



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

HEARING EXAMINER STAFF SUMMARY

**COUNTY PROJECT NO. TR071735-(3)
VESTING TENTATIVE TRACT MAP NO. TR071735
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005
ENVIRONMENTAL REVIEW NO. 201100192**

PROJECT DESCRIPTION

The applicant, Malibu Institute, is proposing to remodel an existing 18-hole golf course and develop a sports-oriented educational retreat affiliated with the University of Southern California on a 650-acre property currently operated as the Malibu Golf Club in the unincorporated Malibu area of Los Angeles County. The proposed Malibu Institute Project ("Project") site is located at 901 Encinal Canyon Road, within the Malibu unincorporated area of Los Angeles County.

The Project's components include the development of educational and meeting facilities in which educational institutions, businesses, or other organizations could conduct seminars, conferences, and other events. The Project components also includes the development of visitor-serving overnight accommodations with 40 bungalow units with four bedrooms per unit, for a total of 160 bedrooms with a maximum occupancy of two persons per room or 320 overnight guests. Other amenities to be provided for guests includes a clubhouse featuring dining and lounge facilities as well as a fitness and wellness center, an outdoor swimming pool with a poolside shower and changing room, and a golf pro-shop and grill/snack shop. The dining facility and golf-related amenities would be available to the visiting public as well as those staying in the overnight accommodations. The Project also proposes to develop associated support facilities necessary for the upkeep and operation of the development, including a maintenance building, a golf cart storage barn, a warehouse, and a security/information building. In total, the Project proposes to construct a combined 224,760 square feet of structures, which would reuse the building footprint of the existing 12,475-square foot clubhouse and cart barn for the proposed educational and meeting facilities of the Malibu Institute building, and also remove 11,160 square feet of existing structures, including maintenance sheds associated with the Malibu Golf Club and an abandoned residential building located in the northern portion of the Project site.

The Project also includes the following infrastructure improvements: 1) replacing existing septic tanks with an onsite wastewater treatment/water recycling facility, 2) installing domestic use water supply pressure-reducing valve improvements to provide adequate water pressure, and 3) relocating an existing, unpaved, emergency use helicopter landing pad to a more central portion of the golf course as approved by the Los Angeles County Fire Department. The relocated helicopter landing pad would be provided with a water hydrant for filling firefighting helicopters, and would be on a

relatively flat area that would not be graded or otherwise disturbed, with the exception of occasional mowing for maintenance. An existing 875-square foot guesthouse located on the northern portion of the property along Mulholland Highway would be retained by the Project for use as a caretakers' residence. At completion, the Project would result in a total net increase of 201,125 square feet of structures on the Project site.

The remodel of the existing 18-hole public golf course includes the replacement of over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. The Project would also remove many non-native trees, including palm trees, which were introduced with development of the existing golf course, and provide landscaping with native, drought-tolerant species. These measures would reduce water consumption for irrigation of the golf course by approximately 32 percent. The Project would also eradicate non-native aquatic species in the man-made ponds onsite and improve water quality in the portion of Trancas Canyon Creek leaving the Project site.

The Project site is comprised of an irregularly shaped assemblage of 29 parcels that total approximately 650 acres, spanning from Encinal Canyon Road on the south to the intersection of Mulholland Drive and Westlake Boulevard on the north. As part of the Project, the existing 29 parcels would be consolidated into 7 lots as part of a tentative tract map with 5 of those lots (456.16 acres) being dedicated as permanent open space. Much of the existing golf course area is planted with non-native and ornamental plant species. The remainder of the Project site consists of sloping terrains covered with native vegetation. Several areas adjacent to the golf course have been graded in the past in connection with various development phases of the golf course. Grading for buildout of the Project would occur within previously disturbed areas and would require approximately 120,000 cubic yards of cut and 120,000 cubic yards of fill, which would be balanced on-site. No soil import or export is proposed. Project construction activities are expected to take place over a 24-month period, during which time the existing golf course and related facilities will be closed.

REQUIRED ENTITLEMENTS

- Vesting Tentative Tract Map No. 71735 to reconfigure the existing parcels and create a total of 7 lots over the 650-acre Project site with 2 lots containing the Project development and 5 lots dedicated as permanent open space.
- Conditional Use Permit No. 201100122 to authorize the following: development and operation of a sports-oriented educational retreat facility and a golf course (18-hole), educational and meeting facilities with a cafeteria and lounge, overnight visitor-serving accommodations for a maximum of 320 guests, a clubhouse with a restaurant/lounge and fitness/wellness center an accessory buildings; the continued sale of alcoholic beverages for on-site consumption; on-site accessory live entertainment in the clubhouse and conference facility; on-site grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill; the relocation and operation of a helipad in the R-R zone for emergency use by LACFD; and the continued use of a caretaker's residence in the R-R zone.

- Parking Permit to authorize shared use of 387 parking spaces for guests, visitors, and employees associated with the proposed development on 2 lots within the Project boundary.
- Environmental Review No. 201100192. The Initial Study determined that an EIR was required. A Draft Environmental Impact Report has been prepared pursuant to CEQA reporting requirements.

LOCATION AND ACCESS

The Project site is located at 901 Encinal Canyon Road, within the unincorporated Malibu area of Los Angeles County. Regionally, the site is located in the western portion of the Santa Monica Mountains approximately forty-five miles west of downtown Los Angeles. Locally, the Project site is situated northwest of the City of Malibu, and south of the Cities of Agoura Hills, Calabasas, Thousand Oaks and Westlake Village in a rural area of the Santa Monica Mountains lying south of the primary east-west ridgeline. Portions of the site located south of Mulholland Highway also fall within the Coastal Zone as defined by the California Coastal Act. Adjacent land uses are primarily undeveloped private and public lands, much of which is open space, with some large lot rural residential development along the northern and western boundaries. A youth detention facilities operated by the Los Angeles County Probation Department (Camp Miller and Camp Kilpatrick) are located to the east of the Project site.

SITE DESCRIPTION

The Project site is comprised of an irregularly shaped assemblage of 29 parcels that total approximately 650 acres, spanning from Encinal Canyon Road on the south to the intersection of Mulholland Drive and Westlake Boulevard on the north. Development of the Project would occur only on six (6) of the 29 parcels that make up the Project site, and would include APNs 4471-001-034 and 035, 4471-002-010 and 011, 4471-021-034, and 4471-003-030. As part of the Project, the existing 29 parcels would be consolidated into 7 lots as part of a tentative tract map with five (5) of those lots (456.16 acres) being dedicated as permanent open space. The majority of the Project site is zoned R-R-1 (Resort and Recreation), with the portions to the north, east, southeast and south on the periphery of the Project site zoned either A-1-1 (Light Agriculture – 1 acre minimum lot size) or A-1-20 (Light Agriculture – 20 acres minimum lot size). Small portions of the Project site north of Mulholland Drive and the northeast area of the Project site are zoned RPD-5-0.2U-DP (Residential Planned Development – 5 acres minimum lot size – 0.2 dwelling units per acre – Development Program).

Existing development on the site consists of the Malibu Golf Club, constructed in the early 1970s, consisting of an 18-hole public golf course with supporting amenities, two surface parking lots, and associated driveways, all located in the central and southern regions of the Project site. Structural facilities that exist on the Project site as part of the Malibu Golf Club include a 12,475-square foot golf clubhouse with a restaurant and lounge. An associated maintenance structure and shed provide an additional 7,000 square feet of onsite development. There are also two structures on the Project site

beyond the limits of the proposed development area, consisting of a guest house currently used as a caretaker's residence for the Malibu Golf Club, and an abandoned residential structure (approximately 875 square feet and 4,160 square feet, respectively), for a total of 24,510 square feet of existing structural development on the property. The Project would retain the guest house as a caretaker's residence. The remainder of the existing structural development would be removed or replaced by components of the Project. The abandoned residence is in a state of disrepair and poses a potential hazard to trespassers from collapse or from health risks associated with rodent infestation, and, as such, the Project proposes to remove the structure due to safety and security concerns. An existing 100,000-gallon water tank that provides storage for irrigation water provided by onsite groundwater wells would remain and continue to serve the same purpose.

The existing development is provided potable water from Las Virgenes Municipal Water District (LVMWD) for domestic use and for irrigation of the golf course. The golf course irrigation is supplemented by six existing onsite wells. Wastewater treatment for the existing development is provided by onsite septic tanks.

Much of the golf course area is planted with non-native and ornamental plant species. The remainder of the Project site consists of lands with native vegetation on generally steeply sloped terrain to the north, east, and west. Several areas adjacent to the golf course have been graded and disturbed in the past in connection with various development phases of the golf course.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning ("Department") determined by way of an Initial Study and identified in the Notice of Preparation sent to agencies, that an Environmental Impact Report ("EIR") was necessary for the Project. The areas of potential environmental impact addressed in the Draft EIR ("DEIR") include the following:

- Aesthetic Qualities and Visual Resources
- Air Quality
- Biological Resources
- Cultural
- Geology
- GHG/Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services including Fire and Police
- Recreation
- Transportation/Traffic
- Utilities including Water Supply, Wastewater, Solid Waste and Energy

The following areas required no further environmental review as described in the Initial Study.

- Agriculture/Forest Resources
- Mineral Resources
- Population/Housing
- Public Services including Schools, Libraries and Other Public Services

As identified in the DEIR, after implementation of the required mitigation measures, the Project would result in no significant and unavoidable impacts to the environment. Following is a summary of the areas that have less than significant impacts to the environment after implementation of mitigation measures:

Aesthetic Qualities and Visual Resources

The visual impacts of the construction of new building and other structures in the Project site would be mitigated to less than significant with the use of color tones and/or textures that are compatible with the surrounding natural terrain in addition to the use of native landscaping to provide visual screening for the structures from public views.

Air Quality

The air quality impacts from fugitive dust during construction would be reduced and mitigated to less than significant by the implementation of a Construction Management Plan in compliance with AQMD standards.

Biological Resources

The impacts to the biological resources resulted from ground disturbing activities including the helipad and construction of a tee box and pathway would be mitigated to less than significant with the execution of pre-construction surveys and relocation plans to preserve and relocate special-status wildlife species such as the Trask shoulderband snail, coast horned lizard, western pond turtle, coast patched nosed snake, Roosting Bat, and special-status birds; and with the replacement of potential loss of the special-status plant species such as the Plummer's mariposa lily. Development and implementation of a pest and Invasive Species Management Plan would also preserve and restore the existing ponds and remove invasive plant and animal species.

Cultural Resources

The potential location of an archeological resource was identified within 100 feet of the 18th green. Even though no record of this resource exists, a protective fence would be installed and maintained surrounding the site and the impact would be less than significant. Archeological resources or human remains, if found at the property during construction activities, would be mitigated to less than significant with the implementation of proposed mitigation measures.

Hazards and Hazardous Materials

The Project would clean out the basins of onsite ponds and eradicate non-native species, including crayfish. While prior testing of the ponds did not indicate levels of contaminants above action level, mitigation measures would guarantee that State and local regulations are followed in case contaminants are found.

Hydrology/Water Quality

All grading associated with the implementation of the Project would take place within the disturbed areas of the existing development. Existing septic tanks throughout the Project site would be replaced by an on-site wastewater treatment system with effluent meeting Title 22 standards and other applicable requirements for reuse as irrigation for the remodeled gold course.

Noise

No mitigation measures are required for construction noise, however recommendations are added to further reduce the impacts. Amplified sound is currently used in the golf course to announce golf-related information. Outdoor amplified sound, music or PA would be limited to no later than 10:00 p.m. for the Project.

Public Services

The project would have to pay fees for Fire protection and comply with the Fire Code regulations to reduce cumulative impacts to less than significant.

Recreation

The Project includes recreation facilities, which impacts for construction and operations are addressed in the other sections mentioned in the DEIR. With the implementation of the mitigation measures impacts would be less than significant.

Transportation

The Project would be required to contribute to the cost of implementing intersection improvements for U.S. 101 Southbound ramps/Kanan Road to mitigate for the 4 percent of the 1,123 peak hour trips added to the intersection by the related projects. With implementation of mitigation measure, cumulative impacts to traffic and circulation would be less than significant.

Utilities/Services

The Project would implement a recycling program for the operational phase of the Project to manage solid waste generated by the Project and it would mitigate project impacts to solid waste to less than significant.

SUMMARY OF SIGNIFICANT ENVIRONMENTAL EFFECTS

There were no impacts associated with the Project determined in the DEIR to be significant and unavoidable after implementing the proposed mitigation measures.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the Hearing Examiner Hearing by mail, newspaper, property posting, library posting and on the Department's website. Newspaper notices were published in The Malibu Times and La Opinion on December 5, 2013. Notices to property owners located within a 1,000-foot radius of the property boundaries, and to two local libraries, were mailed on December 5, 2013. Notices were verified to be posted on the subject property on December 12, 2013, and were made available on the Department's website on December 5, 2013. On December 5, 2013 a

Notice of Completion and Availability ("NOC/NOA") of a DEIR was posted at the County Recorder's office. On December 5, 2013 the NOC-NOA was sent by mail to required agencies including the State Clearing House and other interested parties. The NOC/NOA is also posted on the Project site and on the Department's website.

PREVIOUS CASES/ZONING HISTORY

The golf course accessory uses at the subject property are currently permitted by a Conditional Use Permit (CUP) issued by the County of Los Angeles. In 1999, Malibu Associates LLC obtained CUP No. 98-059 to authorize the continued operation of a golf course, clubhouse and appurtenant facilities including three caretaker's residences located on an irregular shaped 620-acre parcel. That CUP will expire on November 14, 2019. The current request seeks to continue the existing operation of the golf course and the additional uses necessary to implement the Project as requested.

STAFF EVALUATION

Project consistency with the County of Los Angeles General Plan and applicable local plan, compliance with the County Zoning Ordinance and development standards, neighborhood impact and land use compatibility, and evaluation of the applicant's ability to meet all requirements for a Vesting Tentative Tract Map, Conditional Use Permit and Parking Permit and corresponding burdens of proof as applicable, will be determined subsequent to the Hearing Examiner public hearing. The Hearing Examiner Public hearing is established primarily to receive public testimony on the merits of the Project as analyzed in the Draft EIR prior to Project consideration by the Regional Planning Commission ("Planning Commission") at a later date.

Project Issues

A number of development issues regarding the proposed project were raised by public agencies in response to the Notice of Preparation of an EIR and through the agency Screencheck DEIR review process. These issues have been addressed in the DEIR.

Several issues have been identified as areas of controversy through the public review process regarding the Initial Study/Notice of Preparation, Scoping Meeting, and the current DEIR public review. Comments include issues related to water quality and conservation of biological resources.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County Department comments and conditions will be finalized subsequent to the Hearing Examiner public hearing and prior to consideration by the Regional Planning Commission.

PUBLIC COMMENTS

Members of the Public

Five (5) members of the public provided written comments regarding the project at the time of this report (Attachment).

Comments in Favor

Five (5) comments in favor of the project were received at the time of this report expressing overall support.

Comments Opposed

No comments opposed to the Project were received at the time of this report.

REMAINING PROCEDURES

Since the DEIR public comment period does not close until February 7, 2014, mitigation measures and draft conditions pertaining to the Project will be completed following the Hearing Examiner public hearing. Once the DEIR comment period closes, the Department will review public comments received, prepare responses to those comments, and draft the Final EIR and Mitigation Monitoring and Reporting Program. Staff will also prepare California Environmental Quality Act ("CEQA") Findings, draft Findings and Conditions pertaining to the Project related entitlements, and submit documentation to the Regional Planning Commission for consideration prior to the Regional Planning Commission hearing to be set at a future date.

Once the public hearing before the Planning Commission is scheduled and completed, the Planning Commission certifies or rejects the EIR and approves or denies the requested entitlements.

Prepared by: Carolina Blengini, Regional Planner Assistant II
Reviewed by: Samuel Z. Dea, Supervising Regional Planner

SZD:CSB
1/9/14

Law Offices of

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December 16, 2013

Ms. Carolina Blengini
Los Angeles County
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

RE: The Malibu Institute Project #201100192

Dear Ms. Blengini,

I live in Brentwood, but I frequent the Santa Monica Mountains often for hiking and biking. I have been following The Malibu Institute project for quite a while and have taken the time to read several sections of the Draft Environmental Impact Report (DEIR). In particular, I was very impressed with the very meaningful mitigations in the Biological Resources section.

The Applicant's removal of non-native trees, invasive species, and preservation of nearly 500 acres of permanently dedicated open-space is outstanding. I am also a big supporter of LEED's buildings and I applaud the Applicant for proposing a project that can be a model for future development.

I have been to the Malibu Golf Club on several occasions and I am quite familiar with the current golf course and its need for an overdue remodel. I support the Applicant's proposal and believe it will be a great asset to the local community and all of Los Angeles County.

Thank you for giving the community an opportunity to express our views.

Very truly yours,



Bita Goodman, Esq
Attorney At Law



ronnie semler's
Saddlerock Ranch

December 26, 2013

EIR Review No. 201100192

Ms. Carolina Blengini
Los Angeles County
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

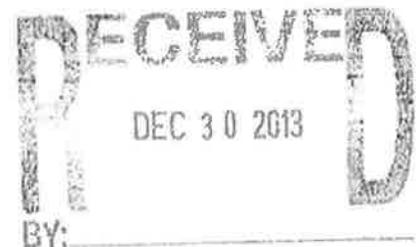
Dear Carolina,

I am writing specifically with regard to the above referenced application for our neighbors, the Malibu Golf Course. After reviewing the recent correspondence and details of the project, as well as what little we've heard from the developers, we believe it is a wonderful project and it is exactly what the area needs and we will certainly be a great help to support the very much needed overnight accommodations in that area, not to mention the continuation of the public golf course. We are thrilled and hopeful that this will absolutely be approved and see no reason why it should not, particularly since this is national recreation area. I just wanted to send you our letter confirming that we very strongly support the project and trust that you and all of your colleagues will certainly approve this well-designed project which contributes greatly to the entire area.

Thank you for considering our comments.

Very truly yours,

Ronald H. Semler,
President
Saddlerock Ranch, dba of the
Semler Companies Malibu



Carolina Blengini

From: AJ Ali [ajaliwins@gmail.com]
Sent: Sunday, January 05, 2014 1:24 PM
To: DRP Special Projects
Subject: The Malibu Institute

Categories: Sent to Consultant

January 5, 2014

Ms. Carolina Blengini

Los Angeles County

Department of Regional Planning

Special Projects Section, Room 1362

320 West Temple Street

Los Angeles, CA 90012

Dear Ms. Blengini:

I'm writing you in regards to The Malibu Institute (EIR Review number: 201100192).

I've had a longstanding relationship with the Malibu Golf Club and it has always been a positive experience. As an avid golfer, I love that there's an affordable public golf course in the Santa Monica Mountains, near my other activities. I've held numerous fundraisers there for the cancer-fighting charity my wife and I run. Everyone always has a great time and the setting truly lends itself to the wellness-oriented work that we do.

I want to give my wholehearted support for The Malibu Institute. It is a project that will help the local community as well as help leaders from all over the world to come to a greater understanding about wellness, eco-friendly living and other positive things. The owners have proven themselves to be highly skilled at creating world-class environments that are financially viable and sensitive to local concerns. As Malibu continues to grow and evolve, I believe that The Malibu Institute will become a signature property, including many elements that will make the Malibu area an even better place to live, work and play.

Best regards,

A.J. Ali

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My best,

A.J. Ali

Writer | Producer | TV Host

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Carolina Blengini

From: Matt Horns [getplanted.native@gmail.com]
Sent: Thursday, January 09, 2014 3:30 PM
To: DRP Special Projects
Subject: Malibu Institute

Dear Ms. Blengini,

Regarding the Malibu Institute Project #201100192:

This issue is very dear to my heart. I began thoroughly exploring Trancas Canyon as a teen during the early 1970's. The canyon's beauty and natural abundance was a significant part of how I learned to appreciate nature and helped nudge me into a lifelong devotion to work to help heal Mother Earth.

When I first visited Trancas Canyon the creek contained non-native fish and crayfish but still supported abundant populations of native California newts and western pond turtles. Since 1999 I have been privileged to work in pretty much all of the streams in the Santa Monica Mountains and have seen that these two species are now extirpated from almost all of their former range in this area. From what I understand, native newts and turtles in Trancas Canyon are now barely surviving and are in real danger of disappearing because of the presence of non-native fish and crayfish.

Most Human activities through history have been conducted with little or no regard to their impacts on native ecosystems. That changed dramatically starting the early 1970's due to Federal and State environmental laws. Human activities are now generally allowed as long as they don't cause too much environmental damage.

A new ethos is slowly emerging in development projects. A growing number of projects don't merely protect natural ecosystems, they actually enhance them. The most remarkable of these that I have experienced is the Arcata Marsh Project. This is a system of constructed wetlands that polish treated wastewater before it is discharged into Humboldt Bay. Built on a former garbage dump, Arcata Marsh is now one of the premier birdwatching places on Earth.

While the Malibu Institute is on a much smaller scale than Arcata Marsh, it shares in the spirit that human activity can help heal and enhance our ecosystems. I give this proposal my support.

Thank you,

Matt Horns

1040 South Westlake Avenue, Los Angeles, CA 90006

310-866-5718

getplanted.native@gmail.com

Carolina Blengini

From: Rodrigo Iglesias [rodrigoscience@gmail.com]
Sent: Wednesday, January 08, 2014 4:08 PM
To: DRP Special Projects
Subject: EIR Review # 201100192

Categories: Sent to Consultant

January 8, 2014
Ms. Carolina Blengini
Los Angeles County
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

RE: The Malibu Institute Proposed Project

Dear Ms. Blengini,

As a resident of Malibu, it is rare for me to write a letter of support for development in our community. However, I have finally found a proposal that meets my stringent criteria.

It is very clear that the project developer has taken the time to understand what sustainable development is all about and he has incorporated impressive protections into the design.

The following is just a few of the many extraordinary benefits of the proposed project:

- The project proposes to remove the numerous invasive species from the existing ponds that impact the Trancas Creek.
- The removal of over 200,000 Sq. Ft. of old impervious asphalt parking lots, driveways and cart paths and replace them with a pervious material benefiting the ground water condition.
- The removal of over 2000 non-native trees from the golf course and replanting native vegetation.
- The use of LEED's design to create sustainable energy efficient buildings.
- The removal of large outdoor lights and replacement with lighting that supports the Dark Sky Initiative.
- The creation of overnight accommodations and meeting space in the Santa Monica Mountains and the creation of new jobs.
- The voluntary preservation and permanent protection of nearly 500 acres of valuable open space without the need for one of agencies to purchase the property.
- The removal of existing septic systems and the replacement with a tertiary sewer treatment system which will help reduce nitrate loading of our groundwater.
- The introduction of solar arrays on the parking structure to produce a portion of the projects power.
- The redesign of the an existing golf course that will use less water in the future and correct the current environmental flaws in the design of the current course.
- The development is proposed 100% within the current developed area with minimal grading on areas that were previously graded.

This project brings great benefit to Malibu residents, helps the environment with minimal and has minimal impact.

Respectfully yours,

Rodrigo Iglesias
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Exclusive Affiliate of Christie's International Real Estate
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Beverly Hills, CA 90210