

CHAPTER 1

INTRODUCTION

1.1 Purpose of the EIR

Environmental Impact Reports (EIRs) are required under the California Environmental Quality Act (CEQA) when developments such as the proposed **Entrada at Malibu Canyon** are anticipated to have potentially significant effects on the environment. Site specific as well as regional and cumulative impacts are considered in the impact evaluation process. The purposes of an EIR are:

- (1) To identify the significant impacts of a project on the environment,
- (2) To decide which of these significant effects can be mitigated or avoided, and
- (3) To evaluate alternatives to the proposed project which reduce significant effects identified during the impact evaluation process. An EIR is intended to serve as an informational document for decision makers and the general public regarding the environmental consequences of a project.

The City's EIR Consultants have made maximum use of pertinent policies, guidelines, and existing reports and documentation to perform the impact assessment and to design mitigation measures. Primary planning documents referred to include:

- the City of Calabasas General Plan and Adopted General Plan EIR (September 1995) including policy revisions and updates to the Housing Element;
- technical reports concerning site engineering for the subject property completed by the applicant's environmental consultants (subjects: geology, biology, hydrology, traffic, noise, and oak tree report);
- preliminary engineering data (grading plans, hydrological and hydraulic studies, traffic and circulation and architectural elevations) provided by the applicant—these reports were peer reviewed by City staff or City consultants;
- the Las Virgenes Corridor Plan (adopted)
- Las Virgenes Gateway Master Plan (adopted but currently undergoing revision)
- The City's Land Use and Development Code (adopted).

1.2 Subject and Scope

The City defined the scope of the EIR after preparation of an Initial Study which is contained in Appendix 1. The Notice of Preparation is also contained in this Appendix. The Notice of Preparation for this project was originally circulated on September 22, 2003. Based on the Initial Study and NOP responses, the EIR was focused on the following potentially significant issues:

- Biological Resource Impacts,
- Geology and Seismic Safety,
- Aesthetics, Visual Resources, and Community Design
- Noise, and
- Land Use compatibility concerns.

After study, the following additional issues were deemed worthy of detailed consideration. After analysis, all effects associated with the following effects were considered subject to feasible and effective mitigation included:

- Traffic safety and circulation,
- Drainage, Hydrology and Water Quality, and
- Air Quality impacts (both local and regional, construction and operation).

Other required CEQA sections included in the EIR are:

- A summary of impacts found to be not significant.
- a brief discussion of growth inducing impacts, and
- a detailed discussion of various alternatives to the project as proposed , and
- a Mitigation Monitoring Program.

1.3 Impact Classifications and Modifications to Impact Classifications Requiring Recirculation

Different categories of impact significance require various administrative actions by the decision makers at the time a project is approved. Conclusions in each chapter of the EIR about the significance of an impact are provided in bold print. In the chapter by chapter analysis to follow, several impact evaluation distinctions have been made. Each of these distinctions has corollary legal findings which must be made when the EIR is certified. An EIR may be certified as accurate and complete although a project is not ultimately approved, or is approved in a form that differs from the applicant's proposal. The type of project ultimately approved is usually related to the

scope and significance of impacts identified in the EIR preparation process. The different types of impacts that have been distinguished (which are itemized by class in the Summary Table comprising Chapter 2) include:

1. **Class I:**

Significant adverse impacts that cannot be mitigated or avoided are identified as Class I impacts in the Initial Study Analysis. A significant unmitigable adverse impact is a problem for which the City has been unable to find a complete or acceptable solution. These impacts require decision-makers to make findings of overriding consideration before the project is approved. If such impacts are identified, as they have been in this case, then an EIR must be prepared.

2. **Class II:**

Potentially significant impacts that can feasibly be mitigated are identified as Class II impacts in the Initial Study Checklist analysis. In these cases, the consequences of a project are considered sufficiently serious that some form of mitigation planning is needed. These mitigations can involve modifications to the project, changing the project design to avoid conflicts with environmental values, or performing data collection procedures prior to construction (such as archaeological salvage programs). A significant mitigable impact is a problem for which a solution can be conceived and feasibly implemented. Decision-makers are required to make findings that impacts have been mitigated before a project can be approved. The Mitigation Measures section of this document contains a list of measures that, when adopted, reduce most of the project impacts to less than significant levels.

3. **Class III:**

Impacts that are not significant are classified as Class III effects. Not significant impacts describe the consequences of a project that are not sufficiently disruptive to require mitigation measures. Modest changes in the environment that have no serious consequences on the abundance or diversity of plant or animal life, for example, are usually classified as adverse but not significant. These impacts are identified as a Less Than Significant Impact in the Summary Table for the EIR.

4. **Class IV:**

Environmental consequences with the potential to improve habitats, solve environmental problems, or generate substantial public benefits are classified as **beneficial effects** or as effects that have no impact at all.

There are factual tests recommended in the Appendices to CEQA that aid in this classification process. Staff generally recommends the classification of impacts based on expert testimony. However, the ultimate decision about how impacts are to be classified is made by the decision-makers prior to certification of the EIR.

The standards of evaluation used in individual chapters of the EIR are conventional to each of the scientific, engineering, planning, or management disciplines contributing to the analysis of the project's impacts. The thresholds of significance used in determining how individual impacts

have been classified are identified in each chapter of the EIR. In some cases, these standards and thresholds are related to numerical values derived from summary statistics (e.g., tolerable pollutant emission levels defined by the state or federal government, volume: capacity ratios calculated for intersections by traffic engineers, etc.). In other cases, the thresholds of significance are based on qualitative judgments or expert opinion (e.g., biological or cultural resource effects, aesthetic impacts etc.). In all cases, the standards of evaluation for significance determination have been disclosed for the public in the EIR.

During the public review period for this EIR, a substantial disagreement arose between planning staff, and the City Council and Planning Commission regarding how best to classify impacts related to the construction of retaining walls along the southern project boundary of the project adjacent to Las Virgenes Road relative to aesthetic impacts. In addition, the City Council requested that several alternatives be evaluated in more detail, particularly the multi-family project alternative, the retail project option, and a project configuration that would effectively address the Las Virgenes Water District's concerns.

The planning and environmental staff felt that the present design adequately mitigated the potential impacts associated with retaining wall construction along Las Virgenes Road. In contrast, the Planning Commission and Council were of the opinion that the project effects associated with retaining wall construction, particularly along the southern perimeter of the project, were adverse and not effectively mitigated. Therefore, the City Council directed that the project significance statement for aesthetics be revised to be significant and unavoidable. When changes occur in impact classification, CEQA requires that this decision, whether it is an increase or decrease in the classified severity of impact, be circulated for public comment. For this reason, and upon direction of the Council at the last public review of the project, the portions of the document changed by the decision-makers relative to impact classification, have been recirculated. The recirculation is limited to those sections of the EIR that have been changed since preparation of the Screencheck final document. The modified sections include:

- Chapter 1: Introduction
- Chapter 2: Summary of the EIR
- Chapter 3: Project Description
- Chapter 5: Land Use and Planning Considerations
- Chapter 12: Aesthetics and Visual Resources
- Chapter 14: Alternatives
- Chapter 17: Response to Comments on the Draft

When the Screencheck Final EIR was reviewed by the City Council, staff opined, based on the comparison of the applicant's plan with the guidance drawings in the Las Virgenes Gateway Plan and Corridor Plan, that a finding of consistency of design with these plans could be made. Nonetheless, the Council determined that even if relative consistency could be determined, the visual effect itself, distinguished from any policy guidance issue, was significant, adverse and unavoidable. As a result, Chapter 12, Aesthetics and Visual Resources have been re-written to reflect this conclusion.

As explained by staff at the last hearing on this project, if the City Council supported the Planning Commission rather than staff interpretation of the residual significance of impacts related to aesthetics after mitigation, then two things must occur: first, direction must be given by Council to formally reclassify the Aesthetic and Visual Resource impacts of the project to Class I (unavoidably significant), which was done, resulting in this recirculation of selected sections of the document and second, a statement of over-riding considerations needs to be prepared prior to final action on the sufficiency of the EIR by the City Council.

Findings necessary to support this revised conclusion are attached to the Staff Report for this issue submitted to the Council with this Recirculated Draft EIR document. A statement of overriding considerations will also need to be prepared and adopted at the time the Draft EIR is adopted. The draft statement is included with the Council packet for this item.

The Council was also concerned about the Land Use Consistency Analysis in response to issues raised by the Las Virgenes Water District. The District has taken the position generally that residential use of this property is incompatible, from a land use standpoint, with their use of the adjacent land. Furthermore, the District has made it clear that future use of their facility may effect adversely any residences built on the proposed project property unless these residences are adequately shielded and buffered from these potential future District uses. The City, in its Development Code, General Plan Land Use Map and Zoning Ordinance has decided otherwise because the land use designation for the property does allow residential use. The particular type of use requested by the applicant does require a General Plan Amendment since the only allowed residential use is multifamily.

The Council requested that this entire issue, land use type and configuration, be explored more fully in the revised Alternatives analysis to be recirculated with the EIR. They also requested a review of but not a modification to the classification of impacts relative to Land Use compatibility. The recommended review is included in the recirculated Chapter 5. In response, the City's Environmental Coordinator worked closely with the applicant's civil engineer and architect to

devise additional detailed alternatives, including schematic level plot plans that were responsive to the Councils guidance and suggestions. These new schematics are discussed thoroughly in the revised Chapter 14 (Alternatives Analysis) of the EIR.

1.4 Initial Study and EIR Determination

The EIR consultant prepared a preliminary Initial Study Checklist for this project in September, 2003. The intent of this checklist was to determine if the impacts of the project could be fully offset by mitigation measures and to evaluate if any overriding considerations were necessary to approve the project. City planning staff determined that because it was possible that not all of the impacts could effectively be mitigated to insignificant levels, preparation of an EIR was required. Completion of an Initial Study is not required if the Lead Agency (City of Calabasas) determines that an EIR is to be prepared. Nonetheless, a list of environmental variables to be considered in the EIR was circulated with the Notice of Preparation. This scoping document, which serves many of the same purposes as an Initial Study Checklist, is contained in **Appendix 1**.

1.5 Use of this Document by the City of Calabasas and Other Agencies

Consistent with the City's adopted CEQA Guidelines, this document is a Recirculated Draft Limited Scope EIR. Because the Recirculated Draft will be used to generate a comprehensive planning analysis to be prepared by City staff, it is essential that the information presented be accurate, complete, and timely. To achieve this objective, this draft document is offered to the public, the applicant, and staff as a revised Draft statement about the environmental consequences of the project.

1.6 Standards of Analysis and Technical Appendices

A substantial amount of engineering, environmental, fiscal, and planning analysis was required to accurately describe the environmental effects of the project. The source materials consulted and analysis performed for each issue of concern have been summarized briefly in individual chapters of the EIR. However, an EIR is not intended to be analytically, or informationally exhaustive. Rather, as an informational document used in decision-making, the purposes of an EIR are to present only sufficient information to define probable project specific and cumulative environmental impacts and to develop adequate mitigation measures to minimize these impacts.

A substantial amount of technical data was consulted in preparing this document; technical appendices containing some of the information prepared in support of the EIR are included in a separately bound document which is available for review at the City of Calabasas ([Entrada at Malibu Canyon Technical Appendices](#)).

Copies of this technical document can be obtained upon request from the City. The EIR appendices include:

- Appendix 1** Project Applications, Notice of Preparation (NOP) and Responses to the Notice of Preparation, Initial Study and EIR distribution list.
- Appendix 2** Project Site Plans, Exhibits, Sequence of Exhibits illustrating changes to the project requested by staff and applicant correspondence.
- Appendix 3** Original Geotechnical Report (prepared for a project with a different design), Soils and Geology Technical Report Update (SubSurface Designs, Inc., 2002.) and City geotechnical review comment letters
- Appendix 4** URBEMIS Air Quality Computations (Scott Weinstock, August 2003)
- Appendix 5** Project Summary, Burden of Proof Statement, Applicant Submittals, and Alternatives Proposed by the Applicant
- Appendix 6** Traffic Impact Study (Associated Transportation Engineers, August 2003)
- Appendix 7** Biological Resources Study and Oak Tree Report (Envicom Corporation, May 2003)
- Appendix 8** Phase 1 Archaeological Study (Historical, Environmental, Archaeological, Research Team)
- Appendix 9** Hydrologic Analysis (Haaland Group, 2003)
- Appendix 10** Noise Technical Appendix (Advanced Engineering Accoustics, 2003)
- Appendix 11** Oak Tree Report (Lee Newman) (November 2003, undated 2004)

1.7 Use of Incorporation by Reference

CEQA Guidelines permit the use of relevant data generated while preparing related environmental documents, a procedure termed incorporation by reference (Guidelines, Section 15150). Both EIRs and Negative Declaration may incorporate any portion of relevant documents that are both a matter of public record and generally available to the public. "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis at hand." (Guidelines, section

15150, subd. (f).) Typical examples of material that may properly be incorporated by reference include a description of a proposed project's environmental setting from another EIR or a description of the City or County General Plan applicable to the project's location (Guidelines, section 15150, subd. (e)). All documents whose contents are incorporated by reference must be made available for public inspection at the lead agency's office at the City (in this case, the City of Calabasas Community Development Department). Copies of documents used in the preparation of this EIR are available for review at the City.

1.8 Document Format and Issue Orientation

To assist the decision-makers in evaluating whether the proposed project should be approved, the consultants have endeavored to simplify the environmental analysis and make the document more useful for decision-making. In achieving this objective, technical data has been simplified to the degree feasible; compared to documents typically prepared for projects of this scale, a reduced amount of scientific information has been included in the impact analysis summary within each EIR chapter to assist in policy decision-making. Furthermore, whenever feasible, environmental effects have been converted to the language of planning issues. Therefore, this document has been organized, to the extent feasible, around planning issues rather than by technical or scientific disciplines or the subject matter typically considered by the various scientific specialists contributing to the document.

Selected scientific data supporting the impact analysis and mitigation planning is presented in a References and Technical Data section included at the end of most EIR chapters (as appropriate). In most cases, references are included in correlative appendices for each issue discussed in the EIR. The intent of this format is to focus the community and decision-makers on the planning and design issues posed by the proposed project rather than on the type of evidence gathered in performing the impact analysis. For those few individuals interested in detailed review or counter-analysis of technical data, the Technical Appendices are available.

1.9 EIR Availability—Review Copies, Purchase, and Email Submission of Comments

The revised document has been made available at the City of Calabasas or at the Calabasas Public Library. Several “loan copies” of the document have been provided at the Planning Counter in the City Community Development Department. Bound copies of the recirculated Draft document have been made available for purchase (on an “as available basis”) for the cost of reproduction. Copies of the recirculated document will be submitted to a number of state and federal agencies consistent with the circulation of the original Draft EIR, and to local HOAs and

other interested parties. A copy of the circulation list for the document is provided in Appendix 1 of the Draft EIR. Written comments on the Draft Document can be submitted directly to the City of Calabasas Planning Department. Written comments should be sent via e-mail to eparker@ci.calabasas.ca.us to the attention of Tom Bartlett, City Planner. Copies of the recirculated Draft EIR sections with amendments and changes have been forwarded to each of the surrounding Homeowners Associations, to the Las Virgenes Water District and to individuals who previously requested copies of the Draft EIR. A complete copy of the Recirculated Draft, including sections not amended by recirculation is available for review (1) on the City's web site, (2) upon request for cost of production, (3) on loan at the City's Planning Counter, and (4) in CD Rom form upon request.

1.10 EIR Report Preparers

This document was prepared with the cooperation and participation of a number of individuals and firms including:

- Associated Transportation Engineers (Transportation Consultants)
- Envicom Corporation (Biology/Oak Tree Consultant)
- Standard Pacific Homes (Project Proponent)
- The City of Calabasas Design Review Panel
- The City of Calabasas Development Review Panel
- Haaland Group Inc. (Project Engineers and Hydrologists)
- The County Fire Department (the City's contract fire service provider)
- SubSurface Designs Inc. (Geology and Seismic Hazards)
- City Planning Staff for this project (Dustin Woomer, who has now left the City's employ)
- City Engineering Staff for this (Robert Yalda and Chuck Mink)
- City Environmental Staff (Steven Craig)

The document was written, finalized and assembled by the City's environmental staff.