleums and the crypts being measured from? 10

Is all development limited to the flat mesa or is there some development on the slopes? 11

What is the height and width of fountain/waterfall? 12

Have the view impact been considered after the trees are removed and new trees planted on blue water views from Malibu Canyon Rd.? If not please analyze. 13

How long and wide is the driveway and what color and material will it be? 14

Will the Planning Commission have the ability to review each mausoleum or just the Director? 15

Will the Planning Director review any other aspects of the project? If so, what?

Where will the retaining walls be located? Will they be visible from public parks and public roads. Will they disturb any of the native habitat? 16

Where will the pilings located? Will they disturb any of the native habitat? Will they be visible from public parks and public roads? 17

Will any of the mausoleums be visible from PCH? Story poles on site indicate that the proposed mausoleums on the east side are visible when one is traveling west on PCH from the Civic Center. Also, the mausoleums on the south slope are visible as one travels west on PCH. Since this is the case the view impacts should be mitigated by relocating them further back from the slopes or landscaped to block their view. Will this be a mitigation measure? 18

Will any of the crypts and chapel be visible from Malibu Canyon Rd. or PCH? What mitigation measures will be put in place to negate this view impact?

Will the slopes on the northwest and west side of the site remain in place or be removed? If removed what will screen the cemetery from Malibu Canyon Rd.? 19

Will there be grave stones on top of burials? Will they be placed flat on the ground or vertical? If vertical is there a height limit? 20

Will other decorative objects be allowed on top of the graves? If so what is allowable?

AGRICULTURE RESOURCES.

Since this was once a tree farm, please analyze condition of topsoil to see if it is prime ag soil. 21

BIOLOGICAL RESOURCES.

What is the landscape designer's level of familiarity with plants that thrive in Malibu's coastal environment?

Why did the designer choose the plants it did in the landscape plan? 22

Why weren't more native plants and native trees included to reflect Malibu ruralness rather than looking an urban looking site ?

Please indicate on a map where various plants and garden beds will be located? 23

The elimination of sensitive habitat on the mesa's 21 acres conflicts with the Malibu LCP ESHA policies protecting biological resources. Under the Malibu LCP this habitat is ESHA despite the fact that it is surrounded by roads. In addition, isolation by roads will not affect the plants, smaller wildlife species such as lizard, mice, gophers , snakes, bats, raptors, other birds etc. 24

Saying, as the MND does, a particular species might exist on the site but it doesn't matter because they are A. isolated, and B. we aren't going to look for them and assess their presence, does not adequately address the CEQA requirements. 25

The conservation easement (that exists on the former Adamson property along Malibu Canyon Rd. was mitigation for a different project by a different property owner on its own land. It should not be considered mitigation for this project. The project should have its own mitigation measures for any habitat removed or destroyed. 26

How many acres of coastal sage habitat will be destroyed? Where is it located on site? Name all the native individual plant species on the proposed developable 21 acres? 27

Are any walnut, coastal live oak, toyon or other native tree species being destroyed? If so how many of each species and where is there current location? Please indicate their location on a map. 28

Where are the eucalyptus trees and were they studied to determine whether they could be roosting site for the monarch butterfly whose population has dramatically declined by 90% since the 1980's?

Where is the on site milkweed located (the only plant the monarch butterfly will lay their eggs)? Will it be preserved or destroyed? 29

Where is the Baccharis plummerae located on site and how much of it is on site? How much will be destroyed?
Where are all the walnut trees located? Will any be destroyed? If so, how many. 30

Where will the retaining walls be located? Will they disturb any of the native habitat? If so, describe the lost habitat? 31

Where will the pilings be located? Will they disturb any of the native habitat? If so, describe the lost habitat? If destroyed, how will its loss be mitigated? 32

Where will excavation of cut/fill of slopes take place? Will it impact any sensitive habitat? If so, describe the lost habitat? If destroyed, how will its loss be mitigated? 33

What and when were biological studies done to see if substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species? Who did the studies? What was the time of year? For how many days and hours? 34

Was there any daytime and night time on site observation for wildlife? Who did the studies? What was the time of year? For how many days and nights and hours? 35

On the 21 acres proposed for development, how many acres will be preserved as landscaped open space? What is this percentage of on ground landscaped open space?

Are underground burial plot sites considered in the calculation open space? 36

Are the 7 acres of slopes calculated in landscaped open space? If so what percentage is this is considered landscaped open space?

What non-native trees species are on site that are slated for destruction. What is the size of each non-native tree? 37

How many square feet of the rare needle grass is being eliminated? What other species of native grasses are being eliminated? 38

The MND states the project is not in conflict with "any Habitat Conservation Plan, local, regional, state or federal." 39

The project may in conflict with the Conservation Element of the Malibu General Plan, as it relates to the protection of Coastal Sage Scrub and other sensitive habitat. Please analyze the site in relation to the Conservation Element of the General Plan as well as the Malibu Local Coastal Program. 39

Even though not indicated this project is part of the art of Pacific flyway and most likely will be used for foraging by both native and migrating birds. Has there been a bird survey on the site and if not why not? If there was such a survey what did it discover? 40

These CNPS species were observed on-site: Plummer's baccharis (*Baccharis plummerae* var. *plummerae*) and southern California black walnut (*Juglans californica* var. *californica*). *Both species are on the Watch List as "limited in distribution" in California.*

On page 3-28 0f the Conservation element of the General Plan it states that the walnut is identified as a highest priority special plant community in need of protection by California Fish and Game (Wildlife). The site should be designed to protect these trees. 41
Please confirm that no walnut trees will be removed.

No special status wildlife species, nesting birds or raptors, were observed on-site. However, a moderate potential exists that three special status wildlife species may occur within the property, including the coastal whiptail (Aspidoscelis tigris stejnegeri), Bryant's [San Diego desert] woodrat (Neotoma bryanti [N. lepida intermedia]), and coast horned lizard (Phrynosoma blainvillii). The loggerhead strike (Laninus ludovicianus), which is a California species of special concern, is a potentially sensitive wildlife that is likely to use the isolated coastal sage scrub habitat on-site while nesting. 42
Where is the mitigation for this potential loss?

The Updated Biological Inventory Report stated that the property is comprised of five habitats The MND states A map of these five habitats prepared by Rincon Consultants, November 2015 is available in Appendix IV. But Appendix IV is not posted on line for public review. Please provide this map. 43

The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed. Therefore, the proposed project is consistent with applicable LIP ESHA and Native Tree Protection development standards.
Isn't the fuel modification buffer zone 200 feet? Can the chapel meet this set requirement from sensitive plants as well as trees? Can the mausoleums and crypts meet this requirement? Has the fire dept. signed off on a 100 ft. buffer? 44
Can the project meet a 300ft setback (200ft for fuel modification and 100 ft. from sensitive habitat?

The proposed development, including the required fuel modification of the proposed chapel, is mostly located within the saltgrass-fasciculed tarplant fields and disturbed / 45

ruderal habitats which are not considered sensitive habitats. Although most of the onsite habitat is not considered ESHA, the dense, intact coastal sage scrub, foothill needlegrass patches and successional coastal sage scrub with ornamental habitats are considered sensitive and mitigation through restoration or in lieu fee is recommended for the sensitive habitat areas that are proposed to be affected by the proposed development.

45

This is not accurate. Under the Malibu LCP, it is considered ESHA. Will this habitat be removed or be restored?

As most of the existing sensitive habitat would be preserved and the majority of the developed portion of the property would serve as private open space, the impacts to the three special status wildlife species that may be present at the property is considered minimal with mitigation.

46

What is the basis for this statement? Please elaborate and explain what this statement means. How is most of the existing sensitive habitat being preserved when 21 acres of sensitive habitat is proposed for removal?

As provided in Mitigation Measures BIO-1 through BIO-6, a survey conducted during the blooming periods of rare and special status plant species, nesting bird survey, and fencing off habitat and sensitive plant species during construction are required.

47

The mitigation monitoring plan doesn't require this monitoring, It only says it <u>should</u> be required. Please correct the Monitoring Plan error and make it mandatory.

Following implementation of the recommended mitigation, no significant impacts to special status resources and riparian and other sensitive habitats are anticipated.

48

Please elaborate on how payment of an in lieu fee and attempts to remove wildlife, if not successful will it actually mitigates the loss.

This project is not expected to substantially interfere with the movement of any native resident or migratory fish or wildlife, as the site has not been identified as a migratory corridor and the majority of the sensitive habitat on the property will be preserved.

49

This is just conjecture. The site is part of the Pacific Flyway. Not all animal wildlife corridors have been identified and many wildlife cross roads usually late at night.

Further, the project site is isolated, and therefore not expected to impact any native wildlife nursery sites as the existing conditions on the project site would not be expected to serve as a wildlife nursery. Please explain basis for this statement.

50

Nesting native birds and smaller wildlife, including snakes and lizards could be born on this site.

The project does not conflict with any other local policies or ordinances protecting biological resources. We think the proposed project is not in not in conformance with the General Plan Conservation Element and sections of the Local Coastal Plan.

51

CULTURAL RESOURCES.

The 12-17-13 letter to city from the Wishtoyo Foundation regarding this site states :The Chumash Peoples continue share a sacred and cultural relationship with the many places and the landscape within and around the Project site, as the Project site contains the ancestral remains of the Chumash Native Americans with innumerable cultural resources, including burial, sacred sites, and remains of Chumash material culture and life ways. This Project has the potential to change the entire Chumash historical and cultural landscape in and around the Project area.
The link to this letter is http://www.malibucity.org/DocumentCenter/View/5792

52

The MND states it is possible that additional archeological resources could be located below the surface. Therefore for the above reasons, please add ,as requested by Wishtoyo, this mitigation measure: Prior to the issuance of a CDP, the entire site will be scanned with GPR (ground penetrating radar), or other deep scan method, and the forensic dog teams mentioned in the letter attached from Wishtoyo engaged to explore the site for human remains. That way, if there is anything of archaeological or cultural significance, it will be discovered and the applicant can plan and redesign accordingly.

Based on the results of the latest Phase II investigation, site CA-LAN-266 appears to be eligible for listing in the California Register under Criterion 4 (potential to yield information important in prehistory) and is therefore considered a historical resource under CEQA.
Will LAN 266 and LAN 1714 be graded? If so initially or at a later date? If so could there be artifact disturbance with the use of heavy grading equipment?

53

What effect will initial grading of site this have on these two cultural resource sites ?

What species of native plant 10 feet high hedge will surround LAN 266 and LAN 1715.

54

The MND states a prior Phase II investigation prepared in May 1995 by Robert J. Wlodarski recommended in-situ preservation or capping the site with a layer of imported soil (fill).
What this MND doesn't state is that both of these sites 266 and 1715 would be capped, remain as open space and incorporated into a deed restriction to ensure protection of these two sites in perpetuity for future generations.

From what was said at the ERB meeting the most recent discovered artifacts will be housed at UCLA"s Fowler Museum instead of remaining in site which is the preferred mitigation measure under *LIP G.3.a. In-situ preservation of the important cultural resource site (This is the preferred mitigation measure where feasible).*
These artifacts need to be required to be placed back on the sites.

55

What gives one the right to place crypts on these recorded Cultural Resource sites?

This is not allowed under the *LIP section G.3.b i. which says site planning construction avoid cultural resource sites.*
The MND also fails to mention that capping with a layer of soil is allowed only under certain circumstances. *LIP G.3.b. states: Cultural Resource Impact Mitigation. Measures to mitigate potential impacts may include, but shall not be limited to, the following:*
LIPG.b.3.iii. "Capping" or covering important cultural resource sites with a layer of soil before building tennis courts, parking lots, or similar facilities. Capping is only allowed for tennis courts, parking lots and similar uses. Crypts are not a similar use and hence not allowed. 56

LIPG.B.3.iv. Deeding important cultural resource sites into permanent conservation easements.
These 2 sites need to be put into a recorded conservation easement. This is required by the LCP and was a required mitigation measure in the Adamson Hotel project. 57

Variance (VAR) No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum allowed. This is needed in order to cap the archaeologically sensitive area.
The sole reason given for the needed variance to exceed the allowable amount of grading is in order to cap the site so crypts can be placed on top of the sites. If instead of crypts, the area of LAN 266 and 1715 were left alone , a native garden could be planted on them in honor of the Chumash. 58

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GEOLOGY
We understand the Malibu fault is a thrust fault not a rupture fault. Please analyze the fault on sites potential if there is a quake on this thrust fault?

Are all structures set back 50 ft. from the fault that goes through the site? If not which ones meet this setback. 59
Please explain if and why any grading will take place on slopes 2 ½ to 1 or greater? What harm will be done to sensitive habitat?

Will any underground utilities, including but not limited to telephone, electrical, water pipes gas lines, telephone, sewer pipes and drainage improvements go thru sensitive habitat or LAN 266 and LAN 1725? If so where and can it be rerouted? 60

LAND USE AND PLANNING.
Will entire site be graded initially? If not please explain what and where the initial grading take place and what grading will take place at a later date. 61

What is the total square footage and height of the public wall crypts behind chapel?

What is the total square footage and height of the private crypts? 62

What is the difference between public and private crypts?

Why weren't the crypts square footage included in the calculation of the FAR ?

Including the crypt and crypt walls what is the FAR?

Where will the contemplative areas be located?

Where is the location and what is the size of the cremated bodies section of the cemetery?

63

To understand the project, one has to know now the answer to the following:
What kind of public and private events will there be? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.
What are the educational activities that will take place on site? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.
What social activities will be on site? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.
What various religious functions besides funerals will take place? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.
What kind of special events will take place? Please list all of them and how often they will occur so the impact can be understood. Please analyze them and their impact on traffic, noise, parking.

64

How many funerals per day can be accommodated at the site?
How many funerals can be held at the same time?

Could and will GPS and various apps be used to locate burial locations. Could this attract many more visitors to the site in search of the location of a famously deceased person(S)? Please analyze this and their impact on traffic, noise, parking.

65

Will there ever be a need for additional parking? If, so where off site will it be?

66

How many sq. ft. of development area with floor-to-ceiling height is less than 6 ft.in height? Where is stated this square footage is exempt? Why is it not included in the FAR ? Please recalculate FAR with this in mind

67

It appears that crypts are stacked on top of each other what is the height of the stacked crypts?

68

Are the proposed crypts being constructed initially or as needed?

69

Is all the development being measured from the lower of natural or finished grade as required by the LCP? If not, please explain why not since that is the LCP requirement?

70

We were led to believe by the applicant that the cemetery would be very natural looking. Malibu is a rural community. Since our meeting the number of mausoleums has more than doubled. Crypts were never mentioned as a possibility. The design of the cemetery should have many more native trees and gardens with much more native landscaping to add warmth and soften all of the hardscape and to mitigate the urban look of the cemetery. This may mean reduction in the number of burial plots mausoleums and crypts to allow for more native landscaping and protection of cultural resources.

71

Letter No. B-7: Malibu Coalition for Slow Growth

Response B-7-1

This comment is a set of general introductory remarks and explanation of the letter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-7-2

This comment addresses the potential aesthetic and view impacts that may result upon project implementation and includes recommendations of placement of buildings.

The site plan studied in the IS/MND reflects a layout with the mausoleums along Pacific Coast Highway pulled back towards the center of the site that is different than the location of the original story poles. The proposed project would have a less than significant impact on surrounding views with the relocated mausoleums. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road.

Interior landscaping and hedges proposed in the landscape plan will also help screen the project site from these and other viewpoints, thus making these impacts less than significant.

Response B-7-3

The proposed Memorial Park visiting hours are currently set as 7:00AM – 9:00PM to permit those who work traditional work hours (8:00AM – 5:00PM) to access the site after work. During Pacific Daily Standard Time, sunrise to sunset hours are approximately 6:00AM to 8:00PM.

Response B-7-4

This comment addresses the lighting plan for proposed project.

A Photometric Plan was prepared for the proposed project and is included in **Appendix I** of the Draft Initial Study. The onsite chapel, walking paths and hours of operation until 9:00 in the evenings warrant some amount of lighting. Conditions of approval require lighting to comply with the standards of LIP Chapter 6 (Scenic and Visual Resources), and that these conditions be recorded as a deed restriction. A condition of approval also requires exterior lighting to be extinguished at close of business, except for

security lighting. The City has not yet adopted a Dark Sky Ordinance and the project would be subject to any applicable compliance program included in the ordinance. The lighting for the proposed project would be visible during the early evening hours during the winter months, but it would minimal as reflected on the Photometric Plan, and would be extinguished after 9:00 p.m. as required by the project conditions of approval. The proposed project operational hours end at 9:00PM, and all fixtures will be aimed downward and fully shielded, and therefore lighting will have minimal impact on night glow for the few hours beyond sunset, and on nighttime wildlife.

Response B-7-5

No upright tombstones or markers would be permitted above the in-ground burials. However, the Memorial Park would allow certain decorative objects to be place above a burial. These objects would be subject to a pre-approved list, as well as having to conform to any/all City regulations.

Response B-7-6

The roof design is a combination of slopes and flat surfaces. Pursuant to a site plan review, the sloped portions are considered pitched and are allowed to be 28 feet high, and the flat portions are limited to 24 feet. The evidence in the record supports the site plan review findings.

Response B-7-7

The project is subject to standard conditions of approval required by LIP Chapter 6 (Scenic and Visual Resources), which call for colors compatible with the surrounding environment (earth tones), including shades of green, brown and gray, with no white or light shades, no bright tones, and no highly reflective materials. Colors and materials are required to be reviewed and approved by the Planning Director and shown on the building plans. The design of individual mausoleums would be designed by individual buyers, but would be subject to these conditions.

Response B-7-8

All private mausoleum plans would be required to meet or exceed the development standards of the *Malibu Local Coastal Program, Local Implementation Plan, Chapter 6, Scenic, Visual, and Hillside Resource Protection Ordinance*, and the review and approval by the City of Malibu Planning Department.

Response B-7-9

The tallest onsite structure will be the 28 feet' chapel, which will be screened with interior landscaping and hedges surrounding the project site. The private mausoleums will be 12 to 14 feet high. Views have

been studied from all surrounding locations and determined to have a less than significant impact on aesthetics. Refer to Figures 7 through 12 of the Draft IS/MND. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road.

Response B-7-10

The height of the 47 mausoleums and crypts will be measured from existing or finished grade, whichever results in a lower building or structure height, as specified in LIP Section 3.8(A)(1)(a).**Response B-7-11**

No project development or construction will occur on a slope steeper than 3:1 as limited by MMC Section 17.40.080(A)(6).

Response B-7-12

The waterfall, or central rill water feature, is a channel 36″ wide that cascades gradually, descending 20′ over a distance of 373′, and terminating in a 47′ diameter half circle collection pond with a 2′-8″ waterfall and 3′-7″ sloped bottom element.

Response B-7-13

Impacts to views after the removal and replacement of trees have been reviewed by City of Malibu Planning and have been determined to have a less than significant impact pertaining to the visual impact from surrounding locations, refer to Figures 7 through 12 of the Draft IS/MND. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road.

Response B-7-14

The entry driveway ranges in width from approximately 220′ to 110′, including the parking and the central water feature. The driveway stretches approximately 430′ in length from the entrance along Malibu Canyon Road to the lower garage entrance. Finished surfaces will be paved per Fire Department regulations.

Response B-7-15

A condition of approval has been incorporated into the project requiring each mausoleum to be processed as an administrative plan review pursuant to MMC Section 17.62.030, which is subject to review and approval by the Planning Director. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road. **Response B-7-16**

The retaining walls shall be located to the north of the capped area to support the added fill amounts. The proposed retaining walls will not negatively impact any native habitat and will be landscaped to screen any adverse visual impacts, and will be conditioned in accordance with the requirements of LIP Chapter 6, requiring veneers, texturing and/or colors to blend with the surrounding earth materials.

Response B-7-17

Soldier piles are proposed to be located directly northeast of the capped area. The piles will be below grade, and therefore not be visible from public parks and public roads. They would not disturb any of the identified native habitats.

Response B-7-18

The site plan studied in the IS/MND reflects a layout with the mausoleums along Pacific Coast Highway pulled back towards the center of the site that is different than the location of the original story poles. The proposed project would have a less than significant impact on surrounding views with the relocated mausoleums. In addition, Mitigation Measures LP-1 and LP-2 require that story poles be installed for each individual mausoleum so that visibility from Pacific Coast Highway and Malibu Canyon Road can be confirmed. Siting is required to be adjusted to ensure mausoleums are not visible from Pacific Coast Highway adjacent to the property and do not block bluewater views from Malibu Canyon Road.

Portions of the Crypt walls located at the capped area will be visible from surrounding roads such as the elevated views from Malibu Canyon Road. However, due to the proposed screening from landscaping and hedges, impacts to these views would be less than significant, refer to **Figures 7** through **12** of the Draft IS/MND.

Response B-7-19

The slopes located to the northwest and west of the project site are not proposed to be removed or impacted by project development and would remain in their current condition.

Response B-7-20

No upright tombstones or markers would be permitted above the in-ground burials. However, the Memorial Park would allow certain decorative objects to be place above a burial. These objects would be subject to a pre-approved list, as well as having to conform to any/all City regulations.

Response B-7-21

This comment is a question of a previous use of the project site that does not reflect current existing conditions. The California Department of Conservation lists Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under the general category of "Important Farmland." According to the Farmland Mapping and Monitoring Program the project site is classified as Urban and Built Up land.[1] The project site is not zoned for agricultural use and/or under a Williamson contract.

Response B-7-22

According to the applicant, the landscape architect chosen for the project site is acquainted with plants that thrive in southern coastal environments. Plant choices for the landscape plan considered numerous factors including planting over burial plots in the Memorial Park, fuel modification guidelines, and erosion control for newly disturbed soil on sloped conditions. The landscape architect attempted to find trees that would fit within the expansive open space areas of the Memorial Park but would also provide large canopies for shading. Please refer to **Figure 4a, (Revised) Proposed Project Landscape Plan** for information regarding the revised plant selections which now incorporate a larger palette of native flora.

Response B-7-23

Please refer to **Figure 4a, (Revised) Proposed Project Landscape Plan** for added notes addressing plant selections and planting locations.

1 California Department of Conservation, Farmland Mapping and Monitoring 2012 Los Angeles County Map, http://www.conservation.ca.gov/dlrp/fmmp/Pages/LosAngeles.aspx, accessed February 2, 2016.

Response B-7-24

Only a small portion of the project site, located in the southeast corner, is designated as ESHA. As discussed on page 59 of the Draft Initial Study, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed. Therefore, the proposed project is consistent with applicable LIP ESHA and Native Tree Protection development standards. Furthermore, the 30-acre offsite conservation easement on the Francisco property was dedicated to the City in 2001 as mitigation for development of the subject property as a 146-room hotel that was going to remove sensitive habitat (Deed of Conservation Easement for Wildlife Habitat and Open Space Resources, recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737). The hotel project (CUP No. 96-005) was approved by the City in 1998. The easement remains in place and serves as mitigation for the habitats disturbed by the subject project. No additional mitigation or conditions of approval are required.

Response B-7-25

The biological assessment that was conducted for this environmental review has met all the criteria standards for evaluation within the requisite CEQA guidelines. In addition, **Mitigation Measures BIO-1** through **BIO-6** would ensure that the appropriate surveys are conducted, as well as protective measures, where necessary, are taken to ensure that potential impacts to sensitive biological resources remain less than significant.

Response B-7-26

The easement remains in place and serves as mitigation for the habitats disturbed by the subject project. The previous mitigation measure (**BIO-1**) has been revised to account for this easement off-set. No additional mitigation or conditions of approval are required. The biological reports prepared for the property identify all the native plants on the property.

Response B-7-27

Although the coastal sage scrub habitat onsite does not necessarily qualify as ESHA, this habitat is still considered sensitive by the City of Malibu. Past surveys performed for the previously proposed Rancho Malibu Hotel project indicated that between 8.0 and 10.75 acres of coastal sage scrub habitat occur on the project site. A listing of native plant species observed on the project site was included in the Revised Biological Inventory Report and identified on the vegetation map in Figure 1 of the report, now

incorporated into this Final IS/MND as **Figure 4c, Vegetation Map**. Coastal sage scrub is located on the northeast-facing slopes and the southeast portion of the site.

Response B-7-28

Rincon conducted a Native Tree Assessment on the project site (refer to **Figure 4b, Native Tree Map**). No *Juglans californica* trees are tagged for removal. Five *Quercus agrifolia* trees have been tagged to be removed; all were on the flat, former nursery section of the site and did not meet the City's size requirements for protection.

Response B-7-29

All trees have been identified, located, and evaluated per the Rincon Tree Assessment report. The existing trees on site have not been documented as monarch butterfly over-wintering sites. This insect typically uses eucalyptus or cypress trees arranged in clusters that protect the roosting areas from winds and long-term direct sunlight, often near open fresh water. Because of the existing arrangement of eucalyptus trees at the edge of the mesa with ample exposure to ocean breezes, there would be no impact to overwintering monarch butterflies.

Narrowleaf milkweed (*Asclepias fascicularis*) has been observed on the project site. As a native species it is expected to persist in the undisturbed areas of the project site.

Response B-7-30

The Plummer's baccharis is found within intact coastal sage scrub habitat, particularly in the site's southeastern corner (Rincon). As most of the existing sensitive habitat would be preserved and the majority of the developed portion of the property would serve as private open space, the impacts to any Plummer's baccharis that may be present at the property is considered minimal with mitigation. As provided in **Mitigation Measures BIO-2, BIO-3**, and **BIO-6**, a survey conducted during the blooming periods of rare and special status plant species, and fencing off habitat and sensitive plant species during construction are required. Following implementation of the recommended mitigation, no significant impacts to special status resources and riparian and other sensitive habitats are anticipated.

Rincon conducted a Native Tree Assessment on the project site (refer to **Figure 4b, Native Tree Map**). No *Juglans californica* trees are tagged for removal. An updated native tree assessment will be required as a condition of approval.

Response B-7-31

Please refer to Response B-7-16.

Response B-7-32

Please refer to Response B-7-17.

Response B-7-33

Grading plans were provided as part of this IS/MND that show where excavation will take place. Any sensitive habitats disturbed during this process are mitigated through the provision of the 30-acre offsite conservation easement on the Francisco property, which was dedicated to the City in 2001 as mitigation for development of the subject property as a 146-room hotel that was going to remove sensitive habitat (Deed of Conservation Easement for Wildlife Habitat and Open Space Resources, recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737). The hotel project (CUP No. 96-005) was approved by the City in 1998. The easement remains in place and serves as mitigation for the habitats disturbed by the subject project. No additional mitigation or conditions of approval are required.

Response B-7-34

Numerous studies have been conducted at the project site. General and resource-specific biological surveys were conducted in 1995 and 1997 during review of a previous hotel project proposed for the subject property (Tierra Madre Consultants, Inc. 1995 and 1997), and more recently in studies prepared by Rincon Consultants for the proposed Rancho Malibu Hotel Project (Rincon, 2007, 2011 and 2012), with an **Updated Biological Inventory Report** prepared by Rincon in November 2015. Descriptions of each study's methods are identified in the individual studies. Descriptions of the project site's biological characteristics are incorporated from these previous studies, as well as federal and state natural resource databases and studies. These studies have been subject to peer review and approval by the City of Malibu Planning Department and the City Biologist.

Response B-7-35

Please refer to Response to Comment B-7-34.

Rincon Consultants conducted surveys on the following days:

Survey Date	Time of Day	Weather Conditions
April 18, 2007	10:30 — 13:00	65 F, 10 mph, 0% cloud cover
August 23, 2011	14:00 — 15:30	70 F, 5-10 mph, 0% cloud cover
February 16, 2012	11:00 — 14:00	66-71 F, 5-10 mph, 0% cloud cover
October 3, 2014	13:00 — 13:30	87 F, 1-3 mph, <5% cloud cover

Response B-7-36

Approximately 57 percent of the project site will be landscape area (approximately 16 acres) and 35 percent will be left as open space (approximately 10 acres). Of the approximately 712,008 square feet of landscaping, approximately 709,595 square feet (approximately 99 percent) is available excluding the water features and built-in planters. Any space above grade encumbered with structures can be considered part of the open space calculation. All of the steep slopes are preserved as landscape area.

Response B-7-37

All native trees designated for removal and their sizes are identified on the Rincon Native Tree Assessment Report (refer to **Figure 4b, Native Tree Map**). An updated native tree report will be required prior to ground disturbing activity as a condition of project approval to ensure that any trees lost or encroached upon that qualify for protection will be mitigated. LIP Chapter 5 does not require non-native trees to be identified in the inventory.

Response B-7-38

The foothill needlegrass patches observed onsite are located along the top of the north-facing slope between the abandoned nursery and the intact coastal sage scrub. These patches are dominated by *Stipa lepida* (foothill needlegrass), and associated species include cudweed aster (*Lessingia filaginifolia*), soap plant (*Chlorogalum pomeridianum* var. *pomeridianum*), and small-flowered melicgrass (*Melica imperfecta*), with elements of coastal sage scrub mixed in at lesser levels. One patch was approximately 11,300 square feet and a larger patch was approximately 14,700 square feet. These patches are approximately 200 feet away from each other. The two patches together would be approximately 0.6 acres. Most of this habitat will be maintained as the steep slopes will not be disturbed.

Response B-7-39

As stated on page 60 of the Draft IS/MND, there is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan in

place for the proposed property or adjacent areas that could be impacted. Further, as discussed in Response to Comment B-1-10, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. The proposed project, including the chapel's required fuel modification, would maintain a 100 foot buffer from on-site ESHA and no removals or encroachments into the protected zones of protected native trees is proposed.

The Malibu General Plan Conservation Element identifies the City's numerous sensitive habitats and species, and references the resource protection standards of the California Coastal Act. Goals and policies call for protection and restoration of habitats, and implementation measures set forth the mechanisms by which to accomplish the goals and policies. Pertinent CON Implementation Measures under CON Objective 1.2 call for a native tree permit program, clustering development to preserve habitat linkages, maintaining setbacks from riparian corridors and oak woodlands and controlling exterior lighting to reduce visibility and wildlife impacts. The project is consistent with these policies in that no protected native trees are proposed for removal, sensitive habitat along the steep north and east facing slopes will be maintained and native plants will be used throughout the site, the required setback will be maintained from the riparian area in the southeastern portion of the site, and lighting will be low intensity, shielded, downward facing and extinguished by 9:00 p.m. to minimize visual and wildlife impacts. Though impacts to sensitive resource areas of the site will be minimal, prior mitigation for development of the subject property was required through establishment of a conservation easement on the Francisco property as previously described in Response B-7-27.

Therefore, the proposed project is consistent with applicable LIP, ESHA and Native Tree Protection development standards, as well as the Conservation policies of the General Plan.

Response B-7-40

Rincon Consultants conducted surveys on the following days:

Survey Date	Time of Day	Weather Conditions
April 18, 2007	10:30 — 13:00	65 F, 10 mph, 0% cloud cover
August 23, 2011	14:00 — 15:30	70 F, 5-10 mph, 0% cloud cover
February 16, 2012	11:00 — 14:00	66-71 F, 5-10 mph, 0% cloud cover
October 3, 2014	13:00 — 13:30	87 F, 1-3 mph, <5% cloud cover

General avian surveys were conducted on April 18, 2007, August 23, 2011, and October 3, 2014. Coastal sage scrub and large trees could be attractive for nesting birds protected under the California Fish and Game Code. Accessible trees and shrubs throughout the property were examined during each survey

event with binoculars and no active nests were observed. Nonetheless, native birds are expected to nest within the habitats and trees onsite generally between February 15 and August 15. A full list of observed species can be found in the Updated Biological Inventory Report, dated November 18, 2015 (Appendix 3.0-1).

Implementation of **Mitigation Measures BIO-4, BIO-5**, and **BIO-6** would ensure that potential impacts to native and migratory bird species would be less than significant.

Response B-7-41

As per the Rincon Native Tree Assessment Report and shown on **Figure 4b, Native Tree Map**, no California Black Walnut (*Juglans californica)* will be removed.

Response B-7-42

Implementation of **Mitigation Measures BIO-4, BIO-5**, and **BIO-6** would ensure that potential impacts to special status wildlife species, and California wildlife species of special concern, would be less than significant. Refer also the Response to Comment B-7-42.

Response B-7-43

A copy of the **Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project** is included as **Appendix 3.0-1** to this Final IS/MND and **Figure 4c, Vegetation Map**, is provided in **Section 3.0, Correction and Additions**, as requested.

Response B-7-44

The Fire Department requires 200 feet of fuel modification for the chapel. The ESHA development standards require fuel modification to avoid ESHA and for structures to maintain a 100 foot setback from ESHA. The proposed development, including the required 200 feet of fuel modification of the proposed chapel, is mostly located within the successional coastal sage scrub with ornamentals, saltgrass-fasciculed tarplant fields and disturbed / ruderal habitats which are not considered sensitive habitats. All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub and foothill needlegrass patches as identified on the Updated Biological Inventory Report, dated November 18, 2015 (Appendix 3.0-1) including the removal, conversion, or modification of these natural habitats for new development and required fuel modification. **Mitigation Measure BIO-1** has been amended to account for the offset of the adverse impacts to these sensitive habitats provided by the recorded conservation easement on the Francisco property, referenced earlier in Response B-7-27.

Response B-7-45

As discussed in Response to Comment B-1-10, with the exception of the stream/riparian ESHA, the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks. Therefore, the proposed project is consistent with applicable LIP, ESHA, and Native Tree Protection development standards.

Implementation of **Mitigation Measure BIO-1** provides for the mitigation of potential impacts to the dense, intact coastal sage scrub and foothill needlegrass patches as identified on the Updated Biological Inventory Report, dated November 18, 2015 (Appendix 3.0-1), including the removal, conversion, or modification of these natural habitats for new development and required fuel modification. The Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property offsets the adverse impacts to sensitive habitat areas.

Response B-7-46

As discussed on page 6 and 7 of the Draft IS/MND, under the section header Landscaping and Open Space:

> To comply with the City's landscape and open space regulations, 40 percent of the site must be landscaped (approximately 11 acres) and 25 percent must be designated as open space (approximately 7 acres). The applicant is proposing that approximately 57 percent of the project site be landscaped (approximately 16 acres) and 35 percent be left as open space (approximately 10 acres).[2]
>
> Landscaping and open space would consist of approximately 20.1 acres of the total 27.8 acre site, including landscaped areas and walkways immediately surrounding the chapel and 6.8 acres of "natural vegetation"/open space on undeveloped slopes at the north, east, and south sides of the site and environmentally sensitive habitat area (ESHA) area bordering the southeast side of the ground. Landscaping would consist of a mix of walled planters, lawns and other landscaping. Features would include topiaries, the entry drive meandering stream, ponds, fountains, and screening hedges.
>
> The unstable slopes to the north, east, and south (approximately seven acres) would be maintained in their natural condition. The primary interment areas would consist of lawns that

2 The percentage of open space includes hardscape and landscape areas as allowed by LIP Section 3.8(A)(5)(b).

use drought tolerant Native Bent Grass (*Agrostis pallens*), and a combination of drought tolerant groundcovers. The remaining landscaped portions would include plantings of native and drought tolerant trees and shrubs.

Response B-7-47

The language of the mitigation measures has been corrected to use the word 'shall' where appropriate, refer to section **4.0, Mitigation Monitoring and Reporting Program.**

Response B-7-48

As shown under the '**Action Required**' header of the Mitigation Monitoring and Reporting Program, the following steps would be taken to ensure compliance with the mitigation measures:

- Confirm design and project specifications incorporate requirements of the mitigation measure.
- A qualified biologist shall prepare a detailed habitat restoration plan, subject to the approval of the City Biologist and the City Planning Director - ***or -***
- The project applicant shall provide evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts subject to the approval of the City Biologist and the City of Malibu Planning Director

Further, the Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property must remain in place to offset the adverse impacts to sensitive habitat areas.

Response B-7-49

The City maintains a map of identified migratory wildlife corridors in the City's General Plan (1995). There are no regional or migratory wildlife corridors identified within the Project site (see Figure CO-3, "Environmentally Sensitive Resource Protection Areas," within the Conservation Element of the General Plan).

Response B-7-50

This comment is a set of general remarks and opinions regarding the potential for the proposed project site to support a native wildlife nursery, but provides no specific evidence or reference to support the statement, and is contrary to the findings of qualified biologists. It presents no environmental issues within the meaning of CEQA as to the adequacy of the analyses in the Draft IS/MND and no specific

response is necessary. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-7-51

This comment is a set of general remarks and opinions regarding the proposed project's conformance with the General Plan Conservation Element and sections of the Local Coastal Plan, but provides no specific evidence or reference to support the statement, and is contrary to the findings of qualified biologists. It presents no environmental issues within the meaning of CEQA as to the adequacy of the analyses in the Draft IS/MND and no specific response is necessary. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-7-52

Refer to Response to Comment **Response B-3-1.**

In addition, the implementation of **Mitigation Measures CR-1** through **CR-7** would ensure that potential impacts to sensitive cultural resources would be less than significant. No additional measures have been recommended at this time.

Response B-7-53

Beverly Salazar-Folkes of the Native American Monitoring Group, and designated Most Likely Descendant (MLD), addressed the historical, cultural, and tribal findings of this site location with her letter dated January 20, 2017 (included as Appendix 2.0 to this Final IS/MND). Thorough site surveys, record searches, and archaeological testing resulted in the identification of two prehistoric sites in the project area. The site in question, CA-LAN-266, does retain integrity, including the presence of a hearth feature and several flaked stone and ground stone tools within a relatively shallow deposit (60cm). This site does meet the significance criteria as a historical resource under CEQA. However, numerous archaeological studies have shown no indication that this site contains any human remains. Therefore, the suggestion to cap by fill soils to limit any further subsurface impacts is a viable mitigation measure. No excavation into the native soils of CA-LAN-266 is proposed, so no potential impacts to any cultural resources that may remain would occur. CA-LAN-1715 has been determined not to be eligible for listing in the California Register. Grading will be allowed to occur in this area as the cultural resource studies conducted have concluded that no impacts to resources are expected and the site has been fully mitigated by previous work. Nevertheless, the implementation of **Mitigation Measures CR-1** through **CR-7** would ensure that potential impacts to any remaining sensitive cultural resources would be less than significant.

Response B-7-54

The most current landscape designs indicate the species Japanese Boxwood to be located for the 10' hedges that would surround LAN 266 and LAN 1715. This is one of the few non-native species proposed in the revised landscape plan.

Response B-7-55

The firm that conducted the most recent Phase II cultural resources study of the site, ESA, does not agree that capping of the CA-LAN-266 site is appropriate due its conclusions that, as discussed in Response B-3-1, previous testing, removal of material by archaeologists, prior use as a tree farm, various fires and other natural processes, as well as ESA's recent detailed Phase II work, have exhausted the research potential of the site. Despite ESA's conclusions and the difference in site conditions since the 1995 report was prepared that recommended capping the site, the project has incorporated capping to ensure that should any resources remain, they would not be disturbed by the project, consistent with the 1995 report recommendation. As described in the Beverly Salazar-Folkes letter of Appendix 2.0, review of the project has included consultation with Chumash representatives to ensure the cultural resource value of the site is taken into consideration. The applicant has agreed to the Environmental Review Board's conditions pertaining to designating an area on the site for burying any remains that may be discovered and for maintaining in place if possible any remains discovered.

Response B-7-56

The types of facilities listed in the referenced policies have minimal foundations. The same is true of the crypt walls proposed in the capped area of the project site. The Phase II Analysis prepared by ESA concluded that resources are not likely to remain in either of these two recorded sites; nevertheless, the soil cap will provide additional protection for any remaining resources.

Response B-7-57

As discussed in Responses to Comments B-3-1, B-7-52 and 53, extensive study and consultation has been conducted. The project design, as mitigated by the recommended mitigation measures, is consistent with the LCP's cultural resource protection policies.

Response B-7-58

As noted by the commenter, the grading quantities generating the need for the variance are the result of Mitigation Measure CR-3 for site CA-LAN-266. The cultural resource studies did not identify any additional work or mitigation necessary for CA-LAN-1715. The portion of the comment suggesting

replacing the crypts with a native garden honoring the Chumash does not state a specific concern or question regarding the adequacy of the impact analysis in the IS/MND, but rather contains an opinion, and no specific response is necessary. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B-7-59

The project site currently has a recorded fault trace line that is considered inactive and therefore does not represent a significant fault rupture hazard to the project. Although a fault trace line runs in an east/west direction across the site on which the chapel and several mausoleums are located, all the recommendations of the project geotechnical consultant pertaining to compaction requirements and engineering of the structures would be implemented in the project. City geotechnical staff have reviewed and approved the project, as conditioned, for compliance with all City codes and requirements.

Additionally, no grading is to occur on slopes that are greater than 2.5 to 1 and therefore there would be no impacts to sensitive habitat on these steep slopes.

Response B-7-60

All underground utilities other than landscape irrigation lines are proposed for areas that do not pass through sensitive habitat, CA-LAN-266, or CA-LAN-1715.

Response B-7-61

The rough grading for the entire project site will occur at the commencement of the project. Section 18 of the Project Description of the IS/MND describes the construction sequencing proposed by the applicant. The "Sequence One" area will be graded first, and is the flattest mesa portion of the site including the proposed driveway, the site of the chapel and the areas to the south along Pacific Coast Highway, and the perimeter edges of the site along Malibu Canyon Road and Civic Center Way. The "Sequence Two" area is the area north of the new driveway bounded by Malibu Canyon Road and Civic Center Way. Individual plots would be excavated as needed.

Response B-7-62

The total area of the footprint of the public mausoleum behind the chapel is approximately 10,000 square feet and 18 feet below surrounding grade.

The heights of above-grade wall crypts at the capped site area are designed to not exceed 8'-6".

According to the applicant, the public mausoleum and crypt walls on the site would features spaces available for sale to the public. The private mausoleums consist of the 47 individual structures that would be available for purchase by individuals or families for burials.

Response B-7-63

Crypt walls are solid wall-type structures with no interior rooms. They do not contain floor area, which is defined as the floors of a building between the exterior walls, so they have been excluded from floor area ratio (FAR) calculations. FAR is the permitted building area as obtained by dividing the above-ground gross floor area by the area of the parcel. Contemplative areas will be scattered throughout the property. Urns or other vessels for cremated remains can be interred within the mausoleums, crypt walls, or in-ground burial sites throughout the site. A full site plan can be found within the IS/MND, refer to Figures 1a 1b, 1c and 1d.

Response B-7-64

The proposed use is a chapel and memorial park/cemetery with open space that includes scenic vistas, walking paths, and resting areas. The traffic impact analysis for the project analyzed these uses and determined that with mitigation, impacts will be less than significant. Conditions of approval incorporated into the project specify that events or services and burials that would occur outside the normal operating hours listed above, or would include lighting in excess of the lighting conditions of this resolution, music or noise, or would draw visitors in excess of the site's 176-space parking capacity, or would otherwise meet the definition of a temporary use under MMC Section 17.68 shall require the property owner to obtain a temporary use permit (TUP). Conditions also state that alcohol consumption on the property has been prohibited except pursuant to a TUP. Amplified outdoor music is also prohibited, except pursuant to a TUP. No more than six TUPs per year are allowed for the property. TUPs would include conditions of approval to manage traffic, noise, and parking impacts to avoid impacts on the community. Traffic, parking, and noise for these uses have been reviewed by the City and found to be a less than significant impact, as conditioned.

It is anticipated that the Memorial Park facilities will host a maximum of 3-4 services per day in the Chapel and a maximum of 3-4 additional services per day at various graveside services throughout the site.

Response B-7-65

The proposed project does not permit any above grade tombstones. The applicant proposes to provide GPS information to help visitors find burial sites. Any additional visitors due to this feature would be

speculative and does not require analysis under CEQA. No substantial evidence to support a need for additional parking due to this project feature has been provided.

Response B-7-66

Refer to **Response B-2-2.**

Response B-7-67

The chapel design does not include any square footage with ceiling heights less than six feet. The definition of gross floor area specifically excludes any space with a floor-to-ceiling height of less than six feet. The chapel does include areas for water features of such height as well as garage spaces which are also excluded from gross floor area by definition. The proposed FAR for the project is 0.013, while the LCP allows up to 0.15. The proposed project would only be comprised of only 16,073 square feet of gross floor area, where 181,645 square feet is allowed under the CV-2 Zone.

Response B-7-68

The above grade wall crypts at the capped sensitive area will vary in height. They are designed to not exceed 8′-6″ in height.

Response B-7-69

The above grade wall crypts at the sensitive area will be constructed during the first phase of the development. The majority of private mausoleums will be designed and constructed on an as-needed basis by individual owners as they are purchased.

Response B-7-70

All structures heights are measured from existing or finished grade, whichever results in a lower building or structure height, as specified in LIP Section 3.8(A)(1)(a).

Response B-7-71

This comment is a set of general remarks and closing opinions, as well as recommendations for the reduction of scale of the proposed project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter C-1

From: Daniel Ducovny
To: Adrian Fernandez
Subject: Memorial Park
Date: Friday, December 16, 2016 9:58:46 AM

I like the idea of the park.
I don't feel we need more real estate development at this time.
We need open spaces preserved. I would prefer a state park where things are left wild but this is second best.
It will be great for local and visiting kids and families.
We don't need another cluster
Of McMansions.
Thank you for your time
Daniel Ducovny
Malibu resident since 1988

1

Sent from my iPhone

Letter No. C-1 Daniel Ducovny

Response C-1-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter C-2

From: Carol
To: Adrian Fernandez
Subject: Comment regarding proposed cemetary at Malibu Cyn & PCH
Date: Tuesday, December 06, 2016 6:00:33 PM

Hello, Adrian,

I am writing to you with my comment for the proposed cemetery/memorial park in Malibu:

Honestly, I am against anything being built on that beautiful, open, rugged geography and space. This plan is the developer making another attempt to put some type of business there, whether it was a hotel complex, or a cemetery, there is a lot of money that will be made from developing that land. If it's not a cemetery, then he'll submit plans for some other type of entity to be built there. I wish this guy would just go away!

Anything that is built on Malibu Canyon and PCH will result in more traffic. Cemetaries and memorial parks are open to the public. With a 180 degree sweeping view of the coastline and the ocean, you know that people, who will not even have loved ones interred there, will start using it as a regular park and place to picnic, walk their dogs, let their kids run around, then leave their trash and dog poop behind.

1

Why does every open space in Malibu need to have something built on it? Cannot it just remain natural, open, breathing space, something we all need in today's crowded, dense, and noisy world. The same with the Trancas property, why can't that beautiful vista remain as it is in its natural beauty, plants, and wildlife?

There are many mega properties popping up along PCH and in other places in Malibu, slowly, but surely, covering up open land, leaving less and less calm and relaxing views for us to enjoy.

I do not support a cemetery/memorial park to be built on that land.

Thank you.
Carol Hahn
26741 Latigo Shore Drive
Malibu, CA 90265
hellocarolann@hotmail.com

Letter No. C-2 Carol Hahn

Response C-2-1

This comment is a set of general remarks and opinions, as well as a statement in opposition of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter C-3

From: Ali Johnson
To: Adrian Fernandez
Subject: Malibu Memorial Park-Notice of Intent
Date: Thursday, December 01, 2016 7:46:29 AM

12/1/2016

To Whom It May Concern,

I believe the above proposed project is extremely positive environmentally and socially as it serves the Community in both capacities.
I am very encouraged by Development Companies that continue to be so considerate of Malibu when utilizing an environmentally sensitive economic approach that benefits Malibu vs. what we have seen from other companies who are simply in our Community to Profit take and then leave.

I fully support this project, and I fully believe that most of our Community in our beautiful Malibu feel the same. It is so refreshing to see a company embrace the people, animals, and environment in this sensitive way.

1

Thank you,

Ali Johnson

Letter No. C-3 Ali Johnson

Response C-3-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter C-4

From: sam hall kaplan
To: Adrian Fernandez
Subject: Memorial Park Comment
Date: Thursday, December 08, 2016 2:54:59 PM

A second look is needed for the pending proposal for the memorial park and cemetery on the prime site at the northeast corner of PCH and Malibu Canyon Road.

The original plans for a luxury hotel there having been shot down, the new plans propose a two story chapel, a number of free standing mausoleums, 4,000 crypt internments and 29,00 burial plots, and ,of course, the necessary visitor parking .

Maybe it is the reluctance to speak ill of the dead, or raise questions of internment, but no one seems inclined to take exception to the plans. The only comment heard so far is that funeral corteges may exacerbate traffic on the PCH.

1

Though sensitive to these issues, I am frankly more sensitive to the need for affordable housing for Malibu's work force and seniors.

And further, from a land use point of view, the memorial park's would make for an infinitely better residential development. Indeed, the 27 acre site could be masterly designed for perhaps 200 or so two story town houses in a well landscaped setting with striking views .

The site also is in walking distance to the Civic Center, shopping, the library, Legacy and Bluffs parks , the beach,

the proposed college extension, and accessible public transit. Score it a ten on the planning scale.

By workforce I am specifically referring to our public school teachers, first responders, city employee, shop clerks, waiters and waitresses; all those who toil and lend life to Malibu.

Most live beyond the 27 miles of scenic beauty that is Malibu, and must commute long distances to work, which of course adds to the traffic on the dreaded PCH.

And then there is also the need for senior housing for those increasing long time residents, many of our neighbors, who no longer can afford and maintain their now too large homes here, but want to stay in the Malibu they have roots in and love.

1

Not only is affordable housing good land use planning, it is the moral, right thing to do.

In a community that hosts and cares about all forms of life, the sea and mountain lions, dogs, cats, birds, and turtles too, in backyards and beyond, should care about the people who serve them, and their aging neighbors.

Let us plan with our heads, and also our hearts.

Respectfully Submitted

Sam Hall Kaplan
29061 Cliffside Dr.
Malibu CA 90265

Letter No. C-4 Sam Hall Kaplan

Response C-4-1

This comment is a set of general remarks and opinions, as well as a statement in opposition of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter C-5

From: Jeffrey Kramer
To: Adrian Fernandez
Subject: Malibu Memorial Park
Date: Monday, December 19, 2016 7:26:42 AM

As a long time resident of Malibu, I've taken interest in the Memorial Park project located on Malibu Canyon Road just off PCH. The prior plan, the Rancho Malibu Hotel applied for in 2011 (and withdrawn in 2013) seemed overwhelming to the community. It included almost 275,000 sq. ft., 146 rooms, a spa, pool, bar, ball room, retail and restaurants and would be impossible to support from an ecological perspective. Water use and waste, added density and congestion would be overwhelmingly impactful to the community, that in most every residents opinion, needs little to no explanation. While most residents would welcome a luxury hotel and the accompanying amenities, it's obvious to all that sustainability would be ominous and near impossible at best.

1

The current Memorial Park project submitted for review in 2015 would result in much less of an impact and the proposed footprint appears to be conscious of the aesthetic needs of the Malibu landscape. As well, any other project designated for the location would also likely be welcome if the developers would maintain a similar level of awareness of the needs of the community.

Jeff Kramer

Letter No. C-5 Jeff Kramer

Response C-5-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter C-6

From: Caitlin Madden
To: Adrian Fernandez
Subject: Malibu Memorial Park
Date: Friday, December 16, 2016 7:13:32 AM

Hello Mr. Fernandez,

I would like to reach out to you as a Malibu resident to let you know that I've read through the MND on the Malibu Memorial Park and followed this property closely over the years. I think that Green Acres did a fantastic job in listening to the community and has now presented us with an open space park with little to no impacts for almost every CEQA category. Please use this letter as my sign of support for the proposed project. 1

Thank you,

Caitlin Madden

Sent from my iPhone

Letter No. C-6 Caitlin Madden

Response C-6-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter C-7

From:	Brian Merrick
To:	Adrian Fernandez
Cc:	Bonnie Blue
Subject:	Malibu Memorial Park Public Comment
Date:	Wednesday, December 14, 2016 1:22:42 PM

12/14/2016

Adrian Fernandez

Case Planner

City of Malibu Planning Department

23825 Stuart Ranch Road

Malibu, CA 90265

RE: Malibu Memorial Park

Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001, Coastal Development Permit No. 15-028, Variance No. 16-016, Site Plan Review No. 16-009, Minor Modification No. 16-010, Conditional Use Permit No. 15-011, and Lot Merger No. 16-001

Malibu Planning Department, Adrian Fernandez:

I am witting this comment to make sure that the City of Malibu considers and makes allowances for all aspects of this proposed development. I am concerned about traffic and use of loopholes to turn this project site into something more than just a memorial park. The following concerns are important for the city planners to clarify and mitigate from happening:

1. Traffic issues created by large gatherings and funeral processions through Malibu on PCH and other major roads.

2. The use of the property as something other than funerals. With a large structure (chapel) it has the potential to be a site for Weddings, parties, and concerts. These actions could lead to loud noise complaints for neighbors as well as the potential to have events into late nights further disturbing the rural nature of Malibu. Finally, if allowed to be used to for these non Funeral uses it has potential if Alcohol is added to the mix to be flooding our streets with impaired drivers.

1

In conclusion, there should be restrictions put on this project to make sure that it is truly a memorial park and something more masquerading as a memorial park. Those restrictions should include but not be limited to:

- Sunrise to Sunset hours of operation or limits on hours of operations
- Alcohol restrictions to prevent drunk drivers
- Required notices when a large procession is held through town and city streets are

impacted or closed.

- A ban on music after a certain time of day, no late night parties.

If this project really is a memorial park then none of these restriction should be objected to.

1

Sincerely,

Brian Merrick
23676 Malibu Rd
Malibu Ca 90265

Confidentiality Notice: *This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), please contact the sender by reply e-mail and destroy all copies of the communication and any attachments.*

Letter No. C-7 Brian Merrick

Response C-7-1

This comment is a set of general remarks and opinions, as well as suggestions of restrictions pertaining to the project.

Potential traffic issues were addressed in **Section XVI** of this document. **Table 17, Future (2030) With and Without Project Intersection Level of Service Summary** depicts the ten intersections in the vicinity of the project site that would potentially be affected upon project implementation. Under the Future 2030 With Project and Cumulative conditions scenario, cumulative development, including the proposed project, is projected to result in significant impacts to the Level of Service (LOS) at the intersection of Webb Way and Pacific Coast Highway. With the installation of eastbound dual left-turn lanes along Pacific Coast Highway, cumulative impacts would be mitigated. However, while Pacific Coast Highway is a modified urban arterial, any modifications to the roadway that deviate from the Caltrans highway/freeway design standards would require Caltrans review and approval. Further, prior to installation of the eastbound dual left-turn lanes, the project applicant would be required to apply for and obtain an encroachment permit from Caltrans. If Caltrans denies the encroachment application, the project applicant would be required to cover the costs associated with expanding the south side of Pacific Coast Highway at the impacted intersection. Implementation of **Mitigation Measure TR-1** would require the project applicant to submit a restriping plan for the Webb Way and Pacific Coast Highway intersection to Caltrans for review and approval, as well as provide the necessary funds needed to implement the proposed restriping.

Conditions of approval have been incorporated into the project to address occasions for which a high number of visitors would be expected to minimize adverse impacts on traffic and parking. Please refer to Planning Commission Resolution No. 17-17, Section 5, Conditions of Approval, under *Operations*. These conditions require valet parking at no charge on Memorial Day and other high visitation days to maximize the efficiency of use of the onsite parking; require a temporary use permit (TUP) and/or transportation management plan (TMP) for events or services and burials that would exceed the 176-space capacity of the onsite parking or involve a procession with a large number of cars; and would prohibit funeral processions involving a large number of vehicles during peak traffic hours, certain holidays (4th of July, Memorial Day weekend, and Labor Day weekend). The conditions also require the property owner/operator to monitor visitors and services daily and report the data to the City for annual review against the anticipated parking and traffic generation estimates so that this information may be reported to the Planning Commission. The TMP would be reviewed and approved by the Public Works Department and Los Angeles County Sheriff. Depending on the size, type, and duration of the event, the

Transportation Management Plan (TMP) would address all aspects of event transportation and may include an evaluation of site access, parking, valet staging, temporary on-site parking, usage of shuttles, routing information and traffic control/security personnel. A traffic control plan – a specific set of plans showing the location of traffic control devices (e.g., cones, barricades, signs) may also be necessary. Furthermore, individual funeral processions are limited duration events and categorically exempt from CEQA review. The City of Malibu can authorize funeral escorts to control traffic for a funeral procession. Licensed funeral escorts are authorized to regulate traffic in accordance with the movement of the funeral procession as outlined in the California vehicle code. Vehicles taking part in a funeral procession have the right-of-way, and interference, obstruction, or interruption of the funeral procession is subject to a citation. When required, escorts will facilitate movement of large numbers of vehicles to the project site efficiently, keeping traffic impacts to a minimum. Each planned event would be analyzed on a case-by-case basis.

Conditions have been incorporated through the project's conditional use permit to limit the uses to a chapel and cemetery/memorial park. Special events as noted above, would occur only pursuant to a TUP. Alcohol consumption on the property has been prohibited except pursuant to a TUP. Commercially zoned properties are allowed a maximum of six TUPs per year. TUPs would include conditions of approval to manage traffic, noise, parking and other impacts to avoid impacts on the community. Finally, amplified outdoor music is also prohibited, except pursuant to a TUP. As mitigated and conditioned, the project has been determined to have a less than significant impact on noise, parking and traffic.

Letter C-8

From: ROBERT SCHIENBERG
To: Adrian Fernandez
Date: Friday, December 02, 2016 7:09:30 PM

As a resident of Malibu I am completely apposed to the offensive concept proposed by Green-acres. I hope you will do all you can to stop this preposterous idea/development.
It is completely against everything Malibu stands for. Please read the mission statement. The roads cannot bear anymore development. PCH on a weekend cannot handle a parking lot which hold over 100 spaces. It's a death trap!

1

Robert

Letter No. C-8 Robert Schienberg

Response C-8-1

This comment is a set of general remarks and opinions, as well as a statement in opposition of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Refer to **Response to Comment B-2-2** for a discussion of the **c**onditions of approval that have been incorporated into the project to address occasions for which a high number of visitors would be expected to minimize adverse impacts on traffic and parking.

3.0 CORRECTIONS AND ADDITIONS

OVERVIEW

The *California Environmental Quality Act (CEQA) Guidelines* Section 15073.5 states:

> *(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.*
>
> *(b) A substantial "revision of the negative declaration shall mean*
>
> *(1) A new, avoidable significant effect is identified and mitigation measures of project revisions must be added in order to reduce the effect to insignificance, or*
>
> *(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required*
>
> *(c) Recirculation is not required under the following circumstances*
>
> *(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1*
>
> *(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects*
>
> *(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect*
>
> *(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.*
>
> *(d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.*

In response to public comments received, clarifications to text of the Draft ISMND, as well as staff-initiated text changes have been made. Additional information has been identified in comments on the Draft IS/MND and responded to in **Section 2.0, Responses to Comments**, of this Final IS/MND. These changes made since publication of the Draft IS/MND do not substantially affect the analysis contained in

the Draft IS/MND, do not result in a substantial increase in the severity of a significant impact identified in the Draft IS/MND and do not change the conclusions in any way.

All of the public comments on the Draft ISMND, as well as these Corrections and Additions to the Draft IS/MND have been carefully reviewed to determine whether recirculation of the Draft IS/MND is required. All of the new information in these corrections and additions to the Draft IS/MND, in the comments, and in the responses to comments merely clarify or amplify or make insignificant modifications to an adequate Draft IS/MND. Therefore, the Draft IS/MND need not be recirculated prior to certification.

CHANGES TO THE DRAFT IS/MND

Changes to the Draft IS/MND are identified below by the corresponding Draft IS/MND section and subsection, if applicable, and the page number. Additions are in underline and deletions are shown in ~~strikethrough~~ format.

Project Description:

The text on page 4 is revised as follows:

The 47 mausoleums ~~range from~~ will average approximately ~~140 to~~ 200 square feet each.

The text on page 6 is revised to insert a paragraph to the end of Section 13:

The project site is located within the Civic Center Prohibition Area established by the State Water Resources Control Board and the Regional Water Quality Control Board, where properties are required to connect to the CCWTF based on a phasing plan, as described in more detail in Section XVII of this document. The proposed project is located in Phase 2, based on the Memorandum of Understanding between the City and the Water Boards, but is seeking to connect to Phase 1.

The text on page 7 is revised as follows:

16. Circulation

Vehicular access to the project site would be provided via Malibu Canyon Road approximately 700 feet north of the PCH centerline. The entrance and exit is near the curvature of Malibu Canyon Road which restricts the sight distance for vehicles exiting the site. For this reason, right-turn egress only would be allowed i.e., no left turns exiting the site would be permitted. However, left-turn entering the site would be allowed. In order to access PCH, exiting traffic would turn right onto Malibu Canyon Road, then right

onto Civic Center Way and either use the connector to westbound PCH adjacent to the project, or proceed to the Webb Way intersection and turn southward to get to PCH. It is recommended that a U-turn prohibition sign be posted at the intersection of Malibu Canyon Road and Seaver Drive/Civic Center Way to alert motorists that U-turns are not allowed and to provide for the safe and orderly movement of traffic at this intersection. ~~Vehicles would be able to head south on Malibu Canyon Road by performing a U-turn at the intersection of Seaver Drive and Malibu Canyon Road upon exiting the site.~~

The text on page 8 is revised as follows:

The archaeological area would be capped with grading of a sufficient depth so as to allow necessary coverage as mandated in the Cultural Resources Management Report (maximum cap of approximately three feet).

Table 1, Estimated Earthworks Quantity on page 8 is revised to correct the source date as follows:

Table 1
Estimated Earthwork Quantities

	Exempt					
	Removal and Recompaction	**Under Structure**	**Safety**	**Non-Exempt**	**Remedial**	**Total**
Cut	70,045	106,367	1,172	12,168	0	189,752
Fill	70,045	0	231	32,567	0	113,127
Total	**140,090**	**106,367**	**1,403**	**44,735**	**0**	**302,879**

Source: Green Acres LLC, ~~August~~ November 2016.

The text on page 8 is revised as follows:

The initial construction does not include the ongoing construction of burials which has an estimated ~~45-year buildout~~ 40 to 80 year sell out period.

The text on page 10 is revised as follows:

Sequence One: the perimeter of the site will be improved. ~~All~~ Approximately 240 pre-installed crypts will be placed in the median of the driveways.

The text on page 10 is revised as follows:

City approval for connection to Phase 1 of the CCWTF and recycled water use.

The text on page 10 is revised as follows:

Updated WWD No.29 approval for water supply and sources for the site.

Figure 1a, Proposed Project Site Plan on page 11 has been revised to show how some of the mausoleums were relocated to limit their visual impact.

Figure 1c, Northerly Burial Plots has been added to provide additional information.

Figure 1d, Southerly Burial Plots has been added to provide additional information.

Figure 3, Proposed Project Landscape Plan on page 15 has been revised and updated to demonstrate that the plant palette has been revised to incorporate almost entirely native species.

Figure 6, Project Site and Surrounding Land Uses on page 18 has been revised to correct the word "Educational."

Evaluation of Environmental Impacts:

The text on page 59 is revised as follows:

The proposed development, including the required fuel modification of the proposed chapel, is mostly located within the successional coastal sage scrub with ornamentals, saltgrass-fasciculed tarplant fields and disturbed / ruderal habitats which are not considered sensitive habitats. Although most of the on-site habitat is not considered ESHA, the dense, intact coastal sage scrub and foothill needlegrass patches ~~and successional coastal sage scrub with ornamental habitats~~ are considered sensitive habitats. As part of the 1998 EIR for the now withdrawn Rancho Malibu Hotel Project, the developer recorded an off-site conservation easement for wildlife habitat and open space resources. The off-site conservation easement consists of 30 acres of the Francisco property located approximately two miles north of the project site on the west side of Malibu Canyon Road and in the Santa Monica Mountains. With the off-site conservation easement in place and incorporated as Mitigation Measure BIO-1, the adverse impacts to sensitive habitat areas as a result of the proposed project will be reduced to less than significant.

As most of the existing sensitive habitat would be preserved and the majority of the developed portion of the property would serve as private open space, the impacts to the ~~three~~ two special status wildlife species that may be present at the property is considered minimal with mitigation. As provided in Mitigation Measures BIO-~~1~~2 through BIO-6, a survey conducted during the blooming periods of rare and special status plant species, nesting bird survey, and fencing off habitat and sensitive plant species during construction are required. Following implementation of the recommended mitigation, no significant impacts to special status resources and riparian and other sensitive habitats are anticipated.

The text on page 61 is revised as follows:

BIO-1 All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub and foothill needlegrass patches~~, and successional coastal sage scrub with ornamentals~~ as identified on the Updated Biological Inventory Report, dated November 18, 2015, including the removal, conversion, or modification of these natural habitats for new development and required fuel modification. The Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property must remain in place to offset the adverse impacts to sensitive habitat areas. ~~One of the following three Habitat Impact Mitigation methods shall be required: 1) habitat restoration; 2) habitat conservation; or 3) in lieu fee for habitat conservation. The ratio for [off-site habitat restoration] shall be 2 to 1 (number of acres of created or restored habitat required for each acres of habitat impacted). Prior to the issuance of a grading permit, the applicant shall submit and obtain approval from the City Biologist for either a detailed habitat restoration plan, or evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts. The property owner / applicant may also provide sufficient evidence to the satisfaction of the Planning Director that habitat impact mitigation has already been satisfied due to the dedication of property for habitat protection that was required and dedicated for similar habitat impacts related to the previously proposed hotel.~~

The text on page 77 has been revised as follows:

e) No impact. Project implementation would not use septic tanks or alternative wastewater disposal systems. The proposed project would be required to connect to the CCWTF by November 2024 ~~2019~~. The CCWTF is expected to be operational for commercial properties in September 2018~~June 2017~~ (prior to operation of the proposed project). Therefore, no impact would occur, and no further analysis is required.

The text on page 87 found within the **Department of Water Resources** portion of **Table 9, Project Consistency with Climate Action Team Greenhouse Gas Emission Reduction Strategies** has been revised as follows:

Department of Water Resources	
Water Use Efficiency: Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.	**Consistent:** All landscaping will be in compliance with the MMC Model Water Efficient Landscape Ordinance per Section 9.22.080. Thus, non-potable recycled water would be used to irrigate the landscaped areas and operate the water features to the extent available. Signs will be posted throughout the project site to disclose the use of non-potable water. Further, all fixtures will comply with Title 24 requirements.

Table 11, Construction Noise Levels on page 115 has been revised as follows:

Table 11
Construction Noise Levels

Sensitive Receptor	Distance from Construction (feet)	Maximum Construction Noise Level (dB(A))	City's Maximum Exterior Noise Limit
Our Lady of Malibu Church	350	72 dB(A)	85 dB(A)
Residences Across Civic Center Way	350	72 dB(A)	75 dB(A)
Webster Elementary School	550	68 dB(A)	85 dB(A)
Pepperdine University	950	63 dB(A)	85 dB(A)
Single-Family Residences Across Civic Center Way	700	~~95~~65 dB(A)	75 dB(A)

Source: Rincon Consultants, Inc., 2015, ***Appendix XII****.*

The text on page 125 is revised as follows:

In addition to the incremental increase in routine emergency and non-emergency response, the project site is located in a VHFHSZ and would be subject to wildfire risk. The proposed project includes multiple design features and other measures to address wildfire hazards, including use of fire resistant building materials, vegetation clearing, and management, security gates with a minimum access width of 26-feet, and approved signs that include the words "NO PARKING FIRE LANE." The project site is not currently served by water infrastructure such as water mains or fire hydrants. The proposed project would be required to install public and private fire hydrants to meet the LACFD water requirements. The water pressure needed to supply the required fire flow of 2,000 gallons per minute (gpm) at 20 psi residual pressure for two consecutive hours for public fire hydrants would be provided by connecting the proposed on-site water infrastructure to the existing water main at the intersection of Seaver Drive and Malibu Canyon Road. The project applicant would be required to obtain an updated will serve letter from WWD No. 29, to ensure adequate water flow capacity exists to serve the project site, prior to the commencement of any construction activities.

The text on page 139 and **Table 18a, East Bound Left Turn Volume and Capacity** on page 140 regarding have been inserted for clarity at the request of the City of Malibu Department of Public Works:

In response to comments received during the public review period, the applicant's traffic consultant performed a queuing analysis has been conducted for existing 2016 conditions with and without the project. As shown in Table 18a, below are the results of the eastbound left turn queuing analysis for Pacific Coast Highway at Malibu Canyon Road and at Webb Way. The analysis shows that the project will not create a significant traffic impact to the eastbound vehicle queue with ample capacity to

accommodate the left turn demand with the project. It should be noted that the dual left turn mitigation at Pacific Coast Highway and Webb Way has been assumed for this analysis. The capacity worksheets are included as **Appendix 3.0-2, Traffic Queuing Analysis**, of the Final IS/MND for reference.

Table 18a
East Bound Left Turn Volume Analysis

Intersection	Peak Hour	Queue Capacity		Volume
		Without Project	With Project	
Pacific Coast Highway and Malibu Canyon Road	AM	224	225	139
	PM	527	529	402
	Saturday/Midday	314	334	231
Pacific Coast Highway and Webb Way	AM	249	249	165
	PM	201	201	125
	Saturday/Midday	203	203	127

Source: Overland Traffic Consultants, Inc., February 2017

The text on page 142 is revised as follows:

The project applicant shall participate in funding the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way.

The text on page 146 has been revised as follows:

To address the Prohibition, the City entered into a memorandum of understanding (MOU) with the RWQCB and SWRCB to develop a wastewater treatment plant to handle existing and potential future wastewater treatment needs in the Prohibition Zone. The MOU as amended in January 2017 directs the City to design and construct a centralized wastewater treatment facility and to fund it by way of an assessment district. The MOU states that the facility may utilize deep well injection without the use of reverse osmosis, and sets forth a specific schedule and phasing map for properties to cease discharge (i.e., stop the use of OWTSs) and to connect to the new CCWTF as follows: Phase 1, for the Civic Center Area commercial-core, by September 2018~~November 2015~~; and Phase 2, the remaining commercial, institutional (including the proposed project), residential and multi-family properties in the Zone, by

November 2024.[58] ~~2019.~~ A third phase of properties may have to cease discharge at a later date, depending on the water quality monitoring results from instituting the first two phases as prescribed in the MOU.

The proposed project was included in the overall Prohibition Zone capacity and design calculations for the CCWTF, but is not included in the Phase 1 assessment district. On March 13, 2017, City Council authorized the CCWTF design engineer and assessment engineer to evaluate the feasibility and cost of connecting the project to Phase 1.[59] ~~The project would need to be included in a subsequent assessment district/phase for connection to the CCWTF.~~ A condition of approval has been incorporated into the project to prohibit its connecting to Phase 1 if the connection would exceed the wastewater treatment requirements/capacity of the CCWTF. With final approval by the City Council and payment of fees to connect to the CCWTF, impacts would be less than significant and no mitigation is required.

Figure 14, Prohibition Zone on page 147 has been revised to delete the misplaced "Project Site" label.

The text on page 148 has been revised as follows:

Wastewater flow generation estimates for the CCWTF were developed for each type of land use within the Prohibition Zone, including the subject property~~proposed project~~. These generation estimates were applied, by parcel, to develop the flow rates used in the CCWTF project design and phasing. These flow rates were applied to each parcel in the Prohibition Zone to arrive at the estimated buildout average dry weather flow for the entire Prohibition Zone. Wastewater collection and recycled water distribution lines for Phase 1 are being constructed in the public rights of way adjacent to the project site. As described in (a) above, if authorized by the City Council, the proposed project would be allowed to connect to Phase 1, or otherwise would be included in a subsequent assessment district/phase of the CCWTF, and would pay the assessment and connection charges. Future phases of the CCWTF are anticipated by the MOU and account for all properties in the civic center area. The project would not require or result in the construction of a new CCWTF or expansion of existing facilities. Impacts would be less than significant and no mitigation is required.

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58 Phase 1 of the wastewater treatment facility began in July 2016 and is expected to be completed and operational by Fall 2018. The MOU was amended in December 2014 to allow properties in Phase 1 of the Prohibition Area (primarily the commercial core of the Civic Center) to connect by June 2017 and Phase 2 (primarily residential properties) to connect by November 2022. An additional MOU amendment is expected in early 2017 to adjust the construction and connection schedules to match current expectations.

59 Certified EIR for the CCWTF: http://www.malibucity.org/index.aspx?NID=786

The text on page 150 is revised as follows:

Development of the project site as a memorial park would increase indoor and outdoor water demand during operation. ~~as o~~Operation of the building onsite would require potable water for restrooms and a kitchen (i.e., sinks, toilets, dishwasher). Projected potable water consumption rates associated with these uses ~~proposed project~~ is assumed to be 120 percent of the wastewater generated of a given land use. Table 19, Proposed Project Approximate Indoor Water Consumption, includes the daily projected indoor potable water consumption for the proposed project, during both a regular and maximum event. For indoor use, ~~T~~the proposed project is expected to require approximately 860 gallons of water per day (gpd) during a regular event and 2,160 gpd of water during a maximum event.

Table 19 on page 151 is revised as follows:

Table 19
Proposed Project Approximate Indoor Water Consumption

Event	Wastewater Flow (gpd)	Generation Rate	Potable Water Consumption (gpd)
Regular	860	1.20	1,032
Maximum	1,800		2,160

Source: Wastewater Conformance Review produced by Ensitu Engineering, Inc

The text on page 151 is revised as follows:

~~In addition to the increase in potable water consumption, non potable water would be used for the proposed projects' landscaping and could be used for water features.~~ In addition to indoor water use needs, the project would also have outdoor water use needs for landscape irrigation and operation of the water features. This need would be met with some combination of potable and non-potable water as described below. To comply with the City's landscape and open space regulations the proposed project is required to provide 40 percent of the site area for landscaping (approximately 11 acres) and 25 percent as open space (approximately 7 acres). Under the proposed project, 35 percent of the project site would be landscaped (approximately 16 acres) and 35 percent would be open space (approximately 10 acres). The project site would be landscaped with trees, native shrubs, and native grasses as shown in **Figures 5** and **6.** Based on the landscaping plans provided by the applicant and the proposed plant palette, the project is estimated to use approximately 17.26 acre feet per year (5,624,819 gallons per year) of water for irrigation. ~~As described above, non potable water is required for use to the extent it becomes available for the project.~~

The text on page 151 is revised as follows:

Demand for ~~R~~recycled non-potable water would be increased as the project proposes to use it~~be used~~ to irrigate the landscaped areas and operate the water features to the extent that it becomes available to the project. Currently, production and use of recycled water is limited for properties located within WWD No. 29's jurisdiction, as a majority of the properties are not yet serviced by a wastewater treatment plant. Recycled water will be available from the CCWTF; however, ~~D~~demand for recycled water from the CCWTF is higher than was initially anticipated, and availability will ultimately depend on the build out of Phase 1. Therefore, the applicant would increase the use of recycled water as it becomes available from the CCWTF.

The text on page 154 is revised as follows:

In addition, the project applicant is required to provide the City of Malibu with an updated letter from WWD No. 29 confirming their ability to serve the project. Thus, impacts would remain less than significant and no mitigation is required.

As discussed under **Section VI Geology and Soils (e)** above, the City's CCWTF is expected to be operational for commercial properties in Fall 2018 (prior to operation of the proposed project). Further, operation of the CCWTF would increase the amount of recycled water available (for irrigation use) and may be available to serve the project site over time. Thus, impacts associated with potable and recycled water consumption would be less than significant. No further analysis is required.

The text on page 154 is revised as follows:

e) **Less than significant impact**. As discussed above, wastewater flows from the proposed project have been factored into the design capacity of Phase 2 of the CCWTF.~~,~~ City Council will determine based on studies and analyses performed by the CCWTF design and assessment engineer if the project could be accommodated earlier by Phase 1. ~~t~~Thus the proposed project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand. Impacts would be less than significant and no mitigation is required.

The text on page 157 is revised to insert an additional conditional of approval as follows:

Additional Condition of Approval

- The project shall not operate without a connection to the CCWTF. Prior to building permit issuance, the applicant shall negotiate an agreement with the City to allow connection to Phase 1 of the CCWTF, if feasible based on studies performed by the CCWTF design and assessment

engineers, and pay all required fees. If capacity is not available to join Phase 1, the project shall connect in Phase 2.

The listing of Appendices is revised as follows:

Appendix I: Photometric Plan Set - Sasco

Appendix II: *Not Used*

Appendix III: Air Quality Study Update – Rincon

Appendix IV: Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project - Rincon

Appendix V: *Not Used*

Appendix VI.a: Geotechnical Report - GeoSoils

Appendix VI.b: Geotechnical Report Update – GeoSoils

Appendix VI.c: Geotechnical Report Addendum – GeoSoils

Appendix VI: *Not Used*

Appendix VII: Greenhouse Gas Study Update – Rincon

Appendix VIII: *Not Used*

Appendix IX.a: Contamination Memo from Richard Sells

Appendix IX.b: Groundwater Report – earthfornesics, inc.

Appendix IX.c: HydroGeologic Report Update - earthfornesics, inc.

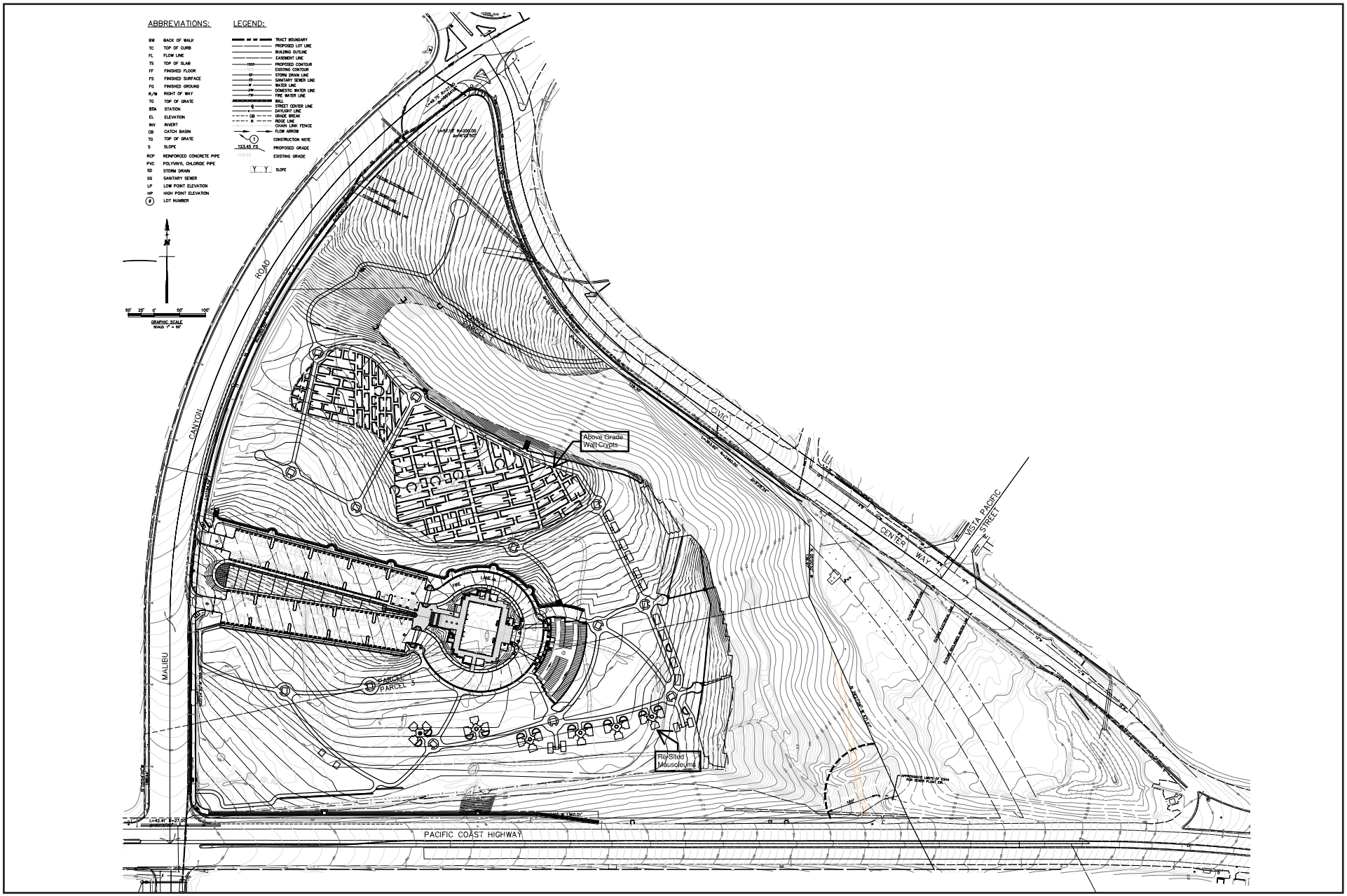
Appendix X: *Not Used*

Appendix XI: *Not Used*

Appendix XII: Noise Study Update – Rincon

Appendix XIII: *Not Used*

Appendix XVI: Traffic Impact Analysis – Overland Traffic Consultants



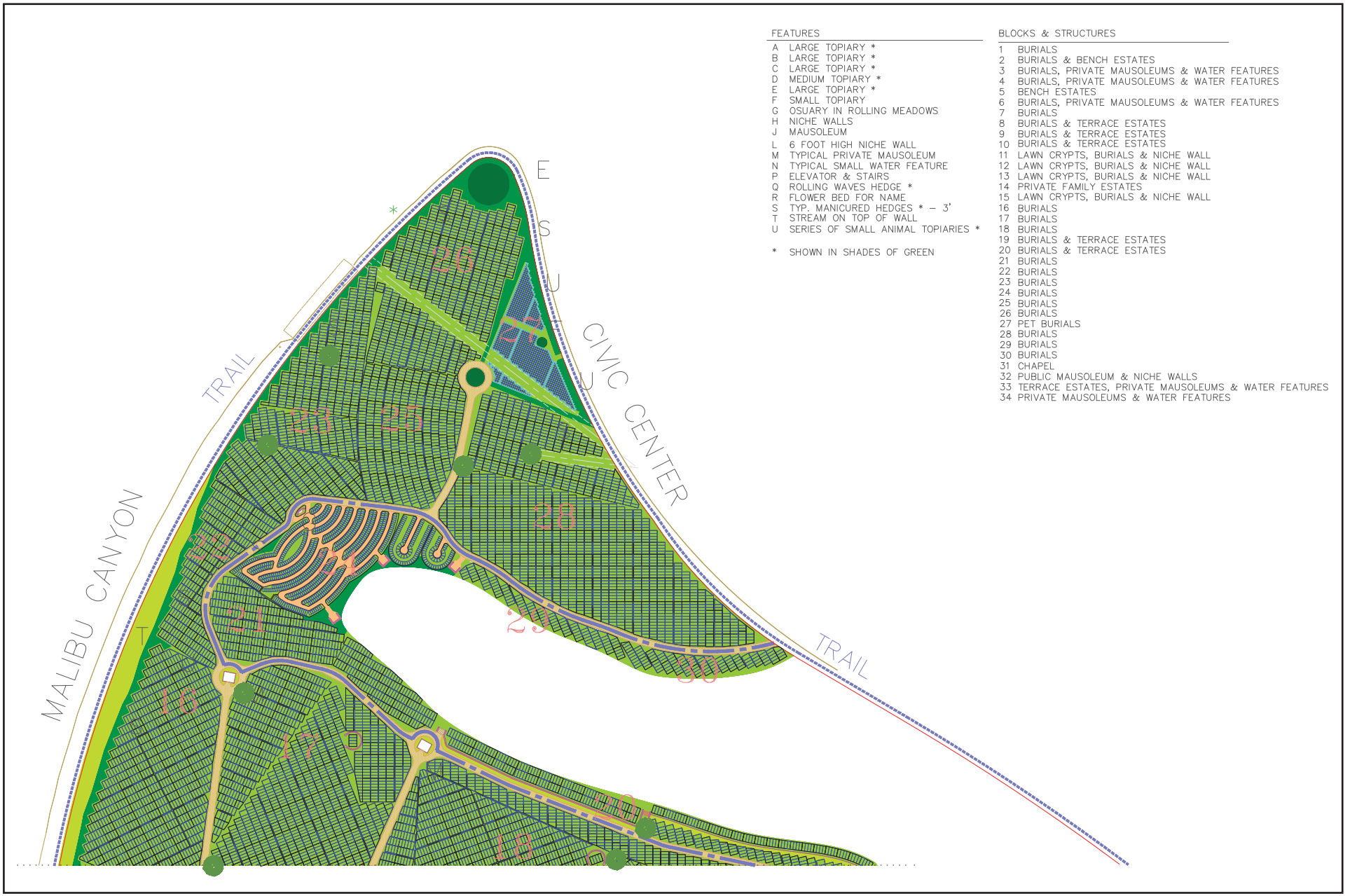
SOURCE: Burdge and Associates Architects

FIGURE **1a**

IMPACT SCIENCES

Proposed Project Site Plan

0592.004•11/16



SOURCE: Burdge and Associates Architects

FIGURE **1c**

IMPACT SCIENCES

Northerly Burial Plots

0592.004•04/17

SOURCE: Burdge and Associates Architects

FIGURE **1d**

IMPACT SCIENCES

Southerly Burial Plots

0592.004•04/17

OVERALL SITE PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	AREA	SPACING	QTY	WUCOLS	
TREES							ZONE 3	
	Quercus Agrifolia	Coast Live Oak	48" BOX	-		56	L/VL	
	Arbutus 'Marina'	Marina Strawberry Tree	48" BOX	-		25	M/L	
	Juglans californica var. californica	California walnut	24" BOX	-		38	L	
	Platanus racemosa	California Sycamore	60" BOX	-		14	M/L	
	Sambucus mexicana	Mexican Elderberry	48" BOX	-		16	L	
PLANTING							ZONE 3	
	Pentagramma triangularis	Goldback fern	5 GAL	120 sf	24" O.C.	24	L	SH
	Adiantum jordanii	California maiden hair fern	1 GAL		24" O.C.	48	L	SH
	Myrica californica	Pacific Wax Myrtle	15 GAL	26,100 sf	36" O.C.	3084 SF	L	CA
	Heteromeles arbutifolia	Toyon	15 GAL			1500 SF	L	CA
	Buxus microphylla Japonica	Japanese Boxwood	15 GAL	3160 sf	15" O.C.	2828	M/H	
	Baccharis pilularis 'Pigeon Point'	Dwarf Coyote Brush 'Pigeon Point'	5 GAL	222,270 sf	3' O.C.	965	L/VL	
	Arctostaphylos 'Pacific Mist'	Manzanita w/ White Flowers	5 GAL		3' O.C.	965	L/VL	
	Ceanothus griseus horizontalis	California Lilac	5 GAL		3' O.C.	965	L/VL	
	Nassella cernua	Nodding Grass	1 GAL					
	Rhamnus californica	California Coffeeberry	15 GAL	9575 sf	6' O.C.	45	M/L	
	Encelia californica	California bush sunflower	5 GAL		4' O.C.	82	M	
	Myrtus communis 'Compacta'	Dwarf Myrtle	15 GAL		2' O.C.	330	M	
	Trichostema lanatum	Woolly Blue Curls	5 GAL		2' O.C.	330	L	
	Zauschneria	California Fuchsia	1 GAL		3' O.C.	1325	L	
	Elymus glaucus	Western Wild Rye	5 GAL		2' O.C.	330	M/L	
	Sisyrinchium bellum	Blue-eyed Grass	1 GAL		18" O.C.	588	M	
	Agrostis pallens	Native Bent Grass	SOD	448,700 sf	-	448,700 sf	L?	
	Water feature			2083 sf		2083 sf		
	TOTAL LANDSCAPE AREA:			712,008 SF				

- ALL IRRIGATION WILL BE FROM NON-POTABLE RECYCLED WATER
- THE IRRIGATION PLANS SHALL COMPLY WITH THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE PER SECTION MMC 9.22.080.

SOURCE: Pakshong Landscape and Architecture Collaborative

FIGURE **4a**

IMPACT SCIENCES

(Revised) Proposed Project Landscape Plan

SOURCE: Pakshong Landscape and Architecture Collaborative

FIGURE **4b**

IMPACT SCIENCES

Native Tree Map

0592.004•03/16

SOURCE:

FIGURE **4c**

IMPACT SCIENCES

Vegetation Map

0592.004•03/17

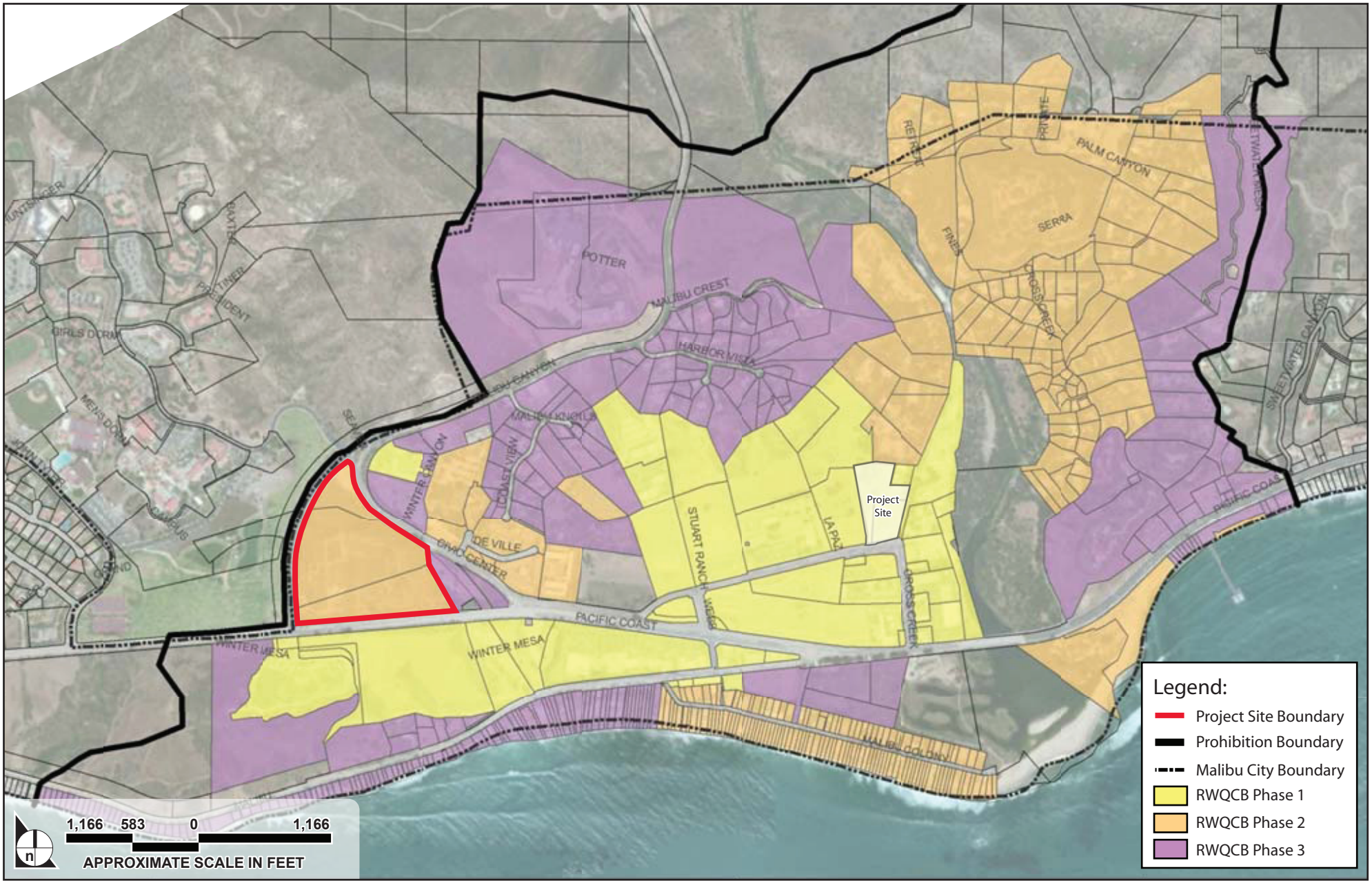
SOURCE: Google Maps

FIGURE 6

IMPACT SCIENCES

Project Site and Surrounding Land Uses

0592.004-2/16



SOURCE: City of Malibu, 2013

FIGURE **14**

IMPACT SCIENCES

Prohibition Zone

0592.004•03/16

MALIBU MEMORIAL PARK
MITIGATION MONITORING AND REPORTING PROGRAM

PURPOSE

This section of the Mitigated Negative Declaration provides the Mitigation Monitoring and Reporting Program (MMRP) that would be used to monitor the implementation of the mitigation measures adopted for the Malibu Memorial Park project.

INTRODUCTION

The California Environmental Quality Act (CEQA) requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with development projects. However, simply adopting these measures in not adequate under state law. Lead agencies are also required to adopt a program that will be used to ensure that the mitigation measures are, in fact, implemented. The requirements for mitigation monitoring or reporting are codified in Section 15097 of the *State CEQA Guidelines.*

The Final IS/MND for the Malibu Memorial Park project identifies project-specific mitigation measures to reduce the potentially significant impacts of the project as proposed. Following adoption of the Final IS/MND and approval of this MMRP by the City of Malibu, the project-specific mitigation measures identified in the Final IS/MND would be implemented and monitored as described in this MMRP.

LIST OF MITIGATION MEASURES

The mitigation measures adopted for the Malibu Memorial Park project are listed in the following table along with the action required, the timing for implementation of each measure, the parties responsible for monitoring the mitigation measure and the parties responsible for implementing the mitigation measure.

Malibu Memorial Park
Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources			
BIO-1 All new development shall include mitigation for proposed impacts to the dense, intact coastal sage scrub and foothill needlegrass patches as identified on the Updated Biological Inventory Report, dated November 18, 2015, including the removal, conversion, or modification of these natural habitats for new development and required fuel modification. The Deed of Conservation Easement for Wildlife Habitat and Open Space Resources document recorded with the Los Angeles County Recorder's office on June 7, 2001 as Instrument No. 01-0985737 for the off-site conservation easement on the Francisco property must remain in place to offset the adverse impacts to sensitive habitat areas.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall prepare a detailed habitat restoration plan, subject to the approval of the City Biologist and the City Planning Director ***- or -*** • The project applicant shall provide evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate habitat impacts subject to the approval of the City Biologist and the City of Malibu Planning Director	• Prior to issuance of grading permit and coastal development permit	• City of Malibu Planning Department • City Biologist

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
BIO-2 Prior to vegetation clearance / ground disturbance, a qualified botanist must conduct seasonal plant surveys. Surveys should be conducted during the blooming periods of special-status species with the potential to occur on-site (typically up to three surveys between March and July). Rare plant surveys shall be conducted in accordance with CNPS and CDFW protocol.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified botanist shall conduct seasonal plant surveys in accordance with CNPS and CDFW protocol and prepare a detailed report, subject to the approval of the City Biologist and the City of Malibu Planning Director	• Prior to issuance of grading permit and coastal development permit	• City of Malibu Planning Department • City Biologist

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
BIO-3 Should rare or special status plant species be discovered during the surveys, a recovery/transplant and revegetation plan shall be prepared and implemented in the event site design could not avoided as determined by the Planning Director. Otherwise, such area should be fenced off and protected. Alternatively, in lieu fees for conserved habitat in the Santa Monica Mountains suitable for the species found may be provided at a mitigation ratio of 5 to 1 for the on-site occupied habitat.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified botanist shall prepare a detailed recovery /transplant and revegetation plan, subject to the approval of the City Biologist and the City Planning Director ***- or -*** • The project applicant shall provide evidence or guarantee that compensatory mitigation in the form of an in lieu fee has been paid to mitigate impacts subject to the approval of the City Biologist and the City of Malibu Planning Director	• Prior to issuance of grading permit and coastal development permit • During Project Construction	• City of Malibu Planning Department • City Biologist

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
BIO-4 Grading and fuel modification scheduled between February 1 and August 30 shall require nesting bird surveys by a qualified biologist five (5) days prior to initiation of these activities. Should active nests be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal or demolition on the site.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall prepare nesting bird survey reports • Review and approval of nesting bird survey reports. • Field verify that sufficient space is given to nesting birds (if necessary)	• Pre-Construction • During Construction	• City of Malibu Planning Department • City Biologist • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
BIO-5 A qualified biologist (with a valid Scientific Collecting Permit) shall conduct focused surveys for any special-status wildlife species present on-site prior to any site disturbance. The focused surveys shall be conducted five (5) days prior to any activity on-site requiring grading, vegetation removal, etc. Should any resident special-status wildlife species be detected on-site, the surveying biologist, with concurrence from California Department of Fish and Wildlife (CDFW), shall make every effort to capture the animal and relocate it away from the project area and to any predetermined suitable habitat directed by CDFW.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • A qualified biologist shall conduct focused surveys for any special-status wildlife species in accordance with CDFW protocol and prepare a detailed report, subject to the approval of the City Biologist and the City of Malibu Planning Director. • Should any resident special-status wildlife species be detected on-site, the surveying biologist, with concurrence from CDFW, shall make every effort to capture the animal and relocate it away from the project area and to any predetermined suitable habitat directed by CDFW.	• Pre-Construction • During Construction	• City of Malibu Planning Department • City Biologist • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Biological Resources (continued)			
BIO-6 Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be used around limits of special habitat and special status plant species within or adjacent to the construction area that may be disturbed during construction or grading activities. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Protective fencing shall be installed around limits of special habitat and special status plant species within or adjacent to the construction area that may be disturbed during construction or grading activities.	• Pre-Construction • During Construction	• City of Malibu Planning Department • City Biologist • Construction Manager
Cultural Resources			
CR-1: Prior to the issuance of a grading permit and the start of ground-disturbing activities, the project applicant shall retain a qualified archaeologist (Qualified Archaeologist) meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior 2008) who is also qualified to evaluate the types of resources that may be encountered, and a Native American Monitor, approved by the City and the project applicant, to carry out all mitigation described in **CR-3** through **CR-7**. The Qualified Archaeologist and the Native American Monitor shall be retained far enough in advance of the required sensitivity training for all construction personnel (per Mitigation Measure **CR-2**), but no less than 10 days prior to the training, so as to allow sufficient time for them to thoroughly review the cultural resource reports for the property.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • The project Applicant shall retain a qualified archaeologist, and a Native American Monitor, subject to approved by the City Planning Director	• Pre-Construction • During Construction	• City of Malibu Planning Department

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)			
CR-2: Prior to the start of ground-disturbing activities, the Qualified Archaeologist and the Native American Monitor shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The training shall also include safety procedures for working with archaeological and Native American monitors. The project applicant shall ensure that all construction personnel are made available for and attend the training, and shall retain documentation demonstrating attendance.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • The Qualified Archaeologist shall conduct cultural resources sensitivity training for all construction personnel.	• Pre-construction • During Construction	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager
CR-3: The entire CA-LAN-266 area identified as sensitive (see Ehringer and Vader, 2016) must be capped with a layer of fill soil of sufficient depth to accommodate the footings of the proposed private mausoleums and above grade crypt structures plus an additional foot of clearance. No other development that would impact the subsurface portions of this area below the capped soil is permitted. Soil capping performed within this area must be monitored by a qualified archaeologist and the Native American monitor to ensure that the subsurface soils are not disturbed.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • The entire CA-LAN-266 area shall be capped with a layer of fill soil. • Soil capping operations shall be monitored by a qualified archaeologist and Native American monitor.	• During Construction	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
CR-4: Archaeological and Native American monitoring shall be conducted for all ground-disturbing activities for all ground disturbances at all depths across the project area. The monitors shall observe the ground-disturbing activities and shall have the authority to redirect such activity to investigate potential archaeological resources discoveries. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent ground disturbances would impact the resource, the provisions of **CR-6** (Inadvertent Discoveries) shall apply. The Native American monitor, in coordination with the Qualified Archaeologist, may recommend that monitoring be reduced or discontinued in certain portions of the project site other than in site CA-LAN-266, if observations of soil conditions indicate a low likelihood of encountering archaeological resources. The archaeological monitor shall keep daily logs detailing the types of activities and soils observed, and any discoveries made. After monitoring has been completed, a monitoring report shall be prepared by a qualified expert that details the results of monitoring (including monitoring conducted as part of **CR-3**) and an accompanying sensitivity map that documents: (1) areas where soil excavations have exceeded the maximum depth of future burial plots; (2) areas where the Qualified Archaeologist has determined that, based on observations during monitoring, there is a low likelihood of encountering archaeological resources; and (3) areas where there is the potential for subsurface archaeological resources. The map shall be used as a tool by which to guide the need for monitoring during ground disturbance associated with plot preparation as described in **CR-5** (Archaeological Monitoring During Plot Preparation). The report and accompanying sensitivity map shall be submitted to the City, the project applicant, the South Central Coastal Information Center (SCCIC), and any Native American groups who request a copy, as directed by the City.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • On-going ground disturbing operations shall be monitored by a qualified archaeologist and Native American monitor. • Preparation of daily logs and an accompanying sensitivity map that identify locations where the monitoring took place and a description of observations. The logs shall be kept on file with the City and the project applicant.	• During Construction • During Project Operation during all ground disturbing activities.	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)			
CR-5: During the operations phase of the project, archaeological and Native American monitoring shall occur during excavation of all burial plots and any other ground disturbing activities occurring in those areas identified on the sensitivity map (being prepared as described in CR-4) as remaining sensitive for the potential for subsurface archaeological resources to be encountered. No monitoring would occur in areas where ground disturbance during the construction phase of the project has exceeded the maximum depth of the planned burial plot or other planned ground disturbance; or where during the construction phase of the project the Qualified Archaeologist determined soils of low likelihood for encountering archaeological resources with the exception of site CA-LAN-266. The archaeological monitor shall inspect the soil and shall have the authority to halt ground disturbing activities to investigate potential archaeological resource discoveries during plot preparation. In the event that evidence indicating the presence of a potentially significant archaeological resource is discovered, and subsequent excavation would impact the resource, excavation shall be redirected and the provisions of CR-6 (Inadvertent Discoveries) shall apply. Following the monitoring of each burial plot excavation or other planned ground disturbance, the Qualified Archaeologist shall prepare a brief memorandum that identifies the location where the monitoring took place and a description of observations. The memoranda shall be kept on file with the City and the project applicant. Participation of a Native American monitor during ground disturbing activities associated with plot preparation shall be determined through consultation amongst the City, qualified tribal representatives as documented on listings provided by the Native American Heritage Commission, and the project applicant.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • On-going monitoring of each burial plot excavation or other planned ground disturbance. • Preparation of brief memoranda that identify locations where the monitoring took place and a description of observations. The memoranda shall be kept on file with the City and the project applicant.	• During Project Operation during excavation of all burial plots and any other ground disturbing activities occurring in those areas identified on the sensitivity map.	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor

Mitigation Measure		Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)				
CR-6	In the event of the discovery of potentially significant archaeological resources, in any circumstance including those outlined in **CR-3**, **CR-4**, and **CR-6**, the project applicant shall immediately cease all work activities in the area (within approximately 50 feet) of the discovery until an Archaeological Resources Testing Plan (Testing Plan) is developed by the Qualified Archaeologist in consultation with the project applicant, the qualified tribal representatives, and the City. The Testing Plan shall be completed within 48 hours of the discovery, shall be approved by the City, and shall address the methods of determining the extent and contents of the resource, and a research context in which the resource's significance would be evaluated. Potentially significant archaeological resources shall be avoided until the Testing Plan is implemented and completed and until such a time when a course of action on whether the resource does or does not require further treatment is developed and agreed to by the project applicant, the City, and the qualified tribal representatives, in coordination with the Qualified Archaeologist. A reduction in the buffer zone may also be considered, if agreed to by these same parties. If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. If preservation in place is determined to be a feasible method by which to mitigate impacts to the resource, an Archaeological Resources Preservation Plan shall be developed in coordination with the qualified archaeologist, the project applicant, the qualified tribal representatives, and approved by the City. To ensure future work does not impact the resource, appropriate measures shall be taken that may include permit conditions. In the event that preservation in place is demonstrated to be infeasible, the capping as outlined in **CR-3** may be used to protect the resource, provided such project change is consistent with applicable design and development standards. The Applicant shall bear the cost of this mitigation.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Confirm that any cultural resources uncovered during construction or operation of the project are evaluated and treated in accordance with recommendations of the Qualified Archaeologist and Native American Monitor.	• During Construction and Project Operation during excavation of all burial plots and any other ground disturbing activities.	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager

Mitigation Measure		Action Required	Timing	Monitoring Responsibility
Cultural Resources (continued)				
CR-7	If human remains are encountered, the project applicant shall halt work in the vicinity (within 100 feet) of the find and contact the Los Angeles County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) shall be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code Section 5097.98 (as amended by AB 2641). The NAHC shall designate a Most Likely Descendant (MLD) for the remains per Public Resources Code Section 5097.98. Until the landowner has conferred with the MLD, the project applicant shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials. Relocation of the burials following consultations with the designated MLD may be an alternative action. In all instances Native American concerns and subsequent treatment of any human remains shall be handled with the utmost respect, with the understanding that these remains are sacred.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Confirm that any human remains are uncovered during construction are handled in accordance with applicable regulations, as proscribed in this measure.	• During Construction and Project Operation during excavation of all burial plots and any other ground disturbing activities.	• City of Malibu Planning Department • Qualified Archaeologist • Native American Monitor • Construction Manager
Land Use and Planning				
LP-1:	Prior to the issuance of a building permit for any of the mausoleums located within 100 feet from the top of the slope adjacent to Pacific Coast Highway, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid visibility from motorists traveling on Pacific Coast Highway from any vantage point immediately adjacent to the subject property to the satisfaction of the Planning Director.	• Confirm design and project specifications incorporate the required restrictions • Install story poles on the subject property to the satisfaction of the Planning Director.	• Design • Pre-Construction	• City of Malibu Planning Department • City of Malibu Building Department • City of Malibu Public Works Department • Construction Manager
LP-2	Prior to the issuance of a building permit for any of the mausoleums, the property owner/applicant must install story poles representing the height and location of the mausoleum and the mausoleums must be sited to avoid any obstruction to bluewater views from motorists traveling on Malibu Canyon Road from any vantage point along Malibu Canyon Road to the satisfaction of the Planning Director.	• Confirm design and project specifications incorporate the required restrictions • Install story poles on the subject property to the satisfaction of the Planning Director.	• Design • Pre-Construction	• City of Malibu Planning Department • City of Malibu Building Department • City of Malibu Public Works Department • Construction Manager

Mitigation Measure		Action Required	Timing	Monitoring Responsibility
Noise				
NOI-1	Heavy duty trucks accessing the project site, including refrigerator, refuse, recycling, and street cleaning vehicles shall be restricted to daytime and evening operating hours (7:00 AM to 10:00 PM).	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Field verify that project is in compliance with mitigation measure requirements.	• Pre-Construction • During Construction • During Project Operation	• City of Malibu Planning Department • City of Malibu Public Works Department • Construction Manager • Development Manager
NOI-2	In accordance with the Malibu Noise Ordinance (Chapter 8.24, Section 8.24.050-G, the use of backhoes and other heavy construction equipment on-site during the operation of the proposed project shall be restricted to daytime and evening hours (7:00 AM to 7:00 PM). Such activity shall be prohibited during nighttime hours (7:00 PM to 7:00 AM).	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements.	• Pre-Construction • During Construction	• City of Malibu Public Works Department • Construction Manager
NOI-3	The project contractor shall use demolition and construction methods not involving impact, where possible. The following shall be included as notes on the project plans: • Pile drivers, packers, clam shovel drops, hydromills, vibratory rollers, and other major sources of vibration should not be used during construction of the proposed project. • When feasible, non-impact demolition and construction methods, such as saw or torch cutting and removal for off-site demolition, chemical splitting, and hydraulic jack splitting, shall be used instead of high impact methods. • Construction activities that produce vibration (e.g., demolition, excavation, earthmoving and ground impacting), shall be sequenced so that the vibration sources do not operate simultaneously. • Rubber-tired construction equipment shall be in used in place of steel-track equipment whenever possible.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements.	• Pre-Construction • During Construction	• City of Malibu Public Works Department • Construction Manager

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Noise (continued)			
NOI-4 The construction contractor shall avoid using high vibration construction equipment (e.g., large bulldozers) within eight feet of the eastern property line, whenever possible.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Verify that construction activities comply with mitigation measure requirements.	• Pre-Construction • During Construction	• City of Malibu Public Works Department • Construction Manager
Public Services – Sheriff Protection			
PS-1 Prior to issuance of a grading permit, the applicant shall submit to the County Sheriff for review and approval project plans including site design, landscaping, building access and visibility, street circulation, building design and defensible space.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Submit project plans to the County Sheriff for review and approval	• Pre-Construction	• City of Malibu Planning Department • County Sheriff's Department

Mitigation Measure	Action Required	Timing	Monitoring Responsibility
Transportation and Traffic			
TR-1: The project applicant shall fund the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of PCH and Webb Way. Prior to construction, all applicable permits shall be obtained from Caltrans. **Figure 13, Conceptual Traffic Mitigation, Webb Way & Pacific Coast Highway,** illustrates the design of the PCH intersection improvements. The pro-rata share of the improvement costs shall be determined by the City of Malibu prior to the issuance of building permits. The City shall verify that all pro-rata funds have been received for the improvements prior to issuance of building permits. Additionally, the City shall verify that the improvements have been constructed prior to final Planning Department inspection of the project site. Alternatively, should the design exception not be approved, the project applicant shall provide sufficient, proportional funds to Caltrans to widen the southern side of PCH at this intersection. In the event of this occurrence, the applicant would be required to obtain separate permits and undergo a separate environmental review for the highway widening.	• Confirm design and specifications incorporate requirements of the mitigation measure. • Verify pro-rata share of the improvement costs have been received by the City of Malibu prior to the issuance of building permits. • Verify that the improvements have been constructed prior to final Planning Department inspection.	• Pre-Construction • Prior to the issuance of building permits • Prior to final Planning Department inspection	• City of Malibu Planning Department • City of Malibu Public Works Department • Construction Manager
TR-2: The property owner and/or operator shall implement the following measures during the ongoing operation of the memorial park: 1. Schedule truck trips for the export of soil related to the burials during off-peak traffic hours; 2. Stockpiles shall be limited to locations that will be pre-determined by the Planning Director where it would avoid visual impacts; and **3.** Dust control measures must be in place for the stockpiles.	• Confirm design and project specifications incorporate requirements of the mitigation measure. • Field verify that project is in compliance with mitigation measure requirements.	• During Project Operation	• City of Malibu Planning Department • City of Malibu Public Works Department • Development Manager

APPENDIX 2.0

Native American Monitoring Group, Salazar Folkes,
Most Likely Descendant Affidavit Letter

NATIVE AMERICAN MONITORING GROUP

January 20, 2017

Adrian Fernandez
Senior Planner
CITY OF MAILBU
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Malibu Memorial Park Project

Dear Mr. Fernandez:

The purpose of this letter is to address concerns regarding the above-described project. As the Most Likely Descendent "MLD" for the project and someone who has been involved with the project since inception for excavation and development, I would like to specifically address particular findings with regard to this site location.

Thorough site surveys, record searchers and archaeological testing have resulted in the identification of two prehistoric sites in the project area. One of these, CA-LAN-1715, has been determined through subsurface testing to have been highly disturbed during previous plant nursery operations and no longer meets the significant criteria under CEQA.

The second site, CA-LAN-266 does retain integrity, including the presence of a hearth feature and several flaked stone and ground stone tools within a relatively shallow deposit (60cm). This site does meet the significance criteria as a historical resource under CEQA. This site will be capped by fill soils to limit any further subsurface impacts.

Most important however, is that numerous archaeological studies conducted at the project site over the past dozen or so years, including subsurface test excavations, have shown no indication that the two archaeological sites contain human remains. That said, there are known and recognized cemetery complexes, within a mile of the proposed project site related to much large settlements at CA-LAN-264 (Humaliwo) and CA-LAN-267 (Sweetwater Mesa).

During my time on site for cultural resource monitoring over the course of the last 15 years approximately, and most recently in February and March of 2016 with ESA's archaeological field crew, archaeological deposits were limited to manos, cores and several flakes (Monterey Chert, Franciscan Chert and Quartzite). The amount of debitage collected most recently was sufficient to demonstrate that the Malibu Ranch location was once used by the Chumash for tool-making activities.

I feel confident that the City of Malibu has extensively reviewed and provided us with any and all information deemed to be sufficient and a solid approach to ensure no further disturbance. As the MLD of this site, I feel due diligence has been met by the developer and is in accordance with the current laws in place for said development within the proximity of a recorded archaeological site, and that no additional steps need to be taken. Hence, the project should be allowed to proceed without delay.

Notwithstanding the aforesaid, if specific factual information regarding the presence of burials at CA-LAN-266 is obtained, I would be interested in immediately reviewing such documentation.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly,

Beverly Folkes

Beverly Salazar Folkes
Chumash Most Likely Descendent

cc: Bruce McBride

1931 Shady Brook Drive • Thousand Oaks, CA 91362 • (805) 492-7255 • Email: folkes9@msn.com

APPENDIX 3.0-1

Updated Biological Inventory Report

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003

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info@rinconconsultants.com
www.rinconconsultants.com

November 18, 2015
Project Number 15-02065

Jake Jesson
Assistant Project Manager
Green Acres, LLC
22837 Pacific Coast Highway #775
Malibu, California 90265
Via Email: jjesson@weintraubre.com

Subject: **Updated Biological Inventory Report for the Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, City of Malibu, California**

This letter report updates the previous findings of the Biological Inventory Report (BIR) for the Rancho Malibu Religious Memorial Project due to a change in the project scope and grading plan. An Environmental Impact Report (EIR) was first prepared for this site (CBA, 1997) and certified by the City of Malibu City Council (March 23, 1998) along with conditions of approval contained in Conditional Use Permit No. 96-005. A BIR was prepared for the project site by Rincon Consultants, Inc. (Rincon) in May 2007 for plans to build a 146 room luxury hotel. An updated report was prepared in September 2011 (Rincon) as part of a Coastal Development Permit (CDP) application and Site Plan Review. In February of 2012, Rincon conducted a native tree assessment. In 2011 a reconnaissance survey and BIR update was prepared by Rincon to support the applicant's plans to change the project from the development of a luxury hotel to a religious memorial and cemetery. This BIR (October 2015) documents the changes in potential impacts to special-status biological resources as they relate to the revised scope and grading plan for the proposed religious memorial and cemetery.

PROJECT LOCATION AND DESCRIPTION

The project site is located in the central portion of the City of Malibu, immediately north of Pacific Coast Highway between Malibu Canyon Road and Civic Center Way at 4000 Malibu Canyon Road. The site is depicted on the *Malibu Beach*, California, United States Geological Survey (USGS) topographic map. It is located on Assessor's Parcel Numbers 4458-028-019, 4458-028-015, and 4458-030-007 within the County of Los Angeles. The project site is bounded by two or four lane roads on all sides. Land use includes the Santa Monica Mountains National Recreational Areas (SMMNRA) to the north and south, separated by the aforementioned roadways. The SMMNRA lands to the north of the site consist of coastal sage scrub. The SMMNRA lands to the south of the site include disced fields, a recreational field area, and scattered development to the far south. Pepperdine University is to the west of the project site, and residential areas to the east.

According to the project description provided by Green Acres dated November 17th, 2015, the project site will be redeveloped into the Malibu Memorial Park and Chapel, comprised of approximately 21.0 acres of a 27.8 acre property. The unstable slope areas along the perimeter of the site comprise the remaining 7 acres of the parcel that Green Acres has elected not to develop. The proposed Memorial Park project contains approximately 17,500 gross square feet of floor area ratio development and will include the construction of a 8,500 square-foot Main Chapel facility, 8,500 square-foot subterranean parking basement (19 parking spaces), 48 free-standing Mausoleum structures totaling approximately 9,000 square-foot (approximately 186 square-foot/each), approximately 30,600 plot spaces will allow for various crypt configurations, cremation and fractional burial options, as well as surface parking for 132 guest vehicles along the entry drive and Chapel ring.

METHODOLOGY

The biological inventory for the project site included a review of relevant literature available for the site. Rincon first reviewed the previously prepared biological and environmental impact reports (Rancho Malibu Hotel Project EIR), and site specific biological reports, to assess earlier habitat conditions and determine additional survey requirements, if necessary. To ensure consistency with the requirements set forth by the City of Malibu Local Coastal Program (LCP) Land Use Plan, adopted by the California Coastal Commission (CCC) in 2002, geographic information systems (GIS) software was used to review the City's updated data layers to check locations of Environmentally Sensitive Habitat Area (ESHA) and other sensitive biological resources or planning areas. In addition, the California Department of Fish and Wildlife (CDFW) California Natural Diversity Data Base (CNDDB) RareFind5 (October 6, 2015, expires April 6, 2016) and the California Native Plant Society's (CNPS) Electronic Inventory (CNPS 2014) were reviewed for recently tracked occurrences of special-status species or other special-status biological resources within 5 miles of the project site. Site plans provided by the client, aerial photographs, and topographic maps were also examined.

A native tree assessment was conducted at the site on February 16, 2012 by Rincon biologist Stephanie Lopez (certified arborist) and senior botanist Cher Batchelor, under the direction of certified arborist Julie Broughton. During the site visit all trees were identified to the lowest taxonomic level possible. For each tree assessed, tree height, canopy width and trunk diameter at breast height (DBH, four and one-half feet above natural grade) was determined. Tree height and canopy width was visually estimated and DBH was measured using a Forestry Suppliers English unit diameter tape and/or tree calipers. GPS data points were collected for native trees using a Trimble GeoXT unit with sub-meter accuracy.

A field reconnaissance survey was conducted in October 2014 to document existing site conditions and the potential presence of sensitive biological resources, including sensitive plant and wildlife species, sensitive plant communities, jurisdictional waters and wetlands, and habitat for nesting birds. Rincon biologist, Leslie Yen conducted the site visit on October 3, 2014 between 1300 and 1330 hours. Average weather conditions during the survey included temperatures of approximately 87 degrees Fahrenheit, winds of 1 to 3 miles per

hour, and clear skies (<5% cloud cover). The project site was accessed directly from Malibu Canyon Road. The survey area consists of the area within the proposed limits of work. The field biologist surveyed the project site on foot and recorded the biological resources present on site such as plant and wildlife species. Where portions of the survey area were inaccessible on foot (e.g., fenced-off development), these areas were visually inspected with binoculars (10 x 42).

The potential presence of sensitive species is based on a literature review and field survey designed to assess habitat suitability only. Definitive surveys to confirm the presence or absence of special-status species were not performed. Definitive surveys for sensitive plant and wildlife species generally require specific survey protocols and extensive field survey time, and are conducted only at certain times of the year.

A reconnaissance survey was not performed in 2015 in support of this project revision because the site has remained in similar condition since the original project proposal in 1997, and all design modifications are within the 2014 survey area. The findings and opinions conveyed in this report are based on this methodology.

ENVIRONMENTAL CONDITIONS

Most of the project site consists of a bluff top with sloping sides towards the public road ways. The top of the site contains drivable dirt roads as the site was formerly used as a nursery. No structures remain on the property, but vagrant activity is evident.

Vegetation Communities

The property vegetation is generally comprised of coastal sage scrub and native grasslands, but also contains many non-native nursery trees and shrubs and patches of ruderal grassland. Much of the central portions of the property are open and disturbed; however, the majority of the landscape is succeeding to coastal sage scrub habitat, and the general landscape provides cover and habitat for a variety of common native birds, reptiles, and small mammals.

Per the 1997 EIR, the site contained approximately 8 acres of undisturbed coastal sage scrub along the northern bluff, 18 acres of recovering coastal scrub mixed with landscaping plants on the bluff top, and about 1.8 acres dominated by landscaping and ornamental plants.

Based on field reconnaissance surveys, the plant communities are similar to that in 1997 except for the continued succession of coastal sage scrub into the abandoned nursery area and the establishment of a native saltgrass-fasciculed tarplant grassland. Currently, the site vegetation is comprised of five general plant communities. These plant communities are mapped on Figure 1, represented in Figure 2, and discussed in the bullets below:

- ***Dense, Intact Coastal Sage Scrub.*** The lower, north-facing slope (bluff face) in the northeastern portion of the site contains dense, intact coastal sage scrub. The established coastal sage scrub is dominated by laurel sumac (*Malosma laurina*). Associate species of the intact coastal sage scrub onsite include California sagebrush (*Artemisia californica*),

coyote brush (*Baccharis pilularis*), southern California black walnut (*Juglans californica* var. *californica*), coast ash buckwheat (*Eriogonum cinereum*), white sage (*Salvia apiana*), purple sage (*Salvia leucophylla*), and sawtooth goldenbush (*Hazardia squarrosa*). The openings of this area contain Foothill Needlegrass Patches discussed below.

- ***Foothill Needlegrass Patches.*** The foothill needlegrass patches observed onsite are located along the top of the north-facing slope between the abandoned nursery and the intact coastal sage scrub. These patches are dominated by *Stipa lepida* (foothill needlegrass), and associate species includes cudweed aster (*Lessingia filaginifolia*), soap plant (*Chlorogalum pomeridianum* var. *pomeridianum*), and small-flowered melicgrass (*Melica imperfecta*), with elements of coastal sage scrub mixed in at lesser levels. One patch was approximately 11,300 square feet and a larger patch was approximately 14,700 square feet. These patches are approximately 200 feet away from each other. The two patches together would be approximately 0.6 acres.
- ***Successional Coastal Sage Scrub with Ornamentals.*** The majority of the project site is comprised of remnant and successional coastal sage scrub with abandoned/escaped nursery/ornamental plantings. The successional coastal sage scrub onsite is less dense and more disturbed than that on the north-facing bluff, and is also dominated by laurel sumac. The associate species in this portion of the site include those mentioned above for the intact coastal sage scrub, but this area also includes a significant number of species such as myoporum (*Myoporum laetum*), Mexican fan palm (*Washingtonia robusta*), European olive (*Olea europia*), Tasmanian blue gum (*Eucalyptus globulus*), Brazilian pepper tree (*Schinus terebenthifolius*), and fountain grass (*Pennisetum setaceum*). The understory contains species such as red brome (*Bromus madritensis* ssp. *rubens*), soft chess (*Bromus hordeaceus*), sweet fennel (*Foeniculum vulgare*), black mustard (*Brassica nigra*), and summer mustard (*Hirschfeldia incana*). Five coast live oaks (*Quercus agrifolia*) were found onsite, and all were on the flat, former nursery section of the site. The openings of this area contain saltgrass-fasciculed tarplant fields discussed below.
- ***Saltgrass-Fasciculed Tarplant Fields.*** Open field areas dominated by two native species, the perennial, alkaline saltgrass (*Distichlis spicata*) and fasciculed tarplant (*Deinandra fasciculata*), were observed in several large openings of the abandoned nursery. Other associate species include western ragweed (*Ambrosia psilostachya* var. *californica*), scarlet pimpernel (*Anagallis arvensis*), southwestern carrot (*Daucus pusillus*), cudweed aster, green everlasting (*Pseudognaphalium californicum*), deerweed (*Lotus scoparius*), coast prickly-pear (*Opuntia litorallis*), and annual grasses. The patches range in size from 2,000 – 19,700 square feet and total about 1.8 acres.
- ***Disturbed/Ruderal.*** The site also contains several open dirt areas with sparse ruderal vegetation, in particular an approximate 0.5 acre area at the northern tip of the project site. Species observed here include horsetail (*Conyza canadensis*), summer mustard (*Hirschfeldia incana*), tree tobacco (*Nicotiana glauca*), and annual grasses.

Special-Status Plant Species

Per the 2014 BIR, two California Native Plant Society (CNPS) List 4 species were observed onsite: Plummer's baccharis (*Baccharis plummerae* var. *plummerae*) and southern California

black walnut *(Juglans californica* var. *californica*). Both species are on the Watch List as "limited in distribution" in California. A complete list of all plant species observed onsite is attached.

General Wildlife

The project site provides habitat for wildlife species that commonly occur within urban and rural areas of Los Angeles County. Common, non-special status, species observed on site during the 2007, 2011, and 2014 surveys included western fence lizard *(Sceloporus occidentalis),* California side-blotched lizard (*Uta stansburiana*), Botta's pocket gopher *(Thomomys bottae),* Audubon's cottontail *(Sylvilagus audubonii),* California ground squirrel *(Spermophilus beecheyi), and* coyote (*Canis latrans)*. Common avian species observed included, red-shouldered hawk (*Buteo lineatus*), American kestrel (*Falco sparverius*), greater roadrunner *(Geococcyx californianus),* mourning dove *(Zenaida macroura),* California towhee (*Melozone crissalis),* American crow (*Corvus brachyrhynchos*), house finch (*Carpodacus mexicanus*), wrentit (*Chamaea fasciata*), and Anna's hummingbird (*Calypte anna*). No special-status wildlife species, nesting birds or raptors, were observed onsite.

Other common wildlife species that might be expected to frequent the area based on available habitats would include western rattlesnake (*Crotalus viridis*), gopher snake (*Pituophis catenifer*), American goldfinch (*Carduelis tristis*), red-tailed hawk (*Buteo jamaicensis*), California quail (*Callipepla californica*), western scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), house sparrow (*Passer domesticus*), common bushtit (*Psaltriparus minimus*), American kestrel (*Falco sparverius*), turkey vulture (*Cathartes aura*), pacific-slope flycatcher (*Empidonax difficilis*), western bluebird (*Sialia mexicana*), yellow-rumped warbler (*Dendroica coronata*), black phoebe (*Sayornis nigricans*), big-eared woodrat (*Neotoma macrotis*), brush rabbit (*Sylvilagus bachmani*), and mule deer (*Odocoileus hemionus*).

Native Trees

Per the native tree protection ordinance, native oak (*Quercus sps.*), California walnut (*Juglans californica*), western Sycamore (*Platanus racemosa*), alder (*Alnus rhombifolia*), and toyon (*Heteromeles arbutifolia*) trees, with at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter, measured at four and one-half feet above natural grade are protected and require a tree protection plan (City of Malibu, 2002). During the tree assessment conducted in 2012 (Rincon 2012), the project site did not contain any native trees that meet the City's requirements for protection.

SENSITIVE BIOLOGICAL RESOURCES

In response to legislative mandates, regulatory authorities have defined sensitive biological resources as those specific organisms that have regionally declining populations such that they may become extinct if declining population trends continue. Habitats are also considered sensitive biological resources if they have limited distributions, have high wildlife value, include sensitive species, or are particularly susceptible to disturbance. Two communities of special concern identified by the CNDDB occur within the vicinity of the project area: Southern Coastal Salt Marsh and Valley Oak Woodland. Neither of the

communities identified as special concern by CNDDB or CDFW is present within the project area.

Several resource studies have been prepared that address the general biological resource values within the Project site and general vicinity. These studies include the Malibu Parks Public Access Enhancement Plan (MPPAEP) Environmental Impact Report (EIR) (Dudek, 2010), Revised Biological Inventory Report for the Rancho Malibu Resort Project (Rincon Consultants Inc, 2011), Revised Biological Inventory Report for the Rancho Malibu Religious Memorial Project (Rincon 2014), and the South Coast Missing Linkages Project Santa Monica-Sierra Madre Connection (South Coast Wildlands, 2006).

The project design was revised again in October 2015 to exclude work in sensitive habitat areas, reducing the overall project footprint from 27.8 acres to 21 acres, resulting in an overall reduction in potential impacts to special-status biological resources.

Special-Status Vegetation Communities

CNDDB tracks three sensitive habitat types in the vicinity: Southern coast live oak riparian forest, southern coastal salt marsh, and valley oak woodland. None of these habitats exist onsite. The coastal sage scrub on the northern bluff was considered sensitive by the City of Malibu per the 1997 EIR as it was relatively undisturbed habitat. This habitat is identified on Figure 1 as "Dense, Intact Coastal Sage Scrub." New project plans also show that portions of the coastal sage scrub on the unstable slopes along the northeast and eastern sides will be avoided, minimizing impacts to this habitat community.

Special-Status Plant Species

In addition to the two special-status plant species observed onsite (Plummer's baccharis and southern California black walnut); CNDDB tracks 15 special-status plant species within five miles of the project site. Suitable habitat exists onsite for 7 of the 15 tracked plant species, including Coulter's saltbush (*Atriplex coulteri*), Davidson's saltscale (*Atriplex serenana* var. *davidsonii*), Malibu Baccharis (*Baccharis malibuensis*), Santa Susana tarplant (*Deinandra minthornii*), Blochman's dudleya (*Dudleya blochmaniae* ssp. *Blochmaniae*), and Santa Monica dudleya (*Dudleya cymosa* ssp. *ovatifolia*). None of the CNDDB special-status plant species were observed during the 2007, 2011, or the 2014 reconnaissance surveys; however, a moderate potential exists for these species to occur onsite in the intact coastal sage scrub area. While two locally important plant species were observed onsite, the presence of these species alone does not qualify the onsite habitat to be ESHA since the species are not considered to be especially valuable as they lack special nature and specific roles in the onsite ecosystem. They also are not either List 1 or 2 plants, which are considered worthy of rarity status as noted in the Malibu LCP Land Use Plan Policy 3.4.d. The complete CNDDB report for the area within 5 miles of the project site is attached.

Special-Status Wildlife Species

CNDDB also tracks 13 special-status wildlife species within five miles of the project site. Suitable habitat for 3 of the 13 special-status wildlife species tracked by CNDDB occurs

within the project site, including coastal whiptail (*Aspidoscelis tigris stejnegeri*), Bryant's [San Diego desert] woodrat (*Neotoma bryanti* [*N. lepida intermedia*]), and coast horned lizard (*Phrynosoma blainvillii*). None of these special-status species were observed during the 2007, 2011, or the 2014 reconnaissance surveys; however, a moderate potential exists for these species to occur onsite in the intact coastal sage scrub. An additional special-status species discussion with respect to ESHA designation is discussed below.

Potentially sensitive wildlife that could use the isolated coastal sage scrub habitat on site includes the loggerhead shrike (*Lanius ludovicianus*, a California species of special concern while nesting) that could potentially use the site for nesting. However, these birds were not observed on site during the May 2007 breeding season. The coastal western whiptail (*Aspidoscelis tigris stejnegeri)*, a California species of special concern, require an area of at least 0.25 acre to establish home ranges; therefore, this species could also potentially use the fragmented coastal sage scrub area onsite. However, isolated habitats tend to lose rare species over time through changes in the local environment that create conditions that are no longer conducive to their existence. In addition, the fire that occurred in 2007 could have extirpated many of the rare species if they were previously present on site. If locally extirpated, the chance of re-colonization of coastal western whiptails is substantially decreased due to habitat isolation. The San Diego woodrat could also potentially utilize the habitat that exists on site; however, during the most recent survey, no woodrat middens were observed within the project area. Lastly, the coast horned lizard was historically found along the pacific coast, but the range has now been severely fragmented. This species more often occurs in chaparral with open areas. Furthermore, the coast horned lizard requires loose friable soils to burrow beneath and native any populations as a food source. It is likely that most ant species that occur on site are non-native due to the former site use as a nursery of ornamental species. The amount of suitable habitat present is limited and consequentially, any population of sensitive wildlife would also be limited. The nearest connection from the northern edge of the property to intact sage scrub habitat is more than 350 feet to a steep hillside north of the intersection of Malibu Canyon Road and Civic Center Way. The lack of cover and suitable habitat over this distance significantly limits the movement of animals from lower trophic levels (most invertebrates, amphibians, reptiles, and small mammals). Furthermore, according to updated project plans, most of the intact sage scrub habitat where these species are most likely to occur will be avoided.

Native Trees

The tree assessment conducted in 2012 determined that the project site does not contain native trees that meet the City's requirements for protection. Native trees were observed on site; however, none met the size criteria for protection or were within the project disturbance boundaries. A single oak tree meeting the size criteria was observed on site, but was identified as a cork oak (*Quercus suber*) that is native to southwestern Europe and northern Africa (Bringham, 2005). Three native qualifying California walnuts were observed to the east and outside the project boundary.

Nesting Birds

Coastal sage scrub and large trees could be attractive for nesting birds protected under the California Fish and Game Code. Although accessible trees and shrubs throughout the property were examined with binoculars and no active nests were observed, birds are expected to nest within the habitats and trees onsite generally between February 15 and August 15.

Jurisdictional Drainages

No riparian/riverine habitat, vernal pools, or potential vernal pools occur within the project site. In addition, the soils onsite are considered well-drained and are unlikely to form vernal pools. A potential drainage does exist north of the project site (USFWS National Wetlands Inventory website http://www.fws.gov/wetlands/, 2006), on the opposite side of Civic Center Way. The drainage crosses Civic Center Way outside the north east corner of the project side and continues into an adjacent property, immediately below the bluffs on the eastern side of the project site, and turns into Winter Canyon southwest of the project site. Current project plans do not anticipate modification of the drainage or canyon. No riparian or wetland habitats occur on site that would qualify as ESHA.

Critical Habitat

No critical habitat is mapped onsite and the project would not affect any federal designated critical habitat. The closest mapped federal designated critical habitat from the project site is for tidewater goby (*Eucyclogobius newberryi*), which is approximately 0.85 mile east of the project site in Malibu Canyon Creek.

ESHA

According to the City of Malibu LCP ESHA Overlay Map 3: *Dan Blocker to Malibu Pier* (Malibu LCP), the property is not within any currently mapped ESHA. However, unmapped coastal sage scrub or native grassland patches could be defined as an ESHA if these areas would need to meet the following definition:

> "…any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Malibu LCP LIP, page 10.

Further instruction regarding the ESHA designation is provided on page 48 of the Malibu LCP Land Use Plan (Land Use Plan Policy 3.1):

> "… unless there is site-specific evidence that establishes that a habitat area is not especially valuable because of its special nature or role in the ecosystem…"

The 2010 MPPAEP EIR does not list the Project site as an important habitat linkage. The 2011 BIR prepared for the Project site specifically addresses the connectivity potential of the site and concludes the site does not have high habitat function nor habitat connectivity. Lastly, results of the 2006 Wildlands Study indicate that the Project site in its current condition is a constriction point for the focal species examined in the 2006

Wildlands Study. Constriction points are areas where habitats have been narrowed by surrounding development and can prevent organisms from moving through. The 2006 Wildlands Study indicates that the Malibu Bluffs and the Project site provide patch size or less than a patch size habitat for numerous species (mountain lion, mule deer, loggerhead shrike, and California thrasher). Thus, the Project site currently functions as an isolated habitat and would not be considered especially valuable. Due to the high road density within the Project area, the Project site as it exists is already functionally isolated from the Santa Monica Mountains. Further, PCH also serves to isolate the site from the Malibu Bluffs to the south for most of the lower trophic levels. The discussions below further supports that this project does not qualify as an ESHA.

The coastal sage scrub habitat within the project site, identified in Figure 1 as "Successional Coastal Sage Scrub with Ornamentals" would not qualify as ESHA since this area lacks connectivity to other nearby large native habitat blocks. Native grassland patches have developed within the former nursery area. These patches are relatively small, with no single patch greater than 0.5 acres, and are isolated from other known ESHA grasslands in the area to the west, and do not contain rare plant species. They do not appear to be "especially valuable because of its special nature or role in the ecosystem" given that the onsite ecosystem is a former nursery within which native vegetation is mixed extensively with well-established non-native horticultural species.

MITIGIATION RECOMMENDATIONS

Although no ESHA occurs on site, several measures are recommended herein to avoid and minimize potential impacts to biological resources.

Special-Status Vegetation Communities

Although the coastal sage scrub habitat onsite does not necessarily qualify as ESHA, this habitat is still considered sensitive by the City of Malibu. Rincon concurs, as the habitat is located within the coastal zone within the Santa Monica Mountains and provides suitable habitat for local wildlife species. Any potential impacts to the intact coastal sage scrub may be required to be mitigated to compensate for the loss of coastal habitat. Similarly, while the foothill needlegrass and saltgrass- fasciculed tarplant grassland patches does not appear to qualify as ESHA, they nonetheless could still be considered sensitive by the City of Malibu and mitigation required.

Special-Status Plant Species

Due to the occurrence of two locally important plant species and the potential for other special-status plant species to occur, the following measure is recommended to minimize and avoid impacts to special status plant species:

- Prior to vegetation clearing/ground disturbance, seasonal rare plant surveys are recommended to be conducted by a qualified botanist. Surveys should be conducted during the blooming periods of special-status species with the potential to occur on site (typically up to 3 surveys between March and July). Rare plant surveys should be conducted in accordance with CNPS and CDFG protocol.

- If rare plant species (CNPS List 1 or 2) are discovered, then a recovery and revegetation plan shall be implemented in the event that they cannot be avoided by site design. Alternatively, in lieu fees for conserved habitat in the Santa Monica Mountains suitable for the species found may be provided at a mitigation ratio of 5:1 for the onsite occupied habitat.

Special-Status Wildlife Species

Due to the potential for special-status wildlife species, such as coastal whiptail, coast horned lizard, and San Diego woodrat, to occur onsite, the following measure is recommended to minimize and avoid impacts to special-status wildlife species:

- Prior to ground disturbance, a qualified biologist should conduct wildlife clearance surveys for animals within the proposed areas of disturbance. The biologist should also be present during initial ground disturbance activities and until clearance has been completed. If woodrat middens are located within the construction footprint to be disturbed, the middens and any associated nests will be carefully dismantled allowing the woodrats to leave on their own. The midden materials will be relocated to suitable undisturbed habitat so that they may be reused by woodrats. If coast horned lizards, coastal whiptails, or other special status animal species are present within the disturbance area, the biologist will relocate them to suitable habitat away from the edge of the construction footprint. CDFG and City should be notified and consulted regarding the presence of a special-status wildlife species onsite. If a federally listed species is found prior to grading of the site, the USFWS shall also be notified to determine whether an Endangered Species Act Section 10 Habitat Conservation Plan is necessary to proceed.

Native Trees

If native trees that would qualify for protection under the Malibu LCP Native Tree Protection Ordinance are present on site, impacts or removal of qualifying trees would need to be carried out in accordance with the Malibu LCP Native Tree Protection Ordinance.

Nesting Birds

The following measure is recommended to maintain compliance with the California Fish and Game Code with respect to nesting birds:

- If initial clearing activities take place between February 15 and August 15, nesting bird surveys are recommended to be performed by a qualified biologist/ornithologist with results reported subsequently to the City of Malibu prior to grading and clearing. If nesting birds are found, a City-approved construction buffer of at least 200' may be required until all young are no longer dependent on the nest.

Jurisdictional Drainages

Should project plans change or anticipate any impacts to the drainage adjacent to the project site, a jurisdictional delineation survey is recommended, and consultation and potential

permits from CDFG, U.S. Army Corps of Engineers (USACE), or Los Angeles Regional Water Quality Control Board (RWQCB) could be required.

LIMITATIONS

This document was prepared for use solely and exclusively by Green Acres, LLC, care of Jake Jesson, Assistant Project Manager. Mr. Jesson has requested this assessment on behalf of Green Acres, LLC, who may use it to provide information to satisfy regulatory agency requirements. No other use or disclosure is intended or authorized by Rincon, nor shall this report be relied upon or transferred to any other party without the express written consent of Rincon Consultants. This work has been performed in accordance with good commercial, customary, and generally accepted biological investigation practices conducted at this time and in this geographic area. The findings and opinions conveyed in this report are based on a suitability analysis level only and did not include definitive surveys for the presence or absence of the special-status species that may be present. Definitive surveys for special-status wildlife and plant species generally require specific survey protocols requiring extensive field survey time to be conducted only at certain times of the year. The findings and opinions conveyed in this report are based on this methodology. It is understood that Rincon is to be held harmless for any inverse condemnation or devaluation of said property that may result if Rincon's report or information generated during our performance of services is used for other purposes.

Thank you for the opportunity to assist you with this project. If you have any questions regarding this biological inventory report, please contact us at 805/644-4455.

Sincerely,
RINCON CONSULTANTS, INC.

Leslie Yen
Biologist

Lacrissa Cook Davis, MESM
Principal Biologist

Attachments: *Figure 1. Aerial Photograph and Vegetation Map*
Figure 2. Site Photographs
Plant Species Observed Onsite
CNDDB RareFind5 Report (5 mile radius from project site)

Legend

- Site Boundary
- Dense, Intact Coastal Sage Scrub
- Disturbed/Ruderal
- Foothill Needlegrass Patches
- Saltgrass-Fasciculed Tarplant Fields
- Successional Coastal Sage Scrub with Ornamentals
- Location of Concrete Box
- Approximate Location of Eroded Canyon

Bing Maps Aerial: (c) 2010 Microsoft Corporation and its data suppliers.

N

0 170 340 Feet

Aerial Photograph and Vegetation Map

Figure 1

Photo 1 - View looking west from western portion of site showing disturbed portions of the site with mix of remnant/ successional scrub species, ornamental trees/shrubs, and native and nonnative herbs and grasses.

Photo 2 - View looking west from middle of site showing mix of native and ornamental species.

Photo 3 - View looking south from middle of site showing field dominated by native saltgrass and fasciculed tarplant.

Photo 4 - View looking southeast of ridgeline and boundary between abandoned nursery area to the south and intact coastal sage scrub to the north.

Site Photographs

Figure 2a

Photo 5 - View looking northwest of north-facing slope on north/northeast portion of the site occupied by dense relatively undisturbed coastal sage scrub.

Photo 6 - View looking southeast of same north-facing slope occupied by coastal sage scrub and needlegrass grassland patches.

Photo 7 - View looking south from dirt lot/ruderal field at north tip of site showing north-facing slope with southern California black walnut specimens emergent from the coastal sage scrub (light green background).

Photo 8 - Plummer's baccharis along the north ridgeline in the middle of the site; observed in a needlegrass opening within the coastal sage scrub.

Site Photographs

Figure 2b

Plant Species Observed – Rancho Malibu Resort

Scientific Name	Common Name
Adenostoma fasciculatum	Chamise
Ambrosia psilostachya var. *californica*	Western ragweed
Anagallis arvensis	Scarlet pimpernel
Artemisia californica	California sagebrush
Artemisia douglasiana	Mugwort
Asclepias fascicularis	Narrowleaf milkweed
Astragalus trichopodus var. *phoxus*	Antisell three-pod milkvetch
Avena barbata	Slender wild oat
Baccharis pilularis	Coyote brush
Baccharis plummerae var. *plummerae*	Plummer's baccharis
Brassica nigra	Black mustard
Bromus hordeaceus	Soft chess
Bromus madritensis ssp. rubens	Red brome
Cardionema ramosissimum	Sand mat
Carpobrotus chinensis	Ice plant
Carpobrotus edulis	Hottentot fig
Centaurea melitensis	Tocalote
Chamaesyce albomarginata	Rattlesnake spurge
Chlorogalum pomeridianum var. *pomeridianum*	Soap plant
Conyza canadensis	Horseweed
Cynodon dactylon	Bermuda grass
Daucus pusillus	Southwestern carrot
Deinandra fasciculata	Fasciculed tarplant
Distichlis spicata	Saltgrass
Dudleya pulverulenta ssp. *pulverulenta*	Chalky live-forever
Encelia californica	California bush sunflower
Eriogonum cinereum	Ash coast buckwheat
Eriogonum fasciculatum var. *fasciculatum*	California buckwheat
Eucalyptus globulus	Tasmanian blue gum
Foeniculum vulgare	Sweet fennel
Geranium molle	Annual cranesbill
Grindelia camporum var. *bracteosum*	Bracted gumplant
Hazardia squarrosa var. *squarrosa*	Sawtooth goldenbush
Helianthus annuus	Common sunflower
Hesperoyucca [*Yucca*] *whipplei* ssp. *whipplei*	Our Lord's candle
Heteromeles arbutifolia	Toyon
Heterotheca grandiflora	Telegraph weed
Hirschfeldia incana	Summer mustard
Juglans californica var. *californica*	Southern California black walnut
Lessingia filaginifolia var. *filaginifolia*	California cudweed-aster
Leymus condensatus	Giant wildrye
Lotus scoparius var. *scoparius*	Deerweed
Lupinus longifolius	Long-leaved bush lupine
Malacothrix saxatilis var. *saxatilis*	Cliff-aster
Malosma laurina	Laurelleaf sumac

Plant Species Observed – Rancho Malibu Resort

Scientific Name	Common Name
Melica imperfecta	Small-flowered melicgrass
Mimulus aurantiacus var. *aurantiacus*	Bush monkeyflower
Myoporum laetum	Myoporum
Nassella lepida	Foothill needlegrass
Nicotiana glauca	Tree tobacco
Olea europaea	European olive
Opuntia littoralis	Coastal prickly pear
Pennisetum setaceum	Fountain grass
Picris echioides	Bristly ox-tongue
Pinus sp.	Pine
Piptatherum miliaceum	Smilo grass
Plantago lanceolata	English plantain
Polypogon monspeliensis	Rabbitsfoot grass
Pseudognaphalium californicum	California everlasting
Quercus agrifolia	*Coast live oak*
Rhus integrifolia	Lemonade berry
Ricinus communis	Castor bean
Rumex crispus	Curly dock
Salvia leucophylla	Purple sage
Salvia mellifera	Black sage
Schinus terebenthifolius	Brazilian pepper tree
Sonchus asper ssp. *asper*	Prickly Sow-thistle
Stellaria media	Common chickweed
Stephanomeria virgata ssp. *virgata*	Twiggy wreath plant
Venegasia carpesioides	Canyon sunflower
Washingtonia robusta	Mexican fan palm

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: BIOS selection

Rancho Malibu Religious Memorial Project, 4000 Malibu Canyon Road, Malibu, California

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Aquila chrysaetos golden eagle	ABNKC22010	None	None	G5	S3	FP
Aspidoscelis tigris stejnegeri coastal whiptail	ARACJ02143	None	None	G5T3T4	S2S3	
Astragalus brauntonii Braunton's milk-vetch	PDFAB0F1G0	Endangered	None	G2	S2	1B.1
Atriplex coulteri Coulter's saltbush	PDCHE040E0	None	None	G2	S2	1B.2
Atriplex serenana var. davidsonii Davidson's saltscale	PDCHE041T1	None	None	G5T1	S1	1B.2
Baccharis malibuensis Malibu baccharis	PDAST0W0W0	None	None	G1	S1	1B.1
California macrophylla round-leaved filaree	PDGER01070	None	None	G3?	S3?	1B.2
Calochortus clavatus var. gracilis slender mariposa-lily	PMLIL0D096	None	None	G4T2T3	S2S3	1B.2
Chorizanthe parryi var. parryi Parry's spineflower	PDPGN040J2	None	None	G3T3	S3	1B.1
Danaus plexippus pop. 1 monarch - California overwintering population	IILEPP2012	None	None	G4T2T3	S2S3	
Deinandra minthornii Santa Susana tarplant	PDAST4R0J0	None	Rare	G2	S2	1B.2
Diadophis punctatus modestus San Bernardino ringneck snake	ARADB10015	None	None	G5T2T3Q	S2?	
Dudleya blochmaniae ssp. blochmaniae Blochman's dudleya	PDCRA04051	None	None	G3T2	S2	1B.1
Dudleya cymosa ssp. marcescens marcescent dudleya	PDCRA040A3	Threatened	Rare	G5T2	S2	1B.2
Dudleya cymosa ssp. ovatifolia Santa Monica dudleya	PDCRA040A5	Threatened	None	G5T1	S1	1B.1
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Eucyclogobius newberryi tidewater goby	AFCQN04010	Endangered	None	G3	S3	SSC
Euderma maculatum spotted bat	AMACC07010	None	None	G4	S3	SSC
Eumops perotis californicus western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
Falco peregrinus anatum American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Gila orcuttii arroyo chub	AFCJB13120	None	None	G2	S2	SSC
Isocoma menziesii var. decumbens decumbent goldenbush	PDAST57091	None	None	G3G5T2T3	S2	1B.2
Lampropeltis zonata (pulchra) California mountain kingsnake (San Diego population)	ARADB19063	None	None	G4G5	S1S2	SSC
Lasiurus blossevillii western red bat	AMACC05060	None	None	G5	S3	SSC
Lasthenia glabrata ssp. coulteri Coulter's goldfields	PDAST5L0A1	None	None	G4T2	S2	1B.1
Monardella hypoleuca ssp. hypoleuca white-veined monardella	PDLAM180A3	None	None	G4T2T3	S2S3	1B.3
Myotis ciliolabrum western small-footed myotis	AMACC01140	None	None	G5	S3	
Myotis yumanensis Yuma myotis	AMACC01020	None	None	G5	S4	
Neotoma lepida intermedia San Diego desert woodrat	AMAFF08041	None	None	G5T3T4	S3S4	SSC
Oncorhynchus mykiss irideus steelhead - southern California DPS	AFCHA0209J	Endangered	None	G5T1Q	S1	SSC
Pentachaeta lyonii Lyon's pentachaeta	PDAST6X060	Endangered	Endangered	G1	S1	1B.1
Phrynosoma blainvillii coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
Southern California Coastal Lagoon Southern California Coastal Lagoon	CALE1220CA	None	None	GNR	SNR	
Southern California Steelhead Stream Southern California Steelhead Stream	CARE2310CA	None	None	GNR	SNR	
Southern Coastal Salt Marsh Southern Coastal Salt Marsh	CTT52120CA	None	None	G2	S2.1	
Thamnophis hammondii two-striped garter snake	ARADB36160	None	None	G4	S3S4	SSC
Valley Oak Woodland Valley Oak Woodland	CTT71130CA	None	None	G3	S2.1	

Record Count: 37

APPENDIX 3.0-2

Traffic Queuing Analysis, Overland Traffic Consultants, Inc.

Overland Traffic Consultants, Inc.

Overland Traffic Consultants
24325 Main Street # 202
Santa Clarita, CA 91321
Phone (661) 799 - 8423
E-mail: otc@overlandtraffic.com

February 3, 2017

Mr. Fred Gaines
Gaines & Stacey LLP
16633 Ventura Blvd. Suite 1220
Encino, CA 91436-1872

RE: Response to Public Works Department Memo
(February 2, 2017)

Dear Mr. Gaines,

Overland Traffic Consultants has received the Public Works Department comment dated February 2, 2017 (attached). We have reviewed the comment and adjusted the HCS capacity worksheets for the Pacific Coast Highway and Malibu Canyon Road intersection. The capacity worksheets have been amended to show the southbound left turn shared lane traffic assignment for 1 left turn lane and 1 shared left - through lane to be 55% and 45 %, respectively. The adjusted worksheets are attached and modified to show the reduced delay values for the intersection peak hours and the amended table for Response 13 is provide below.

Response 13

A queuing analysis has been conducted for existing 2016 conditions with and without the project. As shown below are the results of the eastbound left turn queuing analysis for Pacific Coast Highway at Malibu Canyon Road and at Webb Way. The analysis shows that the project will not create a significant traffic impact to the eastbound vehicle queue with ample capacity to accommodate the left turn demand with the project. It should be noted that the dual left turn mitigation at Pacific Coast Highway and Webb Way has been assumed for this analysis. The capacity worksheets are attached for reference.

EB Left Turn Volume and Capacity

Intersection	Peak Hour	Q Capacity Without	Volume With Project	
1 Pacific Coast Highway	am	224	225	139
Malibu Canyon Road	pm	527	529	402
	Sat.	314	334	231
2 Pacific Coast Highway	am	249	249	165
Webb Way	pm	201	201	125
	Sat.	203	203	127

Please call if you have questions.

Sincerely,

Jerry T. Overland

Attachments

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department **DATE:** 4/28/2015

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 15-028
JOB ADDRESS:	4000 MALIBU CANYON RD, Parcel
APPLICANT / CONTACT:	Bruce McBride
APPLICANT ADDRESS:	PO Box 6528 Malibu, CA 90264
APPLICANT PHONE #:	(310) 456-2600 x2
APPLICANT FAX #:	
APPLICANT EMAIL:	bmcbride@pda-llc.net
PROJECT DESCRIPTION:	Malibu Memorial Park

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

✓ The following items described on the attached memorandum shall be addressed and resubmitted.

____ The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

Jonathan Richardson
SIGNATURE

2/2/17
DATE

City of Malibu
MEMORANDUM

To: Bruce McBride

From: Public Works Department
Jonathan Pichardo, Assist. Civil Engineer

Date: February 2, 2017

Re: Memo No.2 (MND Traffic Responses) 4000 Malibu Canyon Road CDP 15-028

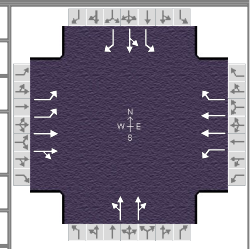
The Public Works Department has begun its review of this application and has determined that additional information is required.

MND Response Comments:

1. The HCS worksheets describe the AM peak hour intersection delay pre project to be 197.7s/veh and the AM peak hour intersection delay to be 197.4s/veh post project. Please clarify how the proposed development is to decrease traffic instead of increase.

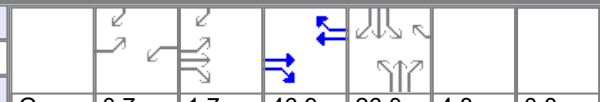
HCS7 Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	City of Malibu			Duration, h	0.25
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other
Jurisdiction		Time Period	exisitng am peak hour	PHF	0.92
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1> 7:00
Intersection	Malibu Canyon Road	File Name	pch malibu am peak without.xus		
Project Description	am peak hour without project				

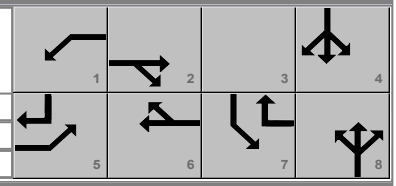


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	138	939	15	4	704	146	16	7	29	896	13	184

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	0.7	1.7	46.9	26.0	4.8	0.0
Yellow	4.0	4.0	4.0	4.0	4.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	10.4	56.6	4.7	50.9		8.8		30.0
Change Period, (*Y+R c*), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (*MAH*), s	3.0	0.0	3.0	0.0		3.1		3.0
Queue Clearance Time (*g s*), s	6.2		2.2			3.9		28.0
Green Extension Time (*g e*), s	0.3	0.0	0.0	0.0		0.1		0.0
Phase Call Probability	0.98		0.11			1.00		1.00
Max Out Probability	0.00		0.00			0.00		1.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (*v*), veh/h	150	520	517	4	765	159	25		32	536	452	200
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1757	1900	1889	1810	1809	1610	1836		1610	1810	1812	1610
Queue Service Time (*g s*), s	4.2	17.9	17.9	0.2	14.3	3.0	1.3		1.9	26.0	24.6	9.6
Cycle Queue Clearance Time (*g c*), s	4.2	17.9	17.9	0.2	14.3	3.0	1.3		1.9	26.0	24.6	9.6
Green Ratio (*g/C*)	0.06	0.53	0.53	0.01	0.47	0.73	0.05		0.05	0.26	0.26	0.32
Capacity (*c*), veh/h	224	999	993	12	1695	1173	87		77	470	471	521
Volume-to-Capacity Ratio (*X*)	0.669	0.521	0.521	0.352	0.451	0.135	0.286		0.412	1.139	0.960	0.384
Back of Queue (*Q*), ft/ln (50 th percentile)	45	185.3	184.7	3.2	141.2	19.4	14.9		19.1	548.9	357.9	87.5
Back of Queue (*Q*), veh/ln (50 th percentile)	1.8	7.4	7.4	0.1	5.6	0.8	0.6		0.8	22.0	14.3	3.5
Queue Storage Ratio (*RQ*) (50 th percentile)	0.15	0.00	0.00	0.01	0.00	0.00	0.00		0.00	1.25	0.00	0.00
Uniform Delay (*d 1*), s/veh	45.8	15.5	15.5	49.4	17.9	4.1	46.0		46.3	37.0	36.5	26.1
Incremental Delay (*d 2*), s/veh	1.3	1.9	2.0	6.2	0.9	0.2	0.7		1.3	85.3	31.1	0.2
Initial Queue Delay (*d 3*), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	47.1	17.4	17.4	55.6	18.8	4.3	46.6		47.6	122.3	67.6	26.3
Level of Service (LOS)	D	B	B	E	B	A	D		D	F	E	C
Approach Delay, s/veh / LOS	21.2	C		16.5	B		47.2	D		85.3	F	
Intersection Delay, s/veh / LOS	43.0						D					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.3	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.5	A	1.3	A	0.5	A	2.4	B

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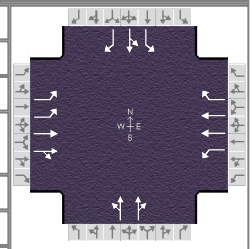
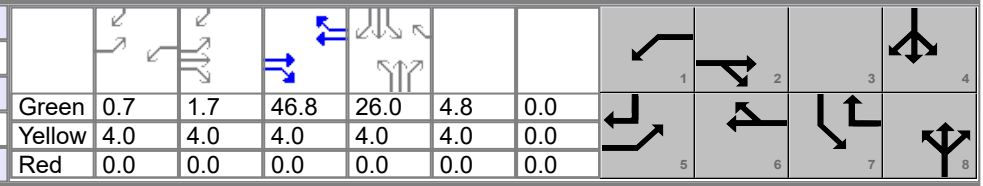
HCS7 Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	City of Malibu			Duration, h	0.25
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other
Jurisdiction		Time Period	exisitng am peak hour	PHF	0.92
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1> 7:00
Intersection	Malibu Canyon Road	File Name	pch malibu am peak with.xus		
Project Description	am peak hour with project				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	139	939	15	4	705	149	16	7	29	896	13	184

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	0.7	1.7	46.8	26.0	4.8	0.0
Yellow	4.0	4.0	4.0	4.0	4.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0

Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	10.4	56.6	4.7	50.8		8.8		30.0
Change Period, ($Y+R_c$), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (*MAH*), s	3.0	0.0	3.0	0.0		3.1		3.0
Queue Clearance Time (g_s), s	6.2		2.2			3.9		28.0
Green Extension Time (g_e), s	0.3	0.0	0.0	0.0		0.1		0.0
Phase Call Probability	0.98		0.11			1.00		1.00
Max Out Probability	0.00		0.00			0.00		1.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (*v*), veh/h	151	520	517	4	766	162	25		32	536	452	200
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1757	1900	1889	1810	1809	1610	1836		1610	1810	1812	1610
Queue Service Time (g_s), s	4.2	17.9	17.9	0.2	14.3	3.0	1.3		1.9	26.0	24.6	9.6
Cycle Queue Clearance Time (g_c), s	4.2	17.9	17.9	0.2	14.3	3.0	1.3		1.9	26.0	24.6	9.6
Green Ratio (*g/C*)	0.06	0.53	0.53	0.01	0.47	0.73	0.05		0.05	0.26	0.26	0.32
Capacity (*c*), veh/h	225	999	993	12	1694	1173	87		77	470	471	522
Volume-to-Capacity Ratio (*X*)	0.670	0.521	0.521	0.352	0.452	0.138	0.286		0.412	1.139	0.960	0.383
Back of Queue (*Q*), ft/ln (50 th percentile)	45.3	185.3	184.7	3.2	141.4	19.9	14.9		19.1	548.9	357.9	87.4
Back of Queue (*Q*), veh/ln (50 th percentile)	1.8	7.4	7.4	0.1	5.7	0.8	0.6		0.8	22.0	14.3	3.5
Queue Storage Ratio (*RQ*) (50 th percentile)	0.15	0.00	0.00	0.01	0.00	0.00	0.00		0.00	1.25	0.00	0.00
Uniform Delay (d_1), s/veh	45.8	15.5	15.5	49.4	17.9	4.1	46.0		46.3	37.0	36.5	26.1
Incremental Delay (d_2), s/veh	1.3	1.9	2.0	6.2	0.9	0.2	0.7		1.3	85.3	31.1	0.2
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	47.0	17.4	17.4	55.6	18.8	4.3	46.6		47.6	122.3	67.6	26.2
Level of Service (LOS)	D	B	B	E	B	A	D		D	F	E	C
Approach Delay, s/veh / LOS	21.2	C		16.5	B		47.2	D		85.3	F	
Intersection Delay, s/veh / LOS	43.0						D					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.3	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.5	A	1.3	A	0.5	A	2.4	B

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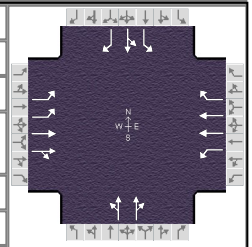
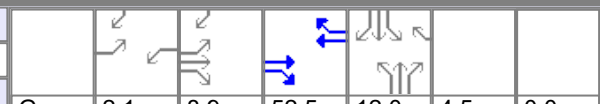
HCS7 Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	City of Malibu			Duration, h	0.25
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other
Jurisdiction		Time Period	exisitng pm peak hour	PHF	0.92
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1> 7:00
Intersection	Malibu Canyon Road	File Name	pch malibu pm peak without.xus		
Project Description	pm peak hour without project				

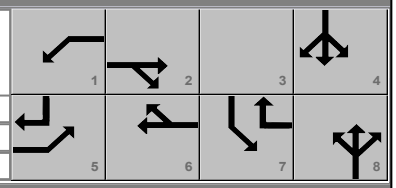


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	400	1182	14	14	1216	235	11	8	28	280	18	165

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	2.1	8.9		52.5	12.0	4.5	0.0					
Yellow	4.0	4.0		4.0	4.0	4.0	0.0					
Red	0.0	0.0		0.0	0.0	0.0	0.0					



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	19.0	69.4	6.1	56.5		8.5		16.0
Change Period, ($Y+R_c$), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (*MAH*), s	3.0	0.0	3.0	0.0		3.1		3.1
Queue Clearance Time (g_s), s	14.0		2.8			3.8		11.2
Green Extension Time (g_e), s	1.0	0.0	0.0	0.0		0.1		0.8
Phase Call Probability	1.00		0.34			1.00		1.00
Max Out Probability	0.00		0.00			0.00		0.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (*v*), veh/h	435	651	649	15	1322	255	21		30	167	157	179
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1757	1900	1892	1810	1809	1610	1847		1610	1810	1821	1610
Queue Service Time (g_s), s	12.0	18.0	18.1	0.8	27.4	6.7	1.1		1.8	9.0	8.3	9.2
Cycle Queue Clearance Time (g_c), s	12.0	18.0	18.1	0.8	27.4	6.7	1.1		1.8	9.0	8.3	9.2
Green Ratio (*g/C*)	0.15	0.65	0.65	0.02	0.52	0.64	0.05		0.05	0.12	0.12	0.27
Capacity (*c*), veh/h	527	1243	1237	37	1898	1038	84		73	217	218	434
Volume-to-Capacity Ratio (*X*)	0.825	0.524	0.524	0.406	0.696	0.246	0.246		0.415	0.772	0.717	0.413
Back of Queue (*Q*), ft/ln (50 th percentile)	126.9	164.3	163.7	9.8	265.6	51.8	12.3		18.5	99.7	92	85.1
Back of Queue (*Q*), veh/ln (50 th percentile)	5.1	6.6	6.5	0.4	10.6	2.1	0.5		0.7	4.0	3.7	3.4
Queue Storage Ratio (*RQ*) (50 th percentile)	0.42	0.00	0.00	0.04	0.00	0.00	0.00		0.00	0.23	0.00	0.00
Uniform Delay (d_1), s/veh	41.2	9.1	9.1	48.4	17.8	7.5	46.1		46.4	42.7	42.4	30.0
Incremental Delay (d_2), s/veh	1.3	1.6	1.6	2.6	2.1	0.6	0.6		1.4	2.2	1.7	0.2
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	42.5	10.7	10.7	51.0	19.9	8.1	46.6		47.8	44.9	44.0	30.2
Level of Service (LOS)	D	B	B	D	B	A	D		D	D	D	C
Approach Delay, s/veh / LOS	18.7	B		18.3	B		47.3	D		39.4	D	
Intersection Delay, s/veh / LOS	21.6						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.2	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.9	B	1.8	B	0.5	A	1.3	A

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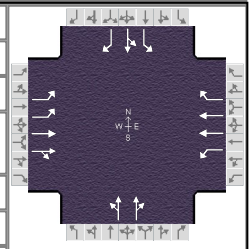
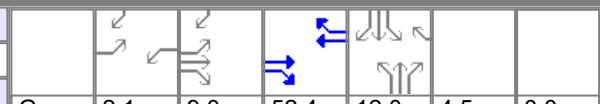
General Information				Intersection Information	
Agency	City of Malibu			Duration, h	0.25
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other
Jurisdiction		Time Period	exisitng pm peak hour	PHF	0.92
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1> 7:00
Intersection	Malibu Canyon Road	File Name	pch malibu pm peak without.xus		
Project Description	pm peak hour with project				

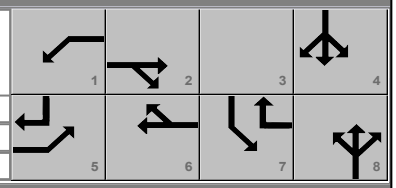


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	402	1182	14	14	1220	240	11	8	28	280	18	165

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	2.1	9.0		52.4	12.0	4.5	0.0					
Yellow	4.0	4.0		4.0	4.0	4.0	0.0					
Red	0.0	0.0		0.0	0.0	0.0	0.0					



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	19.1	69.4	6.1	56.4		8.5		16.0
Change Period, ($Y+R_c$), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (*MAH*), s	3.0	0.0	3.0	0.0		3.1		3.1
Queue Clearance Time (g_s), s	14.1		2.8			3.8		11.1
Green Extension Time (g_e), s	1.0	0.0	0.0	0.0		0.1		0.8
Phase Call Probability	1.00		0.34			1.00		1.00
Max Out Probability	0.00		0.00			0.00		0.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (*v*), veh/h	437	651	649	15	1326	261	21		30	167	157	179
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1757	1900	1892	1810	1809	1610	1847		1610	1810	1821	1610
Queue Service Time (g_s), s	12.1	18.0	18.1	0.8	27.5	6.9	1.1		1.8	9.0	8.3	9.1
Cycle Queue Clearance Time (g_c), s	12.1	18.0	18.1	0.8	27.5	6.9	1.1		1.8	9.0	8.3	9.1
Green Ratio (*g/C*)	0.15	0.65	0.65	0.02	0.52	0.64	0.05		0.05	0.12	0.12	0.27
Capacity (*c*), veh/h	529	1243	1237	37	1896	1037	84		73	217	218	435
Volume-to-Capacity Ratio (*X*)	0.826	0.524	0.524	0.406	0.699	0.252	0.246		0.415	0.772	0.718	0.412
Back of Queue (*Q*), ft/ln (50 th percentile)	127.2	163.4	162.8	9.8	267.1	53.5	12.3		18.5	99.7	92	85
Back of Queue (*Q*), veh/ln (50 th percentile)	5.1	6.5	6.5	0.4	10.7	2.1	0.5		0.7	4.0	3.7	3.4
Queue Storage Ratio (*RQ*) (50 th percentile)	0.42	0.00	0.00	0.04	0.00	0.00	0.00		0.00	0.23	0.00	0.00
Uniform Delay (d_1), s/veh	41.2	9.1	9.1	48.4	17.9	7.6	46.1		46.4	42.7	42.4	30.0
Incremental Delay (d_2), s/veh	1.3	1.6	1.6	2.6	2.2	0.6	0.6		1.4	2.2	1.7	0.2
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	42.5	10.7	10.7	51.0	20.0	8.1	46.6		47.8	44.9	44.0	30.2
Level of Service (LOS)	D	B	B	D	C	A	D		D	D	D	C
Approach Delay, s/veh / LOS	18.7	B		18.4	B		47.3	D		39.4	D	
Intersection Delay, s/veh / LOS	21.6						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.2	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.9	B	1.8	B	0.5	A	1.3	A

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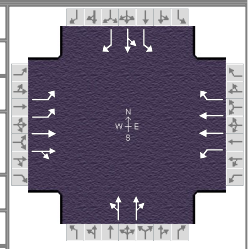
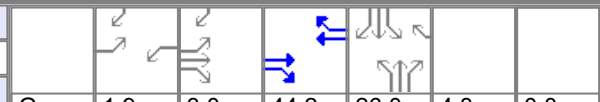
HCS7 Signalized Intersection Results Summary

General Information				Intersection Information	
Agency	City of Malibu			Duration, h	0.25
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other
Jurisdiction		Time Period	exisitng sat peak hour	PHF	0.92
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1> 7:00
Intersection	Malibu Canyon Road	File Name	pch malibu sat peak without.xus		
Project Description	sat peak hour without project				

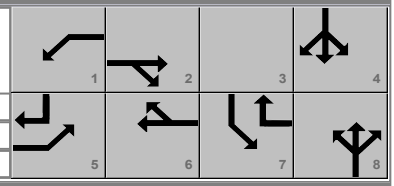


Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	214	1216	24	13	1387	146	22	6	26	375	28	446

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On



Green	1.9	3.0	44.2	26.0	4.8	0.0
Yellow	4.0	4.0	4.0	4.0	4.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	12.9	55.2	5.9	48.2		8.8		30.0
Change Period, ($Y+R_c$), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (*MAH*), s	3.0	0.0	3.0	0.0		3.1		3.1
Queue Clearance Time (g_s), s	8.5		2.8			3.7		28.0
Green Extension Time (g_e), s	0.5	0.0	0.0	0.0		0.1		0.0
Phase Call Probability	1.00		0.32			1.00		1.00
Max Out Probability	0.00		0.00			0.00		1.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (*v*), veh/h	233	676	672	14	1508	159	30		28	224	214	485
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1757	1900	1887	1810	1809	1610	1828		1610	1810	1822	1610
Queue Service Time (g_s), s	6.5	26.9	27.0	0.8	39.8	3.3	1.6		1.7	10.5	9.8	26.0
Cycle Queue Clearance Time (g_c), s	6.5	26.9	27.0	0.8	39.8	3.3	1.6		1.7	10.5	9.8	26.0
Green Ratio (*g/C*)	0.09	0.51	0.51	0.02	0.44	0.70	0.05		0.05	0.26	0.26	0.35
Capacity (*c*), veh/h	314	973	967	35	1600	1131	88		78	470	474	563
Volume-to-Capacity Ratio (*X*)	0.741	0.694	0.695	0.401	0.942	0.140	0.345		0.364	0.477	0.451	0.862
Back of Queue (*Q*), ft/ln (50 th percentile)	69	289.5	288.5	9.1	454.1	22.6	18.2		17	109.6	103.7	300.2
Back of Queue (*Q*), veh/ln (50 th percentile)	2.8	11.6	11.5	0.4	18.2	0.9	0.7		0.7	4.4	4.1	12.0
Queue Storage Ratio (*RQ*) (50 th percentile)	0.23	0.00	0.00	0.04	0.00	0.00	0.00		0.00	0.25	0.00	0.00
Uniform Delay (d_1), s/veh	44.4	18.5	18.5	48.4	26.7	4.9	46.1		46.1	31.3	31.0	30.3
Incremental Delay (d_2), s/veh	1.3	4.1	4.1	2.7	12.4	0.3	0.9		1.1	0.3	0.3	12.4
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	45.7	22.5	22.6	51.2	39.0	5.2	46.9		47.2	31.5	31.3	42.7
Level of Service (LOS)	D	C	C	D	D	A	D		D	C	C	D
Approach Delay, s/veh / LOS	26.0	C		35.9	D		47.0	D		37.3	D	
Intersection Delay, s/veh / LOS	32.7						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.3	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.8	B	1.9	B	0.5	A	2.0	B

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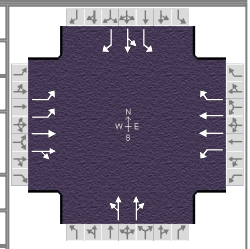
HCS7 Signalized Intersection Results Summary

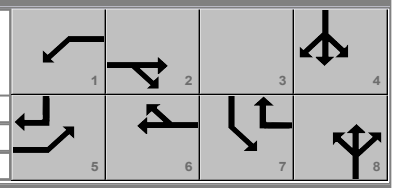
General Information				Intersection Information	
Agency	City of Malibu			Duration, h	0.25
Analyst	OTC	Analysis Date	1/19/2017	Area Type	Other
Jurisdiction		Time Period	exisitng sat peak hour	PHF	0.92
Urban Street	Pacific Coast Highway	Analysis Year	2017	Analysis Period	1> 7:00
Intersection	Malibu Canyon Road	File Name	pch malibu sat peak with.xus		
Project Description	sat peak hour with project				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	231	1216	24	13	1400	176	22	6	26	375	28	446

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	1.9	3.5	43.7	26.0	4.8	0.0	
Yellow	4.0	4.0	4.0	4.0	4.0	0.0	
Red	0.0	0.0	0.0	0.0	0.0	0.0	



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	2.0	4.0	2.0	3.0		12.0		9.0
Phase Duration, s	13.5	55.2	5.9	47.7		8.8		30.0
Change Period, ($Y+R_c$), s	4.0	4.0	4.0	4.0		4.0		4.0
Max Allow Headway (*MAH*), s	3.0	0.0	3.0	0.0		3.1		3.1
Queue Clearance Time (g_s), s	9.0		2.8			3.7		28.0
Green Extension Time (g_e), s	0.5	0.0	0.0	0.0		0.1		0.0
Phase Call Probability	1.00		0.32			1.00		1.00
Max Out Probability	0.00		0.00			0.00		1.00

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (*v*), veh/h	251	676	672	14	1522	191	30		28	224	214	485
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1757	1900	1887	1810	1809	1610	1828		1610	1810	1822	1610
Queue Service Time (g_s), s	7.0	26.9	27.0	0.8	40.9	4.1	1.6		1.7	10.5	9.8	26.0
Cycle Queue Clearance Time (g_c), s	7.0	26.9	27.0	0.8	40.9	4.1	1.6		1.7	10.5	9.8	26.0
Green Ratio (*g/C*)	0.09	0.51	0.51	0.02	0.44	0.70	0.05		0.05	0.26	0.26	0.35
Capacity (*c*), veh/h	334	973	967	35	1580	1122	88		78	470	474	571
Volume-to-Capacity Ratio (*X*)	0.753	0.694	0.695	0.401	0.963	0.171	0.345		0.364	0.477	0.451	0.848
Back of Queue (*Q*), ft/ln (50 th percentile)	74.4	289.5	288.5	9.1	481.3	28.9	18.2		17	109.6	103.7	292.2
Back of Queue (*Q*), veh/ln (50 th percentile)	3.0	11.6	11.5	0.4	19.3	1.2	0.7		0.7	4.4	4.1	11.7
Queue Storage Ratio (*RQ*) (50 th percentile)	0.25	0.00	0.00	0.04	0.00	0.00	0.00		0.00	0.25	0.00	0.00
Uniform Delay (d_1), s/veh	44.1	18.5	18.5	48.4	27.4	5.2	46.1		46.1	31.3	31.0	29.8
Incremental Delay (d_2), s/veh	1.3	4.1	4.1	2.7	15.4	0.3	0.9		1.1	0.3	0.3	10.9
Initial Queue Delay (d_3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	45.4	22.5	22.6	51.2	42.8	5.5	46.9		47.2	31.5	31.3	40.7
Level of Service (LOS)	D	C	C	D	D	A	D		D	C	C	D
Approach Delay, s/veh / LOS	26.2	C		38.7	D		47.0	D		36.3	D	
Intersection Delay, s/veh / LOS	33.6						C					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.3	B	2.8	C	3.0	C	3.0	C
Bicycle LOS Score / LOS	1.8	B	1.9	B	0.5	A	2.0	B

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City of Malibu
ERB RECOMMENDATIONS

To: Members of the Planning Commission

Prepared by: Adrian Fernandez, Senior Planner A.F.

Reviewed by: Dave Crawford, City Biologist - Chair

Subject: Malibu Memorial Park Project

Location: 4000 Malibu Canyon Road

Meeting Date: December 7, 2016 **Date Prepared:** January 17, 2017

At its December 7, 2016 meeting, the above-referenced project was considered by the Environmental Review Board. The Board's recommendations are enumerated below.

Recommendations:

1. The landscaping plan should be revised to remove non-native plants such as *Myoporum parvifolium* and native vegetation (e.g., deer grass and giant wild rye) should be used instead. The plantings should be verified by a qualified person to be Argentine ant-free before they are transported to the site.

2. The landscaping and irrigation plans should be revised to provide a 10-20 foot wide transitional area between the irrigated landscaping and the natural vegetation to remain onsite to minimize adverse impacts to wildlife species and to reduce the potential impacts of Argentine ants.

3. In addition to a qualified archaeologist, a Native American monitor should be involved in the training of construction personnel prior to the start of ground-disturbing activities. A pre-ground disturbance meeting should be conducted to allow the monitors and archaeologist time to review the cultural resources reports for the property.

4. The developer should designate an area onsite for the potential relocation of human remains, should any be found, within the development area during the construction phase of the project, where in place preservation is not feasible.

5. The developer should plant 6-12 oak trees along the northerly property line (Civic Center Way) as a wildfire abatement measure while avoiding adverse impacts to onsite sensitive habitats.

6. The developer should conduct a nesting bird survey before eucalyptus and/or other trees are removed if between February 1 and September 15.

ATTACHMENT 6

CITY OF MALIBU
NOTICE OF PUBLIC HEARING
PLANNING COMMISSION

The Malibu Planning Commission will hold a public hearing on **Monday, April 17, 2017, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

MALIBU MEMORIAL PARK PROJECT

Project Description

The Malibu Memorial Park Project (proposed project) consists of a chapel, 176 parking spaces, 47 freestanding mausoleum structures, approximately 28,265 in-ground burial plot spaces intermittently located throughout the property, 3,644 interments in above grade wall crypt structures and approximately 65,036 square feet of walking trails on approximately 21.0 acres of the 27.8 acre site. The 28-foot high chapel building consists of a 6,673 square foot main level and 9,348 square foot subterranean garage and basement located in the center of the project site. The mausoleums will average approximately 200 square feet each, and will be 12 to 14 feet high, and will primarily be located in the south and east portions of the site. Visitor access will be provided by a system of pedestrian and golf cart trails used to access the individual mausoleums and burial plots. Native landscaping will be used throughout the site. A sloping waterfall would mark the primary entrance from Malibu Canyon Road, with an additional water feature in the median of the entry driveway. Ongoing construction of burial sites is expected to occur throughout a 40 to 80 year sell-out period. The project is located in the Commercial Visitor Serving-2 zoning district, and the pathways, trails, lawns and contemplation areas will be open to the public. The complete project description is provided in the Initial Study.

Entitlements

The applicant is seeking the following entitlements as part of the proposed project:

- Coastal Development Permit No. 15-028
- Variance No. 16-016 for non-exempt grading in the amount of 16,985 cubic yards in excess of the maximum allowed. This is needed in order to cap the archaeologically sensitive area.
- Site Plan Review No. 16-009 for height over 18 feet but less than 28 feet for the chapel's pitched roof.
- Minor Modification No. 16-010 for the mausoleums to have a less than 50 percent reduction of the required front yard setback.
- Conditional Use Permit No. 15-011 to allow the memorial park and chapel use in the CV-2 zoning district.
- Lot Merger No. 16-001 for consolidating the three legal lots into one legal lot.

Project Information:

Location:	4000 Malibu Canyon Road, located at the northeast corner of the intersection of Pacific Coast Highway and Malibu Canyon Road, not within the appealable coastal zone
APNs:	4452-028-015, 4458-028-019, and 4458-030-007
Zoning:	Commercial Visitor Serving-2 (C\

Owner:	Green Acres, LLC
Applicant:	Bruce McBride
Application Filed:	April 28, 2015
Case Planner:	Bonnie Blue bblue@malibucity.org (310) 456-2489, extension 258

California Environmental Quality Act (CEQA)
In accordance with CEQA and CEQA Guidelines, on November 10, 2016, an Initial Study and Mitigation Negative Declaration was circulated for a 30-day public review period, November 14, 2016 through December 14, 2016 (State Clearinghouse #2016111054).

Addresses Where Printed and Electronic Versions are Available for Review

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

City of Malibu website
www.malibucity.org/cemetery

CDs of the initial study / mitigated negative declaration may be purchased upon request at City Hall. Documents referenced in the initial study are available for review upon request at City Hall.

Public Hearing Information
A written staff report will be available at or before the hearing. All persons wishing to address the Commission will be afforded an opportunity in accordance with the Commission's procedures. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing. Copies of all related documents are available for review at City Hall during regular business hours.

Local Appeal
A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 245.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Bonnie Blue, Planning Director, at (310) 456-2489, extension 258.

BONNIE BLUE, Planning Director

Publish Date: March 23, 2017

ATTACHMENT 8

K:\Irvine\GIS\Projects\IRMC\00123_13\mapdoc\JD\Fig04b_CDFW.mxd Date: 4/8/2014 19316

Figure 4b
Jurisdictional Features - CDFW
Jurisdictional Delineation Report for the
Malibu Wastewater Treatment Facility Project

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1

LEAD SHEET

01 0985737

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
JUN 07 2001
AT 8 A.M.

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

D.T.T.

FREE U 97

CODE
20

CODE
19

CODE
9___

Assessor's Identification Number (AIN)
To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

THIS FORM IS NOT TO BE DUPLICATED

ATTACHMENT 9

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2

Recording Requested by and
When Recorded Mail To:

01 0985737

City Clerk
City of Malibu
23555 Civic Center Way
Malibu, CA 90265

DEED OF CONSERVATION EASEMENT
FOR WILDLIFE HABITAT AND OPEN SPACE RESOURCES

APN Nos.: 4456-034-021; 4457-002-016; 4457-002-026; 4457-004-011; 4457-004-015; 4457-004-016; 4457-004-037

This DEED OF CONSERVATION EASEMENT is made this 7th day of June, 2001, by **THE ADAMSON COMPANIES**, a California limited partnership ("LANDOWNER" or "GRANTOR"), in favor of the **CITY OF MALIBU**, a California municipal corporation ("CITY" or "GRANTEE"), for the purpose of granting in perpetuity the conservation easement and associated rights described below.

WHEREAS, LANDOWNER is the owner in fee simple of certain real property located in the unincorporated area of the County Los Angeles, State of California, identified as Assessor's Parcel Nos. 4456-034-021; 4457-002-016; 4457-002-026; 4457-004-011; 4457-004-015; 4457-004-016; 4457-004-037; and more particularly described in "**Exhibit A**" attached hereto and incorporated herein by this reference ("Francisco Property"); and

WHEREAS, LANDOWNER is the owner in fee simple of certain real property located in City of Malibu, State of California, identified as Assessor's Parcel Nos. 4458-028-015, 4458-028-019 and 4458-030-007 and more particularly described in "**Exhibit B**" attached hereto and incorporated herein by this reference ("Hotel Property"); and

WHEREAS, portions of the Hotel Property contains coastal sage scrub of biological importance to LANDOWNER, the people of the City of Malibu and the people of the State of California; and

WHEREAS, thirty (30) acres of the Francisco Property, more particularly described in "**Exhibit C**" attached hereto and incorporated herein by this reference and depicted in the map attached hereto as "**Exhibit D**" and incorporated herein by this reference ("Easement Area") possess outstanding conservation values and consist in part of unique, significant and undisturbed chaparral habitat ("Conservation Values") of great importance to LANDOWNER, the people of the City of Malibu and the people of the State of California, the preservation and management of which is consistent with the present and continued use of the Easement Area for habitat and open space purposes; and

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WHEREAS, on March 27, 1996 the ADAMSON COMPANIES, *dba* the Malibu Land Company, submitted an application for a conditional use permit, variance and site plan to construct a hotel and cultural heritage center on the Hotel Property ("Hotel Project"); and

WHEREAS, on November 3, 1997 the CITY'S Planning Commission held a duly noticed public hearing regarding applications for Conditional Use Permit No. 96-005, Variance No. 96-010, Site Plan Review No. 96-015 and certification of the Final Environmental Impact Report ("EIR") pertaining to the Hotel Project and adopted Resolution Nos. 97-042 and 97-043, certifying the EIR and denying the variance to construct with a Floor Area Ratio ("FAR") of 2.20, respectively; and

WHEREAS, on November 17, 1997 the CITY'S Planning Commission adopted Resolutions Nos. 97-044, 97-045 and 97-046 approving Conditional Use Permit No. 96-005, Variance No. 96-010 and Site Plan Review No. 96-015; and

WHEREAS, on November 26, 1997 the Malibu Road Owner's Association and the Malibu Township Council appealed the Planning Commission's adoption of Resolutions Nos. 97-044, 97-045 and 97-046; and

WHEREAS, the Malibu City Council held duly noticed public hearings regarding the appeal of said resolutions on January 12, 1998, February 3, 1998 and March 23, 1998; and

WHEREAS, on March 23, 1998 City Council adopted Resolution No. 98-001, a copy of which is attached hereto as "**Exhibit E**" and is incorporated herein as if fully set forth herein by this reference, 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 on the Hotel Property; and

WHEREAS, Section 5 of Conditional Use Permit No. 96-005 adopts the mitigation monitoring program attached as Exhibits A and B to Conditional Use Permit 96-005 in its entirety; and

WHEREAS, Mitigation Measure 6.2 of the mitigation monitoring program attached as Exhibits A and B to Conditional Use Permit 96-005 require the preservation of thirty (30) acres on the Francisco Property as an off-site mitigation measure for the Hotel Project, in accordance with the conditions set forth in mitigation measure 6.2, in order to mitigate the impacts resulting from the loss of 8.04 acres of undisturbed coastal sage scrub habitat on the Hotel Property; and

WHEREAS, Section 12, condition "h" of Conditional Use Permit No. 96-005 requires the preservation of thirty (30) undisturbed acres of chaparral habitat on the Francisco Property in order to mitigate the loss of 8.04 acres of coastal sage scrub, a threatened plant community, on the Hotel Property; and

WHEREAS, Section 22.b. of the Site Plan Review finds that the Hotel Project complies with the City of Malibu's land use policies, goals and objectives because thirty (30) acres of off-site chaparral habitat on the Francisco Property shall be preserved as an off-site mitigation measure; and

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WHEREAS, LANDOWNER, THE ADAMSON COMPANIES, intends and desires to convey to the CITY the right to preserve and protect the Conservation Values of the Easement Area in perpetuity by granting the present Deed of Conservation Easement For Wildlife Habitat and Open Space Resources ("Easement"); and

WHEREAS, the CITY desires to accept said Easement.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of California, including but not limited to Sections 815-816 of the California Civil Code, LANDOWNER does hereby grant, convey, and dedicate to the CITY an easement in perpetuity over the Easement Area, of the nature and character and to the extent hereinafter set forth.

1. **PURPOSE.** It is the purpose of this Easement to assure that the Easement Area will be retained in perpetuity in its natural state, use and utility, and to prevent any use of the Easement Area that would significantly impair or interfere with its Conservation Values. GRANTOR intends that this Easement will confine the use of the Easement Area to such activities, including, without limitation, those relating to open space and habitat preservation, which are consistent with the purpose of this Easement.

2. **AFFIRMATIVE RIGHTS CONVEYED TO THE CITY.** To accomplish the purpose of this Easement, the following rights and interests are conveyed to the CITY by this Easement:

(a) Identify Resources and Values. To identify, preserve and protect in perpetuity the Conservation Values of the Easement Area.

(b) Monitor Uses and Practices. To enter upon, inspect, observe, and study the Easement Area for the purposes of identifying the current uses and practices thereon and the baseline condition thereof, to conduct research on and make scientific observations of the ecological systems, and to monitor the uses and practices regarding the Easement Area to determine whether they are consistent with this Easement. Such entry shall be permitted upon prior notice to LANDOWNER, and shall be made in a manner that will not unreasonably interfere with LANDOWNER'S use and quiet enjoyment of the Easement Area.

(c) Prevent Inconsistent Uses. To prevent any activity on or use of the Easement Area that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

(d) Scientific, Restoration and Educational Access. Subject to LANDOWNER'S approval, which shall not be unreasonably withheld, to encourage and allow access to the Easement Area for the purpose of identifying, studying and implementing ecological or natural resource management improvements. Any activities allowed pursuant to

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this section shall not impose involuntary costs on LANDOWNER, and shall not unduly interfere with the permitted uses in or adjacent to the Easement Area or with LANDOWNER'S quiet enjoyment of the Property.

3. **PERMITTED USES AND PRACTICES.** LANDOWNER and CITY intend that this Easement shall confine the uses of the Property to open space, habitat conservation and such other related uses as are described herein. The LANDOWNER shall give to the City at least fifteen calendar days' written notice, as set forth in paragraph 17(h) of this Easement, prior to undertaking any activity permitted by this Easement. The following uses and practices, if in accordance with federal, state and county laws and ordinances, and to the extent not inconsistent with the purpose of this Easement, are permitted:

(a) Maintenance and Repair. To maintain, repair and replace existing ditches, water lines, and other existing improvements on in the Easement Area.

(b) Water Resources. To develop and maintain such water resources and improvements in the Easement Area as are necessary or convenient for conservation in a manner consistent with the purpose of this Easement, provided such activities will ensure preservation and protection of the Conservation Values of the Easement Area.

4. **PROHIBITED USES.** Any activity on or use of the Easement Area that is inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are inconsistent with the Conservation Values of this Easement and are expressly prohibited:

(a) Commercial or Industrial Uses. The establishment of any commercial, residential or industrial uses, including the construction, placement or erection of any commercial signs or billboards.

(b) Roads or Structures. The grading, paving or construction of any road or structure.

(c) Motorized Vehicles. The use of motorized and/or off-road vehicles, except by LANDOWNER or emergency response personnel, when necessary for maintenance or for emergency purposes.

(d) Dumping or Disposal. The dumping or other disposal of wastes, refuse or debris in the Easement Area. Nothing in this paragraph shall prohibit the trimming of vegetation in the Easement Area and the leaving of those trimmings in the Easement Area.

(e) Erosion. Any use or activity which causes significant degradation of topsoil quality, significant pollution or a significant increase in the risk of erosion.

(f) Alteration of Topography. Any alteration of the general topography or natural drainage of the Easement Area, including, without limitation, the excavation or removal of soil, sand, gravel or rock, except as may be required for maintenance of existing roadways.

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(g) **Watercourses.** The alteration or manipulation of watercourses located on in the Easement Area, the creation of new water impoundments or watercourses for any purpose other than for enhancement of natural habitat values.

(h) **Other Incompatible Uses.** The use of the Easement Area for construction or operation of a golf course, commercial recreational facility, Christmas tree farm, or any other activity that is incompatible with the purpose of this Easement.

5. **RESERVED RIGHTS.** LANDOWNER reserves to itself, and to its representatives, heirs, successors and assigns, all rights accruing from the ownership of the Easement Area, including the right to engage in or permit or invite others to engage in all uses of the Easement Area that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:

(a) **Water Rights.** All right, title, and interest in and to all tributary and non-tributary water, water rights, and related interest in, on, under or appurtenant to the Easement Area; provided, however, that such water rights are used on the Easement Area in a manner consistent with the purpose of this Easement.

(b) **Mineral Rights.** All right, title, and interest in subsurface oil, gas, and minerals; provided, however, that the manner of exploration for, and extraction of any oil, gas or minerals shall be only by a subsurface method, shall not damage, impair or endanger the protected Conservation Values of the Property, and shall be limited to such activities as are permitted under Internal Revenue Code Section 170(h)(5) and applicable Treasury Regulations.

6. **NOTICE AND APPROVAL.** The purpose of requiring LANDOWNER to notify CITY prior to undertaking certain permitted activities is to afford the CITY an adequate opportunity to monitor the activities in question to ensure that they are designed and carried out in a manner that is not inconsistent with the purpose of this Easement. Whenever notice is required, LANDOWNER shall notify CITY in writing not less than fifteen (15) days prior to the date LANDOWNER intends to undertake the activity in question. The notice shall describe the nature, scope, design, location and any other material aspect of the proposed activity in sufficient detail to permit CITY to make an informed judgment as to its consistency with the purpose of this Easement. CITY shall respond in writing within twenty (20) days of receipt of LANDOWNER'S written request.

7. **ARBITRATION.** If a dispute arises between the parties concerning the consistency of any existing or proposed use or activity with the purpose of this Easement, the parties are encouraged to refer the dispute to arbitration as an alternative to judicial proceedings.

8. **CITY'S REMEDIES.**

(a) **Notice of Violation.** If the CITY determines that a violation of any of the terms, conditions, covenants or restrictions contained in this Easement has occurred or is threatened, CITY shall give written notice to LANDOWNER of such violation and demand

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corrective action sufficient to cure the violation and, where the violation involves damage to the Easement Area resulting from any use or activity inconsistent with the purpose of this Easement, to restore that portion of the Easement Area so damaged.

(b) Injunctive Relief. If LANDOWNER fails to cure the violation within a thirty (30) day period after receipt of notice thereof from the CITY, or fails to continue diligently to cure such violation until finally cured, the CITY may bring an action in the Los Angles County Superior Court to enforce the terms of this Easement, to enjoin the violation by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any Conservation Values, including damages for any loss thereof, and to require the restoration of the Easement Area to the condition that existed prior to any such injury. Nothing in this paragraph shall be construed so as to limit the CITY'S right to seek any other relief it deems appropriate.

(c) Equitable Relief. The parties hereto expressly acknowledge, given the unique and irreplaceable nature of the Conservation Values, that equitable relief is particularly appropriate for any damage to the Conservation Values and Easement Area. If LANDOWNER fails to cure the violation as set forth hereinabove, the CITY may bring an action in equity in the Los Angeles County Superior Court to enforce the terms of this Easement, to enjoin the violation by temporary or permanent injunction, to require the full and complete restoration of injury to any Conservation Value to the condition that existed prior to any such injury. Nothing in this paragraph shall be construed so as to limit the CITY'S right to seek any other relief it deems appropriate.

(d) Damages. The CITY shall be entitled to recover damages for violation of the terms of this Easement or injury to any of the Conservation Values protected by this Easement, including, without limitation, damages for the loss of Conservation Values. Without limiting LANDOWNER'S liability therefor, CITY, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property.

(e) Emergency Enforcement. If the CITY, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant or irreparable damage to the Conservation Values, the CITY may pursue its remedies under this Paragraph without waiting for the cure period to expire. The CITY shall make a good faith effort to give twenty-four (24) hours' notice, by telephone, to the LANDOWNER before taking action pursuant to this paragraph. If, however, the CITY is unable to reach the LANDOWNER by telephone, the CITY may take whatever action it deems necessary to prevent or mitigate significant or irreparable damage to the Conservation Values without proving any notice to the LANDOWNER.

(f) Scope of Relief. The CITY'S rights under this Paragraph shall apply equally to threatened as well as actual violations of the terms of this Easement, and LANDOWNER agrees that the CITY'S remedies at law for any violation of the terms of this Easement are inadequate and that the CITY shall be entitled to the injunctive relief described in this Paragraph, both prohibitive and mandatory, in addition to such other relief to which the CITY may be entitled, including specific performance of the terms of this Easement, without the

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necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. The CITY'S remedies described in this Paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

(g) Costs of Enforcement. Any reasonable costs incurred by the CITY in enforcing the terms of this Easement against LANDOWNER, including, without limitation, except for costs and expenses of suit and attorneys' fees, and any costs of restoration necessitated by LANDOWNER's violation of the terms of this Easement shall be borne by LANDOWNER; provided, however, that LANDOWNER shall not be responsible for the costs of restoration necessary to remedy damage to the Easement Area caused by the conduct of third parties acting without permission or knowledge of LANDOWNER.

(h) Enforcement Discretion. Enforcement of the terms of this Easement shall be at the sole and exclusive discretion of the CITY and any forbearance by the CITY to exercise its rights under this Easement shall not be deemed or construed to be a waiver by the CITY of such rights or of any subsequent breach of the same or any other terms of this Easement, or of its rights under the Easement. No delay or omission by the CITY in the exercise of any right or remedy upon any breach by LANDOWNER shall impair such right or remedy or be construed as a waiver, and LANDOWNER hereby waives any defense of latches, estoppel or prescription.

9. ACTS BEYOND LANDOWNER'S CONTROL. Nothing contained in this Easement shall be construed to entitle the CITY to bring any action against LANDOWNER for any injury to or change in the Easement Area resulting from causes beyond LANDOWNER'S control, including, without limitation, fire, flood, storm and earth movement, or actions by persons outside the control and knowledge of LANDOWNER, or from any prudent action by LANDOWNER under emergency conditions, to prevent, abate or mitigate significant injury to the Easement Area resulting from such causes.

10. PUBLIC ACCESS. No right of access by the general public to any portion of the Easement Area is conveyed by this Easement.

11. COSTS AND LIABILITIES. LANDOWNER retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Easement Area, including payment of property taxes and assessments of any kind, costs associated with fire management and maintenance of adequate comprehensive general liability insurance coverage. LANDOWNER remains solely responsible for obtaining any applicable governmental permits and approvals for any activity or use permitted by this Easement, and such activity or use shall be undertaken in accordance with all applicable federal, state and local laws, regulations and requirements.

12. INDEMNIFICATION. LANDOWNER shall release and hold harmless, indemnify, and defend the CITY and its officers, employees, agents and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions,

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including, without limitation, reasonable attorneys' fees, arising from or in any way connected with (a) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Easement Area, regardless of cause, except to the extent of the adjudicated proportionate fault of any of the Indemnified Parties; (b) the violation or alleged violation of, or other failure to comply with, any state, federal or local law, regulation or requirement, including, without limitation, environmental or hazardous waste provisions; and (c) the obligations and costs associated with the LANDOWNER responsibilities specified in Paragraph 11.

13. **ASSIGNMENT.** The CITY may assign its rights and obligations under this Easement to any public agency or to an organization which, at the time of transfer, is qualified under Section 170(h) of the Internal Revenue Code, as amended (or any successor provisions), and is authorized to acquire and hold conservation easements under California law. As a condition of such transfer, the CITY shall require that the conservation purpose set forth in this Easement continue to be carried out and enforced.

14. **SUBSEQUENT TRANSFERS.** LANDOWNER agrees to incorporate the terms of this Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including, without limitation, any leasehold interest. The failure of LANDOWNER to perform any act required by this Paragraph shall not affect the validity of such transfer nor shall it impair the validity of this Easement or limit its enforceability in any way.

15. **EXTINGUISHMENT.** If circumstances arise in the future which render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by a written agreement or by judicial proceedings in the Los Angeles County Superior Court. The proceeds, if any, from such extinguishment to which the CITY shall be entitled, as determined by a written agreement or by a court, shall be the stipulated fair market value of the Easement, or proportionate part thereof.

16. **SUBORDINATION.** If at the time of conveyance of this Easement, the Property is subject to any mortgage or deed or trust encumbering the Property, LANDOWNER shall obtain from the holder of any such mortgage or deed of trust an agreement to subordinate its rights in the Property to this Easement to the extent necessary for the CITY to enforce the purpose of this Easement in perpetuity and to prevent any modification or extinguishment of this Easement by the exercise of any rights of the mortgage or deed of trust holder.

17. **GENERAL PROVISIONS.**

(a) Controlling Law. The laws of the State of California shall govern the interpretation and performance of this Easement.

(b) Venue. Any legal actions brought as a result of any disputes origination from this Easement shall be brought in the Los Angeles County Superior Court.

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(c) **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement.

(d) **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(e) **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

(f) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of LANDOWNER's title in any respect.

(g) **Successors in Interest.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective beneficiaries, personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property. Upon conveyance of fee title to the Property, The Adamson Companies shall be relieved of any further obligations and shall relinquish all rights it may have under this Agreement.

(h) **Notices.** Any notice, demand, request, consent, approval, or other communication that either party desires or is required to give to the other party shall be in writing and either delivered personally or sent by first class mail, postage prepaid, addressed to the appropriate party at the following addresses:

CITY: Malibu City Clerk
23555 Civic Center Way
Malibu, CA 90265
Telephone: (310) 456-2489
Facsimile: (310) 456-3356

LANDOWNER: Dean Dennis, Esq.
Hill, Farrer & Burrill LLP
1 California Plaza, 37th Floor
300 South Grand Ave.
Los Angeles, CA 90017-3147
Telephone: (213) 621-0809
Facsimile: (213) 624-4840

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And to:

Michael Vignieri & Associates
RMHG Capital, LLC
12381 Wilshire Blvd., Ste. 201
Los Angeles, CA 90025
Telephone: (310) 442-0076
Facsimile: (310) 207-4444

or at such address as either party or successor in interest shall from time to time designate by written notice to the other.

(i) **Amendment.** This easement may be amended only with the written consent of the CITY and the LANDOWNER. Any such amendment shall be consistent with the purposes of this deed and with the CITY'S easement amendment policies, and shall comply with Section 170(h) of the Internal Revenue Code and with Civil Code Section 815 *et seq*., and any regulations promulgated thereunder.

(j) **LANDOWNER'S Warranty of Title.** The LANDOWNER warrants and represents that LANDOWNER has good fee simple title at the time of the conveyance of this easement area and hereby promises to defend the same against all claims that may be made against it. Any liens executed by LANDOWNER will be subject to the Subordination Clause of Section 17. LANDOWNER represents that the Easement Area is not subject to any other conservation easement whatsoever. LANDOWNER may grant such additional subsequent conservation easements on the Easement Area provided that such easements do not interfere with or reduce the Conservation Values of this easement. The CITY shall be notified in advance of any proposed conservation or other easement in or affecting the Easement Area.

(k) **Perpetuation of Easement.** Except as expressly otherwise provided for herein, this Easement shall be perpetual in nature and perpetual in duration, and no merger of estate or title or interest shall be deemed effected by any previous, contemporaneous or subsequent deed, grant or assignment of an interest or estate in the property, or any portion thereof to the CITY or any successor thereto, it being the express intent of the parties that this easement not be extinguished by, or merged into, any other interest or estate in the property now or hereafter held by grantee or successor in interest thereto.

(l) **Hazardous Substance Warranty**. The LANDOWNER warrants that it has no actual knowledge of a release or threatened release of any hazardous substances or wastes on the property and hereby promises to defend and indemnify grantee against all litigation claims, demands, penalties and damages, including reasonable attorneys fees, arising from or connected with any release of hazardous waste or violation of federal, state or environmental laws. Nothing in this Easement shall be construed as giving any right to grantee or ability to grantee to exercise physical or managerial control of the day to day operations of the property, or any of grantor's activities on the property, or otherwise become an operator with respect to the property within the meaning of the Comprehensive Environmental Response Compensation and

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Liability Act of 1980, as amended, or the Carpenter Presley Tanner Hazardous Substance Account Act, Health and Safety Code Sections 25300-25395 and any other federal, state or local law or regulation making operators of property responsible for the remediation of contamination.

IN WITNESS WHEREOF, the Grantor and Landowner has executed this DEED OF CONSERVATION EASEMENT on the date indicated above.

GRANTOR/LANDOWNER: THE ADAMSON COMPANIES

By: _____

Scott M. LaRose, Operating Member,
Title: Red Rock Trilogy, LLC, Its Sole General Partner

CITY:

By: _____

Title: _____

APPROVED AS TO FORM:

HATCH AND PARENT

_____
Steven A. Amerikaner, City Attorney
City of Malibu

HILL, FARRER & BURRILL LLP

_____
Dean Dennis, Esq.
Attorney for The Adamson Companies

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STATE OF CALIFORNIA

COUNTY OF ORANGE

On JUNE 4, 2001, before me, M. GAMBINO, personally appeared

SCOTT M. LAROSE,

☒ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

M. Gambino

(SIGNATURE OF NOTARY)

M. GAMBINO
Comm. # 1158466
NOTARY PUBLIC - CALIFORNIA
Orange County
My Comm. Expires Oct. 12, 2001

Revised May 31, 2001

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SB 263288 v 2:008357.0019

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EXHIBIT A

DEED OF CONSERVATION EASEMENT FOR WILDLIFE HABITAT AND OPEN SPACE

Exhibit A consists of 1 page

SB 267583 v 1:008357.0019

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EXHIBIT "A"

Those portions of Sections 19,29,30,31,and 32 all in Township 1 South, Range 17 West, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the official plat thereof, described as a whole as follows:

Beginning at the southwesterly corner of said Section 19, thence easterly along the southerly line thereof to the southeasterly corner of Lot 4 of said Section 19; thence northerly to the northeasterly corner of said Lot 4, said northeasterly corner being a point on the southerly line of Parcel 1 as described in deed from Merritt Adamson, et al, to The State of California recorded January 6, 1984, as document No. 84-19794 in Official Records of said county; thence easterly southeasterly and southerly along the southerly, southwesterly and westerly line of the lands conveyed to The State of California by above mentioned deed to the most northerly corner of the land described in Executors' deed to S.M.J. Properties, Ltd., recorded September 13,1967, as Document No. 150 in Book D 3765, page 303 of Official Records of said county, being on the easterly line of the 80-foot wide easement for Malibu Canyon Road as described in deed to the County of Los Angeles recorded September 18, 1941, in Book 18752, page 205 of Official Records of said County; thence southerly along the easterly line of said Malibu Canyon Road to the southerly line of said Section 32; thence westerly along last mentioned southerly line to the westerly line of said Malibu Canyon Road; thence northerly along said westerly line to the northeasterly corner of the land described in deed to Potter Pharmaceutical, Inc. recorded in Book 53434, page 72 of said Official Records; thence westerly, northwesterly and southwesterly along the northerly and northwesterly lines of said Potter Pharmaceutical, Inc. lands to the northeasterly corner of the lands conveyed in deed to Pepperdine University recorded in Book D 5205 page 456 of Official Records of said county; thence northwesterly along the northeasterly line of said Pepperdine University lands to the westerly line of said Section 30; thence northerly along said last mentioned westerly line to the point of beginning.

EXCEPTING THEREFROM those portions included within the lines of Malibu Canyon Road as described in deeds to the County of Los Angeles recorded in Book 18752, page 205, Book 20758, page 187, Book 36759, page 321, Book 51280, page 209 and Book D 3790 page 346, all of Official Records of said county.

EXCEPTING AND EXCLUDING THEREFROM all mineral, oil, petroleum, asphaltum, gas coal, other mineral hydrocarbon substances and water lying in ,on, within, under that may be produced or extracted from said property and every part thereof; provided however, that this exception shall neither reserve nor shall be construed as reserving unto Grantors, their successors and assigns the right to go upon the surface of said real property to take, recover or remove such substances, but there is expressly reserved unto Grantors, their successors and assigns the sole and exclusive right to drill into, under, across and through said property at depths below 500 feet from the surface for the purpose of prospecting for, developing and extracting such substances in, on, within, under and that may be produced from said land and every part thereof, and in, on within, under and that may be produced from any other land in the area, as granted to Tricornia Limited, a general partnership, in Deed recorded January 15, 1981, as Instrument No. 81-47443 Official Records of Los Angeles County.

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EXHIBIT B

DEED OF CONSERVATION EASEMENT FOR WILDLIFE HABITAT AND OPEN SPACE

Exhibit B consists of 3 total pages

SB 267583 v 1:008357.0019

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Hotel 1 of 3

PARCEL 1:

THAT PORTION OF RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGES 407 ET SEQ OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF THE LAND AS DESCRIBED IN PARCEL 1 IN THE QUITCLAIM DEED TO THE ADAMSON COMPANIES RECORDED MARCH 20, 1970 AS INSTRUMENT NO. 440 OF OFFICIAL RECORDS OF SAID COUNTY, WITH THE EASTERLY LINE OF THE LAND AS DESCRIBED IN PART A IN THE DEED TO PEPPERDINE COLLEGE RECORDED AUGUST 17, 1970 AS INSTRUMENT NO. 1743 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE EASTERLY ALONG SAID NORTHERLY LINE TO AN ANGLE POINT IN THE WESTERLY LINE OF THE LAND AS DESCRIBED IN PARCEL 3 IN THE DEED TO RAYMON J. GAGNON ET AL RECORDED JULY 25, 1945 AS INSTRUMENT NO. 822 IN BOOK 22187 PAGE 271 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID WESTERLY LINE NORTH 04 DEGREES 52 MINUTES 20 SECONDS WEST 169.88 FEET TO THE SOUTHWESTERLY LINE OF THE 80.00 FOOT WIDE STRIP OF LAND AS DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES RECORDED SEPTEMBER 18, 1941 IN BOOK 18752 PAGE 205 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE TO THE MOST SOUTHERLY CORNER OF THE LAND AS DESCRIBED IN PARCEL 7 IN THE DEED TO RHODA R. ADAMSON RECORDED AUGUST 29, 1949 AS INSTRUMENT NO. 783 IN BOOK 30875 PAGE 17 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SOUTHERLY BOUNDARY OF THE LAND AS DESCRIBED IN PARCEL 7 IN SAID DEED TO RHODA R. ADAMSON AS FOLLOWS, SOUTH 85 DEGREES 55 MINUTES 09 SECONDS WEST 127.59 FEET, NORTH 64 DEGREES 44 MINUTES 45 SECONDS WEST 306.89 FEET AND SOUTH 89 DEGREES 08 MINUTES 35 SECONDS WEST TO THE EASTERLY LINE OF THE LAND AS DESCRIBED IN PART A IN SAID HEREINABOVE MENTIONED DEED TO PEPPERDINE COLLEGE; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING.

EXCEPT THEREFROM ALL MINERALS, OIL, GAS AND OTHER HYDROCARBON SUBSTANCES BUT WITHOUT RIGHT OF SURFACE ENTRY.

PARCEL 2:

THAT PORTION OF RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGES 407 ET SEQ. OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF MALIBU CANYON ROAD (80 FOOT WIDE) AS SHOWN ON COUNTY SURVEYOR'S MAP NO. B-1604 SHEET 1 ON FILE IN THE OFFICE OF THE COUNTY ENGINEER OF SAID COUNTY WHICH BEARS SOUTH 30 DEGREES 23 MINUTES 35 SECONDS WEST 40.00 FEET FROM ENGINEER'S CENTER LINE STATION 21 PLUS 60.21 AT THE NORTHWESTERLY TERMINUS OF THAT CERTAIN CENTER LINE COURSE AS SHOWN ON SAID MAP NO. B-1604 SHEET 1 AS HAVING BEARING AND LENGTH OF "NORTH 59 DEGREES 36 MINUTES 25 SECONDS WEST 1001.23 FEET"; THENCE SOUTH 85 DEGREES 55 MINUTES 09 SECONDS WEST 127.59 FEET; THENCE NORTH 64 DEGREES 44 MINUTES 45 SECONDS WEST 306.89 FEET; THENCE SOUTH 84 DEGREES 20 MINUTES 49 SECONDS WEST TO THE SOUTHEASTERLY LINE OF THE LAND DESCRIBED IN PART "A" IN THE DEED TO PEPPERDINE COLLEGE RECORDED AUGUST 17, 1970 AS INSTRUMENT NO. 1743 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN PART "C" OF SAID DEED TO PEPPERDINE COLLEGE; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF THE LAND DESCRIBED IN PART "C" OF

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Hora 2 of 3

SAID DEED TO PEPPERDINE COLLEGE TO THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN PART "B" OF SAID DEED TO PEPPERDINE COLLEGE, THE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE TO AND ALONG SAID HEREINABOVE MENTIONED MALIBU CANYON ROAD TO THE POINT OF BEGINNING.

EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES IN, ON AND UNDER SAID LAND BUT WITHOUT THE RIGHT TO GO UPON OR UNDER SAID LAND FOR THE PURPOSE OF EXTRACTING ANY OF SAID SUBSTANCES, AS RESERVED BY MARBLEHEAD LAND COMPANY, A DELAWARE CORPORATION, IN DEED RECORDED AUGUST 29, 1949 AS INSTRUMENT NO. 783, IN BOOK 30875 PAGE 17, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER MINERAL AND HYDROCARBON SUBSTANCES AND WATER LYING IN, ON, WITHIN UNDER AND THAT MAY BE PRODUCED OR EXTRACTED FROM ANY REAL PROPERTY SITUATE, LYING AND BEING IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, TOGETHER WITH THE SOLE AND EXCLUSIVE RIGHT TO DRILL INTO, UNDER, ACROSS AND THROUGH SAID PROPERTY AT DEPTHS BELOW 500 FEET FROM THE SURFACE THEREOF FOR THE PURPOSE OF PROSPECTING FOR, DEVELOPING AND EXTRACTING SUCH SUBSTANCES IN, ON, WITHIN, UNDER AND THAT MAY BE PRODUCED FROM SAID LANDS AND EVERY PART THEREOF, AND IN, ON, WITHIN, UNDER AND THAT MAY BE PRODUCED FROM ANY OTHER LAND IN THE AREA;

PROVIDED, HOWEVER, THAT THIS DEED SHALL NEITHER GRANT NOR SHALL IT BE CONSTRUED AS GRANTING UNTO GRANTEE THE RIGHT TO GO UPON THE SURFACE OF SAID REAL PROPERTY TO TAKE, RECOVER OR REMOVE SUCH SUBSTANCES, AS GRANTED TO TRICORNIA LIMITED, A GENERAL PARTNERSHIP, BY DEED RECORDED JANUARY 15, 1981 AS DOCUMENT NO. 81-47443 OFFICIAL RECORDS.

PARCEL 3:

THOSE PORTIONS OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGES 407 ET SEQ. OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTER LINE OF THE 100 FOOT RIGHT-OF-WAY TO THE STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED IN BOOK 20743 PAGE 271 OF OFFICIAL RECORDS OF SAID COUNTY, SAID CENTER LINE HAVING A BEARING OF SOUTH 84 DEGREES 57 MINUTES 07 SECONDS WEST, AND SAID POINT BEING SOUTH 84 DEGREES 57 MINUTES 07 SECONDS WEST 117.98 FEET ALONG SAID CENTER LINE FROM LOS ANGELES COUNTY ENGINEERS TRAVERSE STATION "SOLSTICE CANYON L-8" AS SAID TRAVERSE STATION IS SHOWN ON FIELD BOOK 1652, PAGES 67 AND 68 OF LOS ANGELES COUNTY; THENCE ALONG SAID CENTERLINE SOUTH 84 DEGREES 57 MINUTES 07 SECONDS WEST 650 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTH 05 DEGREES 02 MINUTES 53 SECONDS WEST 50 FEET TO A POINT ON THE NORTH LINE OF SAID 100 FOOT RIGHT-OF-WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 05 DEGREES 02 MINUTES 53 SECONDS WEST 40 FEET; THENCE NORTHEASTERLY IN A DIRECT LINE TO THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE IN THE WESTERLY BOUNDARY OF THE LAND DESCRIBED AS PARCEL NO. 3 IN THE DEED TO RAYMON J. CAGNON, ET AL., RECORDED ON JULY 25, 1945 IN BOOK 22187 PAGE 124 OF OFFICIAL RECORDS OF SAID COUNTY SHOWN AS HAVING A BEARING AND LENGTH OF NORTH 29 DEGREES 36 MINUTES 27 SECONDS WEST 465.53 FEET; THENCE ALONG SAID CERTAIN COURSE AND ITS PROLONGATION, SOUTH 29 DEGREES 36 MINUTES 27 SECONDS EAST 472.96 FEET TO THE NORTH LINE OF SAID 100 FOOT RIGHT-OF-WAY; THENCE SOUTH 84 DEGREES 57 MINUTES 07 SECONDS WEST ALONG SAID NORTH LINE TO THE TRUE POINT OF BEGINNING.

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Hotel 3 of 3

EXCEPT THEREFROM THAT PORTION OF SAID LAND LYING WEST OF THE WEST LINE OF MALIBU CANYON ROAD AS DESCRIBED IN DEED RECORDED AS INSTRUMENT NO. 2896 ON DECEMBER 8, 1970, IN BOOK D-4910 PAGE 516, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL MINERAL, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, OTHER MINERAL AND HYDROCARBON SUBSTANCES AND WATER LYING IN, ON, WITHIN, UNDER AND THAT MAY BE PRODUCED OR EXTRACTED FROM SAID PROPERTY AND EVERY PART THEREOF; PROVIDED, HOWEVER, THAT THIS EXCEPTION SHALL NEITHER RESERVE NOR SHALL BE CONSTRUED AS RESERVING UNTO GRANTOR AND GRANTOR SHALL NOT HAVE, THE RIGHT TO GO UPON THE SURFACE OR WITHIN THE UPPER 500 FEET MEASURED VERTICALLY DOWNWARD FROM THE SURFACE OF SAID PROPERTY TO EXTRACT SAID SUBSTANCES, BUT THERE IS EXPRESSLY RESERVED UNTO GRANTOR, ITS SUCCESSORS AND ASSIGNS THE SOLE AND EXCLUSIVE RIGHT TO DRILL INTO, UNDER ACROSS AND THROUGH SAID PROPERTY AT DEPTHS BELOW 500 FEET FROM THE SURFACE FOR THE PURPOSE OF TAKING, RECOVERING AND REMOVING SAID SUBSTANCES IN, ON, WITHIN, UNDER AND THAT MAY BE PRODUCED OR EXTRACTED FROM SAID PROPERTY, EVERY PART THEREOF, AS RESERVED BY MARBLEHEAD LAND COMPANY, A CORPORATION, IN DEED RECORDED MARCH 20, 1970 AS INSTRUMENT NO. 434, AND THE ADAMSON COMPANIES, A PARTNERSHIP, IN DEED RECORDED MARCH 20, 1970 AS INSTRUMENT NO. 447, OFFICIAL RECORDS.

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To TINA WALLIS	From SCOTT LAROSE
Co.	Co.
Dept.	Phone # 949 727 0255
Fax # 805 965 4333	Fax #

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EXHIBIT C

DEED OF CONSERVATION EASEMENT FOR WILDLIFE HABITAT AND OPEN SPACE

Exhibit C consists of 2 total pages

SB 267583 v 1:008357.0019

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EXHIBIT A

THAT PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 19, T. 1 S., R.17 W., SAN BERNARDINO MERIDIAN IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 19 SOUTH 89°53'25" WEST 193.62 FEET TO A POINT IN THE CENTERLINE OF MALIBU CANYON ROAD, 80.00 FEET WIDE, PER EASEMENT DEED TO THE COUNTY OF LOS ANGELES RECORDED SEPTEMBER 18, 1941, IN BOOK 18752 PAGE 205, OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES NORTH 05°20'05" EAST 254.86 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 600.00 FEET AND NORTHERLY 384.85 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°45'00" TO A POINT BEING THE SOUTHERLY TERMINUS OF THAT CERTAIN CURVE IN THE CENTERLINE OF MALIBU CANYON ROAD, 80.00 FEET WIDE, DESCRIBED IN THE JUDGMENT FOR ROAD EASEMENT RECORDED OCTOBER 5, 1967 AS INSTRUMENT NO. 3416, IN THE OFFICE OF SAID COUNTY RECORDER HAVING A RADIUS OF 600.00 FEET AND AN ARC LENGTH OF 51.40 FEET, SAID CURVE BEING THE NORTHWESTERLY CONTINUATION OF FIRST MENTIONED 600.00 FOOT RADIUS CURVE; THENCE LEAVING SAID CENTERLINE ALONG A RADIAL LINE FROM SAID CURVE SOUTH 58°35'05" WEST 40.00 FEET TO THE WESTERLY LINE OF SAID ROAD EASEMENT AND THE **TRUE POINT OF BEGINNING** FOR THIS DESCRIPTION SAID POINT BEING A POINT ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 560.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 58°35'05" EAST; THENCE PARALLEL WITH AND 40.00 FEET SOUTHWESTERLY AND SOUTHERLY OF THE CENTERLINE DESCRIBED IN SAID

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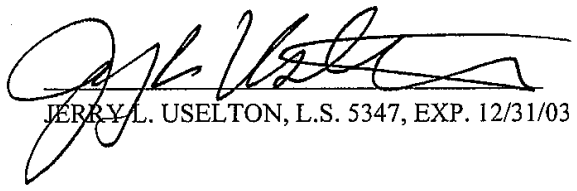
INSTRUMENT NO. 3416 THE FOLLOWING COURSES, NORTHWESTERLY 47.97 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°54'30", NORTH 36°19'25" WEST 241.52 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 740.00 FEET, NORTHWESTERLY 242.65 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°47'15", NORTH 55°06'40" WEST 238.77 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 440.00 FEET, WESTERLY 412.49 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53°42'50", SOUTH 71°10'30" WEST 484.87 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 340.00 FEET, WESTERLY 303.28 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51°06'30", NORTH 57°43'00" WEST 126.34 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 310.00 FEET, NORTHWESTERLY 155.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°45'00", AND NORTH 86°28'00" WEST 109.20 FEET; THENCE LEAVING SAID PARALLEL LINE SOUTH 03°32'00" WEST 540.00 FEET; THENCE SOUTH 49°36'36" EAST 414.81 FEET; THENCE SOUTH 89°34'26" EAST 993.10 FEET; THENCE NORTH 74°00'00" EAST 800.00 FEET TO SAID **TRUE POINT OF BEGINNING**.

CONTAINING 1,306,801 SQUARE FEET OR, 30.00 ACRES MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

DATED THIS 23rd DAY OF May, 2001.



JERRY L. USELTON, L.S. 5347, EXP. 12/31/03

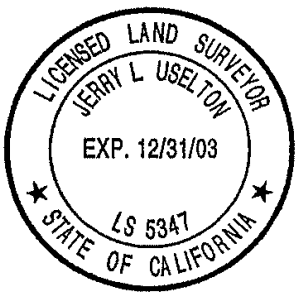


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EXHIBIT D

DEED OF CONSERVATION EASEMENT FOR WILDLIFE HABITAT AND OPEN SPACE

Exhibit D consists of 1 page

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EXHIBIT "B"

30 ACRE MITIGATION PARCEL

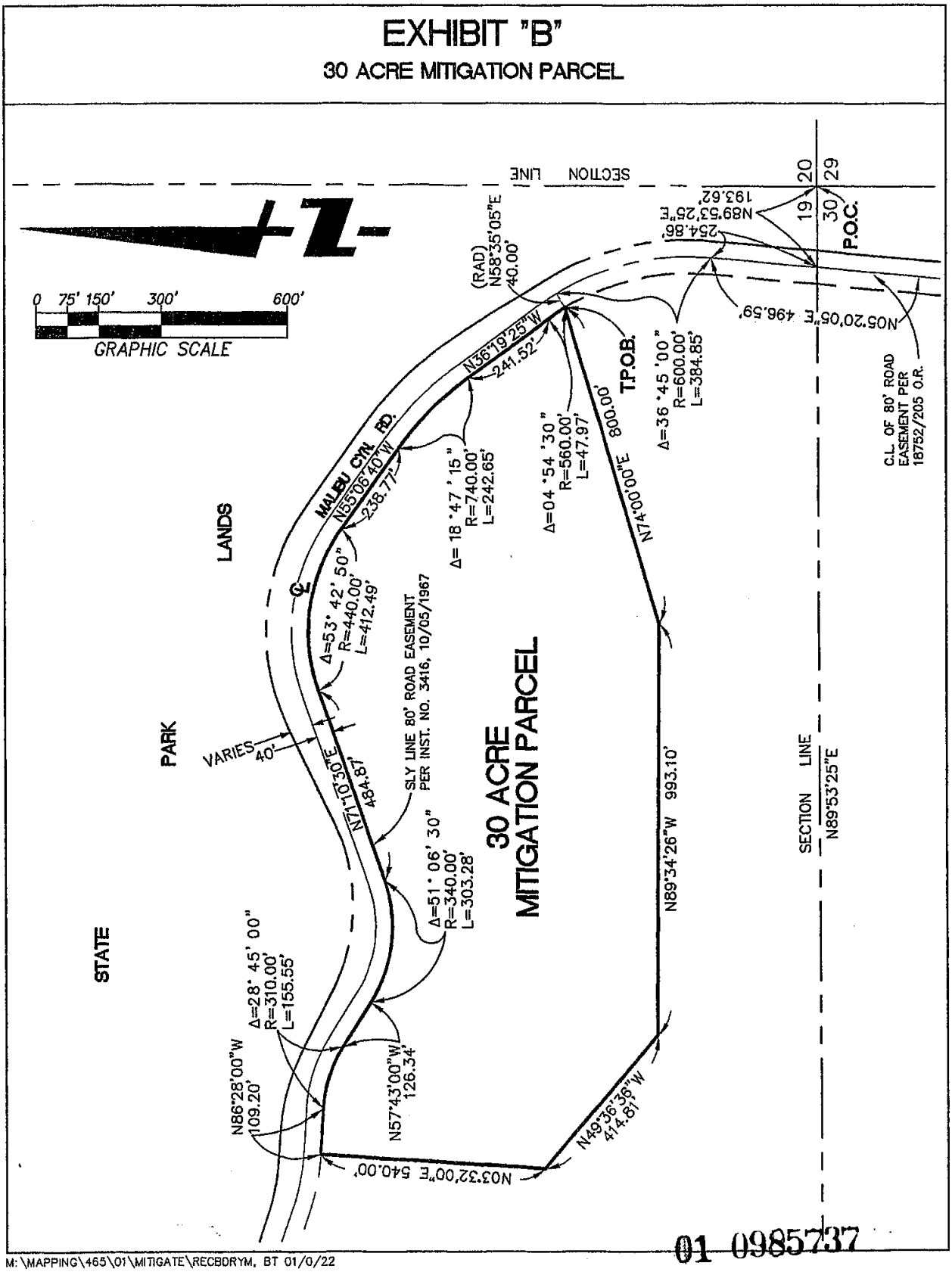

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EXHIBIT E

DEED OF CONSERVATION EASEMENT FOR WILDLIFE HABITAT AND OPEN SPACE

Exhibit E consists of 47 total pages

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4/22/98

FILE

CONDITIONAL USE PERMIT
Rancho Malibu

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FILE

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 of Property Owner or Agent

C:\My Documents\RMhotel\affidavit.wpd

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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

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e. Height

1. a rotunda 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.

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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

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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

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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 2.2.8: "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, 30 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 their 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

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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 ozonization, 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 polices.

  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 or 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

c. 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

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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 550 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 Revolution.

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:

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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 23rd 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 23rd 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

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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 23rd of March, 1998, the date in which this decision became final.

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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 am.	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 9,610,000 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	

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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 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 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.	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	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: (1) configure construction parking to minimize traffic interference; (2) provide temporary traffic control during all phases of construction activities to improve traffic flow (e.g., flag person); (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.); (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; (5) reduce traffic speeds on all unpaved roads to 15 miles per hour or less; (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; (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); (8) replace ground cover in disturbed areas as quickly as possible; (9) enclose, cover, water twice daily, or apply approved soil binders according to manufacturers' specifications, to exposed piles (e.g., gravel, sand, dirt); (10) water active sites at least twice daily; (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); (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); (13) install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site.	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 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	
5.0	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 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	
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.	Project Applicant	City Traffic Engineer	3	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
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.	Project Applicant	Planning Director and City Attorney	3	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
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 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.	Project Applicant	Director of Public Works	3	
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 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.	Project Applicant	Director of Public Works	3	

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
5.5	PCH at Web 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 land 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 a summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: 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.	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 a summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: PCH/Cross Creek Road: 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	

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MONITORING PHASE KEY:

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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
7.1 Cont.	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 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.				
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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NO.	MEASURE	PARTY	AGENCY	MP	
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	

MP MONITORING PHASE KEY:
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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 am.	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 id 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 9,610,000 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	

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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
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 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.	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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EXHIBIT "B"
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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	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: (1) configure construction parking to minimize traffic interference; (2) provide temporary traffic control during all phases of construction activities to improve traffic flow (e.g., flag person); (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.); (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; (5) reduce traffic speeds on all unpaved roads to 15 miles per hour or less; (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; (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); (8) replace ground cover in disturbed areas as quickly as possible; (9) enclose, cover, water twice daily, or apply approved soil binders according to manufacturers' specifications, to exposed piles (e.g., gravel, sand, dirt); (10) water active sites at least twice daily; (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); (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); (13) install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site.	Project Applicant	Director of Public Works	2	

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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
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	
5.0	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 148 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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EXHIBIT "B"
MITIGATION MONITORING PROGRAM
(40 ADDITIONAL GUEST ROOMS) RANCHO MALIBU HOTEL

MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
5.1	Project Entry Drive and Internal Circulation: The primary project entry drive on Malibu Canyon Road shall be located approximately 600 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	
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 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. 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.	Project Applicant	Planning Director and City Attorney	3	

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EXHIBIT "B"
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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
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 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.	Project Applicant	Director of Public Works	3	
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 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.	Project Applicant	Director of Public Works	3	

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EXHIBIT "B"
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MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
5.5	PCH at Web 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 land 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 a summer traffic impacts. For these reasons, the Planning Commission and/or City Council may choose to reject this mitigation measure: 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.	Planning Commission and/or City Council, Project Applicant	Director of Public Works	3	

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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: PCH/Cross Creek Road: 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 (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.	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	

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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. 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.	Project Applicant	Planning Director	1	

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(40 ADDITIONAL GUEST ROOMS) RANCHO MALIBU HOTEL

MEASURE NO.	MEASURE	RESPONSIBLE PARTY	MONITORING AGENCY	MONITORING PHASE /1/	DATE DONE
	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.				
7.1 Cont.	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 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.				

/1/ 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.

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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
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	
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	

/1/ 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.

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City of Malibu
with
Green Acres, LLC

Developer Reimbursement Agreement

4000 Malibu Canyon Road
"Malibu Memorial Park"
Determination of Costs, Available Capacity and Oversight for
Connection to Civic Center Wastewater Treatment Facility Project Phase One

This Agreement is made on this 13th day of March 2017, by and between the **City of Malibu**, a municipal corporation, 23825 Stuart Ranch Road, Malibu, California, 90265 (hereinafter referred to as the "CITY") and **Green Acres, LLC,** PO Box 6528, Malibu, California, 90265 (hereinafter referred to as the "DEVELOPER").

Recitals

A. DEVELOPER has requested that CITY include DEVELOPER'S property located at 4000 Malibu Canyon Road and consisting of Assessor Parcel Numbers 4458-030-007, 4458-028-015 and 4458-028-019 ("PROPERTY") in Phase One of the Civic Center Wastewater Treatment Facility Project ("CCWTF"). PROPERTY consists of 27.8 acres and is currently vacant but will be developed with a new memorial park and chapel, including the construction of a 6,000 square foot chapel with 673 square feet of ancillary spaces and a 9,348 square foot subterranean parking/service structure, 47 free-standing mausoleum structures totaling approximately 9,400 square feet (200 square feet each), approximately 28,265 in-ground burial plot spaces and 2,644 interments in above-grade wall crypt structures, landscaping and surface parking ("PROJECT").

B. CITY requires review by its assessment engineering consultant, David Taussig & Associates, Inc., to determine the costs the DEVELOPER will need to pay in order to include PROPERTY in Phase One of the CCWTF, review by its design engineer, RMC Water and Environment, Inc., to determine if capacity is available, and oversight by its bond counsel, Brian Forbath.

NOW, THEREFORE, the CITY and DEVELOPER mutually agree as follows:

1. **PAYMENT.** DEVELOPER agrees to pay CITY in full for all costs and expenses incurred pursuant to the contract between CITY and the consultants to prepare the determination of costs, conduct the design review and oversight for including PROPERTY in Phase One. The City estimates that the cost will be approximately $2,000.00 for the assessment engineering review (Attachment A), $5,000.00 for the design engineer review and $5,000.00 for bond counsel oversight, plus thirty (30) percent management and administration fee to compensate for all CITY staff costs incurred in managing the contracts, for a total amount of $15,600.00. Upon execution of this Agreement, DEVELOPER shall deposit with CITY the sum of $15,600.00. The total deposit amount $15,600.00 represents CITY's best estimate of DEVELOPER's ultimate obligations hereunder.

In the event CITY determines, based on the actual expense incurred in the review for and oversight of including PROPERTY in Phase One, that its actual costs will exceed $15,600.00, DEVELOPER shall pay to CITY upon demand in a lump sum the estimated cost of the excess. Work on the determination of costs shall be suspended until and unless said payment is made to CITY and in such event, DEVELOPER shall be responsible for all costs incurred as a result of the suspension of work. If payment is not made within 30 days of written demand by CITY, the application for the project, for which the determination of costs is being prepared, shall be deemed withdrawn by DEVELOPER unless such time period is waived in writing by the City Manager.

After a final action is taken by City Council on whether to include PROPERTY in Phase One of the CCWTF, or upon abandonment by DEVELOPER pursuant to Section 2 below, and satisfaction of all liabilities to the consultants and reimbursement of all CITY staff expense, CITY shall refund DEVELOPER any amount of DEVELOPER's payments which remain unexpended. If the deposit(s) is insufficient to meet CITY's obligations to the consultants, DEVELOPER shall pay any remaining amounts due.

2. **ABANDONMENT OF PROJECT.** In the event DEVELOPER abandons the PROJECT prior to a final decision on whether to include PROPERTY in Phase One of the CCWTF, and upon written request from DEVELOPER directed to the City Manager of CITY, CITY will suspend preparation of the determination of costs and evaluation of DEVELOPER's applications in order to avoid further expense.

3. **INDEPENDENT CONSULTANTS.**

3.1. During the existence of CITY's contracts with the consultants, and for a time period of one (1) year from final resolution of DEVELOPER's application, neither DEVELOPER, nor any of its representatives, agents or other persons acting in concert with DEVELOPER will enter into any financial or business relationship with the consultants or any of their subconsultants or propose to enter into any future such relationship with any such entities or persons without written notice to and approval in writing by CITY.

3.2. DEVELOPER hereby acknowledges and agrees as follows:

3.2.1. CITY has sole discretion to select which of its employees are assigned to work on DEVELOPER's application.

3.2.2. CITY has sole discretion to determine which persons CITY will hire as employees and contractors to work on DEVELOPER's application.

3.2.3. CITY has sole discretion to direct the work and evaluate the performance of the employees and contractors whom the CITY hires to work on DEVELOPER's application and CITY retains the right to terminate or replace at any time any employee or contractor who is assigned to work on DEVELOPER's application.

3.2.4. CITY has sole discretion to determine the amount of compensation paid to employees and contractors hired by CITY to work on DEVELOPER's application.

3.2.5. CITY, not DEVELOPER, shall pay employees and contractors hired or assigned by CITY to work on DEVELOPER's application from a CITY account under the exclusive control of CITY.

3.3. CITY and DEVELOPER hereby acknowledge and agree that processing of DEVELOPER's application is not contingent on the hiring of any specific contractors.

3.4. CITY and DEVELOPER hereby acknowledge and agree that DEVELOPER's duty to reimburse CITY is not contingent upon CITY's approval or disapproval of the PROJECT or upon the result of any action of CITY.

3.5. DEVELOPER acknowledges that the CITY retains complete discretion as to whether to approve the PROJECT, allow DEVELOPER to join Phase One of the CCWTF, or take any action (or decline to take any action). DEVELOPER desires that the CITY investigate the feasibility, impacts and issues involved in having the PROJECT join Phase One of the CCWTF and understands that the CITY may decline to allow such action regardless of the results of the investigation and work performed related to this agreement. DEVELOPER shall not be entitled to any refund or payment due to any action by the CITY including, but not limited to, declining to allow the DEVELOPER to join Phase One of the CCWTF or an unfavorable decision related to the PROJECT.

3.6. Neither DEVELOPER, nor its officers, employees or agents, shall communicate with the consultants during the term of this agreement without prior approval of CITY. CITY shall instruct consultants not to communicate with DEVELOPER or its agents without consent of CITY and prior coordination through Bruce McBride, expeditor.

4. **INTERPRETATION.** This agreement is deemed to have been prepared by all of the parties hereto, and any uncertainty or ambiguity herein shall not be interpreted against the drafter, but rather, if such ambiguity or uncertainty exists, shall be interpreted according to the applicable rules of interpretation of contract under the law of the State of California.

5. **ASSIGNMENT.** This Agreement shall not be assigned in whole or in part, without the prior written consent of CITY.

6. **NOTICE.** All notices permitted or required under this Agreement shall be in writing, and shall be deemed made when delivered to the applicable party's representative, as provided in this Agreement. Additionally, such notices may be given to the respective parties at the following addresses, or at such other addresses as the parties may provide in writing for this purpose.

Such notices shall be deemed made when personally delivered or when mailed forty-eight (48) hours after deposit in the U.S. mail, first-class postage prepaid and addressed to the party at its applicable address.

CITY:

CITY OF MALIBU
Attention: Bonnie Blue, Planning Director
23825 Stuart Ranch Road
Malibu, CA 90265-4861

DEVELOPER:

Green Acres, LLC
Attention: Richard Weintraub
PO Box 6528,
Malibu, California, 90265

7. **GOVERNING LAW/VENUE.** This Agreement shall be governed by the laws of the State of California and the exclusive venue for all disputes arising hereunder shall be the Superior Court for the County of Los Angeles.

8. **ENTIRE AGREEMENT; MODIFICATION.** This Agreement represents the entire integrated Agreement between CITY and DEVELOPER, and supersedes any and all other agreements, either oral or written, between the parties, and contains all the covenants and agreements between the parties. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, oral or otherwise, have been made by any party, or anyone acting on behalf of any party, which is not embodied herein. Any agreement, statement or promise not contained in the Agreement, and any modification to the Agreement, will be effective only if signed by both parties.

9. **EXECUTION.** This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

10. **AUTHORITY TO ENTER AGREEMENT.** The DEVELOPER has all requisite power and authority to conduct its business and to execute, deliver and perform this Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right and authority to make this Agreement and to bind each respective party.

This Agreement is executed on this 28 day of March, 2017, at Malibu, California, and effective as of March 13, 2017.

CITY OF MALIBU

REVA FELDMAN, City Manager

ATTEST:

HEATHER GLASER, City Clerk
(seal)

DEVELOPER: Green Acres, LLC

By: Manhattan Partners II, LLC – Member

HUSHMAND SOHAILI, Manager

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney

By: RM REW, LLC – Member

RICHARD WEINTRAUB, Manager

EXHIBIT A

THIRD AMENDED SCOPE OF WORK
CITY OF MALIBU ASSESSMENT DISTRICT FORMATION
(CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT)

Additional consulting services associated with the recalibration/respread of assessments for the addition of the Memorial Park parcel (the "Parcel") include the following task. Compensation for services shall be in accordance with the fee schedule attached hereto as Exhibit B.

A. Assessment Lien Equivalent Calculation for Memorial Park Parcel

DTA will apportion the estimated improvement costs in proportion to the benefit received by the Parcel based on the information provided by RMC Water and Environment. DTA will then determine the assessment lien equivalent for the Parcel based on the assessment lien analysis pursuant to which the Engineer's Report was prepared. DTA will coordinate with the City and the Bond Counsel regarding the methodology and the determination of the final assessment lien equivalent amount for the Parcel.

Deliverable: DTA will prepare up to three (3) assessment lien equivalent calculations for the Parcel.

ATTACHMENT A

EXHIBIT B

THIRD AMENDED FEE SCHEDULE
CITY OF MALIBU ASSESSMENT DISTRICT FORMATION
(CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT)

DTA's estimated budget is time and materials, not to exceed $2,000. DTA shall charge the following hourly rates for services rendered:

Managing Director/Vice President	$200/hour
Manager	$190/hour
Senior Associate	$175/hour
Associate	$155/hour
Senior Analyst	$135/hour
Analyst	$120/hour
Research Assistant	$90/hour

A. PAYMENT TERMS

Monthly progress payments will be made by City upon presentation of invoice by DTA providing details of services rendered and expenses incurred. In addition to fees for services, City will reimburse DTA for travel, photocopying, database services or materials, facsimile and telephone calls, clerical services, and other out-of-pocket expenses.

B. LIMITATIONS

The estimated budget is based on certain limitations which include the following:

- DTA will prepare a maximum of three (3) assessment lien equivalent calculations;

Any additional tasks assigned by City, other than those specified in the Scope of Work or outside of the limitations listed above, shall be charged at the hourly rates listed above.

4000 Malibu Canyon Road ■ Malibu, CA 90265

Interment Options Glossary

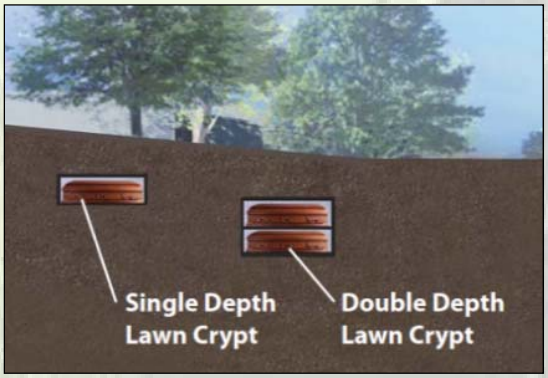
In Ground Burials:

Single-Depth Burial Space – Utilized for one person. The cemetery will have a policy regarding the type of grave marker that will be placed to identify the grave.

Double-Depth Burial Space – Utilized for two persons. The space will appear to be the same size as a single burial space, but the grave is deeper than normal. The first person is placed at a deeper than normal depth and the second person is buried at a normal depth on top of the first burial space.

Over-Sized Burial – Burials that require additional site area, size of casket, size of casket liner, and lowering equipment due to larger than conventionally sized interment.

Bench Estate – A private Estate that is typically inclusive of a memorial Bench and multiple burial spaces.



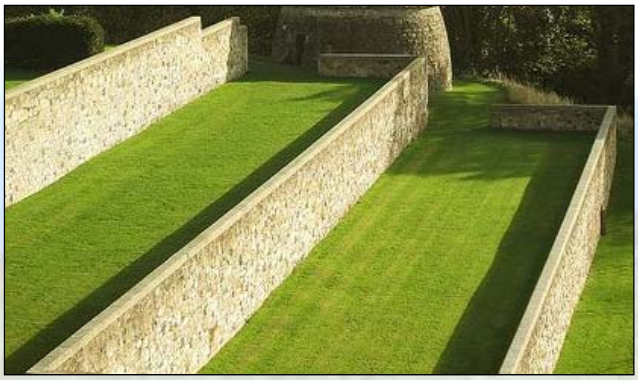
Single/Double Depth Lawn Crypts – Similar to the descriptions of Single Depth and Double Depth Burial Spaces above.

Over-sized Double Depth Crypts – Similar to the Double Depth Burial Space description above but with larger plot and casket size.

Family Estate – An area designated for multiple family members. The cemetery will provide options as to the number of burial spaces contained within the family estate.

Private Estates – Available in a wide variety of offerings, depending on the cemetery. This would typically be a private mausoleum building or a private grouping of burial spaces contained within a designated area. Some cemeteries offer custom-designed family estates built to your specifications.

Terrace Estates DLC – Are Lawn Crypts that are available in a tandem depth configuration comporting to the distance between the Terrace walls that separate the levels of the Terrace.



Terrace Estate Double Depth – Lawn Crypts buried in terraced levels but stacked in similar configuration to double depth description above.

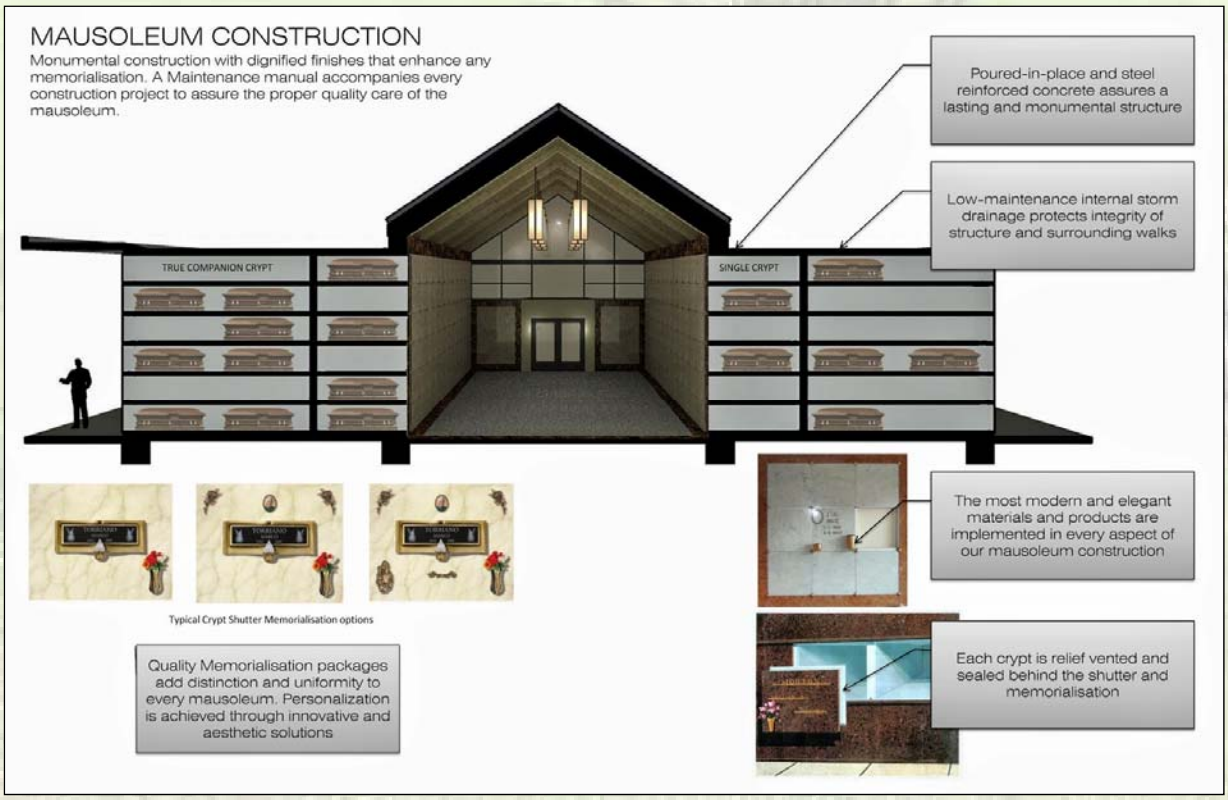
Terrace Wall Single Burial – Crypts directly accessible through face of walls separating the various levels of the Terrace.

Fractionals – Smaller and odd sized burial parcels scattered around the Memorial Park to accommodate only certain remaining body parts (head, appendages, etc) due to catastrophic circumstances. Fractional spaces may also accommodate Infants and Children.

Pet Burials - A designated section of the Memorial Park strictly for the burial of Pets. Spaces can be in combination of single or double depth depending upon Pet size.

Mausoleum Crypts:

Private Mausoleum – A building designed for above-ground placement of the casket. The casket is placed into a crypt that may be designed for one ot two persons. The mausoleum may be outdoors or inside a climate-controlled building.



Single Crypt - A space within a mausoleum designed for the entombment of casketed remains either in an interior or exterior setting. Single crypts are intended for one person.

Sample Mausoleum Interior

Sample Mausoleum Exterior

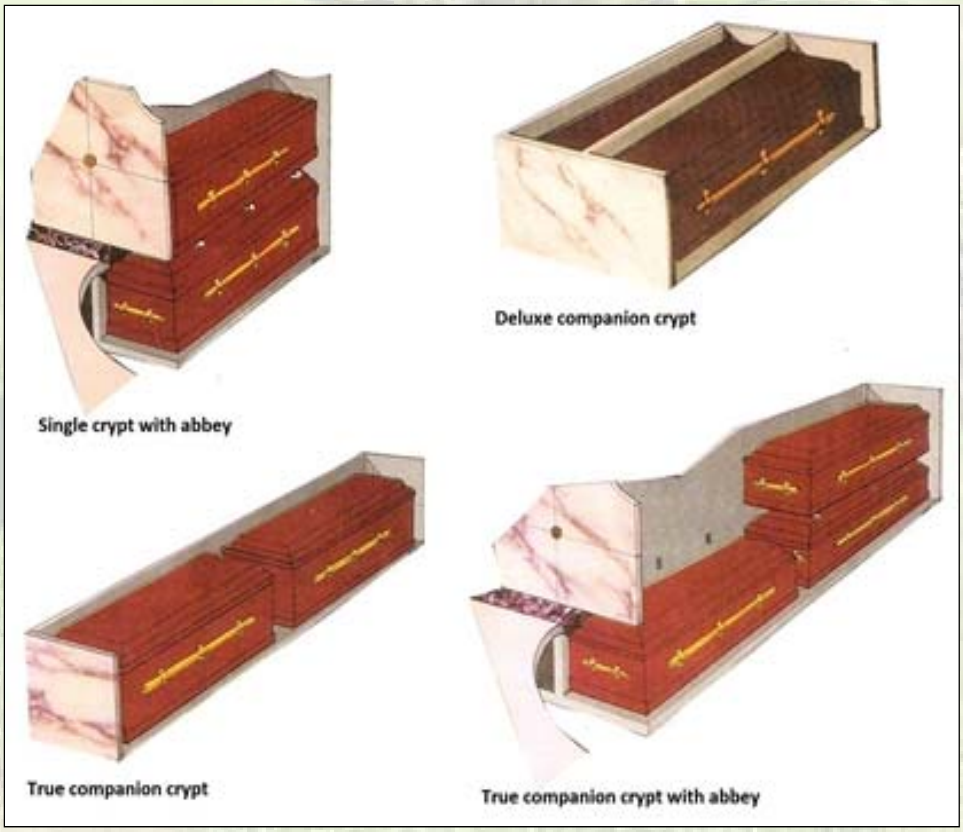
Tandem Crypt - A Tandem crypt has two caskets entombed end to end. The first entombment is slid all the way to the back of the double depth crypt and sealed with a shutter. The next entombment is slid in front of the first entombment shutter. The two people then share one single shutter.

Companion Crypts - A side-by-side companion crypt has one large crypt shutter at the opening. Two individual crypts share a whole double wide shutter for memorialization. These are intended for two persons.

Abbey Crypt - Crypt with an off-set space that is typically directly below or to the left or right of the primary crypt, per the illustration and located in Public Mausoleum.

Abbey Companion- Crypt with an adjacent crypt or in tandem, per the illustration and located in Public Mausoleum.

Abbey Tandems- Dbl. length crypts per the illustration located in Public Mausoleum.



Cremations:

Cremation Garden Niches – Garden setting niches for individual placement of remains (urns).

Cremation Garden Quads – Option to place Urns in quantity up to a maximum of four together.

Ossuary – An ossuary is a chest, box, building, well, or site made to serve as the final resting place of human skeletal remains. A body is first buried in a temporary grave, then after some years the skeletal remains are removed and placed in an ossuary. The greatly reduced space taken up by an ossuary means that is is possible to store the remains of many more people in a single tomb than if the original coffins were left as is.

Ossuary at the Gallipoli World War I battlefield, containing the remains of 3000 unidentified French soldiers.

Chapel Glass Niche – Wall niches in Chapel with glass front capable of accommodating a single Urn.

Medium Glass Niches - Wall niches in Chapel with glass fronts that are capable of accommodating two individual Urns.

Large Glass Niches – Wall niches in Chapel with glass fronts that are capable of accommodating up to four individual Urns.

Mausoleum Wall Niches – Set aside area of Public Mausoleum for individual wall niches for placement of a single Urn.

Water Rille Niches – Niches along the face of the North wall of the driveway center Water Rille for placement of a single Urn.

Entry Wall Niches – Niches along the Entry walls to the Chapel for placement of a single Urn.

Single Private Estate Urns – Designated private locations throughout the site for placement of single individual Urns.

Double Private Estate Urns – Designated private locations throughout the site for placement of up to two individual Urns.

FILE

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

RECEIVED
NOV 23 2015
PLANNING DEPT.

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu City Biologist **DATE:** ~~4/28/2015~~

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 15-028
JOB ADDRESS:	4000 MALIBU CANYON RD, Parcel
APPLICANT / CONTACT:	Bruce McBride
APPLICANT ADDRESS:	PO Box 6528 Malibu, CA 90264
APPLICANT PHONE #:	(805)298-6570
APPLICANT FAX #:	
APPLICANT EMAIL:	bmcbride@pda-llc.net
PROJECT DESCRIPTION:	Malibu Memorial Park and Chapel

TO: Malibu Planning Division and/or Applicant

FROM: Dave Crawford, City Biologist

____ The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

X The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process. AS CONDITIONED

____ The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

SIGNATURE

5/3/16
DATE

Additional requirements/conditions may be imposed upon review of plan revisions. *Dave Crawford City Biologist, may be contacted on Tuesday between 9:00 am and 11:00 am at the City Hall Public counter, by leaving an e-mail at dcrawford@malibucity.org or by leaving a detailed voice message at (310) 456-2489, extension 277.*

City of Malibu

23815 Stuart Ranch Road, Malibu, California 90265
(310) 456-2489 Fax (310) 456-7650

Planning Department

BIOLOGICAL REVIEW

Site Address: 4000 Malibu Canyon Road
Applicant/Phone: Bruce McBride/ 310.456.2600 ex 2
Project Type: Malibu Memorial Park and Chapel
Project Number: CDP 15-028
Project Planner: Adrian Fernandez
Previous Biological Review: Incomplete 7/28/15

RESOURCES: Riparian ESHA adjacent

REFERENCES: Site Plans, landscape plans, irrigation plans, updated biological inventory report (Rincon 11/18/15).

DISCUSSION:

1. Pursuant to MMC 9.22.030 (B)6, cemeteries are exempt from the Landscape Water Conservation Ordinance "except that a new or altered cemetery shall meet the irrigation requirements of Section 9.22.090 (B). (Ord. 399 § 4, 2015; Ord. 343 § 1, 2009)"

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

   A. Pursuant to MMC Section 9.22.090(B):

      1. Irrigation systems shall be designed, constructed and managed to maximize overall irrigation efficiency, and to meet the MAWA.

      2. Irrigation systems shall be designed to prevent runoff, overspray, low-head drainage, and other similar conditions where irrigation water flows or sprays on to areas not intended for irrigation and not part of the parcel's landscape area, such as walkways, driveways, roadways, neighboring properties or the public right-of-way.

      3. Irrigation systems (valve systems, piping and pressure regulators) shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping.

      4. An automatic irrigation system is required and shall include a weather-based irrigation controller, including a rain shut-off sensor.

5. Areas less than eight feet wide shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing overspray onto adjacent surfaces.

6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement. Overhead sprays shall be set back a minimum of twenty-four (24) inches from non-pervious surfaces.

7. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.

8. Pressure regulators may be required on the irrigation system as determined by the Los Angeles County Waterworks District 29.

9. Installation of a separate landscape water meter is encouraged where feasible to facilitate water management.

10. Nonpotable and Recycled Water. If nonpotable water service, including recycled water, is determined to be required for the project by a local agency or water agency, the irrigation system shall be designed, installed and operated in compliance with state and local laws, requirements and regulations applicable to the nonpotable water use. The local water agency shall provide the customer with applicable conditions for the use of nonpotable water within its jurisdiction.

B. The irrigation system proposed is based on the assumption up to 53,000 gallons of recycled water will be available daily from the City's future sewage treatment plant. Until such time as that water is made available to the subject property at 4000 Malibu Canyon Road, no lawn shall be planted anywhere on the site.

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

D. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

E. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

F. Invasive plant species, as determined by the City of Malibu, are prohibited.

G. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).

H. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

I. Grading should be scheduled only during the dry season from April 1-October 31st. If it becomes necessary to conduct grading activities from November 1 –March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

J. Grading/excavation/vegetation removal scheduled between February 1 and September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than 5 days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within 2 business days of completion of surveys.

K. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.

L. Up-lighting of landscaping is prohibited.

M. All street frontage trees and shrubs over 36" tall shall be limited to species native to the Santa Monica Mountains. This will result in the removal, move or change to native species of three camphor trees, three magnolia trees and four proposed topiaries. **PRIOR TO FINAL PLAN CHECK THE APPLICANT SHALL PROVIDE A DETAILED LANDSCAPE PLAN ILLUSTRATING ALL OF THE REQUIRED CHANGES.**

2. **UPON COMPLETION OF ALL PLANTING**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

Reviewed By: _____ Date: 5/3/16

Dave Crawford, City Biologist
310-456-2489 ext.277 (City of Malibu); e-mail dcrawford@malibucity.org

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	September 21, 2016	**Review Log #:**	**3745**
Site Address:	4000 Malibu Canyon Road		
Lot/Tract/PM #:	n/a	**Planning #:**	**CDP 15-028**
Applicant/Contact:	Bruce McBride, bmcbride@pda-11c.net	**BPC/GPC #:**	
Contact Phone #:	805-298-6570 **Fax #:**	**Planner:**	**Adrian Fernandez**
Project Type:	**Revised Project**-Church Memorial Park		

Submittal Information

Consultant(s) / Report Date(s):
*(Current submittal(s) in **Bold**.)*

GeoSoils Consultants, Inc. (Miller, GE 2257; Putnam, CEG 2469): **9-7-16**, 3-24-16
GeoSoils Consultants, Inc. (Miller, GE 2257; Ruberti, CEG 1708): 11-3-15, 1-23-15; Ref: 5-21-12, 1-27-12, 9-15-11
Letter from Malibu Memorial Park and Chapel dated March 24, 2016.
Ref: Van Beveren & Butelo, Inc.: 9-27-07
Ref: Roy J. Shlemon & Associates, Inc.: September 2007 (Included as Appendix D in the referenced Van Beveren & Butelo report)
References reviewed by the Consultant:
Leighton and Associates, Inc.: 3-28-90, 2-6-90, 8-4-89
EnSitu Engineering, Inc. (Yaroslaski, RCE 60149): 11-5-15

Malibu Memorial Park Plans prepared by Burdge & Associates Architects dated February 12, 2016.
Grading and Drainage Plan prepared by Psomas dated September 2, 2016.
Landscape Site Plan prepared by Place Landscaping dated February 12, 2016.
Sewer and Water Plan prepared by Psomas dated February 16, 2016.

Irrigation plan prepared by Atomic Irrigation dated November 17, 2015.
AOWTS Conformance Review Site Plan prepared by EnSitu Engineering, Inc. dated November 2, 2015.

Previous Reviews: 4-4-16, 12-8-15, 6-11-15, Geotechnical Review Referral Sheet dated 5-19-15

Review Findings

Coastal Development Permit Review

☒ The revised memorial park project is **APPROVED** from a geotechnical perspective.

☐ The revised memorial park project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building/Grading Plan-Check Stage Review

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

The addendum report and revised grading plans were reviewed by the City from a geotechnical perspective. The revised project comprises a new memorial park that includes an 8,500 square foot chapel with an 8,500 square foot subterranean garage, 48 free-standing mausoleums totaling 9,000 square feet, approximately 30,600 plot spaces for various crypt configurations, cremation and fractional burial options, and surface parking for 157 guest vehicles. Grading will consist of 140,090 yards of R & R; 11,057 yards of cut under structure; 1,172 yards of cut and 231 yards of fill for safety; and 29,513 yards of cut and 32,925 yards of fill non-exempt. The additional non-exempt grading yardages include the yardages needed to cap the archaeological area on the site with 3' of fill. Retaining walls, access roads, landscaping with irrigation, and hardscape are proposed.

The applicant is now proposing to utilize the City's Wastewater Treatment Facility and forego constructing a new Onsite Wastewater Treatment System on the property.

Building Plan-Check Stage Review Comments:

1. The Project Geotechnical Consultant needs to re-visit the location of the proposed soldier pile wall that extends between Cross-Section 10-10' and Cross-Section 11-11'. It appears the Consultant has arbitrarily picked a point between a cross section that meets minimum City Guideline stability requirements and a cross section that does not meet minimum City Guideline stability requirements. The Consultant needs to extend the proposed soldier pile wall to a location that meets current stability requirements, i.e. to Cross-Section 10-10' on the southeast and to Cross-Section 11-11' on the northwest, or, alternatively, provide stability calculations at the proposed soldier pile wall end points that shows acceptable stability values.
2. Applicants are required to submit all Geotechnical reports as searchable PDF files on a CD. The report as received by the City is not in the proper format. Please re-submit the report as a searchable PDF file.
3. Please remove the Geologist GeoConcepts' name, address, and phone number on the cover sheet of the plans.
4. Please review the street names on the cross sections to ensure they adequately depict the proper street names.
5. Subterranean parking is proposed. Shoring will be required for the subterranean garage excavations. Provide shoring recommendations.
6. The following note must be placed on the plans *'Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 5% over the optimum moisture content to the depth specified by the geotechnical engineer. The pre-moistened soils should be tested and verified to be by the geotechnical engineer within one day prior to the placement of the moisture barrier and sand.'*

7. Please depict limits and depths of over-excavation and structural fill to be placed on the grading plan, and cross sectional view of the proposed building area.

8. Two sets of final grading, retaining wall, chapel, soldier pile, and shoring plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Engineering Geology Review by: _____ 9/21/16

Christopher Dean, C.E.G. #1751, Exp. 9-30-18 Date
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

Geotechnical Engineering Review by: _____ *September 21, 2016*

Kenneth Clements, G.E. # 2010, Exp. 6-30-18 Date
Geotechnical Engineering Reviewer (805-563-8909)
Email: kclements@fugro.com

This review sheet was prepared by City Geotechnical Staff contracted with Fugro as an agent of the City of Malibu.

FUGRO CONSULTANTS, INC.
4820 McGrath Street, Suite 100
Ventura, California 93003-7778
(805) 650-7000 (*Ventura office*)
(310) 456-2489, x306 (*City of Malibu*)

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

1. One set of grading, retaining wall, chapel, soldier pile, and shoring plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building Plans.
3. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.*"
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Foundation setback distances from descending slopes shall be in accordance with Section 1808 of the Malibu Building Code, or the requirements of the Project Geotechnical Consultant's recommendations, whichever are more stringent. Show minimum foundation setback distances on the foundation plans, as applicable.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.
2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department **DATE:** 4/28/2015 4/6/17

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 15-028
JOB ADDRESS:	4000 MALIBU CANYON RD, Parcel
APPLICANT / CONTACT:	Bruce McBride
APPLICANT ADDRESS:	PO Box 6528 Malibu, CA 90264
APPLICANT PHONE #:	(310) 456-2600 x2
APPLICANT FAX #:	
APPLICANT EMAIL:	bmcbride@pda-llc.net
PROJECT DESCRIPTION:	Malibu Memorial Park

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

____ The following items described on the attached memorandum shall be addressed and resubmitted.

__/__ The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

SIGNATURE

4/6/17
DATE

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Jorge Rubalcava, Assist. Civil Engineer

Date: April 6, 2017

Re: Proposed Conditions of Approval for 4000 Malibu Canyon Road CDP 15-028

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

STREET IMPROVEMENTS

1. This project proposes to construct improvements within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City's right-of-way.

2. This project proposes to construct a new driveway within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed driveway. The driveway shall be constructed of either 6-inches of concrete over 4-inch of aggregate base, or 4-inches of asphalt concrete over 6-inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

3. The applicant shall improve Pacific Coast Highway (PCH) and Malibu Canyon Road with the following items:

    - The proposed right turn lane (PCH and Malibu Canyon Road) shall be 640' long with a 120' transition. The improvements shall include a 4' bike lane and a 4' shoulder.
    - Construct a new Caltrans' refuge area at the existing crosswalk at the intersection of PCH & Malibu Canyon Road.

- Dedicate a minimum of 13' at this location for these improvements. Applicant shall coordinate the amount of dedication from Caltrans.
- The improvements shall also consist of installing a new curb per the Caltrans Standard Plans No. A87B. The new pavement section shall be in accordance with Caltrans Design Manual or recommended by a soil engineer.

The improvement plans must be approved prior to the issuance of any permits. The improvements must be completed prior to the issuance of occupancy or final acceptance.

4. The applicant shall improve PCH and Webb Way with the following items:

   - Install dual eastbound left turn lanes on PCH & Webb Way per Caltrans Standards.

   The improvement plans must be approved prior to the issuance of any permits. The improvements must be completed prior to the issuance of occupancy or final acceptance.

5. The applicant shall improve Malibu Canyon Road with the following items:

   - Modifying the existing northbound traffic lanes to provide two northbound 12' travel lanes, Class 2, 6' bike lane, and 10' parking.
   - Modifying the existing southbound traffic lanes to provide two southbound 12' travel lanes, Class 2, 6' bike lane, and 10' parking.
   - Proposed left turn lane southbound on Malibu Canyon Road shall be 12' minimum. The proposed left turn lane shall be designed in conformance with the Caltrans Design Standards.
   - Install a 5' meandering concrete sidewalk. The concrete sidewalk shall be 4-inches (520-C-2500) with 4-inches of fill with sand equivalent 20 or higher compacted to 90%.
   - The existing southbound left turn lane onto Pacific Coast Highway shall at minimum maintain the existing pocket length.
   - The existing southbound left-through lane and right turn lane onto Pacific Coast Highway shall at minimum maintain the existing striping length(s).
   - The existing and proposed left turn lane transition median lengths shall be designed to conform to Caltrans Design Standards. The existing and proposed center median shall be raised.
   - The proposed driveway entrance and exit centerline shall be relocated 40' north of the proposed location.
   - If applicable, new asphalt concrete shall be placed to match the existing slopes and grades. The asphalt concrete structural section shall match existing plus one inch.
   - Please provide a safe access to PCH when vehicles are exiting the project site.

6. **All improvements within the City's right-of-way including street improvements must be approved and in place prior to the issuance of any Building permits.**

7. The applicant shall improve Civic Center Way with the following items:

- Modifying the existing traffic lanes to provide two 12' travel lanes, and 6' bike lane.
- Install new concrete curb and gutter per APWA Std. Plan 120-1, Case A2.
- Install 8' concrete sidewalk. The concrete sidewalk shall be 4-inches (520-C-2500) with 4-inches of fill with sand equivalent 20 or higher compacted to 90%.
- New curb return at the intersection of Malibu Canyon Road Civic Center Way along with new curb ramp(s) per APWA Std. Plan 111-3.

The improvement plans must be approved prior to the issuance of any permits. The improvements must be completed prior to the issuance of occupancy or final acceptance.

GRADING AND DRAINAGE

8. Grading permits shall not be issued between November 1 and March 31 each year LCP Section 17.2.1. Projects approved for grading permit shall not receive grading permits unless the project can be rough graded before November 1 **A note shall be placed on the project that addresses this condition.**

9. A Grading and Drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
   - Public Works Department General Notes
   - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
   - The limits of land to be disturbed during project development shall be delineated on the Grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, Areas disturb for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
   - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
   - If the property contains trees that are to be protected they shall be highlighted on the grading plan.
   - If the property contains rare and endangered species as identified in the Resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
   - Private storm drain systems shall be shown on the Grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
   - Public Storm drain modifications shown on the Grading plan shall be approved by the Public Works Department prior to the issuance of the Grading permit.

10. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

11. The applicant shall label all City/County storm drain inlets within 250 feet from each property line per the City of Malibu's standard label template. A note shall be placed on the project plans that address this condition.

STORMWATER

12. Prior to the approval of any permits and prior to the applicant submitting the required Construction General Permit documents to the State Water Quality Control Board, the applicant shall submit to the Public Works Department for review and approval an Erosion and Sediment Control Plan (ESCP). The ESCP shall contain appropriate site-specific construction site BMPs and developed and certified by a Qualified SWPPP Developer (QWD). All structural BMPs must be designed by a licensed California Engineer. The ESCP must address the following elements:

    - Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area.
    - Methods used to protect native vegetation and trees.
    - Sediment/Erosion Control.
    - Controls to prevent tracking on and off the site.
    - Non-storm water controls.
    - Material management (delivery and storage).
    - Spill Prevention and Control.
    - Waste Management
    - Identification of site Risk Level as identified per the requirements in Appendix 1 of the Construction General Permit.
    - Landowner must sign the following statement on the ESCP:

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

13. A State Construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.

14. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan, Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See Local Implementation Plan, Section 17, Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the Grading/Building permits for this project.

15. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    - Site Design Best Management Practices (BMP's)
    - Source Control BMP's
    - Treatment Control BMP's that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
    - Drainage Improvements
    - A plan for the maintenance and monitoring of the proposed treatment BMP's for the expected life of the structure.
    - A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
    - The WQMP shall be submitted to Public Works and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original singed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANOUS

16. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

17. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

    - The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
    - There are sufficient BMPs in place to prevent soil erosion; and
    - The discharge does not reach into the MS4 or to the ASBS (including tributaries)

    Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

    The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating **"It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)."** The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

18. **All improvements within the City's right-of-way including street improvements must be approved and in place prior to the issuance of any Building permits.**

COMMERCIAL DEVELOPMENT

19. All commercial developments shall be designed to control the runoff of pollutants from structures, parking and loading docks. The following minimum measures shall be implemented to minimize the impacts of commercial developments on water quality:

    - Properly designed Parking lots (5,000 square feet of impervious surface or 25 parking spaces.)
        i. Minimize impervious surfacing for parking area.
        ii. Infiltrate runoff before it reaches a storm drain system.
        iii. Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used.
        iv. Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal and system fouling and plugging prevention control.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW FOR TRAFFIC
REFERRAL SHEET

TO: Public Works Department DATE: 4/28/2015

FROM: Planning Division

PROJECT NUMBER:	CDP 15-028
JOB ADDRESS:	4000 MALIBU CANYON RD, Parcel
APPLICANT / CONTACT:	Bruce McBride
APPLICANT ADDRESS:	PO Box 6528 Malibu, CA 90264
APPLICANT PHONE #:	(310) 456-2600 x2
APPLICANT FAX #:	
PROJECT DESCRIPTION:	Malibu Memorial Park

TO: Planning Division and/or Applicant

FROM: Public Works Department Traffic Engineering

_____ The following items described on the attached memorandum shall be addressed and resubmitted.

✓ The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the planning process

_____ The project does require a parking study.

_____ The project does not require a parking study.

_____ The project requires a traffic impact analysis.

_____ A site circulation plan is required.

_____ A parking plan is required.

Jonathan Pichay
SIGNATURE

2-8-17
DATE

Rev 101014

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department **DATE:** 4/28/2015

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 15-028
JOB ADDRESS:	4000 MALIBU CANYON RD, Parcel
APPLICANT / CONTACT:	Bruce McBride
APPLICANT ADDRESS:	PO Box 6528 Malibu, CA 90264
APPLICANT PHONE #:	(805)298-6570
APPLICANT FAX #:	
PROJECT DESCRIPTION:	Church Memorial Park

TO: Malibu Planning Department and/or Applicant
FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

The project DOES require Fire Department Plan Review and Developer Fee payment	X
The project DOES NOT require Fire Department Plan Review	____
The required fire flow for this project is 2000 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)	HYDRANT(S) REQUIRED
The project is required to have an interior automatic fire sprinkler system.	X
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	X

Conditions below marked "not approved" shall be corrected on the site plan and resubmitted for Fire Department approval.

	App'd	N/app'd
Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.	X	____
Required and/or proposed Fire Department Vehicular Turnaround	X	____
Required 5 foot wide Fire Department Walking Access (including grade %)	X	____
Width of proposed driveway/access roadway gates	X	____

*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

**Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

M. BONNER — SIGNATURE

5/24/16 — DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM

GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Adrian Fernandez
Senior Planner

RE: AB52 consultation response for the Rancho Malibu Memorial Park and Chapel Project, 23825 Stuart Ranch Road Malibu, CA 90265

Dear Adrian Fernandez,

Oct 13, 2016

Please find this letter in response to your request for consultation dated Sep 30, 2016. I have reviewed the project site and do have concerns for cultural resources. Your project lies in an area where the Ancestral territories of the Kizh (Kitc) Gabrieleño's villages adjoined and overlapped with each other, at least during the Late Prehistoric and Protohistoric Periods. The homeland of the Kizh Gabrieleño was probably the most influential Native American group in aboriginal southern California (Bean and Smith 1978a:538), was centered in the Los Angeles Basin, and reached as far east as the San Bernardino-Riverside area. The homeland of our neighbors the Serranos was primarily the San Bernardino Mountains, including the slopes and lowlands on the north and south flanks. Whatever the linguistic affiliation, Native Americans in and around the project area exhibited similar organization and resource procurement strategies. Villages were based on clan or lineage groups. Their home/ base sites are marked by midden deposits often with bedrock mortars. During their seasonal rounds to exploit plant resources, small groups would migrate within their traditional territory in search of specific plants and animals. Their gathering strategies of ten left behind signs of special use sites, usually grinding slicks on bedrock boulders, at the locations of the resources.

Due to the project location and the high sensitivity of the area location, we would like to request one of our certified Native American Monitor to be on site during any and all ground disturbances (including but not limited to pavement removal, post holing, auguring, boring, grading, excavation and trenching) to protect any cultural resources which may be effected during construction or development. In all cases, when the Native American Heritage Commission states there are "no records of sacred sites in the project area" the NAHC will always refer lead agencies to the respective Native American Tribe because the NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & Tribal Historians are the experts for our Tribe and are able to provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area. While the property may be located in an area that has been previously developed, numerous examples can be shared to show that there still is a possibility that unknown, yet significant, cultural resources will be encountered during ground disturbance activities. Please note, if they haven't been listed with the NAHC, it doesn't mean that they aren't there. Not everyone reports what they know.

The recent implementation of AB52 dictates that lead agencies consult with Native American Tribes who can prove and document traditional and cultural affiliation with the area of said project in order to protect cultural resources. However, our tribe is connected Ancestrally to this project location area, what does Ancestrally or Ancestral mean? The people who were in your family in past times, Of, belonging to, inherited from, or denoting an ancestor or ancestors http://www.thefreedictionary.com/ancestral. Our priorities are to avoid and protect without delay or conflicts – to consult with you to avoid unnecessary destruction of cultural and biological resources, but also to protect what resources still exist at the project site for the benefit and education of future generations. At your convenience we can Consultation either by Phone or Face to face. Thank you

CC: NAHC

With respect,

Andrew Salas, Chairman
cell (626)926-4131

Andrew Salas, Chairman | Nadine Salas, Vice-Chairman | Christina Swindall Martinez, secretary
Albert Perez, treasurer I | Martha Gonzalez Lemos, treasurer II | Richard Gradias, Chairman of the council of Elders

Adrian Fernandez

From: Adrian Fernandez
Sent: Wednesday, November 09, 2016 11:15 AM
To: 'Kathleen Pappo'
Subject: RE: 4000 Malibu Canyon Rd - Malibu Memorial Park

Hello Ms. Pappo,

The project plans and other technical documents are available for public review at City Hall. We anticipate that the initial study will be available for public review on Monday, November 14, 2016. In the meantime, below is a link to the project's website, which currently includes a project description and a rendering of the chapel. This website will have a link to the initial study when available to the public. Please contact me should you need anything else.

http://www.malibucity.org/cemetery

Adrian Fernandez
Senior Planner
(310) 456-2489, extension 482

From: Kathleen Pappo [redacted]
Sent: Wednesday, November 02, 2016 6:34 PM
To: Adrian Fernandez <afernandez@malibucity.org>
Subject: Re: 4000 Malibu Canyon Rd - Malibu Memorial Park

I would like an outline of what this project is to be, please.

Kathleen Pappo

-----Original Message-----
From: Adrian Fernandez <afernandez@malibucity.org>
To: Kathleen Pappo <[redacted]
Cc: Bonnie Blue <bblue@malibucity.org>
Sent: Wed, Nov 2, 2016 6:03 pm
Subject: 4000 Malibu Canyon Rd - Malibu Memorial Park

Hello Ms. Pappo,

Please let me know what kind of information you would like. The archaeological files can be made available for your review at the City. Please coordinate with me if you would like to come in to review these documents.

Adrian Fernandez
Senior Planner
(310) 456-2489, extension 482

From: Kathleen Pappo [redacted]
Sent: Wednesday, November 02, 2016 6:52 AM
To: Adrian Fernandez <afernandez@malibucity.org>

Subject: Re: AB52 consultation respc ..e for the Rancho Malibu Memorial Park and Chapel Project, 23825 Stuart Ranch Road Malibu, CA 90265

Dear Adrian Fernandez,

I am Chumash. I have been made aware of this project and would like information regarding it, please. This project is in my territory.

I am a member of the Barbareno Ventureno Band of Mission Indians. I am an MLD.

Kathleen Pappo
[redacted]

-----Original Message-----
From: Adrian Fernandez <afernandez@malibucity.org>
To: Andy <[redacted]>
Cc: Bonnie Blue <bblue@malibucity.org>; Kathleen Pappo [redacted]
Sent: Tue, Nov 1, 2016 6:26 pm
Subject: RE: AB52 consultation response for the Rancho Malibu Memorial Park and Chapel Project, 23825 Stuart Ranch Road Malibu, CA 90265

Dear Mr. Salas,

Thank you for your email of November 1, 2016, responding to the City's consultation letter and request for a meeting/teleconference pursuant to AB 52. Based on your response, the subject project, Rancho Malibu Memorial Park Project, is located outside of your tribe's territory. Based on this information, we consider the AB 52 consultation with the Gabrieleno Band of Mission Indians – Kizh Nation to be complete at this time. Thank you again for the prompt attention and response you have given this matter. Best regards-

Adrian Fernandez
Senior Planner
(310) 456-2489, extension 482

From: Andy [redacted]
Sent: Tuesday, November 01, 2016 2:31 PM
To: Adrian Fernandez <afernandez@malibucity.org>
Cc: Bonnie Blue <bblue@malibucity.org>; Kathleen Pappo [redacted]
Subject: Re: AB52 consultation response for the Rancho Malibu Memorial Park and Chapel Project, 23825 Stuart Ranch Road Malibu, CA 90265

Dear Adrain

I am emailing you regarding this project location. We would like to thank you for contacting our tribe . However this location is out of our tribal territory, therefore we would like to defer this project to our sister tribe the Chumash . Thanks again for contacting us.

Sent from my iPhone

On Nov 1, 2016, at 10:38 AM, Adrian Fernandez <afernandez@malibucity.org> wrote:

> Good morning, Mr. Salas,

I am the case planner assigned to the Rancho Malibu Memorial Park and Chapel Project. We would like to set up a meeting with you for this week if possible. A teleconference would suffice. We would like to start the consultation process with you. We would also like for you to provide us with documentation of the significance of the project site. Please response at your earliest convenience. Thank you in advance for your assistance.

Adrian Fernandez
Senior Planner
(310) 456-2489, extension 482

From: Gabrieleno Band of Mission Indians [redacted]
Sent: Thursday, October 13, 2016 12:30 PM
To: Adrian Fernandez <afernandez@malibucity.org>
Subject: RE: AB52 consultation response for the Rancho Malibu Memorial Park and Chapel Project, 23825 Stuart Ranch Road Malibu, CA 90265

Please see attachment

Sincerely,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
[redacted]
website: www.gabrielenoindians.org

NATIVE AMERICAN MONITORING GROUP

January 20, 2017

Adrian Fernandez
Senior Planner
CITY OF MAILBU
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Malibu Memorial Park Project

Dear Mr. Fernandez:

The purpose of this letter is to address concerns regarding the above-described project. As the Most Likely Descendent "MLD" for the project and someone who has been involved with the project since inception for excavation and development, I would like to specifically address particular findings with regard to this site location.

Thorough site surveys, record searchers and archaeological testing have resulted in the identification of two prehistoric sites in the project area. One of these, CA-LAN-1715, has been determined through subsurface testing to have been highly disturbed during previous plant nursery operations and no longer meets the significant criteria under CEQA.

The second site, CA-LAN-266 does retain integrity, including the presence of a hearth feature and several flaked stone and ground stone tools within a relatively shallow deposit (60cm). This site does meet the significance criteria as a historical resource under CEQA. This site will be capped by fill soils to limit any further subsurface impacts.

Most important however, is that numerous archaeological studies conducted at the project site over the past dozen or so years, including subsurface test excavations, have shown no indication that the two archaeological sites contain human remains. That said, there are known and recognized cemetery complexes, within a mile of the proposed project site related to much large settlements at CA-LAN-264 (Humaliwo) and CA-LAN-267 (Sweetwater Mesa).

During my time on site for cultural resource monitoring over the course of the last 15 years approximately, and most recently in February and March of 2016 with ESA's archaeological field crew, archaeological deposits were limited to manos, cores and several flakes (Monterey Chert, Franciscan Chert and Quartzite). The amount of debitage collected most recently was sufficient to demonstrate that the Malibu Ranch location was once used by the Chumash for tool-making activities.

I feel confident that the City of Malibu has extensively reviewed and provided us with any and all information deemed to be sufficient and a solid approach to ensure no further disturbance. As the MLD of this site, I feel due diligence has been met by the developer and is in accordance with the current laws in place for said development within the proximity of a recorded archaeological site, and that no additional steps need to be taken. Hence, the project should be allowed to proceed without delay.

Notwithstanding the aforesaid, if specific factual information regarding the presence of burials at CA-LAN-266 is obtained, I would be interested in immediately reviewing such documentation.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly,

Beverly Salazar Folkes
Chumash Most Likely Descendent

cc: Bruce McBride

1931 Shady Brook Drive • Thousand Oaks, CA 91362 • (805) 492-7255 • Email: folkes9@msn.com

Adrian Fernandez

From: Adrian Fernandez
Sent: Monday, November 07, 2016 6:31 PM
To: 'Stephanie Cordoni'
Subject: RE: Cemetery

Hi Stephanie,

The environment document will be available for public review within the next few days. The public review period takes 30 days. The project will be scheduled for a public hearing sometime after that.

Adrian Fernandez
Senior Planner
(310) 456-2489, extension 482

From: Stephanie Cordoni [redacted]
Sent: Sunday, November 06, 2016 3:44 PM
To: Adrian Fernandez <afernandez@malibucity.org>
Subject: Cemetery

Hi Adrian,

I work for Dana Friedman, a resident of the City of Malibu. She would like to get an update on the cemetery construction process. Has it been approved? If not what is the process for approval?
I emailed you about this last year, see below.

Thank you for your attention to this matter.

Best,

Stephanie Cordoni
Personal Assistant to Dana Friedman
[redacted]

From: Stephanie Cordoni <[redacted]>
Sent: Monday, December 7, 2015 1:04 AM
To: afernandez@malibucity.org
Subject: Cemetery

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

For the attention of Mr Fernandez, case officer

Dear Adrian Fernandez

I would like to express how deeply discontented I am with the proposed construction of a cemetery at 4000 Malibu Canyon Road.
This is one of the largest remaining parcels of the city of Malibu and I feel it could be put to a much better use. Not to mention the fact that if the project is approved it is an irreversible decision since the land will become unusable to anything else in the future.
Taking in consideration that a piece of land this size could bring invaluable opportunities to the city of Malibu in the coming years, I think that at this moment it should be used for a less permanent project that the community might take advantage of.

Thank you for your attention this this matter.

Dana Friedman

5738 Calpine Dr
Malibu, CA 90265

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STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

December 20, 2016

Adrian Fernandez
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Subject: Malibu Memorial Park
SCH#: 2016111054

Dear Adrian Fernandez:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on December 19, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

SCH# 2016111054
Project Title Malibu Memorial Park
Lead Agency Malibu, City of

Type MND Mitigated Negative Declaration

Description The Malibu Memorial Park project consists of a chapel, 176 parking spaces, 47 freestanding mausoleum structures with a total square footage of 9,400, approximately 28,265 in-ground burial plot spaces intermittently located throughout the property, 3,644 interments in above grade well crypt structures and approximately 65,036 sf of walking trails on approximately 21.0 acres of the 27.8 acre site. The 28-foot in height chapel building consists of a 6,673 sf main level and 9,348 sf subterranean garage and basement located in the center of the project site. Visitor access will be provided by a system of pedestrian and golf cart trails used to access the individual mausoleums and burial plots. A sloping waterfall would mark the primary entrance from Malibu Canyon Road, with an additional water feature in the median of the entry driveway. The project is located in the commercial visitor serving-2 zoning district. The complete project description is provided in the initial study.

Lead Agency Contact

Name Adrian Fernandez
Agency City of Malibu
Phone (310) 456-2489 x 482 **Fax**
email
Address 23825 Stuart Ranch Road
City Malibu **State** CA **Zip** 90265

Project Location

County Los Angeles
City Malibu
Region
Lat / Long
Cross Streets Pacific Coast Hwy and Malibu Canyon Rd
Parcel No. 4458-030-007, -028-015, -019
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways
Waterways Pacific Coast
Schools Webster ES and Our Lady of Malibu Catholic Schools
Land Use Commercial visitor serving-2 (CV-2)

Project Issues

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 7; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission; Santa Monica Mountains Conservancy

Date Received 11/15/2016 **Start of Review** 11/18/2016 **End of Review** 12/19/2016

From: [redacted]
To: Adrian Fernandez
Subject: Malibu Memorial Park Project
Date: Thursday, December 29, 2016 10:41:29 AM

I currently work for the best in after care which is Guardian Aftercare from horses to hamsters and I know what the best is. It's about the people who provide aftercare for their loved ones.

Richard Weintraub should be heralded for his commitment to the residents of Malibu, those who are here and those who are no longer with us - including their animals.

I want to speak to who Richard is to me. He is not only a local, but someone who has helped so many in this community, animals included.

Basically, he can do whatever he wants to do with that land, instead of destroying this prime piece of property, he has a vision that bring the environment, sustainability and the community together.

Only Richard Weintraub, a long time Malibu resident can accomplish this the right way for Malibu.

It will be wildlife friendly, no poisons, and no Liberace-like mausoleums. We deserve this in Malibu.

I am in full support of the Malibu Memorial Park.

Sincerely,

Sherman Baylin
Small business owner in Malibu for 30 years.
29575 PCH Ste B
Malibu, CA. 90265
[redacted]

Sent from my iPhone

From: Diana Nicholson
To: Adrian Fernandez
Subject: Proposed Memorial Park
Date: Monday, January 02, 2017 5:59:20 PM

Hello Adrian,

I've read about the proposed plan to place a Memorial Park at Malibu Canyon and Pacific Coast Highway. I feel this is a welcome alternative to the proposed resort hotel which would have created additional congestion in the community. The commercial and residential construction in central Malibu has already been over developed. Thank you for your attention.

Diana Nicholson,
Malibu Resident since 1991
Pilates Instructor at Malibu Health Club since 2003

--
Diana Nicholson
Health Coach/Pilates/Yoga/Gyrotonic
www.malibubeachpilates.com
[redacted]

"Be brave enough to have a conversation that matters"
Dau Voire

PEPPERDINE UNIVERSITY

GOVERNMENTAL AND REGULATORY AFFAIRS

Mr. Adrian Fernandez
Senior Planner
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

February 21, 2017

Re: Responses to Comments Regarding Malibu Memorial Park (Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001)

Dear Adrian,

Thank you for your consideration of our comments on the Mitigated Negative Declaration ("MND") for the proposed Malibu Memorial Park project ("Project"). We received a letter dated January 20, 2017 entitled "Responses to Comments for the Malibu Memorial Park Environmental Review" that includes responses to our comments prepared by the applicant's consultant. We appreciate the applicant's willingness to address the issues raised in our comments. While we take no position on the Project and do not know whether the Project will result in unmitigable impacts, we do believe that further analysis is needed to address the potential traffic and parking impacts of the Project. Pepperdine University offers the following comments and suggestions in an effort to ensure that all potential traffic issues are fully and adequately analyzed in the MND for the proposed Project.

I. The MND Does Not Adequately Analyze Potential Traffic and Parking Impacts

Our initial comments primarily focused on whether the traffic analysis provided as part of the MND fully analyzed the potential traffic that might be generated by the Project. The applicant states in its response letter that "[f]uneral processions are limited duration events and categorically exempt from CEQA review." Regardless of whether funeral services and other special events at the Malibu Memorial Park are categorically exempt or will be limited in duration, the Project itself is not exempt from CEQA. As such, if the Project will accommodate special events, the potential traffic impacts of such events should be analyzed as part of a complete and adequate environmental analysis necessary for approval of the Project.

A. The MND Does Not Analyze the Full Range of Potential Traffic that May Be Generated

The analysis of traffic related to the Memorial Park provided in the MND, and the associated technical appendices, is based on potential traffic estimates derived from standard trip generation rates for a typical church and cemetery. These generic, nationwide rates predict relatively low levels of traffic for the Project, but do not account for the unique setting of the Memorial Park in Malibu and its potential to attract high-profile events that will have a high number of attendees such as large funeral processions, memorial services for celebrities, and other special events. Additionally, the analysis does not seem to take into account ongoing visitation of graves for interments of celebrities or other public figures on anniversaries of birthdays or deaths. Examples of ongoing visitation of high-profile celebrity graves in Los Angeles are plentiful and include gravesites for Marilyn Monroe and Michael Jackson, both of which have annual celebrations hosted by their respective cemeteries. While we do not know whether, or how often, these events would occur or whether they would create a traffic impact, we believe the MND should provide an analysis of these potential special events and ongoing visitation of high profile graves so the community has an opportunity to assess the impacts of the Project.

B. The MND Does Not Provide Sufficient Information about Potential Parking

The MND states that in addition to on-site parking, there are approximately 120 street parking spaces adjacent to the site that could be used by visitors to Malibu Memorial Park. In its response letter, the applicant has clarified that there are in fact 72 street parking spaces that may be used by visitors to the project. However, neither the MND nor the response letter clarify whether this parking would be adequate for a special event, or how the applicant or operator of Malibu Memorial Park would propose to deal with a large special event that would require additional parking. In supplemental information provided the City, the applicant suggested that the site may accommodate additional visitors through valet parking, but this information is not included in the MND.

C. The MND Does Not Adequately Address Potential Circulation Issues in the Area

Our initial comments also expressed concern that the MND stated that vehicles exiting the Memorial Park and returning to the Pacific Coast Highway could make a U-turn at the entrance to the Pepperdine University campus at Seaver Drive. The applicant's response indicates that these U-turns would be unlikely to occur and yet vehicles are required to turn right out of the Project onto Malibu Canyon Road with Malibu Canyon Road and Seaver Drive/Webb Way being the first intersection encountered. The applicant's response goes on to state that a U-turn prohibition sign at the Seaver Drive and Malibu Canyon Road intersection and a "No Memorial Park Traffic" sign at the entrance to the Pepperdine campus could address this issue. We do not take a position on whether a U-turn prohibition sign is appropriate; our primary concern is ensuring that planning for potential large-scale special events occurs in advance of the event through an appropriate Transportation Management Plan. Further, assuming signage is deemed appropriate in such a plan, then we would request that any signage required should be the responsibility of the applicant or operator of Malibu Memorial Park.

II. The City's Temporary Use Permit (TUP) Process Is Not Suited For These Special Events

In its response letter, the applicant suggests that any concerns about traffic generated by Malibu Memorial Park during large or special events could be addressed by existing City requirements for temporary events. The applicant states that "a special event can occur with large gatherings that may exceed the site's capacity. In those situations, a Temporary Use Permit (TUP) *may* be required after a review by City staff" (emphasis added). In its response, the applicant reiterates that "any planned events *that would be larger than the site's capacity* should require a special TUP permit evaluation and a determination of the potential impacts" (emphasis added).

A. The TUP Process May Not Address Potential Traffic Issues

In order to determine whether a TUP is an appropriate means of addressing potential impacts, it needs to be clear what types and size of events will trigger a TUP. The applicant has not specified the actual capacity of the proposed project nor provided an analysis of the traffic that would be generated by an event that would use the full capacity of the project but not require a TUP. Even if the City were to require a TUP for certain events that "would be larger than the site's capacity," the MND and the applicant's response do not fully address the traffic that may be generated by reasonably foreseeable special events at Malibu Memorial Park.

B. The City's TUP Process Is Ill-Suited for Special Events at Malibu Memorial Park

Even if the applicant were to clarify the type and size of events that would require a TUP, the City's TUP process appears to be ill-suited to address potential traffic issues related to events at Malibu Memorial Park. For example, applications for TUPs must be submitted to the City at least 35 days before an event,

with public notices mailed at least 32 days before the event.[1] For non-residential properties, TUPs are limited to six events in a calendar year.[2] The notice requirement seem unrealistic for implementation by the operator of Malibu Memorial Park given the nature of funeral services and the likely lack of adequate lead time. Further, a limitation of six TUPs per year detracts from the possibility of a TUP serving to assure the community that any traffic and parking impacts associated with large-scale events will be appropriately managed through a potential TUP process. Most importantly, it is not clear which events at the Memorial Park would trigger the requirement for a TUP. The applicant's proposed use has not been addressed by the City before, and it is not clear how the City's TUP requirements would apply to the Memorial Park.[3]

III. The MND Should Consider Measures to Address Special Event Traffic & Parking Impacts

As discussed above, the MND should analyze and address the full range of traffic issues that could be created by the proposed use of Malibu Memorial Park, specifically including large special events. Other cemetery projects, and other projects in the City of Malibu and surrounding areas, are subject to mitigation measures that restrict the scheduling of special events, and require the implementation of pre-designed transportation demand management plans for certain events. In fact, the applicant suggests in its response letter that a Transportation Management Plan may be appropriate for certain events at Malibu Memorial Park. If the additional analysis determines that special events at the Malibu Memorial Park could create congestion and significant impacts on surrounding intersections, we agree that a Transportation Management Plan, designed in advance of the need for one, might prove appropriate. The applicant might consider that the Transportation Management Plan include measures such as limiting special events of a certain size to occur outside of am/pm peaks or limiting the number of special events of a certain size.

IV. Conclusion

Thank you for your additional consideration of our concerns regarding the Memorial Park MND. We also appreciate the applicant's willingness to engage in further analysis and discussion. Should you have any questions, please do not hesitate to contact me at (310) 506-4702 or at rhiannon.bailard@pepperdine.edu.

Sincerely,

Rhiannon L. Bailard
Associate Vice President

Cc: Andrew K. Benton, President, Pepperdine University
Gary A. Hanson, Executive Vice President, Pepperdine University
Phil E. Phillips, Vice President for Administration, Pepperdine University

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[1] M.M.C. § 17.68.050.)
[2] M.M.C. § 17.68.010.)
[3] The City of Malibu requires a TUP for "Indoor and outdoor entertainment and assembly events including but not limited to weddings, fund-raisers, retreats, fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as: auditoriums, stadiums or other public assembly facilities, or private clubhouse facilities not associated with public cultural or recreational facilities." (M.M.C. § 17.68.040.)

SANTA MONICA MOUNTAINS CONSERVANCY
RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV

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March 8, 2017

Adrian Fernandez, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, California 90265

Malibu Memorial Park, Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001, Coastal Development Permit No. 15-028, and Other Associated Requested Approvals, 4000 Malibu Canyon Road, Winter Canyon Watershed

Dear Mr. Fernandez:

The proposed Malibu Memorial Park is inconsistent with the City of Malibu Local Coastal Program (LCP). The project is not visitor-serving. An amendment to the LCP would be required. The project should be treated consistent with the decision of the California Coastal Commission on the nearby Crummer project (Malibu Coast Estate/Crummer Trust Property Planning Development LCP Amendment No. LCP-4-MAL-14-0408-1), across Pacific Coast Highway. Thank you for your consideration. I can be reached by phone at (310) 589-3200, ext. 128 or by email at edelman@smmc.ca.gov.

Sincerely,

PAUL EDELMAN
Deputy Director for
Natural Resources and Planning

MOUNTAINS RECREATION & CONSERVATION AUTHORITY
Ramirez Canyon Park
5810 Ramirez Canyon Road
Malibu, California 90265
Phone (310) 589-3230 Fax (310) 589-3237

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March 1, 2017

Adrian Fernandez, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, California 90265

Malibu Memorial Park, Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001, Coastal Development Permit No. 15-028, and Other Associated Requested Approvals, 4000 Malibu Canyon Road, Winter Canyon Watershed

Dear Mr. Fernandez:

The Mountains Recreation and Conservation Authority (MRCA) offers the following comments on the Malibu Memorial Park and associated requested approvals. According to the Initial Study (IS)/Mitigated Negative Declaration (MND), the current proposal for the Malibu Memorial Park consists (in part) of the following: a chapel, 176 parking spaces, 47 freestanding mausoleum structures, approximately 28,265 in-ground burial plots spaces[1], 3,644 interments in above-grade crypt structures, and approximately 65,036 square feet of walking trails on approximately 21.0 acres of the 27.8-acre site. The project includes a site plan review for additional height for the chapel (over 18 feet but less than 28 feet), variance for non-exempt grading to cap the archaeological site (16,985 cubic yards in excess of maximum allowed), and a minor modification for reduced required front yard setback for mausoleums. The project is located in the Commercial Visitor Serving-2 zoning district.

In summary, the MRCA opposes the project for several reasons explained in more detail below in this letter. These include the following: inadequate IS/MND; inadequate mitigation for loss of Commercial Visitor Serving uses and associated inconsistency with the Local Coastal Program (LCP); and inadequate protection of, and mitigation for, impacts to biological resources, including environmentally sensitive habitat area (ESHA).

[1]This figure includes single, tandem, pet, and factional burial crypts. IS/MND, p. 2

As background, the Santa Monica Mountains Conservancy (Conservancy) currently owns the approximately 84-acre Malibu Bluffs Open Space, located south of the project site and west of the City's Malibu Bluffs Park. The Malibu Bluffs Open Space supports rare coastal bluff habitat and provides visitor-serving trails.

Unmitigated Significant, Adverse Impacts to Land Use

We respectfully disagree with the assertion that there would be a less than significant impact to land use. The project would conflict with the LCP, specifically with respect to its inconsistency with the existing LCP zoning and land use designation of Commercial Visitor Serving-2. In addition, the IS/MND does not address the inconsistency of the project with numerous Land Use Plan (LUP) policies, which emphasize the importance of providing visitor-serving uses and recreational opportunities (see Attachment A).

There was a previous application to the City for a hotel use on this site, a use that is allowed in this zone with a conditional use permit (according to Table 1 of the Local Implementation Plan [LIP]). Developers have been attempting to permit a hotel at the project site for many years.[2] The California Coastal Commission approved (in June 1986) a 300-room hotel and other associated development. The City Council approved a 146-room hotel design in 1998. A new Draft Environmental Impact Report was prepared for a 146-room hotel in October 2013. The LIP specifically identifies a hotel as an identified use. According to the LIP Section 3.3 K.1.:

> The CV-2 District is intended to provide for visitor serving uses, including hotels serving visitors and residents, that are designed to be consistent with the rural character and natural environmental setting.

To reiterate, some form of a hotel has been considered onsite since 1986, and up to 2013. Commercial visitor-serving uses, which include hotels, were contemplated on this site when the Malibu LCP was certified in 2002.

A cemetery is not an allowed use in this zone. According to the City's staff report and minutes, the City Planning Commission (September 21, 2015 hearing) made a determination that a cemetery or memorial park is similar to, and not more objectionable than, the permitted or conditionally permitted uses in the Commercial Visitor Serving-2 zoning district. The City compared the proposed use of a cemetery/memorial park to potentially similar CV-2 uses of a park, as well as churches, temples and other places of worship. The Planning Commission determined that a cemetery/memorial park with assembly structure is a permitted use in this zoning district, subject to obtaining a conditional use permit.

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[2] Rancho Malibu Hotel Project, Public Draft Environmental Impact Report State Clearinghouse No. 2012051035, Prepared by City of Malibu, Prepared with the assistance of AMEC, October 2013.

In fact, the City's staff report raises plenty of questions as to whether this determination is appropriate. The staff report (p. 5) states that this is the largest vacant CV parcel in Malibu and that zone CV-2 is the only zone for hotel use.[3] The staff report (p. 5) asks "May not be accessible to general public?" and states (pp. 4-5) that a cemetery/memorial park is "[N]ot highly visitor-serving, unless grounds are available as open space, chapel is available for public worship, or celebrity graves become a tourist attraction."

The City has argued for a novel use in this zone, without adequately accounting for the loss of potential visitor-serving uses, if an actual visitor-serving allowed use (i.e., a hotel) were implemented.

The IS/MND is deficient for not addressing the inconsistency of the project with numerous LUP policies, which emphasize the importance of providing visitor-serving uses and recreational opportunities, and particularly low-cost visitor-serving opportunities (see Attachment A). The project would have an adverse effect on priority visitor-serving opportunities in the area. It would reduce the potential for visitor-serving and affordable overnight accommodation use in this area and result in a lower priority land use. This site is in an opportune location for visitor-serving uses, being near the Civic Center and downtown Malibu, Pepperdine University, Malibu Bluffs Park, Malibu Bluffs Open Space, Pacific Coast Highway (PCH), public bus stops, and beach accessways along Malibu Road. A cemetery is not an allowed use in this zone. The cemetery/memorial park was not contemplated when the 2002 Malibu LCP was certified. A memorial park primarily geared to visitors of the graves, crypts, and mausoleums is not providing an equivalent visitor-serving use as a hotel would. A memorial park would serve a much narrower range of visitors than another permitted use, such as a hotel, which would serve visitors from a much larger geographic area (visitors from local areas, throughout the region, from the State, from the United States, and potentially from other countries). This project approval would mean that land once designated for commercial visitor-serving uses would primarily benefit clients of the cemetery/memorial park. An undetermined, speculative number of public visitors of the public to a cemetery/memorial park is not comparable to the enormous visitor-serving benefits associated with a hotel.

A LCP amendment is needed to accommodate the proposed memorial park use. <u>There must be adequate mitigation to offset the inconsistency with the LCP zoning, land use designation, and policies, as well as the severe reduction in visitor-serving uses. The applicant must offer, and the City must condition the project, to pay an in-lieu fee to an agency acceptable to the City of Malibu and California Coastal Commission for use in developing low-cost visitor accommodations.</u> There is an excellent example of how a similar situation was handled by the California Coastal Commission for the Crummer project across the street (Malibu Coast Estate/Crummer Trust Property Planning Development LCP Amendment No. LCP-4-MAL-14-0408-1). The Malibu Memorial Park

[3]City of Malibu Planning Commission Agenda Report, September 8, 2015, Item 5.F. Request for Determination of Use - Cemetery/Memorial Park with Assembly Structure in Commercial Visitor Service-Two Zone

project will adversely impact visitor-serving uses at least as much as would the Crummer project. The Crummer project involved a change from Commercial Visitor Serving-2 to Residential/Recreational (Planned Development; consisting of five single-family residences and one lot to expand the City of Malibu Bluffs Park for active recreational use). An agreement was reached whereby the property owner would enter into an agreement to pay an in-lieu mitigation fee for use in developing low-cost visitor-serving overnight accommodations.

Biological Significance of Project Site

The subject site represents one of two remaining habitat linkages between the main body of the Santa Monica Mountains and Malibu Bluffs. The other connection is via Puerco Canyon to the west. As part of the approval for the Crummer project, just south of the subject site, a conservation easement was required. In addition, a land use restriction was required on the open space on the Towing site, just east of the Crummer site. The subject project site contains a critical portion of the habitat linkage with the greatest long-term viability between the Conservancy's Malibu Bluffs Open Space and the nearest large block of habitat located just northeast of the Malibu Canyon Road entrance of Pepperdine University. The project site supports sensitive habitats and plant communities including intact coastal sage scrub and foothill needlegrass patches.[2]

The MRCA is interested in ensuring an adequate habitat linkage through the property and maximizing both the retention and unit integrity of the contiguous block of high quality coastal sage scrub habitat onsite. The Conservancy's Malibu Bluffs Open Space immediately southwest of the project site, on the opposite side of PCH, represents a regionally significant block of highly accessible, intact, coastal habitat. The Malibu Bluffs contain a unique assemblage of coastal sage scrub, chaparral, and coastal bluff vegetation elements that is rare in the Santa Monica Mountains. Without question, virtually all mammal, and selected bird populations, will experience an ongoing decline in vigor if this habitat block becomes isolated from the main body of the Santa Monica Mountains.

The project proposes to transform a primarily undeveloped open space site in a regionally significant area to an urban use. Given the project location, the biological resources onsite, and the scale of the proposed development, the currently proposed project does not adequately protect, or mitigate the loss, of this ESHA and habitat linkage on the project site.

Inadequate Identification and Analysis of Impacts to Biological Resources

The IS/MND is inadequate in the identification of, analysis of, and mitigation for impacts to biological resources. We strongly disagree with the statement from the IS/MND (p. 59): "[T]he property is considered functionally isolated from the Santa Monica Mountains and Malibu Bluffs Park." We also disagree with the statement that "...the habitats on the

property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks." In addition, the discussion in the IS/MND (Section [d], p. 59) regarding impacts to movement of native wildlife species is grossly deficient.

While it is well known that roads can fragment habitat and diminish the quality, we also know that there is still habitat connectivity in this area, even with the presence of Malibu Canyon Road and PCH. Our staff has seen a coyote trotting by Malibu Bluffs along PCH, a white-tailed kite in trees on Malibu Bluffs, deer on the lawn on Malibu Canyon Road, and ducks stopping traffic on Malibu Canyon Road. Birds can easily fly over roads and mammals can make successful road crossings, particularly at low traffic levels (e.g., in the late night and early morning hours). Early morning (1:30 a.m. to 4:30 a.m.) traffic volumes on PCH and Malibu Canyon Road likely permit successful wildlife crossings of these roadways by mammals, bird species sensitive to human presence, and possibly even reptiles.

Looking at aerial photos, the native habitat by Pepperdine is clearly connected to and through the project site, to the Crummer site south of PCH (including the conservation easement), then through to the Conservancy-owned Malibu Bluffs Open Space.

Also, the IS/MND does not even include a quantification of the permanent impacts to sensitive native plant communities such as coastal sage scrub and foothill needlegrass grassland. The IS/MND is deficient for not identifying on a figure what is the open space to remain, including acres of plant communities, that would not be impacted by direct development of the project, non-native landscaping, fuel modification, or other permanent disturbance.

Specifically, the IS/MND is deficient for not providing a clear figure depicting the areas of required fuel modification on the site. How could decision makers know how much coastal sage scrub will be permanently disturbed and thus type converted? The discussion of fire hazards is cursory (Section [h], p. 94 of IS/MND). For example, the IS/MND states simply: "All project construction would be in compliance with the....codes of the Los Angeles County Fire Department..." For example, what is the width of the required fuel modification zone for the crypts and mausoleums? We recommend that the Fuel Modification Plan require only native vegetation in the fuel modification zones in the open space to remain along the eastern and southern borders of the property in order to maximize the per-acre habitat value of the remaining corridor area. If there is fuel modification required in the remaining open space, we recommend that the project designers strive to maintain at least a 30-foot-wide continuous undisturbed swath along the eastern property boundary (outside of the landscaped area pursuant to the landscape plan approved by the City).

The IS/MND (p. 7) states that "[T]he unstable slopes to the north, east and south (approximately seven acres) would be maintained in their natural condition." A figure should be provided clearly delineating the area to be undisturbed and the mechanism to

protect the open space in perpetuity should be included in the project conditions. See Need for a Conservation Easement, below.

Need for a Conservation Easement

In order to partially offset the anticipated impacts to wildlife movement and sensitive habitats, the proposed project should include a voluntary offer of a conservation easement over the undeveloped portions of the property. The conservation easement should include the open space currently shown on the site plan where no improvements are proposed. This conservation easement should also include an additional narrow stretch (30-feet-wide) along the northeastern stretch of the property where landscaping is currently proposed (see attached proposed conservation easement area). In this narrow stretch in the northeastern portion of the property, the proposed perimeter hedge should be removed from the landscape plan in order to allow optimal, low-impedance wildlife movement conditions. In this area, with respect to trees, only native trees should be allowed to be planted. This conservation easement would serve to maintain the habitat linkage from the natural habitat to the north by Pepperdine University, through the subject site, through the Crummer site (south of PCH), to the native habitat on Malibu Bluffs Open Space.

This offer of a conservation easement should be included in the project description and the project conditions of approval. Such offer could be made to the MRCA. To provide adequate permanent mitigation, this conservation easement must be recorded with a certificate of acceptance signed by the accepting agency prior to the issuance of any and all permits, vegetation removal, grading, or construction. The conservation easement should prohibit all development and other uses, including fencing, post-project grading, lighting, accessory structures, impenetrable hedges, planting of vegetation that impedes movement of large mammals, concrete or other hard sculptures, and signage. There would be an allowance for the one pathway shown connecting to Civic Center Way. Planting of non-native plant species should be prohibited, except along the northerly 600 linear feet, in accordance with a landscape plan approved by the City of Malibu. Planting of non-native trees should be prohibited throughout the entire area of the conservation easement. The project should be conditioned to avoid light spillover into the conservation easement. Existing utilities would be permitted.

Some of the required restoration for impacts to sensitive habitats could be implemented in the most northerly tip of the property, within the conservation easement. The IS/MND (p. 60) states that habitat restoration is one of the options to mitigate the impacts to the dense, intact coastal sage scrub, foothill needlegrass patches, and successional coastal sage scrub with ornamentals.

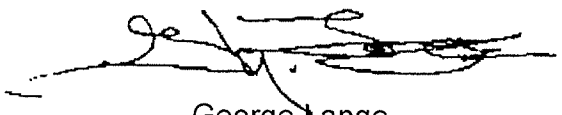
Visual Impacts

The MRCA recommends that the project be designed to avoid significant, adverse views of structures (including the chapel [height over 18 feet but less than 28 feet; IS/MND, p. 10], mausoleum [12 to 14 feet in height and width; IS/MND, p. 26], and crypts) from scenic roads including PCH and Malibu Canyon Road.

According to the IS/MND (p. 36), the standards of the LIP for night lighting would be added to the project as standard conditions. These standards require that exterior lights be minimized, restricted to low intensity features, shielded, and concealed to the maximum extent feasible. In order to protect wildlife movement along the northeastern border of the site and to adhere with dark sky purposes, the project should be conditioned to require the following for a pedestrian walking down Civic Center Way from Malibu Canyon Road: (1) no night lighting elements are visible, and (2) light spillage does not exceed 2/100 of a foot-candle, or the equivalent of two full moons. (One full moon is approximately equivalent to 1/100 of a foot-candle.)

Thank you for your consideration. Should you have any questions, please contact Paul Edelman, Chief of Natural Resources and Planning, by phone at (310) 589-3230, ext. 128 or by email at paul.edelman@mrca.ca.gov.

Sincerely,



George Lange
Chairperson

Attachment A
Some Local Coastal Program Elements Not Addressed in Initial Study/Mitigated Negative Declaration for Malibu Memorial Park

Land Use Plan Policies:

2.33 Priority shall be given to the development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, priority shall be given to such use over private residential or general commercial development. New visitor-serving uses shall not displace existing low-cost visitor-serving uses unless an equivalent replacement is provided.

2.34 Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. New lower cost visitor and recreation facilities, including overnight accommodations, shall be encouraged and provided, where designated on the LUP Map. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources.

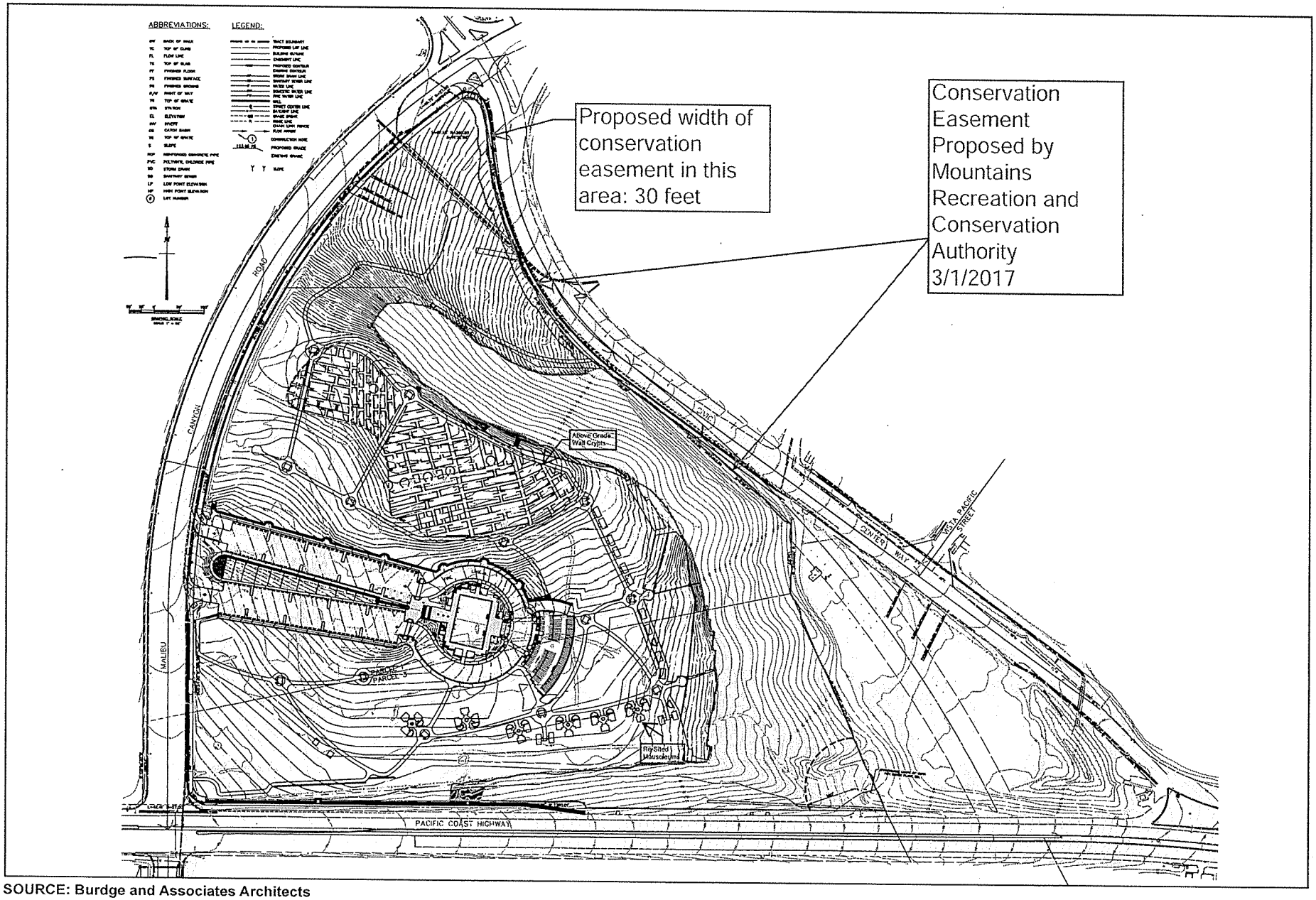
2.36 Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.

2.37 Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

c.2. COMMERCIAL VISITOR SERVING (CV): The CV designation provides for visitor serving uses such as hotels and restaurants that are designed to be consistent with the rural character and natural environmental setting, as well as public open space and recreation uses.

Local Implementation Program Excerpt:

Section 3.3 K.1.: The CV-2 District is intended to provide for visitor serving uses, including hotels serving visitors and residents, that are designed to be consistent with the rural character and natural environmental setting.



SOURCE: Burdge and Associates Architects

FIGURE 1a

Proposed Project Site Plan

IMPACT SCIENCES

0592.004-11/16

STATE OF CALIFORNIA–THE NATURAL RESOURCES AGENCY
EDMUND G. BROWN, JR., *Governor*

SANTA MONICA MOUNTAINS CONSERVANCY
RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV

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February 27, 2017

Adrian Fernandez, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, California 90265

Malibu Memorial Park, Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001, Coastal Development Permit No. 15-028, and Other Associated Requested Approvals, 4000 Malibu Canyon Road, Winter Canyon Watershed

Dear Mr. Fernandez:

The Santa Monica Mountains Conservancy (Conservancy) has been following closely the different development proposals on the subject property over the years. The Conservancy has sent several comment letters on the Rancho Malibu Hotel, previously proposed on the property (November 4, 2013; May 21, 2012; October 6, 1997; August 19, 1996; and June 19, 1995). According to the Initial Study (IS)/Mitigated Negative Declaration (MND), the current proposal for the Malibu Memorial Park consists (in part) of the following: a chapel, 176 parking spaces, 47 freestanding mausoleum structures, approximately 28,265 in-ground burial plots spaces[1], 3,644 interments in above-grade crypt structures, and approximately 65,036 square feet of walking trails on approximately 21.0 acres of the 27.8-acre site. The project includes a site plan review for additional height for the chapel (over 18 feet but less than 28 feet), variance for non-exempt grading to cap the archaeological site (16,985 cubic yards in excess of maximum allowed), and a minor modification for reduced required front yard setback for mausoleums. The project is located in the Commercial Visitor Serving-2 zoning district.

In summary, the Conservancy opposes the project for several reasons explained in more detail below in this letter. These include the following: inadequate IS/MND; inadequate

[1]This figure includes single, tandem, pet, and factional burial crypts. IS/MND, p. 2

mitigation for loss of Commercial Visitor Serving uses and associated inconsistency with the Local Coastal Program (LCP); and inadequate protection of, and mitigation for, impacts to biological resources, including environmentally sensitive habitat area (ESHA).

As background, the Conservancy currently owns the approximately 84-acre Malibu Bluffs Open Space, located south of the project site and west of the City's Malibu Bluffs Park. The Malibu Bluffs Open Space supports rare coastal bluff habitat and provides visitor-serving trails.

Unmitigated Significant, Adverse Impacts to Land Use

We respectfully disagree with the assertion that there would be a less than significant impact to land use. The project would conflict with the LCP, specifically with respect to its inconsistency with the existing LCP zoning and land use designation of Commercial Visitor Serving-2. In addition, the IS/MND does not address the inconsistency of the project with numerous Land Use Plan (LUP) policies, which emphasize the importance of providing visitor-serving uses and recreational opportunities (see Attachment A).

According to the LIP Section 3.3 K.1.:

> The CV-2 District is intended to provide for visitor serving uses, including hotels serving visitors and residents, that are designed to be consistent with the rural character and natural environmental setting.

Commercial visitor-serving uses were contemplated on this site when the Malibu LCP was certified in 2002.

A cemetery is not an allowed use in this zone. A cemetery is not a visitor-serving use. According to the City's staff report and minutes, the City Planning Commission (September 21, 2015 hearing) made a determination that a cemetery or memorial park is similar to, and not more objectionable than, the permitted or conditionally permitted uses in the Commercial Visitor Serving-2 zoning district. The City compared the proposed use of a cemetery/memorial park to potentially similar CV-2 uses of a park, as well as churches, temples and other places of worship. The Planning Commission determined that a cemetery/memorial park with assembly structure is a permitted use in this zoning district, subject to obtaining a conditional use permit.

In fact, the City's staff report raises plenty of questions as to whether this determination is appropriate. The staff report (p. 5) states that this is the largest vacant CV parcel in Malibu.[2] The staff report (p. 5) asks "May not be accessible to general public?" and states (pp. 4-5) that a cemetery/memorial park is "[N]ot highly visitor-serving, unless grounds are available as open space, chapel is available for public worship, or celebrity graves become a tourist attraction."

The City has argued for a novel use in this zone, without adequately accounting for the loss of potential visitor-serving uses.

The IS/MND is deficient for not addressing the inconsistency of the project with numerous LUP policies, which emphasize the importance of providing visitor-serving uses and recreational opportunities, and particularly low-cost visitor-serving opportunities (see Attachment A). The project would have an adverse effect on priority visitor-serving opportunities in the area. It would reduce the potential for visitor-serving use in this area and result in a lower priority land use. This site is in an opportune location for visitor-serving uses, being near the Civic Center and downtown Malibu, Pepperdine University, Malibu Bluffs Park, Malibu Bluffs Open Space, Pacific Coast Highway (PCH), public bus stops, and beach accessways along Malibu Road. A cemetery is not an allowed use in this zone. The cemetery/memorial park was not contemplated when the 2002 Malibu LCP was certified. A memorial park primarily geared to visitors of the graves, crypts, and mausoleums is not providing a visitor-serving use. A memorial park would serve a much narrower range of visitors than would a visitor-serving permitted use. This project approval would mean that land once designated for commercial visitor-serving uses would primarily benefit clients of the cemetery/memorial park. An undetermined, speculative number of public visitors to a cemetery/memorial park does not qualify this proposed use as a visitor-serving use.

A LCP amendment is needed to accommodate the proposed memorial park use. <u>There must be adequate mitigation to offset the inconsistency with the LCP zoning, land use designation, and policies, as well as the severe reduction in visitor-serving uses. The applicant must offer, and the City must condition the project, to pay an in-lieu fee to a agency acceptable</u>

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[2]City of Malibu Planning Commission Agenda Report, September 8, 2015, Item 5.F. Request for Determination of Use - Cemetery/Memorial Park with Assembly Structure in Commercial Visitor Service-Two Zone

to the City of Malibu and California Coastal Commission for use in developing low-cost visitor accommodations. There is an excellent example of how a similar situation was handled by the California Coastal Commission for the Crummer project across the street (Malibu Coast Estate/Crummer Trust Property Planned Development LCP Amendment No. LCP-4-MAL-14-0408-1). The Malibu Memorial Park project will adversely impact visitor-serving uses at least as much as would the Crummer project. The Crummer project involved a change from Commercial Visitor Serving-2 to Residential/Recreational (Planned Development; consisting of five single-family residences and one lot to expand the City of Malibu Bluffs Park for active recreational use). An agreement was reached whereby the property owner would enter into an agreement to pay an in-lieu mitigation fee for use in developing low-cost visitor-serving overnight accommodations.

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The subject site represents one of two remaining habitat linkages between the main body of the Santa Monica Mountains and Malibu Bluffs. The other connection is via Puerco Canyon to the west. As part of the approval for the Crummer project, just south of the subject site, a conservation easement was required. In addition, a land use restriction was required on the open space on the Towing site, just east of the Crummer site. The subject project site contains a critical portion of the habitat linkage with the greatest long-term viability between the Conservancy's Malibu Bluffs Open Space and the nearest large block of habitat located just northeast of the Malibu Canyon Road entrance of Pepperdine University. The project site supports sensitive habitats and plant communities including intact coastal sage scrub and foothill needlegrass patches.[3]

The Conservancy is interested in ensuring an adequate habitat linkage through the property and maximizing both the retention and unit integrity of the contiguous block of high quality coastal sage scrub habitat onsite. The Conservancy's Malibu Bluffs Open Space immediately southwest of the project site, on the opposite side of PCH, represents a regionally significant block of highly accessible, intact, coastal habitat. The Malibu Bluffs contain a unique assemblage of coastal sage scrub, chaparral, and coastal bluff vegetation elements that is rare in the Santa Monica Mountains. Without question, virtually all

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mammal, and selected bird populations, will experience an ongoing decline in vigor if this habitat block becomes isolated from the main body of the Santa Monica Mountains.

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The IS/MND is inadequate in the identification of, analysis of, and mitigation for impacts to biological resources. We strongly disagree with the statement from the IS/MND (p. 59): "[T]he property is considered functionally isolated from the Santa Monica Mountains and Malibu Bluffs Park." We also disagree with the statement that "...the habitats on the property are not considered ESHA because the property lacks connectivity to other nearby large native habitat blocks." In addition, the discussion in the IS/MND (Section [d], p. 59) regarding impacts to movement of native wildlife species is grossly deficient.

While it is well known that roads can fragment habitat and diminish the quality, we also know that there is still habitat connectivity in this area, even with the presence of Malibu Canyon Road and PCH. Our staff has seen a coyote trotting by Malibu Bluffs along PCH, a white-tailed kite in trees on Malibu Bluffs, deer on the lawn on Malibu Canyon Road, and ducks stopping traffic on Malibu Canyon Road. Birds can easily fly over roads and mammals can make successful road crossings, particularly at low traffic levels (e.g., in the late night and early morning hours). Early morning (1:30 a.m. to 4:30 a.m.) traffic volumes on PCH and Malibu Canyon Road likely permit successful wildlife crossings of these roadways by mammals, bird species sensitive to human presence, and possibly even reptiles.

Looking at aerial photos, the native habitat by Pepperdine is clearly connected to and through the project site, to the Crummer site south of PCH (including the conservation easement), then through to the Conservancy-owned Malibu Bluffs Open Space.

Also, the IS/MND does not even include a quantification of the permanent impacts to sensitive native plant communities such as coastal sage scrub and foothill needlegrass grassland. The IS/MND is deficient for not identifying on a figure what is the open space to remain, including acres of plant communities, that would not be impacted by direct

development of the project, non-native landscaping, fuel modification, or other permanent disturbance.

Specifically, the IS/MND is deficient for not providing a clear figure depicting the areas of required fuel modification on the site. How could decision makers know how much coastal sage scrub will be permanently disturbed and thus type converted? The discussion of fire hazards is cursory (Section [h], p. 94 of IS/MND). For example, the IS/MND states simply: "All project construction would be in compliance with the....codes of the Los Angeles County Fire Department..." For example, what is the width of the required fuel modification zone for the crypts and mausoleums? We recommend that the Fuel Modification Plan require only native vegetation in the fuel modification zones in the open space to remain along the eastern and southern borders of the property in order to maximize the per-acre habitat value of the remaining corridor area. If there is fuel modification required in the remaining open space, we recommend that the project designers strive to maintain at least a 30-foot-wide continuous undisturbed swath along the eastern property boundary (outside of the landscaped area pursuant to the landscape plan approved by the City).

The IS/MND (p. 7) states that "[T]he unstable slopes to the north, east and south (approximately seven acres) would be maintained in their natural condition." A figure should be provided clearly delineating the area to be undisturbed and the mechanism to protect the open space in perpetuity should be included in the project conditions. See Need for a Conservation Easement, below.

Need for a Conservation Easement

In order to partially offset the anticipated impacts to wildlife movement and sensitive habitats, the proposed project should include a voluntary offer of a conservation easement over the undeveloped portions of the property. The conservation easement should include the open space currently shown on the site plan where no improvements are proposed. This conservation easement should also include an additional narrow stretch (30-feet-wide) along the northeastern stretch of the property where landscaping is currently proposed (see attached proposed conservation easement area). In this narrow stretch in the northeastern portion of the property, the proposed perimeter hedge should be removed from the landscape plan in order to allow optimal, low-impedance wildlife movement conditions. In this area, with respect to trees, only native trees should be allowed to be planted. This conservation easement would serve to maintain the habitat linkage from the natural habitat

to the north by Pepperdine University, through the subject site, through the Crummer site (south of PCH), to the native habitat on Malibu Bluffs Open Space.

This offer of a conservation easement should be included in the project description and the project conditions of approval. Such offer could be made to the Mountains Recreation and Conservation Authority. To provide adequate permanent mitigation, this conservation easement must be recorded with a certificate of acceptance signed by the accepting agency prior to the issuance of any and all permits, vegetation removal, grading, or construction. The conservation easement should prohibit all development and other uses, including fencing, post-project grading, lighting, accessory structures, impenetrable hedges, planting of vegetation that impedes movement of large mammals, concrete or other hard sculptures, and signage. There would be an allowance for the one pathway shown connecting to Civic Center Way. Planting of non-native plant species should be prohibited, except along the northerly 600 linear feet, in accordance with a landscape plan approved by the City of Malibu. Planting of non-native trees should be prohibited throughout the entire area of the conservation easement. The project should be conditioned to avoid light spillover into the conservation easement. Existing utilities would be permitted.

Some of the required restoration for impacts to sensitive habitats could be implemented in this northerly area, within the conservation easement. The IS/MND (p. 60) states that habitat restoration is one of the options to mitigate the impacts to the dense, intact coastal sage scrub, foothill needlegrass patches, and successional coastal sage scrub with ornamentals.

Visual Impacts

The Conservancy recommends that the project be designed to avoid significant, adverse views of structures (including the chapel [height over 18 feet but less than 28 feet; IS/MND, p. 10], mausoleum [12 to 14 feet in height and width; IS/MND, p. 26], and crypts) from scenic roads including PCH and Malibu Canyon Road.

According to the IS/MND (p. 36), the standards of the LIP would be added to the project as standard conditions. These standards require that exterior lights be minimized, restricted to low intensity features, shielded, and concealed to the maximum extent feasible. In order to protect wildlife movement along the northeastern border of the site and to adhere with dark sky purposes, the project should be conditioned to require the following for a pedestrian walking down Civic Center Way from Malibu Canyon Road: (1) no night lighting elements are visible, and (2) light spillage does not exceed 2/100 of a foot-candle, or the

equivalent of two full moons. (One full moon is approximately equivalent to 1/100 of a foot-candle.)

Thank you for your consideration. Should you have any questions, please contact Paul Edelman, Deputy Director for Natural Resources and Planning phone at (310) 589-3200, ext. 128 or by email at edelman@smmc.ca.gov.

Sincerely,

Irma Muñoz
Chairperson

Attachment A
Some Local Coastal Program Elements Not Addressed in Initial Study/Mitigated Negative Declaration for Malibu Memorial Park

Land Use Plan Policies:

2.33 Priority shall be given to the development of visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation. On land designated for visitor-serving commercial and/or recreational facilities, priority shall be given to such use over private residential or general commercial development. New visitor-serving uses shall not displace existing low-cost visitor-serving uses unless an equivalent replacement is provided.

2.34 Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. New lower cost visitor and recreation facilities, including overnight accommodations, shall be encouraged and provided, where designated on the LUP Map. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources.

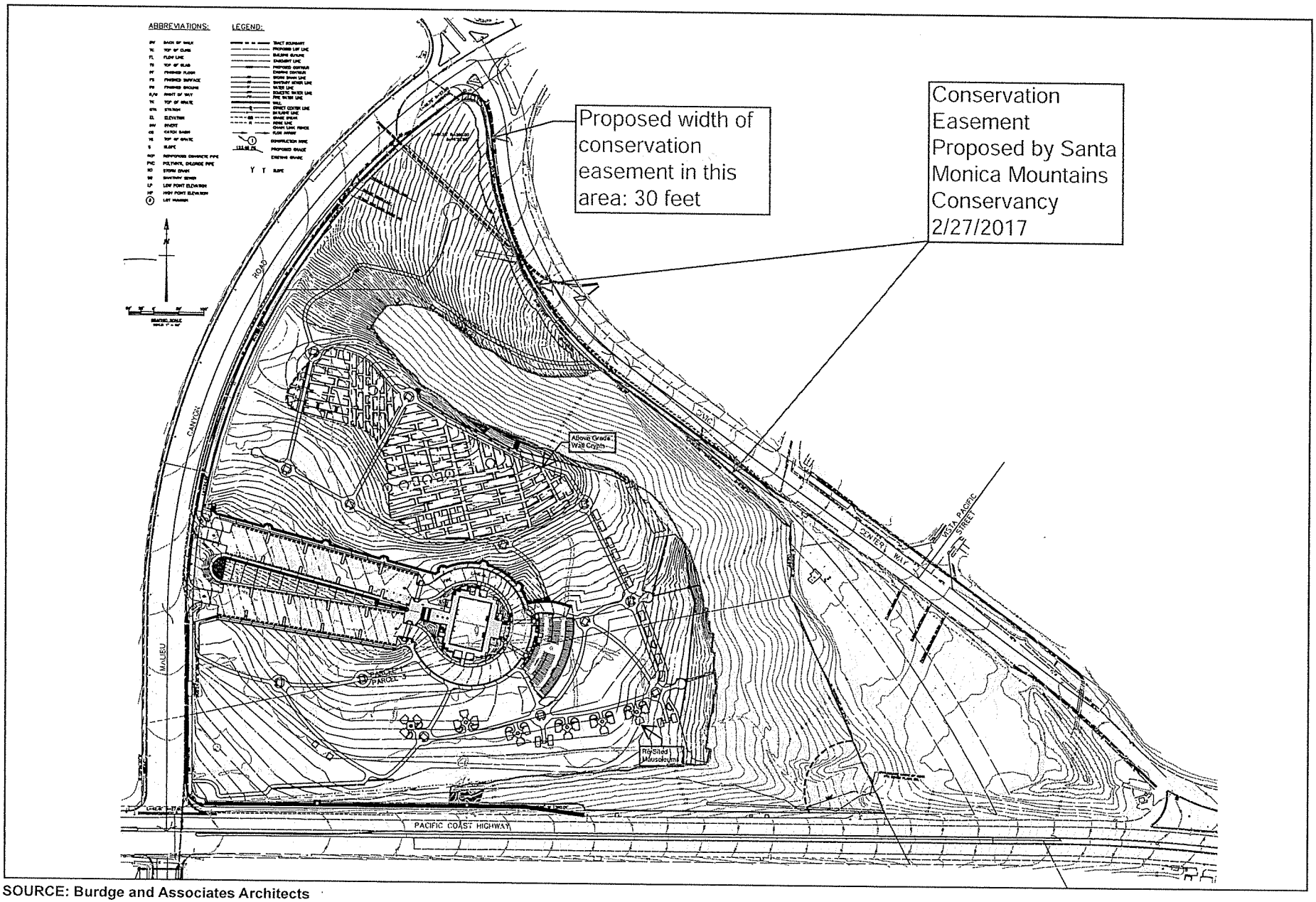
2.36 Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.

2.37 Priority shall be given to the development of visitor-serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor-serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor-serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

C.2. COMMERCIAL VISITOR SERVING (CV): The CV designation provides for visitor serving uses such as hotels and restaurants that are designed to be consistent with the rural character and natural environmental setting, as well as public open space and recreation uses.

Local Implementation Program Excerpt:

Section 3.3 K.1.: The CV-2 District is intended to provide for visitor serving uses, including hotels serving visitors and residents, that are designed to be consistent with the rural character and natural environmental setting.



SOURCE: Burdge and Associates Architects

FIGURE 1a

Proposed Project Site Plan

IMPACT SCIENCES

0592.004-11/16

Richard Mollica

From: Yusuf Broachwala [redacted]
Sent: Wednesday, April 05, 2017 9:29 AM
To: Richard Mollica
Subject: RE: Malibu Memorial Park

RECEIVED
APR 05 2017
PLANNING DEPT.

Hi Richard
Thank you. Here are some of our concerns:

1. Quality of Life:
    1. Having a Chapel at that location may be OK but adding a cemetery with crypts and Mausoleums changes the quality of life, it brings sadness and changes perspective of the beauty and scenic view of the area. As a resident of that area, we would pass the Malibu canyon/ PCH corner all the time - like going to the park, going shopping, essentially going anywhere, we want to enjoy the beauty of that area that is not marred by a cemetery
    2. A cemetery in that location will reduce the value and demand of homes in that area as majority of people feel creepy driving or walking past a Cemetery
    3. We are also concerned about losing property value if the Cemetery and mausoleums can be see from our location and PCH
2. Water supply quality and potential of leachates contaminating the surrounding soils. Has that been tested?
3. Also isn't the location very close to the future treatment plant? how will that affect quality of the recycled potable water?
4. What about the Water pressure for Harbor Vista, will that be affected?
5. Will this project fall under the Prohibition for Phase 1 or Phase 2? so why are they not prohibited from building an entirely new construction?
6. What is being done to monitor no balming or cremation takes place on the property?

We are **NOT** in favor of building a cemetery at this location

Best regards
Yusuf Broachwala

From: Richard Mollica [mailto:rmollica@malibucity.org]
Sent: Monday, March 27, 2017 11:22 AM
To: Yusuf Broachwala
Subject: RE: Malibu Memorial Park

Good Morning,

The Planning Director, Bonnie Blue is currently working on that application. I have forwarded your email to her, however, if you have a list of concerns or a comment letter I would be glad to see that it is received and incorporated into the report. Additionally, if you have a specific question I would be glad to look into it.

Have a good morning,

Richard

Richard Mollica, AICP
Senior Planner, City of Malibu
310-456.2489 extension 346

From: Yusuf Broachwala [redacted]
Sent: Friday, March 24, 2017 9:58 AM
To: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>
Subject: Malibu Memorial Park

Hello Richard

Please let me know when is a good time to call you to discuss the proposed Malibu Memorial park project?

Best Regards
Yusuf Broachwala
23843 Harbor Vista drive
Malibu, CA 90265