

2.0 RESPONSES TO COMMENTS

The Draft EIR for the Whole Foods and the Park Shopping Center project was circulated for public review on February 5, 2015. The public review period, which ended on March 23, 2015, afforded public agencies, organizations, and the public in general the opportunity to review the Draft EIR and submit written comments regarding the Draft EIR and the proposed project in accordance with Section 15073 of the *California Environmental Quality Act (CEQA) Guidelines*.

A total of three agencies, three organizations, and 167 individuals provided comments and/or letters during the circulation period for the Draft EIR. In addition, 17 individuals provided oral comments at a public hearing held before the City Planning Commission on March 2, 2015. This section includes copies of the letters and/or comments received, with the responses to the comments raised immediately following each letter.

Comment Number	Commenter	Name	Date
A Public Agencies			
A-1	California Department of Transportation, District 7 – Office of Regional Planning	Dianna Watson	3/23/2015
A-2	County of Los Angeles Fire Department	Kevin T. Johnson	2/24/2015
A-3	Governor’s Office of Planning and Research State Clearinghouse and Planning Unit	Scott Morgan	3/25/2015
B Organizations			
B-1a	Malibu Coalition for Slow Growth	Patt Healy	3/23/2015
B-1b	Malibu Coalition for Slow Growth	Patt Healy	3/23/2015
B-1c	Malibu Coalition for Slow Growth	Patt Healy	3/23/2015
B-1d	Malibu Coalition for Slow Growth	Patt Healy	3/23/2015
B-1e	Malibu Coalition for Slow Growth	Patt Healy	3/23/2015
B-2	Poison Free Malibu	Joel Schulman	3/22/2015
B-3	Serra Canyon Property Owners Association	Jeff Follert	3/2/2015

Comment Number	Commenter	Date
C Private Citizens/Individuals		
C-1	Anonymous [My Beach]	3/19/2015
C-2	Anonymous [alamhere]	3/20/2015
C-3	Joan and Paul Almond	3/17/2015
C-4	Tom Anderson	3/12/2015
C-5	Vicky Arnold	3/13/2015
C-6	Deirdre Battarra	3/23/2015
C-7	Bernie Beldner	3/19/2015
C-8a	Karen Blackmore and Joe Gareri	3/19/2015
C-8b	Karen Blackmore and Joe Gareri	3/19/2015
C-8c	Karen Blackmore and Joe Gareri	3/19/2015

Comment Number	Commenter	Date
C-9	Sharleen Bright	3/19/2015
C-10a	Candace Brown	3/20/2015
C-10b	Candace Brown	3/20/2015
C-10c	Candace Brown	3/20/2015
C-11	John and Sarah Burke	3/23/2015
C-12	Chris and Barbara Catlin	3/18/2015
C-13	Camille Cerio	3/19/2015
C-14a	Dana Christiaansen	3/16/2015
C-14b	Dana Christiaansen	3/23/2015
C-15	Brian Clark	3/20/2015
C-16	Marshall Coben	3/19/2015
C-17	Leon Cooper	3/23/2015
C-18	Mariana Costa-Schechter	3/14/2015
C-19	Stacie Cox	3/20/2015
C-20	Cecilia Dan	3/18/2015
C-21	D. Day	3/10/2015
C-22	Judi Devin	3/19/2015
C-23	Claudia Divito	3/12/2015
C-24	Joshua Donen	3/15/2015
C-25	Nicolette Donen	3/15/2015
C-26	Laura Doughty	3/12/2015
C-27a	Wendi Dunn	3/17/2015
C-27b	Wendi Dunn	3/22/2015
C-27c	Wendi Dunn	3/23/2015
C-28	Kathy Eldon	3/13/2015
C-29	Carol Elkind	3/12/2015
C-30	Lisa Marie Elwes	3/23/2015
C-31	R.L. Embree	3/23/2015
C-32	Dawn Navarro Ericson	3/13/2015
C-33	Linda Euler	3/19/2015
C-34	John Evans	3/12/2015
C-35	Steve Fink	3/19/2015
C-36	Jae Flora-Katz	3/19/2015
C-37	Jack and Jo Foley	3/19/2015
C-38	R. Jeffrey Follert	3/23/2015
C-39	Lili Foster	3/23/2015
C-40	Deborah Frankel	3/12/2015
C-41	Ben Franklin	3/22/2015
C-42	Jane and M.B. Franz	3/18/2015
C-43a	Judith Stein Friedman	3/10/2015
C-43b	Judith Stein Friedman	3/19/2015
C-44	Charlotte M. Frieze	3/17/2015
C-45	Carol Gable	3/14/2015
C-46	Elizabeth Gabler	3/19/2015

Comment Number	Commenter	Date
C-47	Lisa Garrett	3/18/2015
C-48	Patricia Gartland	3/19/2015
C-49	Sara Gepp	2/12/2015
C-50	Linda Gibbs	3/13/2015
C-51	Jo Giese	3/14/2015
C-52	Errol Ginsberg	3/23/2015
C-53	Georgia Goldfarb and Walter Zelman	3/12/2015
C-54	Charles Gondell	3/12/2015
C-55	Victor and Deirdre Grenner	3/13/2015
C-56	Azel Griswold	3/12/2015
C-57	Carol Hahn	3/12/2015
C-58a	Patt Healy	3/19/2015
C-58b	Patt Healy	3/19/2015
C-58c	Patt Healy	3/19/2015
C-58d	Patt Healy	3/23/2015
C-59	Anna Belle Heiss	3/23/2015
C-60a	Kathy Heshmatpour	3/14/2015
C-60b	Kathy Heshmatpour	3/14/2015
C-61	Tiffany Holman	3/12/2015
C-62	Judi Hutchinson and Robert Hutchinson	3/13/2015
C-63	Nanci and John Iannone	3/20/2015
C-64	Judith Israel	3/13/2015
C-65	Ron Jenny	3/23/2015
C-66	Peter C. Jones	3/17/2015
C-67	Beatrice Jordan	3/17/2015
C-68	Lori E. Kantor	3/19/2015
C-69	Anne Karam	3/14/2015
C-70	Jae and Jeff Katz	3/10/2015
C-71	Nancy A. Kearson	3/12/2015
C-72	Cynthia Kesselman	3/14/2015
C-73	John Kingsbury	3/19/2015
C-74	Hans and Anneliese Knur	3/22/2015
C-75	Mrs. A. Kochounian	3/12/2015
C-76	Kristin Kohn	3/12/2015
C-77	Cyndy Kuipers and Charles Kuipers	3/19/2015
C-78	Jason LaBerg	3/20/2015
C-79	Hans Laetz, J.D.	3/23/2015
C-80	Margo Lane	3/23/2015
C-81	D. Larsen	3/16/2015
C-82	Barbara and Richard Lawrence	3/12/2015
C-83	John LePrevost	3/13/2015
C-84	Joel Levinson	3/13/2015
C-85	Alan Long	3/19/2015
C-86	Cori Lowe	3/15/2015

Comment Number	Commenter	Date
C-87	Maile Mason	3/19/2015
C-88	John Mazza, Planning Commissioner	3/2/2015
C-89	Robby Mazza	3/18/2015
C-90	Alisa McCarter	3/23/2015
C-91	Dennis and Kim McCarthy	3/23/2015
C-92a	Carla and Leigh McCloskey	3/12/2015
C-92b	Carla and Leigh McCloskey	3/20/2015
C-93a	Patty McEnroe	3/17/2015
C-93b	Patty McEnroe	3/17/2015
C-94	Bobby Milstein	3/19/2015
C-95	V.P.A. Mitchell-Clyde	3/13/2015
C-96	Daniel Moder	3/19/2015
C-97	Carol Moss	3/17/2015
C-98	Diane Moss	3/12/2015
C-99	Dominique Navarro	3/21/2015
C-100	Ken Nilsen	3/23/2015
C-101	Lynn Norton	3/22/2015
C-102	Kate Novotny	3/13/2015
C-103a	Richard Thomas Nuttall	3/19/2015
C-103b	Richard Thomas Nuttall	3/19/2015
C-103c	Richard Thomas Nuttall	3/19/2015
C-104	Bruce Parker, D.C.	3/23/2015
C-105	George Parra	3/19/2015
C-106	Sabrina Parra	3/19/2015
C-107	Anne Payne	3/23/2015
C-108	Chris Penny	3/12/2015
C-109	Monica S. Peters and Randy Peters	3/12/2015
C-110a	Jennifer Waterhouse Pietro	3/12/2015
C-110b	Jennifer Waterhouse Pietro	3/19/2015
C-111a	Victoria Principal	3/19/2015
C-111b	Victoria Principal	3/19/2015
C-112	Martha Quinn	3/22/2015
C-113	Andrea Rader	3/12/2015
C-114	Olivia Raine	3/18/2015
C-115	Cynthia Randall	2/13/2015
C-116	Rheta and Bernie Resnick	3/19/2015
C-117	Stephanie Rocco	3/17/2015
C-118	Mary Anne Roelke	3/13/2015
C-119	Kimberly Roth	3/19/2015
C-120	Steve Rucker	3/23/2015
C-121	Ann Ryan	3/12/2015
C-122	MalibuBill and Rosemary Sampson	3/12/2015
C-123	Nancy Sanders	3/23/2015
C-124	James Sarantinos	3/12/2015

Comment Number	Commenter	Date
C-125	Diane Sherman	3/17/2015
C-126	Francesca Silva	3/18/2015
C-127	Carol Simpson	3/12/2015
C-128	Kevin Singer	3/12/2015
C-129	Anna Rose Sislyan	3/23/2015
C-130a	Alexander and Elena Sitkovetsky	3/12/2015
C-130b	Alexander and Elena Sitkovetsky	3/23/2015
C-131	Karen Smythe	3/23/2015
C-132a	Cecilia Soto-Loftus, MPH	3/23/2015
C-132b	Cecilia Soto-Loftus, MPH	3/23/2015
C-132c	Cecilia Soto-Loftus, MPH	3/23/2015
C-133	Louis and Eugenie Spirito	3/11/2015
C-134	Frankie Blue Sposato	3/13/2015
C-135	Susan Stiffelman	3/10/2015
C-136	Michael Stoller	3/12/2015
C-137	William B. Strange	3/12/2015
C-138	Mary Streeter	3/19/2015
C-139	Sharon A. Talovic, Ph.D.	3/20/2015
C-140	Jordan Tarlow	3/22/2015
C-141	Susan Tellem	3/13/2015
C-142a	Janet Tholen	3/12/2015
C-142b	Janet Tholen	3/12/2015
C-143	Marshall Thompson	3/12/2015
C-144	Dru Tolmachoff-Lynch	3/12/2015
C-145	Jackie Tomlinson	3/17/2015
C-146	Beth Treweek	3/15/2015
C-147	Randy Turrow and Carlene Moore	3/12/2015
C-148a	Steve Uhring	3/19/2015
C-148b	Steve Uhring	3/23/2015
C-149	Ron Underwood	3/18/2015
C-150a	Thomas Urban	3/19/2015
C-150b	Thomas Urban	3/19/2015
C-150c	Thomas Urban	3/19/2015
C-151	Jason Ventress	3/19/2015
C-152a	Joanne Verbon	3/12/2015
C-152b	Joanne Verbon	3/19/2015
C-152c	Joanne Verbon	3/23/2015
C-152d	Joanne Verbon	3/23/2015
C-153	Judy Villablanca	3/23/2015
C-154a	Peri Vincent	3/23/2015
C-154b	Peri Vincent	3/23/2015
C-155	Ronald Weiner	3/12/2015
C-156	Palomba Weingarten	3/19/2015
C-157	Debbie Weiss and Adrian Lorimer	3/23/2015

Comment Number	Commenter	Date
C-158	Lou Westphal	3/19/2015
C-159	Cami Winikoff and Scott Greco	3/13/2015
C-160	Kathy Wittenberg	3/12/2015
C-161a	Justin Wixsom	3/20/2015
C-161b	Justin Wixsom	3/20/2015
C-161c	Justin Wixsom	3/20/2015
C-162	Peg Yorkin	3/19/2015
C-163	David Zielski	3/12/2015
C-164	Beatrix Zilinskas	3/23/2015
C-165a	Gene and Dagmar Zilinskas	3/14/2015
C-165b	Gene and Dagmar Zilinskas	3/16/2015
C-165c	Dagmar Zilinskas	3/20/2015
C-166	Henry Zinman	3/12/2015
C-167	Katina Zinner	3/23/2015

Comment Number	Commenter	Date
D	Oral Comments	
D-1	Brad Thornton	3/2/2015
D-2	Chuck Trout	3/2/2015
D-3	Jeff Follert	3/2/2015
D-4	Linda Ellrod	3/2/2015
D-5	Justine Petretti	3/2/2015
D-6	Mariane Schector	3/2/2015
D-7	Anne Payne	3/2/2015
D-8	Norm Haynie	3/2/2015
D-9	Jo Giese	3/2/2015
D-10	Michelle Kahen	3/2/2015
D-11	Howard Schector	3/2/2015
D-12	Amy Cohen	3/2/2015
D-13	Steve Uhring	3/2/2015
D-14	Bob Perkins	3/2/2015
D-15	Paul Grisanti	3/2/2015
D-16	Charlotte Jones	3/2/2015
D-17	Commissioner John Mazza	3/2/2015

TOPICAL RESPONSES

A number of similar issues were raised by multiple commenters. This section provides topical responses to each of those issues.

Topical Response 1 – Traffic

Several comments on the Draft EIR expressed concerns regarding the adequacy of the analysis of traffic impacts included in Draft EIR Section 3.13, Transportation and Traffic. This topical response provides additional clarifying information, which would serve to address concerns regarding the City’s Traffic Impact Analysis Guidelines, the adequacy of traffic counts obtained for the project, and the metrics used to assess traffic impacts in the EIR.

Summary of Traffic Impact Assessment Guidelines

The City of Malibu prepared the Traffic Impact Analysis Guidelines in order to streamline the Traffic Impact Analysis (TIA) preparation process and to provide a standardized framework for applicants to follow during the preparation of TIAs. The purpose of the TIA is to evaluate potential traffic impacts from a quantitative and qualitative standpoint. The TIA also considers the study area’s traffic conditions in a variety of circumstances: both with and without a project, in present and future timeframes, and with and without the impacts of other expected/foreseeable projects (“cumulative” impacts). The Traffic Impact Analysis Guidelines require the use of traffic count data, a comprehensive evaluation of project specific and cumulative vehicle trips, a comprehensive evaluation of any intersection and roadway segments, and a comprehensive evaluation of driveways/circulation routes. The results of each TIA prepared in the City of Malibu must be compared to the City’s significance criteria, which are based upon a sliding scale to determine the significance of a project’s traffic impacts. In basic terms, this sliding scale of significance means that the worse traffic conditions are, the smaller the threshold is for creating a significant impact.

For the signalized intersections and roadway segments, the TIA measured project specific and cumulative traffic impacts quantitatively using the Intersection Capacity Utilization (ICU) method to calculate volume-to-capacity (V/C) ratios and qualitatively using levels of service (LOS). For the two unsignalized intersections within the study area, the Highway Capacity Manual (HCM) delay method was used to calculate LOS. The Level of Service methodology used to determine the significance of a traffic impact is a national standardized method and is therefore recommended for use in the City of Malibu Traffic Impact Analysis Guidelines. Essentially, the procedure to quantify traffic impacts involves the calculation of a V/C ratio within the peak hour necessary to accommodate all the traffic moving through the intersection as shown in the traffic count data. In addition, the calculation of LOS was used to qualitatively describe operational conditions within a traffic stream or at an intersection in terms of speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. In rating intersection operations, LOS A through F are used, where LOS A indicates free flow operations and LOS F indicates congested operations. The City generally considers LOS C as the minimum acceptable operating standard for signalized and unsignalized intersections in the City during peak hour traffic. LOS C is defined in the

City's Traffic Impact Analysis Guidelines as generally "good" traffic flow, where drivers may occasionally have to wait for more than one red light and backups may develop behind turning vehicles. For a more detailed explanation of the City's traffic impact significance thresholds, please refer to Draft EIR in Section 3.13, Transportation and Traffic, Tables 3.13-3 and 3.13-4 on page 3.13-17.

Summary of Traffic Impact Analysis

The TIA prepared for the Project (included as Appendix 3.13 in the Draft EIR) by the applicant's traffic engineer was independently reviewed by City Staff to ensure compliance with the Traffic Impact Analysis Guidelines. As required in the City's Traffic Impact Analysis Guidelines, the significance of traffic impacts was based primarily on the increase in the amount of Project traffic as well as cumulative Project traffic at intersections and roadway segments under Existing Conditions (2012), Existing Plus Project Conditions (2012), Future Plus Project Conditions (2017), and Future Plus Project Conditions (2030). The TIA evaluated the Project's potential to create traffic impacts at ten key intersections encompassing a study area that extends from Kanan-Dume Road to the west and Las Flores Canyon Road to the east. The TIA also included analysis of roadway segment impacts, analysis of mitigation measure effectiveness, analysis of the future driveway capacity, analysis of Congestion Management Program (CMP) intersections, traffic signal warrant analysis, and analysis of parking demand.

As discussed in Section 3.13, Transportation and Traffic, of the Draft EIR, the proposed project would have potentially significant traffic impacts at the intersection of Cross Creek Road and Pacific Coast Highway (PCH) under Existing Plus Project Conditions; and potentially significant impacts at the intersections of Cross Creek Road and PCH; Webb Way and PCH; and Malibu Canyon Road and PCH during either the weekday afternoon peak hour or the Saturday mid-day peak hour under Future Plus Project Conditions (2017 and 2030). Mitigation Measures 3.13-1 through 3.13-3 require the Project applicant to contribute its proportional share of funding for intersection improvements at Cross Creek Road and PCH, Webb Way and PCH, and Malibu Canyon Road and PCH. The intersection improvements generally include the construction of an additional eastbound right-turn lane at Cross Creek Road and PCH, the construction of dual eastbound left turn lanes at Webb Way and PCH, and intersection restriping and signal timing adjustments at Malibu Canyon Road and PCH. These mitigation measures will increase traffic flow for the most critical vehicle movements at each intersection, thereby reducing delay. After implementation of the required mitigation measures, impacts were considered less than significant.

Adequacy of Traffic Counts

Several comment letters expressed concerns that the traffic counts utilized for the TIA were inadequate in so far as they underestimated baseline traffic counts by 25 percent or more when compared to traffic conditions described in previously prepared TIAs and compared to Caltrans traffic count data. In addition, several comment letters suggested that the traffic counts collected for the Project were inadequate because they show an overall trend of decreasing traffic in the City of Malibu. As a result, a number of comment letters requested the collection of new traffic counts in order to "achieve a more realistic assessment of impacts on Malibu roads."

The traffic counts used for the Project's TIA were collected by the City of Malibu in July of 2012 in accordance with the City's Traffic Impact Analysis Guidelines. Two separate traffic counts were collected during the summer period (July 2012), one count on a Thursday and another count on a Saturday. The City decided to collect summer traffic counts after reviewing comments received during the Draft EIR Scoping Meeting (refer to Draft EIR Appendix 1.0) and after reviewing traffic count data previously collected in the City of Malibu traffic over a period of 16 years (1996 to 2012). These counts indicated that summer period traffic volumes and PM peak hour traffic volumes were generally higher than non-summer traffic volumes and AM traffic volumes.

Summer weekday traffic counts at each intersection within the Project's TIA study area were completed during the AM and PM peak hour and summer weekend traffic counts were completed during the mid-day peak hour. In addition, two 24-hour roadway segment counts were completed along PCH (east of Cross Creek Road and west of Malibu Canyon Road). The appropriate peak hours for the intersection traffic counts were determined after reviewing the City's 24-hour roadway segment counts, which indicated that the weekday AM peak hour typically occurs between 7:00 and 9:00 AM, the weekday PM peak hour typically occurs between 5:00 and 7:00 PM, and that the weekend peak hour typically occurs between 11:00 AM and 1:00 PM.

Provided below in **Tables 1(a-c)** and **Tables 2(a-c)** is a summary of historic traffic count data acquired by the City of Malibu for the intersections of PCH/Cross Creek Road and the PCH/Malibu Canyon Road. The traffic counts from these two intersections have been used because they convey some of the largest traffic volumes in the City. This data was collected during the AM, PM and weekend peak periods and key statistics have been summarized below each table for the purposes of responding to the comments which state that the Project TIA underestimates traffic by 25 percent or more.

Table 1(a) - Cross Creek Road/PCH - Weekday AM Peak Hour Counts		
<i>Project Name</i>	<i>Date</i>	<i>AM Peak Hour Volume</i>
City Traffic Counts (Whole Foods)	Thurs., 7/12/2012	3011
La Paz Traffic Counts	Wed., 7/11/2012	3015
City CMP Traffic Counts	Thurs., 3/15/2012	3335
Pepperdine Traffic Counts	Tues., 3/25/2008	3278
Papa Jack's Commercial Traffic Counts	Tues., 5/8/2007	3584
La Paz Traffic Counts	4/2003*	3532
Malibu Bay Company Traffic Counts	7/2001*	3200
Malibu Bay Company Traffic Counts	Non-Summer 1997*	3201
Rancho Malibu Traffic Counts	Wed., 8/21/1996	3162

*Note: The exact traffic count dates were unavailable.

Table 1(a), above, shows that the highest recent (2007 or later) weekday AM peak hour counts occur during the non-summer months. Traffic volumes fluctuate between summer and non-summer periods by up to 19 percent (3011 vs. 3584). This fluctuation in traffic volume was likely due in large part to the lack of school traffic in the summer months. The overall difference between 1996 and 2012 weekday AM peak hour traffic counts is approximately 5 percent (3162 vs. 3011). This relatively small amount of variation in

overall intersection traffic count volumes is common. These traffic count volumes were reviewed by City Staff and were considered to be within a reasonable range of tolerance and thus they provide a reasonably accurate representation of baseline traffic conditions.

Table 1(b) - Cross Creek Road/PCH – Weekday PM Peak Hour Counts		
<i>Project Name</i>	<i>Date</i>	<i>PM Peak Hour Volume</i>
City Traffic Counts (Whole Foods)	Thurs., 7/12/2012	3985
La Paz Traffic Counts	Wed., 7/11/2012	3712
City CMP Traffic Counts	Thurs., 3/15/2012	3594
Whole Foods Traffic Counts	Wed., 5/19/2010	3712
Papa Jack's Commercial Traffic Counts	Tues., 5/8/2007	4078
La Paz Traffic Counts	4/2003*	4226
Malibu Bay Company Traffic Counts	7/2001*	4020
Malibu Bay Company Traffic Counts	Non-Summer 1997*	4060
Rancho Malibu Traffic Counts	Wed., 8/21/1996	4033

**Note: The exact traffic count dates were unavailable.*

Table 1(b), above, shows that the recent (2007 or later) weekday PM peak hour traffic counts fluctuate between summer and non-summer periods by approximately 10 percent (3712 vs. 4078). This fluctuation in traffic volume was likely due in large part to the lack of school traffic in the summer months. The overall difference between 1996 and 2012 weekday PM peak hour traffic counts is approximately 1 percent (4033 vs. 3985). This relatively small amount of variation in overall intersection traffic count volumes is common. These traffic count volumes were reviewed by City Staff and were considered to be within a reasonable range of tolerance and thus they provide a reasonably accurate representation of baseline traffic conditions. Summer weekday PM peak hour traffic counts are approximately 32 percent greater than summer weekday AM peak hour traffic counts (3985 vs. 3011).

Table 1(c) - Cross Creek Road/PCH - Weekend PM Peak Hour Counts		
<i>Project Name</i>	<i>Date</i>	<i>PM Peak Hour Volume</i>
City Traffic Counts (Whole Foods)	Sat., 7/14/2012	3867
La Paz Traffic Counts	Sat., 7/7/2012	3657
Whole Foods Traffic Counts	Sat., 5/22/2010	4210
Papa Jack's Commercial Traffic Counts	Sat., 8/4/2007	4242
La Paz Traffic Counts	4/2003*	4021
Malibu Bay Company Traffic Counts	7/2001*	3890
Malibu Bay Company Traffic Counts	Summer 1997	3453
Rancho Malibu Traffic Counts	Sat., 8/17/1996	3406

**Note: The exact traffic count dates were unavailable.*

Table 1(c), above, shows that the recent (2007 or later) weekend mid-day peak hour traffic counts fluctuate between summer and non-summer periods by approximately 9 percent (3867 vs. 4210). The weekend PM peak hour traffic counts completed between 1996 and 2012 have increased by 13.5 percent

(3406 vs. 3867). The summer weekend PM peak hour traffic counts are approximately 28 percent greater than summer weekday AM peak hour traffic counts (3867 vs. 3011).

<i>Project Name</i>	<i>Date</i>	<i>AM Peak Hour Volume</i>
City Traffic Counts (Whole Foods)	Thurs., 7/12/2012	3009
La Paz Traffic Counts	Tues., 7/10/2012	3119
City CMP Traffic Counts	Tues., 3/17/2009	3281
City CMP Traffic Counts	Tues., 3/10/2009	3208
Pepperdine Traffic Counts	Fri., 3/28/2008	3170
City CMP Traffic Counts	Wed., 3/14/2007	3320
Papa Jack's Commercial Traffic Counts	Tues., 3/13/2007	3448
City CMP Traffic Counts	Wed., 4/9/2003	3346
City CMP Traffic Counts	Tues., 4/8/2003	3256
Hajian Office Bldg. Traffic Counts	4/2003*	2406
Malibu Bay Company Traffic Counts	7/2001*	3145
Malibu Bay Company Traffic Counts	Non-summer 1997*	3508
Rancho Malibu Traffic Counts	Wed., 8/21/1996	3057

**Note: The exact traffic count dates were unavailable.*

Table 2(a), above, shows that the recent (2007 or later) weekday AM peak hour counts fluctuate between summer and non-summer periods by approximately 15 percent (3009 vs. 3448). This fluctuation in traffic volume was likely due in large part to the lack of school traffic in the summer months. The overall difference in weekday AM peak hour traffic counts completed between 1996 and 2012 is approximately 1.5 percent (3057 vs. 3009). This relatively small amount of variation in overall intersection traffic count volumes is common. These traffic count volumes were reviewed by City Staff and were considered to be within a reasonable range of tolerance and thus they provide a reasonably accurate representation of baseline traffic conditions.

<i>Project Name</i>	<i>Date</i>	<i>PM Peak Hour Volume</i>
City Traffic Counts (Whole Foods)	Thurs., 7/12/2012	3518
La Paz Traffic Counts	Tues., 7/10/2012	3597
City CMP Traffic Counts	Tues., 3/10/2009	3438
Pepperdine Traffic Counts	Fri., 3/28/2008	3469
City CMP Traffic Counts	Wed., 3/14/2007	3712
Papa Jack's Commercial Traffic Counts	Tues., 3/13/2007	3644
City CMP Traffic Counts	Wed., 4/9/2003	3589
City CMP Traffic Counts	Tues., 4/8/2003	3780
Hajian Office Bldg. Traffic Counts	4/2003*	3931
Malibu Bay Company Traffic Counts	7/2001*	3370
Malibu Bay Company Traffic Counts	non-summer 1997 *	3411
Rancho Malibu Traffic Counts	Wed., 8/21/1996	3402

**Note: The exact traffic count dates were unavailable.*

Table 2(b), above, shows that the recent (2007 or later) weekday PM peak hour traffic counts fluctuate between summer and non-summer periods by approximately 5 percent (3518 vs. 3644). This fluctuation in traffic volume was likely due in large part to the lack of school traffic in the summer months. The overall difference in weekday PM peak hour trip counts completed between 1996 and 2012 is approximately 3.4 percent (3402 vs. 3518). This relatively small amount of variation in overall intersection traffic count volumes is common. These traffic count volumes were reviewed by City Staff and were considered to be within a reasonable range of tolerance and thus they provide a reasonably accurate representation of baseline traffic conditions. The summer weekday PM peak hour traffic counts are approximately 17 percent greater than summer weekday AM peak hour traffic counts (3518 vs. 3009).

<i>Project Name</i>	<i>Date</i>	<i>PM Peak Hour Volume</i>
City Traffic Counts (Whole Foods)	Sat., 07/14/12	3838
La Paz Traffic Counts	Sat., 06/30/12	3981
Papa Jack's Commercial Traffic Counts	Sat., 08/04/07	3870
Malibu Bay Company Traffic Counts	07/2001*	4005
Malibu Bay Company Traffic Counts	Summer 1997*	3972
Rancho Malibu Traffic Counts	Sat., 08/17/96	3918

**Note: The exact traffic count dates were unavailable.*

Table 2(c), above, shows that the weekend PM peak hour traffic counts completed between 1996 and 2012 fluctuate by approximately 1 percent (3918 vs. 3938). This relatively small amount of variation in overall intersection traffic count volumes is common. These traffic count volumes were reviewed by City Staff and were considered to be within a reasonable range of tolerance and thus they provide a reasonably

accurate representation of baseline traffic conditions. The summer weekend PM peak hour traffic counts are approximately 28 percent greater than summer weekday AM peak hour traffic counts (3838 vs. 3009).

In summary, the tables above underscore the fact that traffic counts collected during the weekday PM peak hour and during the weekend peak hour are higher than AM traffic counts (both summer and non-summer) at both intersections. This is consistent with the traffic impact calculations contained in the Draft EIR, Section 3.13, Transportation and Traffic, which identify all significant impacts occurring during either the PM peak hour or during the weekend peak hour under Existing Plus Project (2012) conditions. The tables above also show that traffic count volumes at the intersection of PCH and Cross Creek Road have increased over the period of 1996 to 2012 by approximately 13.5 percent during the summer weekend peak hour. This is consistent with the impact calculations contained in Draft EIR, Section 3.13, Transportation Traffic, which show a significant impact at this intersection under Existing Plus Project (2012) conditions during the weekend peak hour. The traffic count volumes at the intersection of PCH and Malibu Canyon Road have remained relatively constant over the period of 1996 to 2012. This is consistent with the impact calculations contained in Draft EIR, Section 3.13, Transportation Traffic, which show a less than significant impact at this intersection under Existing Plus Project (2012) conditions.

Several comment letters also expressed concerns that the 2012 traffic counts obtained for the Project were between 17 percent and 35 percent lower than Caltrans traffic count estimates (2013) obtained along PCH at its intersection with Cross Creek Road and Malibu Canyon Road, respectively. The commenter's claim of significantly reduced traffic volumes in 2012 was based upon stated traffic volumes of 2,357 at PCH/Malibu Canyon and 3,314 at PCH/Cross Creek Road. These stated 2012 traffic count volumes are inaccurate because they only include the "straight through" movements and not the turning movements collected during the PCH and Malibu Canyon Road and PCH and Cross Creek Road intersection traffic counts. This omission results in the underestimation of the actual 2012 intersection traffic counts by 33 percent and 13 percent, respectively. The Caltrans data referenced by the commenter for comparison were traffic volume "estimates" only and were derived from counts taken at the intersection of PCH and Ocean Avenue and PCH at Ventura County Line, respectively approximately 18 miles and 10 miles from the Civic Center Area of Malibu. For a more accurate comparison of 2012 traffic count data and the Caltrans traffic count estimates, please refer to Table 3.13-11 "Arterial Street Segment Traffic Impact Analysis" from the Whole Foods Traffic Study, page 61 (included in the Draft EIR in Section 3.13, Transportation and Traffic as Table 3.13-11 on page 3.13-51), which reports a PM weekday peak hour traffic volume of 3,721 on PCH (east of Cross Creek Road) compared to the estimated Caltrans PM peak hour volume of 4,000 trips. The difference between the actual traffic count volume and the estimated Caltrans PM peak hour volume is approximately 7 percent, rather than 35 percent as stated by a number of commenters. This relatively small amount of variation when comparing actual traffic count volumes and traffic volume estimates (which incorporate conservative cumulative growth factors) was reviewed by City Staff and was considered a reasonably accurate representation of baseline traffic conditions.

Why use V/C Ratio vs. Delay to Measure Traffic Impacts?

Using V/C ratios for planning level studies is a standard industry practice used by the City of Malibu, Caltrans, and numerous other state and local agencies. Several adjacent jurisdictions as well as Los

Angeles County follow similar TIA guidelines and measure the LOS at intersection based upon V/C ratios. This is because V/C ratios provide an opportunity to understand any 'over' capacity issues and help identify mitigation measures such as physical improvements. Metrics such as 'delay' could easily be mitigated by optimizing signal timing, such as providing additional green time to certain movements, which may not be the best approach when it is applied to future estimated volumes. For example, such an approach could suggest that providing better signal timing in the year 2020 would mitigate a congestion problem. Therefore, the V/C ratios provide an appropriate means for quantifying intersection operating characteristics and for quantifying the effectiveness of traffic mitigation measures.

Topical Response 2—Wildland Fire and Public Safety Concerns

Several comments on the Draft EIR expressed concerns regarding emergency vehicle staging and access, and resident evacuation, particularly during a wildland fire, to and from the surrounding neighborhood due to traffic conditions in the project site area, as well as available water supply for fire suppression. Potential impacts due to wildland fire during construction and operation of the Project were analyzed in Section 3.7, Hazards, and Section 3.11.1, Public Services - Fire Protection, of the Draft EIR. This topical response summarizes potential impacts due to wildland fire during construction and operation of the Project as discussed throughout the Draft EIR, and provides additional clarifying information regarding local coordination of emergency services planning, which would serve to address concerns regarding emergency vehicle access, resident evacuation, and available water supply.

It should be noted that as fully discussed in Section 3.7, Hazards, and Section 3.11.1, Public Services - Fire Protection, of the Draft EIR, the proposed project includes multiple measures to address wildfire hazards, including use of fire resistant building materials, vegetation clearance and management, and a 26-foot-wide rear driveway off of Cross Creek Road that would provide secondary vehicle access to the project site and Civic Center Way in the event of an emergency. As noted by Inspector Nancy Rodeheffer, Los Angeles County Fire Department Land Development Unit, Fire Preventions Division, in the incorporated Conditions of Approval documentation dated November 22, 2011, the proposed project will meet all applicable code and ordinance requirements including, but not limited to, building construction, all weather access fire lanes, number of fire hydrants and spacing, brush clearance, and fuel modification plans.

The applicant has agreed to fund the design and construction of approximately 5,000 feet of a 12-inch water main, pump station upgrades, a regulating station, and an approximately 800,000 gallon water tank.¹ These infrastructure improvements would be dedicated to County of Los Angeles Water Works District 29 (WWD 29) after construction is complete and would be used to supply water to the project site.

¹ Los Angeles County Waterworks District 29 Participation Agreement Letter

Following the installation of these upgrades, there would be adequate water flow for fire protection services.²

As discussed in Section 3.7, Hazards, and Section 3.11.1, Public Services - Fire Protection, of the Draft EIR, the Santa Monica Mountains are considered particularly susceptible to wildfires due to several factors including; climate patterns and weather conditions, fire adaptation of vegetation types, slope steepness, and frequency of fires caused by human activity.

Numerous federal, state, and local regulatory and code requirements exist to manage and reduce the risks of wildland fires.

Federal Regulations

Robert T. Stafford Disaster Relief and Emergency Assistance Act

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (DREAA) provides the basis for federal assistance to state and local governments impacted by disaster and outlines the requirements for mitigation planning. Hazard mitigation is considered the first step in preparing for emergencies (rather than placing a reliance on recovery after an event). The Federal Emergency Management Agency (FEMA) requires state and local governments to develop a Hazard Mitigation Plan and update it every five years in order to be eligible of FEMA mitigation programs, including eligibility for public assistance funding following a disaster.

Disaster Mitigation Act of 2000

The Disaster Mitigation Act of 2000 (DMA 2000), Section 322 (a-d), requires that local governments maintain mitigation plans that describe the process for identifying hazards, risks and vulnerabilities, identifies and prioritizes mitigation actions, encourages development of local mitigation and provides technical support for those efforts as a condition of receiving federal disaster mitigation funds.

State Regulations

Fire and Resource Assessment Program

Government Code 51175-89 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of very high fire hazard severity zones (VHFHSZs) in local responsibility areas (LRAs).

² County of Los Angeles Water Works District 29, Fire Flow Availability form dated October 25, 2011.

Mapping of the areas, referred to as VHFHSZ, is based on data and models of potential fuels over a 30- to 50-year time horizon and their associated expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of vegetation fire exposure (including firebrands) to buildings.

CAL FIRE is also charged under state law (PRC 4789) with the development and maintenance of a Fire and Resources Assessment Program (FRAP).³ The FRAP assesses the amount and extent of California's forests and rangelands, analyses their condition and identifies alternative management and policy guidelines, including wildfire threats to ecosystem health and community safety.

Local Regulations

Los Angeles County Fire Department Fire Code

The LACFD's Fire Code establishes standards for the distribution, design, construction, and location of fire protection facilities, including systems incorporated into private development projects. These standards specify fire-flow criteria, minimum distances to fire stations, public and private specifications, and the location criteria and access provisions for fire-fighting vehicles and personnel.

City of Malibu Fire Code

The City of Malibu has adopted the Los Angeles County Fire Code, contained in Title 32 of the Los Angeles County Code. The City of Malibu Fire Code includes regulations that require the identification of Fire Hazard Severity Zones and regulations for vegetation management and fuel modification. Fire Code Section 1117.2.1 requires that a fuel modification plan, a landscape plan, and an irrigation plan be prepared prior to any subdivision of land or new construction in a VHFHSZ. All land in the City is designated a VHFHSZ.

Ordinance No. 299 of the City of Malibu

Ordinance No. 299 of the City of Malibu required the Los Angeles County Fire Chief to designate all land in the City as VHFHSZ, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. Properties in VHFHSZ are subject to more stringent Building Code requirements. In summary, these code provisions address roofing and siding materials, window glazing, exterior doors, the protection of openings and unenclosed underfloor areas, and accessory structures.

³ Further information regarding the FRAP is available on-line: <http://frap.fire.ca.gov/>

City of Malibu General Plan

The safety and health element of the City of Malibu General Plan includes goals and policies intended to minimize risks due to fire hazards. Safety Implementation Measure 4 is intended to “establish programs and guidelines for fire-safe landscaping including buffers comprised of fire resistant vegetation between residential areas and open space areas and encourage use of fire-safe landscaping principles which emphasize plant species with low fuel volumes.” Other implementation measures include coordination between the City and Los Angeles County Fire Department (LACFD) and measures regarding emergency response.

City of Malibu Local Coastal Program Land Use Plan

General policies 4.45 through 4.54 of the City of Malibu Local Coastal Program (LCP) Land Use Plan are intended to minimize risks due to fire hazards. They include siting and design guidelines and requirements for developments adjacent to parkland. This also requires adequate access and water supply for fire protection personnel and specific brush clearance methods. The LCP Land Use Plan also requires submittal of a fuel modification plan prior to approval for any project that requires fuel modification.

City of Malibu LCP Local Implementation Plan

Chapter 9 of the City of Malibu LCP Local Implementation Plan contains provisions intended to ensure that new development minimizes risks to life and property in areas of high geologic, flood, and fire hazard. Development standards, permit and application requirements, and other measures are provided to implement the LCP Local Implementation Plan.

Local Agency Disaster Preparation and Coordination

A robust system of plans and procedures has been put in place to provide the groundwork for planning and training to facilitate optimum performance in response to a major emergency or disaster situation in and around the City of Malibu.

Las Virgenes-Malibu Council of Governments Multi-Jurisdictional Hazard Mitigation Plan

The City of Malibu, together with the cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake, has joined to form the Las Virgenes-Malibu Council of Governments (LVMCOG). The LVMCOG was formed to provide a vehicle for members to engage in regional and cooperative planning and coordination of government services and responsibilities. The five cities of the LVMCOG contract for essential law enforcement services with the Los Angeles County Sheriff’s Department (LACSD) and for firefighting

resources through the LACFD. In order to comply with the provisions of DREAA and DMA 2000, the LVMCOG has developed a Multi-Jurisdictional Hazard Mitigation Plan (HMP) in order to manage public education, preparedness, mitigation and coordinated emergency response efforts.⁴ The HMP was approved by the Malibu City Council on May 29, 2012 through the adoption of City Council Resolution No. 12-18.

City of Malibu Standardized Emergency Management System

The City of Malibu has developed a Standardized Emergency Management System (SEMS)/National Incident Management System (NIMS) Emergency Operations Plan (EOP).⁵ The EOP addresses the City of Malibu's planned response to extraordinary emergency/disaster situations associated with natural disasters, technological incidents, and national security emergencies. The EOP does not address normal day-to-day emergencies. Instead, the operational concepts reflected in the EOP focus on potential large-scale disasters that can generate unique situations requiring unusual and rapid responses. The EOP is reviewed annually to ensure that plan elements are valid and current.

The mission of the EOP is to:

- Prevent the loss of life, reduce property damage or environmental impacts,
- Reassure and care for the public and provide for the rapid resumption of impacted businesses and community services,
- Provide recovery for the residents and businesses of the City, and provide accurate documentation and records required for cost recovery efforts.

This mission is accomplished through the process of *mitigation*, *preparedness*, *response*, and *recovery*. Briefly, *mitigation* is the application of means to avert or reduce the impact of a threat or hazardous event, *preparedness* is the education and training to deal with anticipated threats, *response* is the action taken during and immediately following the event and *recovery* is action taken to restore conditions to normal.

The Special Operations Bureau of the LACFD provides highly technical operational functions to local communities, including emergency medical services, urban search and rescue, hazardous materials recovery, fire camps, air operations and heavy equipment for wildland firefighting, and central dispatch coordination.

⁴ A copy of the LVMCOG Multi-Jurisdictional Hazard Mitigation Plan is available on-line: <http://ca-malibu.civicplus.com/DocumentCenter/View/4655>

⁵ A copy of the City of Malibu SEMS/NIMS Emergency Operations Plan is available on-line: <https://www.malibucity.org/DocumentCenter/View/68>

The City of Malibu is served by the LACSD Malibu/Lost Hills Station which maintains comprehensive Fire, Flood, and Earthquake Operation Plans. These plans identify locations for evacuation shelters, secondary evacuation shelters, command post sites, and multi-purpose staging areas, as well as alternative evacuation traffic routes.

As a member of the LVMCOG, the City of Malibu participates in the *Connect-CTY*TM service which allows authorized civic leaders to create and rapidly disseminate time-sensitive messages to every telephone number stored in the notification database. The *Connect-CTY*TM service allows for authorized users to notify local residents and businesses of emergencies or critical situations and provide information regarding necessary actions such as evacuations within minutes. All regular and unlisted phone numbers in Malibu are automatically entered into the *Connect-CTY*TM database; residents and businesses may also register additional phone numbers outside of the City's jurisdiction, including cell phones, fax numbers, and other devices.

In addition, the City of Malibu maintains a telephone hotline (310-456-9982) which provides information regarding traffic hazard advisories, incident updates and evacuation instructions. Additionally, City TV Channel 3 provides reports and information about incidents and special events. The City also maintains a 10 watt AM radio station to supplement the hotline and Channel 3. The radio station transmits (on 1620 AM) 24 hours a day and is remotely programmable, meaning announcements may be made to subscribers via telephone or radio.

When a wildfire occurs, the primary protection for life, property, and the environment comes from passive protection measures such as defensible space, fire resistive landscaping, and fire-resistive construction. The sum effect of passive protection measures substantially increases the effectiveness of fire suppression activities. Fire suppression generally includes a combined resource attack, which is a coordinated suppression effort including ground assets, aviation assets, passive fire protection measures, and command elements.

As previously noted, numerous agencies are involved in managing the wildland fires, including state, federal, and county jurisdictions. The combination of forces applied will depend upon the severity of the fire, other fires in progress and the availability of resources. Suppression efforts can involve local fire equipment, heavy construction type equipment, aircraft and hand crews. In addition to LACFD resources, under the fire services mutual aid system, CAL FIRE and the United States Forest Service, Fire and Aviation Management Division (US Forest Service), may respond to a wildland fire.

Depending upon the severity of a given situation, a Local Emergency may be proclaimed, and a local Emergency Operations Center (EOC) may be activated. The City has extensive plans for the exchange of information with the LACFD and LACSD to support the activities of the EOC.

Wildland fires can require evacuation of portions of the population, revised traffic controls to accommodate emergency vehicles and evacuation passage, and restrictions on water usage during the period of the emergency. Emergency evacuation in the City of Malibu is coordinated by the LACSD and the California Highway Patrol (CHP).

Specific information in Emergency Response Plans concerning staging areas and evacuation routes are now restricted by the City and the LACFD due to the sensitive nature of the information. Further, EOC locations, staging areas and evacuation routes are highly incident dependent. The LACFD has no requirements that any given site or property be maintained in a vacant condition to allow for emergency staging. Development of the project site would not preclude its use for emergency response vehicle staging during an emergency situation, and in fact may increase the utility of the site with the provision of the proposed additional fire suppression infrastructure.⁶

The project would not change the existing configuration of the surrounding streets nor install barriers that would impede emergency vehicle access or citizen evacuation routes in the vicinity of the project site. The drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Further, The LACSD and the CHP have the authority to revise and restrict traffic flow to accommodate emergency vehicles and evacuation passage. Therefore, development of the proposed project would not impair emergency providers from responding to emergencies at the project site or the surrounding neighborhood nor impede evacuation from the surrounding neighborhood.

As previously discussed, following the installation of the planned water supply infrastructure upgrades there would be adequate water flow for fire protection services to the proposed project site. Further, water for fire suppression purposes during a wildfire could be supplied by the utilization of alternative water sources, including, but not limited to, the nearby Pacific Ocean.⁷ Therefore, there would be adequate water supply to fight both a building fire and a nearby wildfire should the need arise.

⁶ Personal communication, Captain Michael McCormick, LACFD, Fire Prevention Engineering, April 14, 2015.

⁷ Personal communication, Captain Michael McCormick, LACFD, Fire Prevention Engineering, April 14, 2015.

PUBLIC COMMENT AND RESPONSES

The following pages provide the written comment letters and the City's responses to these comments.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-9140
FAX (213) 897-1337
www.dot.ca.gov



Serious drought.
Help save water!

March 23, 2015

RECEIVED

MAR 23 2015

PLANNING DEPT.

Mr. Jasch Janowicz
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Re: **Whole Foods in the Park**
Draft EIR
IGR#150223/EA, SCH#2012041087
Vic: LA /1/39.00-41.00

Dear Mr. Janowicz:

The California Department of Transportation (Caltrans) has reviewed the Traffic Impact Analysis (TIA) contained in the Draft Environmental Impact Report (DEIR) prepared for the proposed Whole Foods Market to be located in the Malibu Civic Center area. The Proposed project consists of a Whole Foods Market and four small commercial buildings for a total of approximately 38,400 square feet community shopping Center.

We note the proposed project is estimated to generate approximately 2290 average vehicle trips during weekday with 101 occurring in the AM peak hour and 154 in the PM peak hour. In addition, the proposed project would generate approximately 2528 weekend trips with 226 weekend mid-day trips.

Based on the 2017 analysis, three intersections are expected to be significantly impacted: Malibu Canyon Road and Pacific Coast Highway, Pacific Coast Highway and Webb Way, and Pacific Coast Highway and Cross Creek Road.

Mitigation Measures 3.13-1 states that the project shall contribute its pro-rata share of the costs associated with the intersection improvements required at Pacific Coast Highway and Cross Creek Road. "These intersection improvements shall consist of the construction of an additional westbound right-turn lane along Pacific Coast Highway and incremental roadway widening west and east of the Pacific Coast Highway/Cross Creek Road to provide additional right-turn capacity."

Mitigation Measures 3.13-2 states that the project shall contribute its pro-rata share of the costs associated with the intersection improvements required at Pacific Coast Highway and Malibu Canyon Road. "The improvements shall consist of restriping the south leg of the intersection to include a left-turn lane, one through lane and one right-turn lane. In addition, the project applicant shall fund traffic signal improvements for the intersection consisting of installing a northbound right turn overlap phase to run concurrently with the westbound left turn phase."

1

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability."

Mr. Jasch Janowicz
March 23, 2015
Page 2

Mitigation Measures 3.13-3 states that the project shall fund the construction of dual eastbound left-turn lanes at the eastbound approach to the intersection of Pacific Coast Highway and Webb Way. Prior to construction, all applicable permits shall be obtained from Caltrans.

1

Caltrans is aware of the proposed improvements and will continue to work with the City and applicants to implement them. Caltrans requests that all improvements are implemented in a timely manner prior to build-out of this project (Whole Foods in the Park) or La Paz Ranch development.

Caltrans recommends signalization of the Civic Center and Webb Way intersection to prevent vehicle queues from impacting the Pacific Coast Highway and Webb Way intersection. We note traffic volumes in 2015 justify a new traffic signal at this intersection.

2

If you have any questions regarding these comments, you may contact Elmer Alvarez, project review coordinator at (213) 897-6696 or electronically at elmer.alvarez@dot.ca.gov

Sincerely,



DIANNA WATSON
IGR/CEQA Branch Chief
Office of Regional Planning and Public Transportation

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

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
Dianna Watson, IGR/CEQA Branch Chief

Response A-1-1

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-1-2

Caltrans recommends signalization of the Civic Center and Webb Way intersection noting that traffic volumes justify a new signal at this intersection. The Traffic Impact Analysis prepared for the proposed project and included as Appendix 3.13 of the Draft EIR concludes the signal warrants were met at the Civic Center Way/Webb Way intersection as a result of cumulative growth forecast during 2017 and 2030. Mitigation Measure K-2 of the La Paz Final EIR requires that the La Paz developer install a new traffic signal and widen Webb Way to a six-lane cross section south of the intersection of Civic Center Way. The northbound approach and the eastbound approach would each be re-striped to include one left-turn lane, one through lane, and one right-turn lane. The southbound approach would be widened to provide one left-turn lane and one shared through/right lane.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

RECEIVED

MAR - 6 2015
PLANNING DEPT.

February 24, 2015

Jasch Janowicz, Contract Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Mr. Janowicz:

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND
PLANNING COMMISSION PUBLIC HEARING, "WHOLE FOODS AND THE PARK
SHOPPING CENTER," IT INCLUDES THE DEVELOPMENT OF TWO PARCELS
TOTALING 5.88 ACRES, THE PROJECT SITE IS CURRENTLY VACANT, IT ALSO
CONSISTS OF A NEW 38,425 SQUARE-FOOT, COMMUNITY SHOPPING CENTER,
23401 CIVIC CENTER WAY, MALIBU (FFER 201500026)

1

The Notice of Availability of a Draft Environmental Impact Report and Planning
Commission Public Hearing 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. The following are their comments:

PLANNING DIVISION:

3.11. Fire Protection

ENVIRONMENTAL SETTING

2

Existing Conditions

Paragraph 1, sentences 3 and 4 should be corrected and updated as follows:

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

- AGOURA HILLS, ARTESIA, AZUSA, BALDWIN PARK, BELL, BELL GARDENS, BELLFLOWER, BRADBURY, CALABASAS, CARSON, CERRITOS, CLAREMONT, COMMERCE, COVINA, CUDAHY, DIAMOND BAR, DUARTE, EL MONTE, GARDENA, GLENDORA, HAWAIIAN GARDENS, HAWTHORNE, HIDDEN HILLS, HUNTINGTON PARK, INDUSTRY, INGLEWOOD, IRWINDALE, LA CANADA FLINTRIDGE, LA HABRA, LA MIRADA, LA PUENTE, LAKEWOOD, LANCASTER, LAWNSDALE, LOMITA, LYNWOOD, MALIBU, MAYWOOD, NORWALK, PALMDALE, PALOS VERDES ESTATES, PARAMOUNT, PICO RIVERA, POMONA, RANCHO PALOS VERDES, ROLLING HILLS, ROLLING HILLS ESTATES, ROSEMEAD, SAN DIMAS, SANTA CLARITA, SIGNAL HILL, SOUTH EL MONTE, SOUTH GATE, TEMPLE CITY, WALNUT, WEST HOLLYWOOD, WESTLAKE VILLAGE, WHITTIER

The Department's operations are divided into nine operational Divisions, which are composed of 22 Battalions serving unincorporated areas of Los Angeles County and ~~57~~ 58 contract cities (including the City of Malibu). In ~~2012~~ 2014, the LACFD responded to ~~approximately 314,500~~ 339,019 incidents, including ~~about 7,650~~ 8,187 fire incidents.

2

Paragraph 2, sentences 3 should be updated as follows:

In ~~2013~~ 2014, these stations responded to ~~2,538~~ 2,419 incidents within the City of Malibu, including ~~47~~ 63 fire incidents

LAND DEVELOPMENT UNIT:

1. The statutory responsibilities of the County of Los Angeles Fire Department's Land Development Unit are to review and comment on all projects within the unincorporated areas of the County of Los Angeles. Our emphasis is on the availability of sufficient water supplies for firefighting operations and local/regional access issues. However, we review all projects for issues that may have a significant impact on the County of Los Angeles Fire Department. We are responsible for the review of all projects within contract cities (cities that contract with the County of Los Angeles Fire Department for fire protection services). We are responsible for all County facilities located within non-contract cities. The County of Los Angeles Fire Department's Land Development Unit may also comment on conditions that may be imposed on a project by the Fire Prevention Division, which may create a potentially significant impact to the environment.
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. This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (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.
4. When involved with subdivision in a city contracting fire protection with the County of Los Angeles Fire Department, the Fire Department's requirements for access, fire flows, and hydrants are addressed during the subdivision tentative map stage.

3

5. The County of Los Angeles Fire Department's Land Development Unit's comments are general requirements. Specific fire and life safety requirements and conditions set during the environmental review process will be addressed and conditions set at the building and fire plan check phase. Once the official plans are submitted for review there may be additional requirements.
6. This proposed development of the Whole Foods and the Park Shopping Center was reviewed when the City of Malibu submitted the project under the Coastal Development Permit 10-022. The County of Los Angeles Fire Department's Land Development Unit approved the submittal on November 22, 2011 (attached). Any changes to the approved project configuration may require additional submittal to Fire Department's Fire Land Development Unit for additional review and approval.
7. The County of Los Angeles Fire Department's Land Development Unit appreciates the opportunity to comment on this project.
8. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department's Land Development Unit's Inspector Nancy Rodeheffer at (323) 890-4243.

3

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. 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.
2. The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

4

HEALTH HAZARDOUS MATERIALS DIVISION:

1. Based on the provided information the following should be clarified and addressed in the EIR:
 - a) Why the groundwater investigation was conducted?
 - b) It appears that the monitoring wells (MWs) are still onsite. Therefore, another round of groundwater samples should be taken and analyzed for

5

Jasch Janowicz, Contract Planner
February 24, 2015
Page 4

volatile organic compounds (VOCs). If VOCs are below MCL, the MWS should be abandoned under permit. If VOCs are above MCL, the groundwater contamination should be reported to the Los Angeles Regional Water Quality Control Board.

5

- c) A soil gas study should be conducted to verify absence of VOCs in the subsurface soil.

6

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



KEVIN T. JOHNSON, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

JTK:ad

Enclosure



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

CONDITIONS OF APPROVAL - INCORPORATED

Subdivision No: CDP 10-022 Map Date March 28, 2011 (Fire Access Plan)
23401 Civic Center Way

C.U.P. City Malibu

- FIRE DEPARTMENT HOLD on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881-2404.
Access shall comply with Section 503 of the Fire Code, which requires all weather access. All weather access may require paving.
Fire Department Access shall be extended to within 150 feet distance of any exterior portion of all structures.
Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.
Private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested and accepted prior to construction.
Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.
This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact the Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205, for details).
Provide Fire Department or City approved street signs and building access numbers prior to occupancy.
Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.
The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.
These conditions shall be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.
The Fire Department, Land Development Unit has no additional requirements for this division of land at this time. Additional Fire Department requirements will be required when this land is further subdivided and/or during the building permit process.

Comments: This project is cleared for Public Hearing as submitted. Access is adequate as shown on the site revised fire access plan dated March 28, 2011, (May 3, 2011 FD).

INSPECTOR Nancy Rodeheffer DATE November 22, 2011

Land Development Unit - Fire Prevention Division - (323) 890-4243, Fax (323) 890-9783



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - INCORPORATED

Subdivision No: CDP 10-022 Map Date March 28, 2011 (Fire Access Plan)
23401 Civic Center Way

City Malibu

- Provide water mains, fire hydrants and fire flows as required by the County of Los Angeles Fire Department, for all land shown on map which shall be recorded.
The required fire flow for public fire hydrants at this location is 2000 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
The required fire flow for private on-site hydrants is 1250 gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing 2000 gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
Fire hydrant requirements are as follows:
Install 1 public fire hydrant(s). Upgrade ___ Verify (flow test) ___ existing Public fire hydrant(s).
Install 3 private on-site fire hydrant(s). Upgrade ___ Verify (flow test) ___ existing On-Site fire hydrant(s).
All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
Location: As per map on file with the office.
Other location:
Install 3 on-site fire hydrants as indicated on the fire access plan mark up dated May 20, 2010.
Install 1 new public fire hydrant as indicated on the Fire Access Plan mark up dated May 20, 2010.
All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.
The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.
Additional water system requirements may be required when this land is further subdivided and/or during the building permit process.
Hydrants and fire flows are adequate to meet current Fire Department requirements.
Fire hydrant upgrade is not necessary if existing hydrant(s) meet(s) fire flow requirements.
Submit original water availability form to this office.

SUBMIT COMPLETED (ORIGINAL ONLY) FIRE FLOW AVAILABILITY FORM TO THIS OFFICE FOR REVIEW.

COMMENTS: Per the County of Los Angeles Water Works District 29, the Fire Flow Availability form dated October 25, 2011, indicates adequate flow requirements for the proposed development.

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate City regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Nancy Rodeheffer Date November 22, 2011
Land Development Unit - Fire Prevention Division - (323) 890-4243, Fax (323) 890-9783

Letter No. A-2: County of Los Angeles Fire Department

County of Los Angeles Fire Department
1320 North Eastern Avenue
Los Angeles, CA 90063-3294
Kevin T. Johnson, Acting Chief, Forestry Division

Response A-2-1

The commenter notes receipt of the Draft Environmental Impact Report (Draft EIR) 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 their 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-2-2

The commenter requests that certain corrections and updates be made to the text. These changes have been made; refer to **Section 3.0, Corrections and Additions**, of this Final EIR.

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-2-3

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 approval 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-2-4

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 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-2-5

One groundwater monitoring well cover was observed by The Reynolds Group (TRG) at the south-center of the project site on parcel 4458-22-001, approximately 40 feet north of Civic Center Way during site reconnaissance on October 20, 2011. On October 21, 2011, TRG contacted Mr. Robert Schwartz of Cross Creek Ventures, LLC, the property owner from approximately 2006 to 2009. According to Mr. Schwartz, the well was installed in 2007 to measure depth and quality of groundwater related to potential development of a Whole Foods Market at the project site and to provide data for the design of a suitable on-site wastewater treatment system to be provided by Brown and Caldwell, an engineering and consulting firm.

A file review request was made to the California Regional Water Quality Control Board, Los Angeles Regional Water Quality Control Board (LARWQCB) by TRG on October 21, 2011, in an effort to obtain information about the monitoring well on the Civic Center Way parcel. The LARWQCB responded by email stating that no files exist for project site.

A Report of Hydrogeologic Investigation, dated June 4, 2008 (Hydrogeologic Report, included as Appendix 3.7 of the Draft EIR), indicated that three monitoring wells were installed on the project site; one relatively deep pump test well (to a depth of approximately 110 feet) and two shallow monitoring wells (to a depth of approximately 20 feet) in the southeast portion of the site (well numbers TW1, TW2, and TW3). Two other wells, designated MW1 and MW2, already existed on-site. As previously discussed, only one well (MW1) was observed by TRG during physical inspection of the project site in October 2011. Laboratory analytical results in the Hydrogeologic Report showed volatile organic compounds (VOCs) below laboratory detection limits in a groundwater sample collected from an on-site well on April 25, 2008, and metals concentrations, where present, were within normal background ranges. Further, no other research conducted during the most recent Phase 1 Environmental Site Assessment (Phase 1 ESA, dated January 11, 2012 and included in Appendix 3.7 of the Draft EIR) suggests that groundwater beneath the project site is impacted. As such, the existing wells on the project site are not considered to be an issue of environmental concern. Further, it is the stated opinion of TRG that no further environmental investigation at the project site is warranted.

As requested by the LACFD, the remaining, locatable monitoring well (MW1) will be abandoned in accordance with the California Department of Water Resources, Division of Planning and Local Assistance "Monitoring Well Standards (Bulletin 74-90)," Section 19, "Requirements for Destroying Monitoring Wells and Exploration Holes," State Water code, Division 7. Water Quality, Chapter 10, Water Wells, Cathodic Protection Wells, Monitoring Wells, and Geothermal Heat Exchange Wells, Sections 13700 through 13806, and State Health and Safety Code Division 104, Part 9.5, Section 115700, Abandoned Excavations, prior to initiation of construction activities on the project site.

Response A-2-6

TRG has been involved with providing environmental investigations at the project site since 1996. Summaries of previous environmental investigations performed at the project site were provided in TRG's Phase I ESA dated January 11, 2012, included as Appendix 3.7 to the Draft EIR.

The results of the 2012 Phase I ESA showed no negative impacts from chemicals and considered the following previous environmental investigations at the project site:

1. *July 1995 Phase I ESA by ERM-West:* In July 1995 a complete Phase I ESA was performed by ERM-West Inc. The eastern portion of the project site off Cross Creek Road was, at the time of this Phase I ESA, leased to Coast Club Services, a towing company. Potentially hazardous materials observed on the project site during the investigation included small amounts of gasoline in sealed containers, motor oil, several automotive batteries sitting on the asphalt and small amounts of solvents and cleaners. Oil stains, some covered with absorbent sand, were noted. The northwest portion of project site Parcel 4458-22-022 was also included in the July 1995 Phase I ESA. No issues of environmental concern were noted on the northwest/undeveloped portion.
2. *August 1996 Subsurface Investigation by TRG:* Based on findings of the July 1995 Phase I ESA and in an abundance of caution, TRG performed a subsurface investigation in July 1996 that included trenching with a backhoe to conduct soil matrix and soil vapor sampling at the project site. All eight soil matrix samples and 16 soil vapor samples were "non-detect" for gasoline and volatile organic compounds (VOCs).
3. *April 1997 UST Removal by Environmental Resolutions:* On April 1, 1997, Environmental Resolutions removed one 500 gallon gasoline underground storage tank (UST) that was discovered during the aforementioned 1996 subsurface investigation near the northwest corner of the project site. The removal was performed showing ownership by GTE/Verizon according to Los Angeles County Department of Public Works (LADPW) records. Soil samples collected during the removal were

"non-detect" for all analytes tested and the UST case was issued closure in a letter from the LADPW dated February 13, 2003.

4. *September 2006 Phase I Environmental Site Assessment:* TRG performed a complete Phase I ESA which included both the Civic Center Way parcel and the Cross Creek Road parcel in September 2006. No recognized environmental conditions (RECs) were identified on either parcel or in the vicinity of the project site.
5. *January 2010 Phase I Environmental Site Assessment:* TRG performed a complete Phase I ESA which included both the Civic Center Way parcel and the Cross Creek Road parcel in January 2010. No RECs were identified at either parcel or in the vicinity of the project site.
6. *January 11, 2012 Phase I Environmental Site Assessment, (Phase I ESA):* In October and December 2011, a complete Phase I ESA, was performed by TRG at the project site. Based on historical research, the site reconnaissance, and interviews performed during the investigation, TRG stated that no further environmental investigation was warranted at the project site at that time.

Based on the foregoing information, the City does not feel that any further soils testing is necessary.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

March 25, 2015

Jasch Janowicz
City of Malibu
2381 Stuart Ranch Road
Malibu, CA 90265

Subject: Whole Foods and the Park
SCH#: 2012041087

Dear Jasch Janowicz:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 23, 2015, 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

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1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012041087
Project Title Whole Foods and the Park
Lead Agency Malibu, City of

Type EIR Draft EIR

Description The project applicant, The Park at Cross Creek LLC, proposes to develop a 38,425 sf commercial property consisting of five separate buildings on a 5.88-acre site. Table ES-1 provides a project summary. Development would consist of five two-story buildings with outdoor benches and eating areas; Shane's Inspiration Playground, a fully accessible playground with facilities for children with special needs; a Sensory Garden; and a Kitchen Community Learning Garden providing learning opportunities for children and adults interested in growing sustainable organic food, and including school classes. The proposed project also includes 220 parking spaces (seven handicapped accessible, 175 standard, and 38 compact), 16 bicycle spaces (via four bicycle racks spread out across the site), four golf cart spaces, two electric vehicle charging stations, four loading spaces for the retail uses, and 520 sf of soft-surface area for horse parking, including four hitching posts, and a watering trough.

Lead Agency Contact

Name Jasch Janowicz
Agency City of Malibu
Phone (310) 456-2489 x345 **Fax**
email
Address 2381 Stuart Ranch Road
City Malibu **State** CA **Zip** 90265

Project Location

County Los Angeles
City Malibu
Region
Lat / Long
Cross Streets Civic Center Way and Cross Creek Road
Parcel No. 4458-022-001 & 4458-022-022

Township	Range	Section	Base
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Proximity to:

Highways Hwy 1
Airports
Railways
Waterways Pacific Ocean
Schools
Land Use Land Use - CV-1 and CG; Z: CV-1

Project Issues Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Soil Erosion/Compaction/Grading; Traffic/Circulation; Water Quality; Landuse

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; State Lands Commission; Santa Monica Mountains Conservancy

Date Received 02/06/2015 **Start of Review** 02/06/2015 **End of Review** 03/23/2015

Letter No. A-3: Governor's Office of Planning and Research

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044
Scott Morgan, Director, State Clearinghouse

Response A-3-1

This comment acknowledges the receipt of the Draft EIR by the State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, and compliance with State Clearinghouse review requirements for draft environmental documents, in accordance with CEQA.

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.

Jasch Janowicz

From: healypatt@aol.com
Sent: Monday, March 23, 2015 3:29 PM
To: Jasch Janowicz
Subject: EIR special status animals
Attachments: eirwholefoods.doc

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Here is one of the Malibu Coalition for Slow Growths Comments on the Whole Foods DEIR.

The EIR is deficient in so many other areas that it is required to be revised and recirculated to the public for comment. Biological resouces 3.3-1

The EIR states: "Wildlife habitat is of marginal quality due to the disturbed conditions, presence of litter, and the lack of native plants or plant communities. Wildlife encountered include California [Beechey] ground squirrel (*Otospermophilus beecheyi*), with many burrows over the entire area, and bird species typical of urban areas, such as American crow (*Corvus brachyrhynchos*), rock pigeon (*Columba livia*), northern mockingbird (*Mimus polyglottos*) and western scrub jay (*Aphelocoma californica*). One western fence lizard (*Sceloporus occidentalis*) was seen during the June 2014 survey."

1

The EIR includes a list of potential special concern species that includes the Coast horned lizard, *Phrynosoma blainvillii*. This species can currently be found less than 100 yards from the site and has reportedly been observed on the site in the past. The EIR even states that the native ants that are the species' food source were found on the site. Why does the EIR conclude there are no coast horned lizards at the site?

2

Two other California Species of Special concern have been observed in the vicinity of the site but are not listed in the report: the yellow-breasted chat, *Icteria virens*; and the yellow warbler, *Dendroica petechia*. Why were these species not included?

3

The EIR states that at least three species of bat could potentially occur on the site: the hoary bat, *Lasiurus cinereus*; the Western red bat, *Lasiurus blossevillii*; and the pallid bat, *Antrozous pallidus*. The report states that, in the case of the hoary bat, "Marginal roosting habitat is present on and adjacent to the project site." It also concludes that the Western red bat "may be present in Malibu Creek nearby," and that the hoary bat "could forage on site."

4

The report fails to mention the Mexican free-tailed bat, *Tadarida brasiliensis*, another species of special concern that is routinely observed foraging on and around the site. This bat, one of the only local species that makes a noise audible to humans, is probably the most frequently observed bat in the vicinity of the site, but it was not included in the report. Why? The potential presence of one or more protected bat species on the site has not been adequately addressed in the EIR.

For several years, the sycamores on the property have been a preferred roosting site for the white-tailed kite, another species with special status that was not mentioned in the report. After conceding that three bat species could be present at the site, neglecting to mention a fourth regularly observed bat species, and failing to mention the yellow-breasted chat, the yellow warbler, or the white-tailed kite, the EIR states: "Table 3.3-1, special-status wildlife species reported for the vicinity are not expected to occur on-site due to the absence of suitable habitat and therefore will not be discussed further in this document."

5

The EIR fails to include the Mexican free-tailed bat and the three special concern bird species known to frequent the area. Are there other special status wildlife species that the report failed to identify?

6

It also states that species of special concern are "not expected to occur," and then concludes: "No special status wildlife was identified as occurring or potentially occurring on the project site."

There's a big difference between "not expected to occur" and "not occurring or potentially occurring." This is circular logic and makes absolutely no sense. The final conclusion also contradicts the EIR's early assessment that the coast horned lizard, the hoary bat, pallid bat, and western red bat could potentially occur on the site.

7

This site, which is located in environmentally sensitive area, despite portions that have been disturbed, requires a full biological inventory.

3.3-1

The EIR states: "Wildlife habitat is of marginal quality due to the disturbed conditions, presence of litter, and the lack of native plants or plant communities. Wildlife encountered include California [Beechey] ground squirrel (*Otospermophilus beecheyi*), with many burrows over the entire area, and bird species typical of urban areas, such as American crow (*Corvus brachyrhynchos*), rock pigeon (*Columba livia*), northern mockingbird (*Mimus polyglottos*) and western scrub jay (*Aphelocoma californica*). One western fence lizard (*Sceloporus occidentalis*) was seen during the June 2014 survey."

8

The EIR includes a list of potential special concern species that includes the Coast horned lizard, *Phrynosoma blainvillii*. This species can currently be found less than 100 yards from the site and has reportedly been observed on the site in the past. The EIR even states that the native ants that are the species' food source were found on the site. Why does the EIR conclude there are no coast horned lizards at the site?

Two other California Species of Special concern have been observed in the vicinity of the site but are not listed in the report: the yellow-breasted chat, *Icteria virens*; and the yellow warbler, *Dendroica petechia*. Why were these species not included?

9

The EIR states that at least three species of bat could potentially occur on the site: the hoary bat, *Lasiurus cinereus*; the Western red bat, *Lasiurus blossevillii*; and the pallid bat, *Antrozous pallidus*. The report states that, in the case of the hoary bat, "Marginal roosting habitat is present on and adjacent to the project site." It also concludes that the Western red bat "may be present in Malibu Creek nearby," and that the hoary bat "could forage on site."

10

The report fails to mention the Mexican free-tailed bat, *Tadarida brasiliensis*, another species of special concern that is routinely observed foraging on and around the site. This bat, one of the only local species that makes a noise audible to humans, is probably the most frequently observed bat in the vicinity of the site, but it was not included in the report. Why? The potential presence of one or more protected bat species on the site has not been adequately addressed in the EIR.

For several years, the sycamores on the property have been a preferred roosting site for the white-tailed kite, another species with special status that was not mentioned in the report. After conceding that three bat species could be present at the site, neglecting to mention a fourth regularly observed bat species, and failing to mention the yellow-breasted chat, the yellow warbler, or the white-tailed kite, the EIR states: "Table 3.3-1, special-status wildlife species reported for the vicinity are not expected to occur on-site due to the absence of suitable habitat and therefore will not be discussed further in this document."

11

The EIR fails to include the Mexican free-tailed bat and the three special concern bird species known to frequent the area. Are there other special status wildlife species that the report failed to identify?

12

It also states that species of special concern are "not expected to occur," and then concludes: "No special status wildlife was identified as occurring or potentially occurring on the project site."

13

There's a big difference between "not expected to occur" and "not occurring or potentially occurring." This is circular logic and makes absolutely no sense. The final conclusion also contradicts the EIR's early assessment that the coast horned lizard, the hoary bat, pallid bat, and western red bat could potentially occur on the site.

This site, which is located in environmentally sensitive area, despite portions that have been disturbed, requires a full biological inventory.

Letter No. B-1a: Malibu Coalition for Slow Growth

Response B-1a-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. It presents no specific environmental issues within the meaning of CEQA and no specific 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-1a-2

The commenter states that coast horned lizards can be found less than 100 yards from the site and have been reported on-site in the past, but provides no specific evidence or reference to support the statement.

The substrate on the project site is highly compacted and not typical of the loose sandy soils preferred by coast horned lizard (refer to Table 3.3-1, Summary of Special Status Wildlife Species Reported as Occurring in the Vicinity of the Whole Foods and the Park Site), and this species was not observed on the project site during site visits performed by qualified biologists in January 2010 and June 2014.

Response B-1a-3

The commenter states that yellow-breasted chat and the yellow warbler been observed in the project vicinity, but provides no specific evidence or reference to support the statement.

These species are dependent on dense riparian habitats which do not occur on-site. Neither of these species has been reported on the California Natural Diversity Database (CNDDB) as occurring in the vicinity.⁸

Response B-1a-4

The commenter states that Mexican (Brazilian) free-tailed bats have been observed foraging on and in the project vicinity, but provides no specific evidence or reference to support the statement.

Mexican (Brazilian) free-tailed bats are not on the CDFW's March 2015 Special Animal list and are afforded no level of protection. This common wide-ranging species may travel over 30 miles from its

⁸ California Natural Diversity Database Query for 7.5 minute USGS quadrangle maps including in the project vicinity: Malibu Beach; Topanga; Canoga Park; Calabasas; Thousand Oaks; Point Dume. June 2014. Commercial edition updated June 2014.

roost, and thus may forage over the site. No impact to the bat's ability to forage in the vicinity would occur as a result of project development and no further analysis is provided.

Response B-1a-5

The commenter states that the sycamores on the property have been a preferred roosting site for the white-tailed kite, but provides no specific evidence or reference to support the statement.

The occurrence of white-tailed kites on-site has not been reported in the literature or to CNDDDB. There was no evidence found of kites roosting during site visits performed by qualified biologists in January 2010 and June 2014. In addition to direct sighting, such evidence would include an accumulation of prey remains and/or droppings under the trees.

Response B-1a-6

The Draft EIR properly reports findings related to special status wildlife species in the literature, including the CNDDDB, refer to Table 3.3-1, Summary of Special Status Wildlife Species Reported as Occurring in the Vicinity of the Whole Foods and the Park Site.

Response B-1a-7

The EIR does not state that the species noted could potentially occur on the site; please refer to Table 3.3-1, Summary of Special Status Wildlife Species Reported as Occurring in the Vicinity of the Whole Foods and the Park Site.

The site is not located within a designated Environmentally Sensitive Habitat Area (ESHA) mapped by the Malibu Local Coastal Plan (LCP). A biological inventory was prepared for the project site in January 2010 by Rachel Tierney; refer to Appendix 3.3, Biological Resources Documentation, of the Draft EIR. No rare or sensitive plants or animals were found onsite during site visits performed by qualified biologists in January 2010 and June 2014.

Response B-1a-8

Refer to **Response to Comment B-1a-2**

Response B-1a-9

Refer to **Response to Comment B-1a-3**

Response B-1a-10

Refer to **Response to Comment B-1a-4**

Response B-1a-11

Refer to **Response to Comment B-1a-5**

Response B-1a-12

Refer to **Response to Comment B-1a-6**

Response B-1a-13

Refer to **Response to Comment B-1a-7**

Jasch Janowicz

From: healpatt@aol.com
Sent: Monday, March 23, 2015 5:21 PM
To: Jasch Janowicz
Subject: whole foods DEIR

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Comments of Malibu Coalition for Slow Growth

Emergency evacuation. Describe the evacuation plan for the center in case of fire or major earthquake. Please analyze and tell us how the project could impact the safe evacuation of Serra residents and how it might impair first responders from entering Serra.
What realistic mitigation measures can be put in place to prevent harm to Serra residents?
Is there enough water to fight a wildfire? Analyze how the continuing drought effect could wildfire protection?

	1
	2

Letter No. B-1b: Malibu Coalition for Slow Growth

Response B-1b-1

Please refer to **Topical Response 2**.

Response B-1b-2

Please refer to **Topical Response 2**.

Jasch Janowicz

From: healypatt@aol.com
Sent: Monday, March 23, 2015 4:25 PM
To: Jasch Janowicz
Subject: Whole Foods Draft EIR

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Landscaping and Project Alternatives
Comments from Malibu Coalition for Slow Growth

Both the MMC and the LCP require 40% of the gross lot area to consist of landscaping. This provision was put in the MMC and LCP for a specific reason. Open space whether it be landscaped or natural open space defines the character of Malibu. Landscaped gross lot area was required in commercial projects to keep the rural atmosphere of Malibu intact.

1

This is an important part of the city's regulations for open space and meets the threshold of significance mentioned in 3.9.2 since the lack of landscaping conflicts with any applicable land use policy or regulation for the purpose of avoiding or mitigating an environmental effect. Therefore, a finding of overriding consideration would be required.

2

A variance is not appropriate since granting a variance for this project will open the door to allow landscaping variances for all the other future commercial development in the civic center turning the gross lot area open space requirement upside down and thereby eventually losing the intended rural feeling of the Civic Center area.

Lot area is a defined term which means 'land area used for a particular purpose'. In this instance the required purpose/ use is landscaping. To allow the applicant's definition is not permissible since it is different from the clear meaning of gross lot area.

3

To say that landscaping is not a defined term and therefore a possible definition of landscaping for the purpose of the 40% is that used in the water conservation ordinance is not valid.

4

It is possible for the developer to adhere to this 40% requirement as indicated by the preparer in alternative 2. and he should be required to do so.

5

The description of alternatives 2 and 3 in the draft EIR are clearly not the best designs possible and indicate bias in favor of the proposed project. We ask that they following be substituted their 1. A market the same size and design as Whole Foods with the remaining 4000+ square feet of developable area either consisting of either 2 or 4 smaller structures. 2. Four one story structures without the market that meet code requirements.

6

Letter No. B-1c: Malibu Coalition for Slow Growth

Response B-1c-1

This comment is a set of general remarks summarizing the City's landscaping requirements and opinions regarding the purpose of these landscaping requirements. 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-1c-2

The term Landscaped Area is not defined in the LCP. The definition of Landscaped Area in the City's Landscape Water Conservation Ordinance (9.22.020 Definitions) however does include walls and fences which are part of the landscape design features of the project per (Section 9.22.090 (A)(12.) The Specific Plan prepared for the proposed project establishes the on-site landscaping requirements and identifies the permitted functional landscape elements that can be used to comply with the requirements. The functional landscaping elements which could be included in the landscaped area calculations include ground cover, tree canopies, and green walls. Under these proposed landscaped standards, the project would provide greater Landscaped Area than required.

Response B-1c-3

Please refer to **Response to Comment B-1c-2**.

Response B-1c-4

Please refer to **Response to Comment B-1c-2**.

Response B-1c-5

This comment is a set of general 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.

Please refer to **Response to Comment B-1c-2**.

Response B-1c-6

According to the *State CEQA Guidelines*, Section 15126.6(a), an EIR must describe a reasonable range of alternatives to the proposed project, or to the location of a proposed project that attain most of the basic objectives of the project in a feasible manner, but avoid or substantially lessen any of the significant effects of the project.

The legal standard for the discussion of alternatives states that:

The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. [P] Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned. It is only required that the officials and agencies make an objective, good-faith effort to comply.

The Draft EIR complies with the requirements of the *State CEQA Guidelines* as it provided full analysis of three alternatives (Alternative 1: No Project/No Development Alternative, Alternative 2: Code Complying Alternative and Alternative 3: Two-story Building Alternative,) in addition to providing brief narratives for four other alternatives (Alternative Site, Reduced Supermarket Square Footage, Subterranean Parking Lot and Alternative Uses) that were considered but not evaluated in detail as they were all deemed to be infeasible.

Jasch Janowicz

From: healypatt@aol.com
Sent: Monday, March 23, 2015 5:26 PM
To: Jasch Janowicz
Subject: Fwd: whole foods written scoping comments

RECORDED
MAR 23 2015
PLANNING DEPT

Please include in the DEIR the following comments

1

From: Healypatt@aol.com [mailto:Healypatt@aol.com]
Sent: Tuesday, May 29, 2012 4:25 PM
To: Bonnie Blue
Cc: Joyce Parker-Bozylinski
Subject: Fwd: whole foods written scoping comments

Hi Bonnie, this bounced back so I am resending.

From: Healypatt@aol.com
To: bblue@ci.malibu.ca.us
CC: jparker-bozylinski@malibucity.org
Sent: 5/29/2012 4:21:32 P.M. Pacific Daylight Time
Subj: whole foods written scoping comments

To: Bonnie Blue
Cc: Joyce Parker-Bozylinski
From: Patt Healy for Malibu Coalition for Slow Growth
Date: May 29, 2012
Re: Whole Foods EIR scoping comments

Agriculture.

Please add for study an agricultural component to this EIR. To say that Agricultural resources are not pertinent and have no impact to this site is inaccurate. This site and other parcels in the Civic Center are in the ancient flood plain of Malibu Creek. For centuries this creek was depositing agriculturally rich soil onto this property and elsewhere in the Civic Center. The effect of the loss of some or all of this soil due to excavation, grading, driveways, parking lots and structures has to be analyzed. The use of this property for agricultural should be looked at.

Health and Safety

The city has the right and duty under the Constitution to exercise its police powers to protect the health and safety of its citizens. The city has many natural non governmental constraints to development and this project has to be looked at in light of its constraints.

Now is the time for the city to consider its ability to protect the health and safety of its residents rather than protecting the desires of Developers, therefore, the EIR needs to analyze the ability of residents and visitors in the Civic Center Area to safely evacuate in the event of an emergency.

The immediate neighborhoods of concern in the vicinity of this project are Serra, Sweetwater Mesa Knolls, Malibu Road, the Colony, the 2 elementary schools, Winter Canyon condos, Pepperdine University, Santa Monica College. Also, need to include in the analysis the evacuation ability of proposed hotel guests and staff, visitors to bluffs Park and the beaches, shoppers in the Civic Center area and possibly the residents outside of the city limits in the vicinity of Malibu Canyon Road this side of Mulholland who would be coming down Malibu Canyon to Malibu in an attempt to outrun and escape a wildfire.

2

3

The very real hazard of wildfires for safety reasons should limit development throughout the city . Because of the city's substandard and narrow road system in its residential areas, residential evacuation in a wildfire is at best a harrowing experience and could very well be an impossible situation. In addition, PCH , a state highway , serves residents, coastal travelers, and non local commuters and visitors alike. On summer weekends residents can't leave their homes because of gridlock the entire length of the city. What happens to the ability to evacuate in an emergency on a summer weekend or a fall late afternoon/early evening during rush hour ?

3

Note the fire department has always said they had the ability to defend a particular project. However, it is important to note they are talking about in the event of a structure fire not a wildfire. They have never said they could defend in a wildfire situation. This health and safety constraints and other health and safety constraints need to be taken into consideration in your analysis. Therefore, traffic impacts in light of the ability to evacuate must be looked at .

To add to the severity of the situation Malibu's water supply in many areas is substandard . It is our understanding that Malibu's water supply is delivered from an antiquated water main that runs along PCH and the water is diverted to water storage tanks located at higher elevations , the water feeds through gravity from the tanks delivering water to residences. We understand that all new projects in the Civic Center area are required to contribute to the cost of a water tank in the Serra neighborhood.

4

Is there enough water to protect existing development in a wildfire ? It must be analyzed as to whether or not this diversion of water to a new water tank will diminish the supply that would go to existing residents especially west of the project in an wildfire situation.

Also the cumulative impact of all the currently proposed development on the potable water supply has to be studied. The Metropolitan Water District in the early days of cityhood wrote a letter saying that the recommended emergency water supply is seven days. At the very minimum Malibu should have a three day emergency supply .

5

In many areas of the city the emergency water supply on properties is less than one day and the tanks drain quickly in a wildfire situation and other emergency situation . Also there are water main breaks , due to earth movement , cutting off water supply. The cumulative impact on existing water supply (residential, institutional and commercial) in a wildfire needs to be analyzed. It should be determined whether the existing water supply should be upgraded to adequately protect existing residents and property prior to allowing new development needs to be looked at. The effect of diverting water to this project and other pipeline projects needs to be analyzed .

6

In addition, there are other non governmental constraints such as substandard road systems but in both residential areas and along PCH and the narrow and curvey canyon roads that impact the ability to safely develop. The potentially active Malibu fault runs through the CivicCenter area . Where is this fault and splays of the fault in relation to this property.

7

How will creek flooding effect this property ? If building structures are elevated above the flood plain how will runoff at the lower on site elevation be handled and its negative effects if any be handled ?.

8

Cumulative Impacts

With so many projects going thru the pipeline in the Civic Center area it is clear that this project and the others at the maximum allowable FAR of .15 are far too many because of the existing non governmental constraints. This project 's cumulative impacts needs to be studied in relation to existing development , and the following currently proposed development. Pepperdine expansion, Bluff Park residences ,La Paz, IOKI, Santa Monica College, Rancho Malibu hotel and Affordable Housing .

9

All of these projects are going forward with individual EIR's that will be looking for individual approval at by the Planning Commission and/or City Council. Is there a way to have these projects go to the decision makers when all the EIR's are complete so the Planning Commission and Council consider these projects as a whole and if needed reduce the density of each as they see fit?

Landscaping

In order to maintain the rural qualities of the area and development in a park like setting he city requires 40% landscaping and 25% open space on each project. The required landscaping component of the project is enormously deficient. Please look at the ways that the project can meet the needed criteria, such as potential roof top parking on top of the Supermarket structure. Since the project should be conditioned so all deliveries take place at night after the center is closed ,converting the Cross Creek entrance and drive way to landscaping or Converting the western service road to

10

landscaping needs to be examined. Since the structures are 24- 28 feet tall consider 2 story or partially 2 story structures as a way of meeting landscaping requirements..

10

Analyze Additional items

-- The Lighting plan: a low key lighting plan should be required as a mitigation factor. All off site light intrusion needs to be mitigated and on sight lighting should be the minimum to insure on site safety. After hours the lighting should be reduced even further. The cumulative impact of this lighting plan in relation to the proposed new projects needs to be looked at.

11

-- The Landscape plan needs to be looked at to insure a majority of drought tolerant fire resistant natives plants are being used.

12

--Visual Impacts as seen from Legacy park, PCH and Malibu Canyon Rd both scenic roads as well as from residential area in the city such as the Knolls Winter Canyon condos and Serra .

13

--Assess the fire departments and an ambulances ability to reach the project in the event of an emergency.

14

--A through and accurate traffic study of traffic conditions resulting from this project and the cumulative impact of this project and other pipeline projects on traffic from McClure tunnel to county line.

15

--Also study traffic backup on streets entering and exiting PCH and all streets in the vicinity of the Civic Center(both commercial and residential roads) . Study should be done at peak hours (at rush hour and summer weekends and traffic situation in relation to the ability to evacuate in an emergency).

16

--Need and location and size of an onsite emergency water storage needs to be looked at.

17

--Need and location of an effective emergency evacuation easement needs to be analyzed

18

--Amount of needed potable water usage for this project must be looked at.

19

--What effect does this project have on the size of the proposed centralized treatment plant ? Would the plant be smaller without this project's hookup? How much water will this project add to the proposed deep well injection disposal and is it safe? Should the project have an onsite treatment system?

20

-- Do any geological hazards,including fault(s) and splays , run through this property ? If there are any how will they effect the ability of this project to safely dispose of its wastewater and what is the potential to damage to sewer lines water lines, electric lines and other infrastructure as well as potential damage due to constructing this project buildings on the fill needed to elevate it above the flood plain?

21

-- The EIR needs to look at this projects impact on existing local business and on other landlords. How will Whole Foods impact the business of PC Greens, Ralphs and The Vitamin Barn. Will this project be luring tenants from existing Civic Center stores and from stores in other parts of the city such as along PCH east of the Civic Center resulting in empty retail spaces , harming existing landlords and resulting in potentially blighted area. If these potentials exist, can these results be mitigated?

22

The potentially active Malibu fault runs through the Civic Center area . Where is this fault and splays of the fault in relation to this property.

23

How will creek flooding effect this property . If building structures are elevated above the flood plain how will runoff at the lower on site elevation be handled and its negative effects if any be handled ?.

24

Project alternatives

The EIR preparer at the scoping session didn't mention the required environmentally superior alternatives it would be looking at.

We would like to suggest that one alternative that needs to be looked at is an alternative that meets the required landscape requirements .

25

Another is to look at the an alternative with no variances.

A third is residential use at one acre zoning and lastly an organic farm alternative should be studied.

Conclusion

Traffic, pedestrian safety, cultural resources etc have been raised by others so there is no need to repeat them again.

Thank you for considering these comments.

Letter No. B-1d: Malibu Coalition for Slow Growth**Response B-1d-1**

This comment is a general request and a reiteration of previously submitted scoping comments. 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-1d-2

No significant impacts to agricultural resources were identified in the Draft EIR as a result of implementation of the proposed project. This conclusion of no significant impact is discussed in the Draft EIR in Section 6.0, Effects Found not to be Significant, page 6.0-1.

Response B-1d-3

Public Services, including Fire Protection and Sheriff Protection Services are discussed in the Draft EIR in Sections 3.11.1 and 3.11.2, respectively. The EIR concluded that potential impacts to emergency response times and police/fire protection infrastructure would be less than significant. Potential impacts to Traffic as a result of implementation of the proposed project are discussed in the Draft EIR in Section 3.13. After mitigation, impacts to traffic and circulation were considered less than significant.

Please also refer to **Topical Response 1** and **Topical Response 2**. **Topical Response 1** provides a detailed summary of the City's Traffic Impact Assessment Guidelines and a summary of traffic and circulation data compiled for the City of Malibu over more than a decade. **Topical Response 2** summarizes the City's emergency response protocols and the relevant local, state, and federal guidance documents.

Response B-1d-4

As described in Section 3.14.3, Water Supply, the applicant has agreed to design and construct all water related property specific improvements including a 12-inch water main approximately 5,000 feet long, pump station upgrades, a regulating station, and an approximately 800,000 gallon water tank. These infrastructure improvements would be dedicated to County of Los Angeles Water Works District 29 (WWD 29) after construction is complete. These improvements are necessary in order for WWD 29 to provide the customary level of water service required by the Los Angeles County Fire Department and the commercial uses associated with the proposed project.⁹

⁹ Los Angeles County Waterworks Districts, District 29, written communication with Ramy Gindi April 9, 2014

Potential impacts to Water Supply as a result of implementation of the proposed project are more fully discussed in the Draft EIR in Section 3.14.3, Water Supply.

Please also refer to **Topical Response 2**. **Topical Response 2** summarizes the City's emergency response protocols and the relevant local, state, and federal guidance documents.

Response B-1d-5

Cumulative impacts to Water Supply as a result of implementation of the proposed and related projects are discussed in the Draft EIR in Section 3.14.3, Water Supply. Less than significant cumulative impacts on water supply were identified.

Response B-1d-6

This comment is a set of general remarks and opinions regarding the configuration and condition of roadways in the City of Malibu and their potential to limit development. 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.

The proposed project is in the Civic Center area of the City, served by an adequate network of roadways. The projects impacts on these roadways would be less than significant after mitigation.

Response B-1d-7

Geotechnical issues, including fault lines and seismicity, are discussed in Section 3.5, Geology and Soils, in the Draft EIR. Impacts would be less than significant.

Response B-1d-8

A discussion of existing hydrologic conditions on the project site and in its vicinity and an analysis of the potential for development of the proposed project to affect water quality, groundwater supplies, groundwater recharge, site drainage, and flooding are provided in Section 3.8, Hydrology and Water Quality, of the Draft EIR. The project site is located in area prone to flooding. As a result, the project proposes to construct building pads raised to meet FEMA and MMC Floodplain Management Ordinance requirements. Therefore, impacts were considered less than significant.

Response B-1d-9

As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Response B-1d-10

This comment is a set of general remarks and opinions regarding alternative designs for 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.

Please also refer to **Response to Comments B-1c-2 and B-1c-6**.

Response B-1d-11

A lighting plan is presented in Section 2.0, Project Description, refer to Figure 2.0-15, Site Lighting Plan. Potential impacts from nighttime lighting at the project site are described and analyzed in Section 3.1, Aesthetics, of the Draft EIR. The project's designed features include shielded pedestrian walkway and parking lot lighting, dense landscaping, and all other lighting design recommendations included in the Malibu Municipal Code.

Response B-1d-12

The landscape plans, that incorporate the plants species of both Malibu's and the Santa Monica Mountain's native coastal plant community are presented in Section 2.0, Project Description, Figures 2.0-10 through 2.0-14, which includes plans showing the proposed project's "green wall" locations and elevations.

Response B-1d-13

Potential visual impacts as a result of implementation of the proposed project are described and analyzed in Section 3.1, Aesthetics, of the Draft EIR.

Response B-1d-14

Please refer to **Topical Response 2**.

Response B-1d-15

Section 3.13, Transportation and Traffic, of the Draft EIR describes the transportation and traffic based on the Transportation Impact Analysis (TIA) prepared by Overland Traffic Consultants, Inc., (OTC) for the proposed project. OTC's analysis was subject to several rounds of peer review by both the City Public Works Department staff and the City of Malibu's consulting traffic engineer.

Please also refer to **Topical Response 1**.

Response B-1d-16

Please refer to **Response to Comment B-1d-15**.

Response B-1d-17

Please refer to **Response to Comment B-1d-4**.

Response B-1d-18

Please refer to **Topical Response 2**.

Response B-1d-19

Please refer to **Response to Comment B-1d-4**.

Response B-1d-20

Potential impacts to the local wastewater system as a result of implementation of the proposed project are described and analyzed in Section 3.14.4, Wastewater, of the Draft EIR.

Response B-1d-21

Please refer to **Responses to Comments B-1d-7 and B-1d-8**.

Response B-1d-22

Economic impacts were considered for the proposed project as part of the Coastal Development Permit applications. In addition, the City of Malibu's 2008 study of economic impacts resulting from commercial development was also considered and the City's 2014 study of fiscal impacts resulting from the implementation of the Formula Retail ordinance were considered by City Staff during the preliminary stages of EIR preparation. These studies concluded that demand for commercial retail uses in the City of

Malibu remains strong and thus it was concluded that the proposed project would not result in the physical decline of the existing businesses within the Civic Center area of Malibu or in other existing commercial shopping centers in reasonably close proximity to the proposed project. The discussion of economic effects will be included as part of the Staff Report prepared for the requested entitlement applications, which would allow the City of Malibu to consider economic factors prior to making a decision on the proposed project.

Response B-1d-23

Please refer to **Response to Comment B-1d-7**.

Response B-1d-24

Please refer to **Response to Comment B-1d-8**.

Response B-1d-25

Please refer to **Response to Comment B-1c-6**.

Jasch Janowicz

From: healypatt@aol.com
Sent: Monday, March 23, 2015 5:07 PM
To: Jasch Janowicz
Subject: Whole foods DEIR

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Comments of Malibu Coalition for Slow Growth
Native Tree Protection

Native protected trees are required to be protected and removed only if there is no alternative. The DEIR is incomplete since there was no alternative plan prepared to protect these trees. There was no analysis as to why the native sycamores have to be removed. Many other species may use/depend on these 8 mature trees such as the monarch butterfly whose descendants will only return to the same trees their parents and grandparents used. without the same trees the monarch can't survive.

1

Letter No. B-1e: Malibu Coalition for Slow Growth

Response B-1e-1

An alternative to the proposed project was considered that would preserve the eight sycamore trees, i.e., the Code Complying Alternative; refer to Section 4.0, Alternatives, of the Draft EIR.

Mitigation Measure 3.3-25 in the Draft EIR requires mitigation for the removal of the eight sycamore trees. With mitigation, impacts would be less than significant. The applicant will be planting 80 sycamores on-site to replace the eight to be removed under the proposed project, which complies with requirements under City's LCP and Local Implementation Plan (LIP).

The eight sycamore 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 trees, there would be no impact to overwintering monarch butterflies.

Jasch Janowicz

From: Poison Free Malibu <poisonfreemalibu@gmail.com>
Sent: Sunday, March 22, 2015 9:41 PM
To: Jasch Janowicz
Subject: Whole Foods and the Park Shopping Center Draft EIR comment

Jasch Janowicz, Contract Planner
 City of Malibu
 Planning Department
 23825 Stuart Ranch Road
 Malibu, CA 90265
 Email: jjanowicz@malibucity.org

March 22, 2015

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Re: Whole Foods and the Park Shopping Center Draft EIR

Dear Mr. Janowicz,

We of Poison Free Malibu would like to point that the Draft EIR is deficient in its analysis of certain pesticides, especially rodent poisons. The Impact Analysis concerning Threshold 3.7.1 on hazardous waste, page 3.7-12, ignores recent developments.

1) The California Coastal Commission and the Los Angeles County Board of Supervisors passed a new Santa Monica Mountains Coastal Program for the unincorporated portions of the Santa Monica Mountains in the Coastal Zone including the following clause in the Local Implementation Program (http://planning.lacounty.gov/assets/upl/project/coastal_adopted-LIP.pdf, page 180):

“22.44.1240 B.13. The use of insecticides, herbicides, anti-coagulant rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources in the Santa Monica Mountains shall be prohibited, except where necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site.”

This does not at present apply directly to Malibu, which has its own LCP. However, this more recent clause is more consistent with the current policy of the Coastal Commission and should be enforced for this development for three reasons.

1) The City of Malibu City Council unanimously on December 8, 2014 voted to start the process to amend the Malibu LCP to include a ban on anticoagulant rodent poisons. The approval process is proceeding rapidly and is expected in due course.

2) The Coastal Commission includes a ban on anticoagulant rodenticides in its permits with language such as “*The use of rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) is prohibited.*” One typical recent example can be found at <http://documents.coastal.ca.gov/reports/2014/10/W7a-10-2014.pdf>, page 5. This has become a standard permit requirement.

3) The City of Malibu has banned the use of anticoagulant rodenticides on its own properties and requests that they not be sold or used in the city. A July 8, 2013 Resolution explicitly states

“The City Council urges businesses in Malibu to no longer use or sell anticoagulant rodenticides, urges all property owners to cease purchasing or using anticoagulant rodenticides on their properties in Malibu and commits the City of Malibu to not use anticoagulant rodenticides as part of its maintenance program for City-owned parks and facilities.”

This realization of the dangers of anticoagulant rodenticides motivated the National Park Service to alert the City of Malibu in a July 8, 2013 letter –

“National Park Service scientists have been studying carnivores in the Santa Monica Mountains for almost two decades. Our studies include observations and data collection on bobcats, coyotes, and mountain lions. In these studies we have found widespread exposure to and large impacts of anti-coagulant rodenticides on all three of these carnivores. Our research suggests an interaction between anti-coagulant rodenticide exposure and death from mange and mange deaths resulted in the complete loss of bobcats from many open space areas in the Conejo Valley.

1

Our studies have found anti-coagulant rodenticide poisoning to be a leading cause of death for many carnivores. ... In addition, two mountain lions died directly from anti-coagulant rodenticide poisoning in 2004, and in our ongoing mountain lion study we find death from anti-coagulant poisoning to be the third leading cause of death for mountain lions.

Our studies also show widespread exposure to these chemicals across carnivores in our region. We found a 90% exposure rate of bobcats to anti-coagulant rodenticides (Riley et al. 2007, Riley et al. 2010), 7 of 8 mountain lions tested had been exposed (Beier et al. 2010), and 83% of coyotes had been exposed (Gehrt and Riley 2010). Moreover, for all of these species, 2/3 of the exposed animals had evidence of 2-5 different rodenticide compounds and sometimes in large amounts, indicating multiple exposure events.”

For these reasons, we strongly urge the DEIR be modified to completely ban the use of all anticoagulant rodenticides in this project. We further urge that the most recent policy included in the Santa Monica Mountains Local Coastal Program be followed concerning all pesticides – *“The use of insecticides, herbicides, anti-coagulant rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources in the Santa Monica Mountains shall be prohibited, except where necessary to protect or enhance the habitat itself...”*

Sincerely,

Joel Schulman
Poison Free Malibu
PoisonFreeMalibu@gmail.com
EarthFriendlyManagement.com
1832 Lookout Road
Malibu, CA 90265

Letter No. B-2 Poison Free Malibu

Response B-2-1

This comment includes a summary of recent standards adopted by the County of Los Angeles and a summary of preliminary discussions that have occurred in recent Malibu City Council and California Coastal Commission public hearings regarding the use of insecticides, herbicides, anti-coagulant rodenticides or other toxic chemicals with the potential to degrade biological resources in coastal environments. 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.

However, the applicant team, construction contractors, and future tenants of the project have expressed a commitment to use and handle all pesticides at the project site in compliance with applicable local, state, and federal standards and regulations, including the pending City ban on the use of anticoagulant rodenticides.

The applicant is committed to using an Integrated Pest Management (IPM) approach at the project site.

IPM is a managed pest management system that:

- eliminates or mitigates economic and health damage caused by pests;
- minimizes the use of pesticides and the risk to human health and the environment associated with pesticide applications; and,
- uses integrated methods, site or pest inspections, pest population monitoring, an evaluation of the need for pest control, and one or more pest control methods, including sanitation, targeted exclusion techniques, mechanical and living biological controls, other non-chemical methods, and, if nontoxic options are unreasonable and have been exhausted, the use of least toxic pesticides.

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SCPOA
SERRA CANYON PROPERTY OWNER'S ASSOCIATION
"WHOLE FOODS IN THE PARK"
DRAFT EIR
COMMENTS FOR SCOPING MEETING
MARCH 2, 2015

Good Evening Honorable Planning Commissioners, thank you for giving me the opportunity to comment on the Draft EIR recently submitted for "Whole Foods in the Park".

My name is Jeff Follert; I am President of the Serra Canyon Property Owner's Association—or SCPOA. SCPOA is an organization of approximately 110 Properties in the Serra Canyon neighborhood who share common ingress and egress easements on private roadways. These shared easements originate and terminate at two primary points: at Serra Road and PCH and at Cross Creek Road and Civic Center Way. Both access points are required Fire Department Emergency primary and secondary access points for all properties in our neighborhood.

1

As I am certain you know, the Environmental Impact Report is lengthy and includes detailed study by various consultants to the Project. I am not, and we are not sophisticated Planning analysts. Our comments tonight are somewhat general in nature, but speak to the very real concerns of our community with regard to the project's independent and cumulative impact on Civic Center area traffic, and the health and safety of our residents. We looked generally at traffic impact, but after further review, we may comment more specifically on this and other Project impact concerns.

Our preliminary review of the Project's Traffic Study resulted in many questions and raised doubt as to the practical reality of the impact analysis.

1. The report seems to indicate that of the intersections studied, only three were potentially impaired and proposed for mitigation; these are PCH and Cross Creek Road—at PCH, PCH and Webb Way—at PCH, and Webb Way and Civic Center Way---at Webb Way. Cross Creek Road and Civic Center Way—the intersection that is directly adjacent to the project and most impacting Serra Canyon Property Owners was cited as "having no impact" from the proposed Project. Despite the

2

Date Received 03-02-15 Time 6:30 pm
Planning Commission meeting of 03-02-15
Agenda Item No. 5A
Total No. of Pages 3

- | | |
|---|---|
| <p>Traffic Engineers estimates, SCPOA requests a <u>further detailed analysis</u> of the real and potential impacts on this most critical intersection.</p> | 2 |
| <p>2. The report indicates that “three-axle” truck traffic will be limited to ingress and egress through the “main” Civic Center Way driveway. The report states that this will be accomplished by these vehicles being “prohibited” from using “the private section” of Cross Creek Road. How will this effectively be controlled—by signage? <u>This will never work</u>. Furthermore, many, if not a majority of delivery vehicles for a market, two restaurants, and retail stores are <u>NOT</u> “three axle” vehicles.</p> | 3 |
| <p>3. Cross Creek Road is a Private Roadway and is a primary or secondary point of ingress, egress, and emergency services for all Serra Canyon residents. In at least one event during the fires of the 1990’s, Serra Road Access was entirely fire involved; Residents and Emergency vehicles were limited to the Cross Creek Road access point. Historically—and for many years, the private Cross Creek Road’s use has been limited to residents and a limited number of low impact businesses. The “practical” potential impact and use of the “secondary” driveway on Cross Creek Road <u>needs further analysis</u>. <u>The proposed use is active and significant—it will impact the safety of Serra Canyon</u>. If the access point is included to meet project “emergency access” requirements, at a minimum, consideration should be given to “Emergency Use Only”--controlled by gate and “Knox” key.</p> | 4 |
| <p>4. The Cross Creek Road and Civic Center Way intersection was considered a “three way intersection” in the Traffic Study. With the approval of and use by the “Urban Outfitters” property parking area and the alignment of their driveway, the intersection has become “four-way” and should be analyzed as such. The impact of a new ‘driveway’ cut from private Cross Creek Road needs far greater scrutiny.</p> | 5 |
| <p>5. Serra Canyon feels strongly that the project traffic analysis should be viewed in its cumulative effect. With the existing Development Agreement for La Paz, the Santa Monica College use of the County Buildings, the potential of other commercial developments, the Project’s EIR should include the cumulative impact of other approved and proposed developments in the Civic Center area. If the applicant, for some reason is not required to provide this, the CITY should step in and provide it.</p> | 6 |

Serra Canyon Property Owners Association (SCPOA) is deeply concerned about the potential impact of this project on the traffic, health, and safety of our Property Owners and Residents. Please, do not simply accept the studies provided by the applicant without further independent analysis. We respectfully request a “real world” analysis—with significant opportunity for input by Serra Canyon—by far the potential Project’s most affected Residential Neighborhood.

7

Thank you for your time this evening,
Jeff Follert

Letter No. B-3 Serra Canyon Property Owners Association

Response B-3-1

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-3-2

Please refer to **Topical Response 1**.

Response B-3-3

This comment expresses concerns about three-axle truck traffic utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimate 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response B-3-4

Please refer to **Topical Response 2**.

Response B-3-5

Draft EIR Section 3.13, Traffic and Circulation, identified the intersection of Cross Creek Road and Civic Center Way as a four way intersection. Please refer to Figures 3.13-2 through 3.14-4, Figures 3.13-8 through 3.13-16, and Figures 3.13-20 through 3.13-25. The anticipated volume of vehicle trips utilizing the “driveway cut” proposed on the private section of Cross Creek Road during the AM/PM peak hour periods was analyzed in the Draft EIR.

Response B-3-6

Please refer to **Response to Comment B-1d-9**.

Response B-3-7

The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Please also refer to **Topical Response 1** and **Topical Response 2**.

Jasch Janowicz

RECEIVED

From: My Beach <bubeach@yahoo.com>
Sent: Thursday, March 19, 2015 5:02 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

MAR 19 2015

PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed,

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Letter No. C-1 Anonymous [My Beach]

Response C-1-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection, were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project, and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: alamhere@aol.com
Sent: Friday, March 20, 2015 4:02 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed,

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Letter No. C-2 Anonymous [alamhere]

Response C-2-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Joan Almond <joanalmond@mac.com>
Sent: Tuesday, March 17, 2015 12:30 PM
To: Lisa Pope
Cc: Jasch Janowicz
Subject: WHOLE FOODS STORE

RECEIVED
MAR 17 2015
PLANNING DEPT.

Dear Ms. Pope and Mr. Janowicz,

Please take have another study done of the traffic on PCH as it is laughable that the traffic on PCH has decreased by 25-30%. In fact, I would believe that it has INCREASED 25-30%. Please have the Malibu City Planning Commission run another study regarding the Whole Foods store plan.

1

Thank you,
Joan and Paul Almond

Joan Almond
joanalmond@mac.com

Letter No. C-3 Joan and Paul Almond

Response C-3-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Tom Anderson <tanderson@serraretreat.com>
Sent: Thursday, March 12, 2015 3:54 PM
To: Jasch Janowicz; Lisa Pope
Subject: Whole Foods EIR

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. This doesn't make sense to me.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu roads.

Signed,

Tom Anderson
Administrator
Serra Retreat
Malibu, CA 90265
310.456.6631 x 16

tanderson@serraretreat.com

Please consider the environment before printing this e-mail-**GO GREEN!**

1

Letter No. C-4 Tom Anderson

Response C-4-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Vicky Arnold <info@vickyarnold-dogtraining.com>
Sent: Friday, March 13, 2015 4:13 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

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Letter No. C-5 Vicky Arnold

Response C-5-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Deirdre Angela Battarra <dbattarra@gmail.com>
Sent: Monday, March 23, 2015 5:20 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.
Signed,

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Malibu on the weekends is already ridiculously bad on the weekend. We as residents can't even get out of our houses - Let alone get to work and back!!! Come on!!!

Deirdre Battarra & Family
20214 Pacific Coast Hwy
Malibu, CA 90265
dbattarra@yahoo.com

Letter No. C-6 **Deirdre Battarra**

Response C-6-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Bernie Beldner <yayahweh@gmail.com>
Sent: Thursday, March 19, 2015 10:51 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Bernie Beldner

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Letter No. C-7 **Bernie Beldner**

Response C-7-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Karen N. Blackmore <karenblackmore@mac.com>
Sent: Thursday, March 19, 2015 1:14 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Karen Blackmore
Joe Gareri

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Letter No. C-8a Karen Blackmore and Joe Gareri

Response C-8a-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Karen N. Blackmore <karenblackmore@mac.com>
Sent: Thursday, March 19, 2015 1:15 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Karen Blackmore
Joe Gareri

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Letter No. C-8b Karen Blackmore and Joe Gareri

Response C-8b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Karen N. Blackmore [REDACTED]
Sent: Thursday, March 19, 2015 1:15 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Karen Blackmore
Joe Gareri

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Letter No. C-8c Karen Blackmore and Joe Gareri

Response C-8c-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Sharleen Bright <bymyart2@gmail.com>
Sent: Thursday, March 19, 2015 5:46 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed, SHARLEEN BRIGHT

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Letter No. C-9 Sharleen Bright

Response C-9-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Candace Brown <browncandace@mac.com>
Sent: Friday, March 20, 2015 5:51 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Candace Brown

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Letter No. C-10a Candace Brown

Response C-10a-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Candace Brown <browncandace@mac.com>
Sent: Friday, March 20, 2015 5:52 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment/ ridiculous !

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Candace Brown

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Letter No. C-10b **Candace Brown**

Response C-10b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Candace Brown <browncandace@mac.com>
Sent: Friday, March 20, 2015 5:53 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment-Please re-visit this!

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Candace Brown

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Letter No. C-10c **Candace Brown**

Response C-10c-1

Please refer to **Topical Response 1**.

Jasch Janowicz

RECEIVED

From: Burke, John <jburke@AkinGump.com>
Sent: Monday, March 23, 2015 6:34 PM
To: Jasch Janowicz
Cc: Sarah Burke; Serra Canyon POA
Subject: Whole Foods in the Park

MAR 23 2015

PLANNING DEPT

Mr. Janowicz:

We are residents of Serra Retreat and we object to the Whole Foods in the Park project for the following reasons:

1. The La Paz project is already approved through a development agreement with the City that could allow in excess of 100,000 square feet of office and retail development. This project is not subject to Measure R.
2. The Santa Monica College approved project is an expanded remodel and re-use of existing County buildings on Civic Center Way. It will generate increased daily traffic.
3. The proposed Edge development and Central Wastewater facility construction activities will further impact traffic flow.
4. The Whole Foods in the Park development will further and cumulatively impact Serra Canyon's critical ingress and egress.
5. We understand that the proposed Whole Foods in the Park project which includes a Whole Foods Grocery, a high turnover sit

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down restaurant, a fast food restaurant plus other retail stores is projected to add an additional 2300 to 2900 weekday car trips into the corner of Cross Creek and Civic Center Way. On weekends those number jump to 2500 to 3000 new car trips. Every day 20 to 25 new service delivery trucks will drive down Cross Creek Road to service these businesses. How Cross Creek and Civic Center Way accommodate all this new traffic is not clearly explained in the EIR.

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6. The Whole Foods draft EIR has some surprising statistics. When compared with prior certified reports (La Paz and Legacy Park), it actually indicates a decline in traffic and essentially no impact at Cross Creek Road and Civic Center Way. While there may be a varying opinion with regard to the benefit of a Whole Foods market in Malibu, the EIR needs to further study the potentially severe independent and cumulative impact of the proposed project on critical intersections and on Civic Center area traffic generally.
7. The traffic report in the EIR indicates that of the intersections studied, only three were potentially impaired and proposed for mitigation. Cross Creek Road and Civic Center Way—the intersection that is directly adjacent to the project and most impacting Serra Canyon Property Owners was cited as “having no impact” from the proposed Project. Despite the Traffic Engineers estimates, we

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request a further detailed analysis of the real and potential impacts on this most critical intersection.

8. The report indicates that “three-axle” truck traffic will be limited to ingress and egress through the “main” Civic Center Way driveway. The report states that this will be accomplished by these vehicles being “prohibited” from using “the private section” of Cross Creek Road. How will this effectively be controlled? Furthermore, many, if not a majority of delivery vehicles for a market, two restaurants, and retail stores are NOT “three axle” vehicles.
9. Cross Creek Road is a Private Roadway and is a primary or secondary point of ingress, egress, and emergency services for all Serra Canyon residents. In at least one event during the fires of the 1990's, Serra Road Access was entirely fire involved; Residents and Emergency vehicles were limited to the Cross Creek Road access point. The “practical” potential impact and use of the “secondary” driveway on Cross Creek Road needs further analysis. The proposed use is active and significant—it will impact the safety of Serra Canyon.
10. The Cross Creek Road and Civic Center Way intersection was considered a “three way intersection” in the Traffic Study. With the approval of and use by the “Urban Outfitters” property parking area and the alignment of their driveway, the intersection has become “four-way” and should be analyzed as such. The impact of a new “driveway” cut onto Cross Creek Road and the effective “four way” intersection needs far greater scrutiny.

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11. The project traffic analysis must be viewed in its cumulative effect. With the existing Development Agreement for La Paz, the Santa Monica College use of the County Buildings, the potential of other commercial developments, the Project's EIR should include the cumulative impact of other approved and proposed developments in the Civic Center area.

7

Thank you.
John & Sarah Burke
23122 Mariposa de Oro
Malibu CA 90265

P. John Burke

AKIN GUMP STRAUSS HAUER & FELD LLP

2029 Century Park East | Suite 2400 | Los Angeles, CA 90067-3010 | USA | Direct: +1 310.229.1038 | Internal: 41038
Fax: +1 310.229.1001 | jburke@akingump.com | akingump.com | [Bio](#)

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

Letter No. C-11 John and Sarah Burke

Response C-11-1

This comment is a set of general introductory remarks expressing opposition to 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.

Response C-11-2

Please refer to **Topical Response 1**.

Response C-11-3

Please refer to **Topical Response 1**.

Response C-11-4

This comment expresses concerns about three-axle truck traffic utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimated 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response C-11-5

Please refer to **Topical Response 1** and **Topical Response 2**.

Response C-11-6

Draft EIR Section 3.13, Traffic and Circulation, identified the intersection of Cross Creek Road and Civic Center Way as a four way intersection. Please refer to Figures 3.13-2 through 3.14-4, Figures 3.13-8 through 3.13-16, and Figures 3.13-20 through 3.13-25. The anticipated volume of vehicle trips utilizing the “driveway cut” proposed on the private section of Cross Creek Road during the AM/PM peak hour periods was analyzed in the Draft EIR.

Response C-11-7

As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Please also refer to **Topical Response 1** and **Response to Comment B-1d-9**.

Jasch Janowicz

From: Antibes@netscape.com
Sent: Wednesday, March 18, 2015 3:32 PM
To: Jasch Janowicz; Lisa Pope
Subject: Whole Foods EIR

RECEIVED
MAR 18 2015
PLANNING DEPT.

Dear Mr. Janowicz and Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR claiming existing traffic has decreased by 25% or more materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu residents working or visiting the Civic Center and those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray existing traffic on Malibu roads.

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Best Regards,

Chris & Barbara Catlin

Netscape. Just the Net You Need.

Letter No. C-12 **Chris and Barbara Catlin**

Response C-12-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: camille <ccerio@gmail.com>
Sent: Thursday, March 19, 2015 2:01 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Camille Cerio

1

Letter No. C-13 **Camille Cerio**

Response C-13-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Dana Christiaansen <cactus133@verizon.net>
Sent: Monday, March 16, 2015 6:43 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment - Please demand that Whole Foods present new traffic counts

RECEIVED

MAR 16 2015

PLANNING DEPT

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Dana Christiaansen
Hm. 310-457-5958
Cell- 310-422-5044
cactus133@verizon.net

1

Letter No. C-14a Dana Christiaansen

Response C-14a-1

Please refer to **Topical Response 1** and **Topical Response 2**.

Jasch Janowicz

From: Dana Christiaansen <cactus133@verizon.net>
Sent: Monday, March 23, 2015 11:31 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Dana Christiaansen

Dana Christiaansen
Hm. 310-457-5958
Cell- 310-422-5044
cactus133@verizon.net

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Letter No. C-14b Dana Christiaansen

Response C-14b-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Brian Clark <brian@thedecobuilding.com>
Sent: Friday, March 20, 2015 12:03 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Brian Clark
27353 Pacific Coast Hwy
Malibu Ca, 90265

1



Brian Clark - Owner
5209 Wilshire Blvd - Los Angeles - CA - 90056
brian@thedecobuilding.com
www.TheDecoBuilding.com
323-592-3600

Letter No. C-15 Brian Clark

Response C-15-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: marshall coben <mcoben100@yahoo.com>
Sent: Thursday, March 19, 2015 10:23 AM
To: Jasch Janowicz; Lisa Pope
Subject: Whole Foods Traffic Study

RECEIVED
MAR 19 2015
PLANNING DEPT.

It is clear that the Whole Foods Traffic study is erroneous. I would hope that the claims that adding a shopping center will decrease traffic by 25% will be recognized by the city as farcical and manipulative on the part of the developer. Moving forward on this project based on this information would be irresponsible and could put Malibu residents health and safety at risk.

1

Please demand that Whole Foods present new traffic counts that would accurately portray the actual situation that exists there now, and the **actual increase** in traffic that the project will incur for our community.

Thank you,

Marshall Coben
86A Malibu Colony

Letter No. C-16 **Marshall Coben**

Response C-16-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Leon Cooper <leoncooper@verizon.net>
Sent: Monday, March 23, 2015 3:41 PM
To: Jasch Janowicz
Subject: whole foods

RECEIVED
MAR 23 2015
PLANNING DEPT.

Please update the eir. Let me know when it's ready. I don't approve the project
Leon cooper
310-457-2832

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Letter No. C-17 **Leon Cooper**

Response C-17-1

This comment is a set of general remarks and a statement in opposition to 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Mariana Costa-Schechter <marianacosta@live.com>
Sent: Saturday, March 14, 2015 10:28 AM
To: Jasch Janowicz; Lisa Pope
Subject: Planning Department

RECEIVED

MAR 14 2015
PLANNING DEPT.

Jasch Janowicz
City of Malibu
Planning Department

Mr. Janowicz:

After reviewing the Draft Environmental Impact Report, sitting through the entire March 2 Planning Commission meeting and speaking to my friends and neighbors, I am in support of Whole Foods and the Park.

I am a resident of Malibu and a mother of small children. I would not support a project that I thought would negatively impact me and my family. In my eyes this project is a win for everyone. Parents get the Whole Foods store we've been waiting for, our children get a brand new state-of-the-art playground and park, and the existing local businesses in the Cross Creek shopping center benefit from the addition of a real anchor tenant, which will bring more customers to their stores.

1

During the Planning Commission meeting I referenced earlier, the vast majority of residents who spoke publically were in support of this project. The few that spoke against, simply refused to believe the scientific conclusions found in the 550 page report. If we can't believe the independent data, which is peer reviewed by our City staff, what can we believe?

It's hard to build anything in Malibu for good reason. However, when a project like this comes along with so many positives for our City, the community should embrace it!

Sincerely,

Mariana Schechter

310-456-8773

property owner at: 20526 pacific coast Hwy

Letter No. C-18 Mariana Costa-Schechter

Response C-18-1

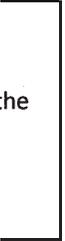
This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Jasch Janowicz

From: Stacie Cox <staciecox@me.com>
Sent: Friday, March 20, 2015 6:26 PM
To: Jasch Janowicz
Subject: Whole Foods Project

RECEIVED
MAR 20 2015
PLANNING DEPT.

Hello I am a Malibu resident living up Corral Canyon road.
My 4.5 year old daughter has a ton of allergies- to tree nuts, peanuts, dairy, egg, and shellfish.
Whole Foods has been an outstanding resource for us over the years when we lived in Santa Monica.
Now that we live in Malibu for the past year it is hard always trying to get to the Whole Foods in SM or Venice to get the foods she needs.
We are completely in support of the Whole Foods in Malibu opening!
Please consider this as a yes vote from the Cox family at
1932 Newell Road
Malibu 90265



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Thank you!!

Stacie Cox

Letter No. C-19 Stacie Cox

Response C-19-1

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.

Jasch Janowicz

From: Cecilia Dan <cecilia.dan@mac.com>
Sent: Wednesday, March 18, 2015 4:06 PM
To: Lisa Pope; Jasch Janowicz
Subject: Malibu Traffic

RECEIVED
MAR 18 2015
PLANNING DEPT.

Dear Mr Janowicz and Ms Pope,

It is clear that the traffic counts used in the Whole Foods EIR claiming existing traffic has decreased by 25% or more materially understates the impact of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu residents working or visiting the Civic Center and those living around it.

The City needs to demand that Whole Foods present new traffic counts that accurately portray existing traffic on Malibu roads.

Thank you,
Cecilia Dan

Cecilia Dan
Cecilia Dan Fine Art
22540 Carbon Mesa Road
Malibu CA 90265
310 456 1194
310 435 6870 cell
ceciliadan.com

1

Letter No. C-20 Cecilia Dan

Response C-20-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Lisa Pope
Sent: Wednesday, March 11, 2015 9:43 AM
To: Patricia Salazar; Jasch Janowicz
Subject: FW: Whole foods traffic concerns

RECEIVED
MAR 10 2015
PLANNING DEPT.

Lisa Pope, City Clerk
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
310-456-2489 ext. 228

From: D Day [mailto:dayca12@aol.com]
Sent: Tuesday, March 10, 2015 6:08 PM
To: Lisa Pope
Subject: Whole foods traffic concerns

Dear City Of Malibu,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impacts of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. All Civic Center traffic must be taken into account including cumulative traffic from all the new developments that are planned including Pepperdine's approved 5000 person event auditorium.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

D. Day

Sent from my iPad. :D

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Letter No. C-21 D. Day

Response C-21-1

Please refer to **Topical Response 1**. As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Jasch Janowicz

From: Judith Devin <mediumwelldone@mac.com>
Sent: Thursday, March 19, 2015 9:37 PM
To: Jasch Janowicz
Subject: A DO-Over is Needed: Update the Whole Foods EIR

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

This is a request for reconsideration of an updated EIR for the Whole Foods proposed development. As a three decade Malibu resident who uses the PCH daily and visits and shops our town center as often, I find it astonishing that the current report states that there will be a 25% decrease in traffic. Really?! When has that ever happened? Have the individuals conducting this study ever even been to Malibu? Have they experienced traffic in the area during the week? On weekends? In the summer on a 90 degree day in the valley, and when our millions of visitors pass through?

All residents are not against this development, but they are against a faulty EIR that will not require a pre-plan to accommodate needed adjustments for additional traffic flow. All that is being asked for in this reconsideration is an updated EIR to yield the truth of the traffic impact.

No developer needs to antagonize the very population it is meant to serve and that can make this development a success. Let's re-do the EIR traffic study and then adjust to the facts.

Respectfully,

Judi Devin
26657 Latigo Shore Dr.
Malibu

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Letter No. C-22 **Judi Devin**

Response C-22-1

This comment is a set of general 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Lisa Pope
Sent: Thursday, March 12, 2015 1:06 PM
To: Patricia Salazar; Jasch Janowicz
Subject: FW: Help us for no whole foods

RECEIVED
MAR 12 2015
PLANNING DEPT.

Lisa Pope, City Clerk
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
310-456-2489 ext. 228

From: Claudia Damasceno [<mailto:claudiasd@hotmail.com>]
Sent: Thursday, March 12, 2015 1:03 PM
To: Lisa Pope
Subject: Help us for no whole foods

Dear Linda, help us out... we don't need more traffic.
thanks for being with us,
Claudia Divito

]

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Letter No. C-23 Claudia Divito

Response C-23-1

This comment is a set of general 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.

Jasch Janowicz

From: JOSHUA DONEN <jdonen@me.com>
Sent: Sunday, March 15, 2015 7:33 AM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 15 2015
PLANNING DEPT

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Joshua Donen

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Letter No. C-24 Joshua Donen

Response C-24-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Nicolette Donen <ndonen@me.com>
Sent: Sunday, March 15, 2015 6:45 AM
To: Jasch Janowicz
Cc: Lisa Pope
Subject: Whole Foods EIR Comment

RECEIVED
MAR 15 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Nicolette Donen

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Letter No. C-25 **Nicolette Donen**

Response C-25-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Laura @ Monarch <laura@monarchrec.com>
Sent: Thursday, March 12, 2015 12:58 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

Importance: High

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) significantly understates the impact of traffic on our roads. I have been a resident of Malibu and a business owner in the Cross Creek area since 2004.

1

Going forward with the Whole Foods development based upon this faulty information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Our office is located diagonally from the proposed Whole Foods location and while I am very excited about their future opening, I am also acutely aware of how traffic has already increased even in the past year. The light at Cross Creek going onto PCH is already bottle necked during high traffic days/weekends. The turn lanes on Cross Creek are so poorly marked that no one ever knows to use them. The pedestrian walkways are very much a safety hazard, especially at night.

2

With Whole Foods coming literally to our corner, I'm very much concerned as there should be more than a 4-way stop at Cross Creek and Civic Center Way, there should be a traffic light to handle the flow of traffic appropriately and timed with the PCH light. Please demand that Whole Foods present new traffic counts that more correctly portray the existing traffic on Malibu Roads.

3

All the best,



Laura Doughty, COO
Broker
BRE# 01861790

Monarch

Providing Real Estate Concierge™ services for ALL your Homes
Malibu | London | New York

Letter No. C-26 Laura Doughty

Response C-26-1

Please refer to **Topical Response 1.**

Response C-26-2

Please refer to **Topical Response 1.**

Response C-26-3

Please refer to **Topical Response 1.**

Jasch Janowicz

From: Wendi Werner <wernerdesign@verizon.net>
Sent: Tuesday, March 17, 2015 8:04 PM
To: Lisa Pope; Jasch Janowicz
Cc: wernerdesign@verizon.net
Subject: Whole foods

RECEIVED
MAR 17 2015
PLANNING DEPT.

Dear Mr. Janowicz and Ms. Pope,

I, Wendi Dunn, am requesting a new traffic study for the Whole Foods construction project that is current and accurate.

Only with correct information, can we make useful evaluations and decisions regarding this project. The current traffic study is flawed as estimated for the current traffic impacts.

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Thank you,
Wendi Dunn

Letter No. C-27a Wendi Dunn

Response C-27a-1

Please refer to **Topical Response 1**.

RECEIVED

MAR 22 2015

PLANNING DEPT.

Jasch Janowicz, Contract Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Upon reading the draft EIR (3.7-13) for the whole foods development, I felt compelled to request that all herbicides, pesticides and rodenticides be stricken from this and further reports.

Malibu's Vision and Mission statement reads:

~Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations.

~Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare.

Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

1

On July 8, 2013, City Council adopted a resolution that urged Malibu businesses to no longer use or sell anticoagulant rodenticides. The Santa Monica Mountains Local Coastal Program (LCP) prohibits the use of anticoagulant rodenticides.

I personally had the use of the herbicide glyphosphate stricken from the Malibu lagoon restoration project because of its potential contamination to the adjacent watershed and ocean. The current whole foods project is located near that same watershed. For this reason, I am requesting that no herbicides be used in this location.

Because of these examples above, I am again urging the removal and use of all herbicides, pesticides and rodenticides from this entire project.

Respectfully,
Wendi Werner Dunn

Letter No. C-27b Wendi Dunn

Response C-27b-1

This comment includes a summary of recent standards adopted by the County of Los Angeles and a summary of preliminary discussions that have occurred in recent Malibu City Council and California Coastal Commission public hearings regarding the use of insecticides, herbicides, anti-coagulant rodenticides or other toxic chemicals with the potential to degrade biological resources in coastal environments. 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.

However, the applicant team, construction contractors and future tenants of the project have expressed a commitment to use and handle all pesticides at the project site in compliance with applicable local, state, and federal standards and regulations, including the pending City ban on the use of anticoagulant rodenticides.

The applicant is committed to using an Integrated Pest Management (IPM) approach at the project site and the use of IPM will be required as a condition of approval. IPM is a managed pest management system that:

- eliminates or mitigates economic and health damage caused by pests;
- minimizes the use of pesticides and the risk to human health and the environment associated with pesticide applications; and,
- uses integrated methods, site or pest inspections, pest population monitoring, an evaluation of the need for pest control, and one or more pest control methods, including sanitation, targeted exclusion techniques, mechanical and living biological controls, other non-chemical methods, and, if nontoxic options are unreasonable and have been exhausted, the use of least toxic pesticides.

Jasch Janowicz

From: Lisa Pope
Sent: Monday, March 23, 2015 11:24 AM
To: Patricia Salazar; Jasch Janowicz
Subject: FW: Whole foods draft EIR
Attachments: Whole foods draft EIR.pdf; ATT00001.txt

RECEIVED
MAR 23 2015
PLANNING DEPT.

Lisa Pope, City Clerk
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
310-456-2489 ext. 228

-----Original Message-----

From: Wendi Werner [mailto:]
Sent: Sunday, March 22, 2015 2:57 PM
To: Jasch Janowicz; Lisa Pope
Subject: Whole foods draft EIR

Please submit letter for draft EIR.

ATT00001

Regards,
wendi Dunn

RECEIVED

MAR 23 2015

PLANNING DEPT.

Jasch Janowicz, Contract Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Upon reading the draft EIR (3.7-13) for the whole foods development, I felt compelled to request that all herbicides, pesticides and rodenticides be stricken from this and further reports.

Malibu's Vision and Mission statement reads:

~Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations.

~Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare.

Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

1

On July 8, 2013, City Council adopted a resolution that urged Malibu businesses to no longer use or sell anticoagulant rodenticides. The Santa Monica Mountains Local Coastal Program (LCP) prohibits the use of anticoagulant rodenticides.

I personally had the use of the herbicide glyphosphate stricken from the Malibu lagoon restoration project because of its potential contamination to the adjacent watershed and ocean. The current whole foods project is located near that same watershed. For this reason, I am requesting that no herbicides be used in this location.

Because of these examples above, I am again urging the removal and use of all herbicides, pesticides and rodenticides from this entire project.

Respectfully,
Wendi Werner Dunn

Letter No. C-27c Wendi Dunn

Response C-27c-1

Please refer to **Response to Comment C-27b-1**.

Jasch Janowicz

From: Kathy <kathy.eldon@creativevisions.org>
Sent: Friday, March 13, 2015 6:52 PM
To: Jasch Janowicz
Subject: More research is required- Wholefoods Development-

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear City Of Malibu,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impacts of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. All Civic Center traffic must be taken into account including cumulative traffic from all the new developments that are planned including Pepperdine's approved 5000 person event auditorium.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,



Kathy Eldon: Founder and Chairman Creative Visions Foundation and Creative Visions Productions

"CVF supports creative activists who use media and the arts to ignite positive change."

Tel: 310 456 1109 office, Cell: 323 829 2677: Visit us at the Dan Eldon Center for Creative Activism: 18820 PCH, Malibu 90265 (above American Apparel)

Please join our mailing lists: www.creativevisions.org and www.daneldon.org

To learn more about my new memoir, "IN THE HEART OF LIFE," please visit KATHYELDON.COM

Letter No. C-28 Kathy Eldon

Response C-28-1

Please refer to **Topical Response 1** for a detailed discussion of traffic counts taken to support the Draft EIR's conclusions with respect to traffic impacts.

As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5. These 39 related projects include pending and/or proposed development within the vacant parcels located along Civic Center Way.

Jasch Janowicz

From: Carol Elkind <carolmanzo@yahoo.com>
Sent: Thursday, March 12, 2015 3:55 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

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Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Respectfully,

Carol Elkind
Malibu Resident

Letter No. C-29 **Carol Elkind**

Response C-29-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Lisa Marie Elwes <jahlove1@earthlink.net>
Sent: Monday, March 23, 2015 11:52 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed, Lisa Marie Elwes

Sent from my iPhone

1

Letter No. C-30 Lisa Marie Elwes

Response C-30-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: R Y A N <ryanmalibu@msn.com>
Sent: Monday, March 23, 2015 5:00 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR
Attachments: Whole Foods March 23, 2015.pdf

RECEIVED
MAR 23 2015
PLANNING DE

Attached E.I.R. Comments for Whole Foods and the Park proposed shopping center.

RECEIVED

MAR 23 2015

PLANNING DEPT

R. L. Embree
23901 Civic Center
Malibu, CA 90265

July 28, 2014

City of Malibu
VIA EMAIL DISTRIBUTION

Re: Whole Foods and the Park E.I.R.

Jasch Janowicz, jjanowicz@malibucity.org
Malibu City Clerk, Lisa Pope lpope@malibucity.org

As a thirty-three-year nearby resident of the Malibu Civic Center, and as a 20-year resident volunteer with the City of Malibu -- as Chair of the Public Safety Commission (which analyzes traffic and transportation issues), Emergency Preparedness Task Force, Civic Center Way Task Force, and Public Safety Committee -- my experience in traffic counts and traffic pattern observation, and the official "Z"-traffic reduction programs of the City of Malibu adopted to reduce commuter traffic from using Webb Way, and the evaluation of traffic engineers' proposals for turning-movement restrictions and channelizers on Webb Way south of Pacific Coast Highway, and the re-design of Cross Creek Road and Legacy Park all occurred during my official service to the City. These and other mitigations for traffic counts, trips, and analysis has provided the basis of my observations and opinion that the traffic analysis submitted and analyzed for the Whole Foods and the Park shopping center Environmental Impact Report are flawed, inaccurate, and misrepresentative of actual and historic traffic counts and patterns. As a whole, the traffic analysis is deficient and defective, and does not fully address the temporary vacancies of the existing Los Angeles County properties from and between 23525 and 23555 Civic Center Way, the majority of which remain vacant pending conversion and demolition for Santa Monica College's proposed Malibu campus and a Los Angeles County Sheriff Substation. The misrepresentative traffic data, formulae implemented to analyze the data, and the omission and inadequate analysis of the known future uses between 23525 and 23555 Civic Center Way constitute major deficiencies to the analysis and conclusions presented.

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The ridiculous concept that traffic on PCH has decreased is not only common knowledge by direct experience to be false, the study's reliance on textbook formulae misrepresents the unusual conditions present in Malibu: one main arterial road in/out (Pacific Coast Highway) that would be used to stock, and haul away spoilage, from an anchor grocery store and the associated peripheral retail buildings' business operations. Established formulae are for grid-based jurisdictions where alternative travel routes exist to ensure resident and emergency responder passage; such is NOT this case, nor anywhere in Malibu except on Point Dume. Traffic impacts to Pacific Coast Highway should be considered like a freeway closure because the significance and regional impacts exceed the vastly-different circumstance which gave cause to establish the "formula" -- alternate routes for emergency access THROUGH Malibu from Los Angeles County's Fire Department headquarters at Carbon Canyon Road and PCH (and mutual aid from further east) all the way to Trancas Canyon Road and beyond to Los Angeles County Line.

Supply and refuse removal truck traffic would be via Civic Center Way, a street with existing

2

residential and retail frontage uses, as well as a public park which the City spent over \$15 million to acquire and develop, as well as the L.A. County Public Library and proposed Santa Monica College satellite campus and Sheriff sub-station. The section of Civic Center Way between Webb Way and the proposed project contains many of these competing uses of the 1-lane-each-direction roadway. Cross Creek road's high pedestrian activity, and high-end retail activities should preclude heavy truck traffic, and the right-turn from PCH onto Cross Creek Road should be avoided due to the greater turning radius that large/"semi"-sized delivery trucks need to make such turns would eclipse into the two dedicated left turn lanes from Cross Creek Road onto Pacific Coast Highway. Semi trucks would have to STOP in the proposed right turn land and WAIT until one or BOTH of the left-turn lanes from Cross Creek Road onto PCH become vacant. Such STOP and WAIT situation is UNACCEPTABLE public policy as it would create unsafe conditions and back-up onto Pacific Coast Highway and the Malibu Lagoon Bridge (which is one lane width narrower than Pacific Coast Highway's right-of-way) and create rear-end collisions, and promote unsafe lane changes on the bridge.

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It is clear that delivery truck traffic from Los Angeles would be forced to travel further beyond the proposed project to Webb Way and make the safer right-turn, and another right-turn onto Civic Center Way (a difficult maneuver to avoid eclipsing west-bout Civic Center Way vehicles that either are turning left onto Webb Way or continuing straight toward Vista Pacifica Street. The City spent millions of dollars of public tax money to narrow Civic Center Way and create needed parking capacity via angled parking adjacent to Legacy Park and directly across the street in front of the Los Angeles County property containing the Public Library, Water Works District and prior Courthouse. Future uses of this property would restore or exceed traffic trips and traffic counts on Civic Center Way that temporarily declined due to temporary cessation of operations at BOTH the public Sheriff Station and Courthouse. It is unrealistic to assume that uses at these nearly-adjacent properties will not become intensified concurrently or in the near term of the proposed Whole Foods project.

Lastly, large truck activities for the Whole Foods project should be prohibited daily between 10 pm and 7 am to sustain the tranquil peace and enjoyment of noise-free residential activities nearby in this "echo chamber bowl" of the Civic Center. Trucks' audible reverse-gear "beeping" should not occur between 10 pm and 7 am, nor their electric lifts' noise, nor the sounds of motorized ground-based conveyors. Such noise mitigations hours were imposed by Los Angeles County on the Malibu Colony Plaza ("Ralphs") Shopping Center on the corner of Webb Way and Malibu Road to ensure peaceful use and enjoyment of the adjacent residentially-zoned private residences. Also, the Temporary Use Permits for the annual Chili Cook-Off also on Civic Center Way also contains noise mitigations and time limits to address this ongoing problem of the "echo chamber bowl".

3

Sincerely,

R. L. Embree

Letter No. C-31 **R.L. Embree**

Response C-31-1

Please refer to **Topical Response 2**.

Response C-31-2

This comment expresses concerns about three-axle truck traffic utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimate 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response C-31-3

Section 3.10, Noise, of the Draft EIR addresses the potential noise impacts that could result from construction and operation of the proposed project. The proposed project includes Mitigation Measure 3.10-10 which limits all truck deliveries and all maintenance operations to between the hours of 7:00 AM and 7:00 PM.

Jasch Janowicz

From: Dawn N. Ericson <mantapublications@earthlink.net>
Sent: Friday, March 13, 2015 5:08 PM
To: Jasch Janowicz
Subject: Traffic issues and WHOLE FOODS

RECEIVED
MAR 13 2015
PLANNING DEPT.

Mr. Janowicz

The traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) understates the impact of traffic on our roads.

This Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

May I request that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Dawn Navarro Ericson
resident in Malibu Park for 40 years.

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Letter No. C-32 Dawn Navarro Ericson

Response C-32-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Linda Euler <linda.euler@gmail.com>
Sent: Thursday, March 19, 2015 8:34 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Linda Euler

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Letter No. C-33 **Linda Euler**

Response C-33-1

Please refer to **Topical Response 1**.

Jasch Janowicz

RECEIVED

From: John Evans <john@dieselbookstore.com>
Sent: Thursday, March 12, 2015 7:29 PM
To: Lisa Pope; Jasch Janowicz
Subject: Regarding Whole Foods EIR errors

MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Unless a clear plan is included for dealing with the increased traffic and the dangers of evacuation during fire and flood, this presents a serious risk factor to the people and animals of Malibu.

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Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
John Evans

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"Character development and narrative.
Start there, and then the ideas will appear,
like spores turning into mushrooms."

-- David Mitchell, interviewed for The Millions

DIESEL, A Bookstore
Oakland ~ Larkspur ~ Los Angeles

Letter No. C-34 John Evans

Response C-34-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Steve Fink <steve@malibuventures.com>
Sent: Thursday, March 19, 2015 2:32 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

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Letter No. C-35 Steve Fink

Response C-35-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Jae Flo <jfloatz@verizon.net>
Sent: Thursday, March 19, 2015 2:32 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Jae Flora-Katz

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Letter No. C-36 Jae Flora-Katz

Response C-36-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Jack Foley <foley.jack4@gmail.com>
Sent: Thursday, March 19, 2015 4:31 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Jack and Jo Foley
3615 Rambla Pacifico Road,
Malibu, Ca 90265

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Letter No. C-37 Jack and Jo Foley

Response C-37-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Jeff Follert <rjf@usinter.net>
Sent: Monday, March 23, 2015 4:03 PM
To: Jasch Janowicz
Subject: Whole Foods EIR
Attachments: Whole Foods EIR Comments Follert 032315.doc

RECEIVED
MAR 23 2015
PLANNING DEPT

Mr. Janowicz,

Attached is a comment letter for the Whole Foods in the Park Draft EIR.

Thank you,
R Jeffrey Follert

R. Jeffrey Follert
23247 Palm Canyon Lane
Malibu, CA 90265

March 23, 2015

VIA EMAIL

Jasch Janowicz, Contract Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RECEIVED
MAR 23 2015
PLANNING DEPT.

RE Whole Foods in the Park Draft EIR

Dear Mr. Janowicz,

My family and I are residents of the Serra Canyon neighborhood. We have lived in our home approximately 15 years--since 2000.

During that time we have experienced or witnessed severe events including wildfires, floods, and earthquakes. We, like all of our neighbors, depend on Serra Road and Cross Creek road as primary entries and exits to and from our property. The Fire Department and other Emergency Services require both routes specifically for redundancy during major emergency events. We have been subject to mandatory evacuation orders at least twice, and have witnessed the closure of each emergency pathway—either due to Fire (Serra Road) or due to Flood (Cross Creek Road).

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We are deeply concerned about some of the assumptions used and conclusions drawn in the recently submitted Whole Foods EIR. Predominantly and as a central theme, we are deeply concerned about the additional burden this development will have on the traffic and flow at the intersection of Cross Creek Road and Civic Center Way. We are also concerned about the impact this project will have on four other intersections in the Civic Center area, the impact on the flow of traffic generally, and the absence in the study of any specific Emergency Plan contingency for major catastrophic events.

Following is a list of specific concerns:

1. The EIR should address traffic impact on a cumulative basis—that is with the approved prior studies as baseline (Caltrans, Legacy Park, La Paz, Santa Monica College).
2. It should also include analysis of projects “in the pipeline” such as the Rancho Malibu Hotel, 5 Homes at Bluff’s Park, Edge Development (Sweetwater Mesa), Malibu Bay Company (Webb Way and Civic Center Way), and Pepperdine University.

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3. The Traffic Study should include traffic counts during the full range of impact days, seasons and hours:
 - a. AM/PM
 - b. Weekday/Weekend
 - c. Holiday
 - d. All Four Seasons
4. It must address the practical impact on Cross Creek Road at Civic Center Way. Specially:
 - a. The intersection should be studied as a “four way” intersection—to include the direct driveway in and out of the “Urban Outfitters” property.
 - b. It should include an analysis of Cross Creek Road and Civic Center Way parking.
 - c. Specific intersection road widths and turn lanes should be studied—mitigation recommendations proposed.
 - d. The study should address the overburden of new commercial traffic on private Cross Creek Road.
 - e. The EIR should include an analysis of ALL delivery vehicles and other users proposed on Cross Creek Road.
 - i. Three axle trucks are limited to Civic Center Way—but can proceed west or east—immediately into the intersection
 - ii. The clear majority of delivery trucks are two axle—they too should be limited to entry and exit only from or to the west on Civic Center Way—not on Cross Creek Road or from Cross Creek Road.
 - iii. Unless dramatically changed in capacity, the Cross Creek access point to the shopping center should be limited to “Emergency Vehicles Only”—gate controlled and “Knox” keyed
5. The EIR needs to study and correctly classify the project as a Supermarket with adjacent ancillary uses.
6. The Traffic Study needs to correctly identify the number of daily truck trips for a Supermarket (both two and three axle)
7. The study needs to include in traffic count analysis, the unenclosed active and passive uses proposed (Shane’s Park and Learning Garden)
8. The EIR needs to address a specific Emergency Evacuation Plan, not only for the project, but for the surrounding properties and neighborhoods.

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In summary, we feel that the City must analyze this project based upon its independent and cumulative impact on daily traffic including seasonal fluctuations, peak and off peak times, and most importantly, emergency evacuation and planning.

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Thank you for your attention and for putting the health and safety of Malibu residents as a first priority in this analysis.

Sincerely,
R Jeffrey Follert

Letter No. C-38 **R. Jeffrey Follert**

Response C-38-1

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 C-38-2

Please refer to **Topical Response 1**. As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Response C-38-3

Please refer to **Topical Response 1**.

Response C-38-4

This comment expresses concerns about three-axle truck traffic utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimated 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large

delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Please also refer to **Topical Response 1** and **Topical Response 2**.

Response C-38-5

This comment requests that the EIR classify the project as a supermarket with adjacent ancillary uses. Pages 2.0-10 through 2.0-29 of the Draft EIR (Project Description) provides a detailed characterization of the proposed collection of commercial uses, including the identification of the Whole Foods Market as the "anchor tenant" occupying 24,549 square feet. The ancillary commercial uses and on-site recreational uses are also described as ancillary uses to the proposed market.

Response C-38-6

Please refer to response C-38-4.

Response C-38-7

The proposed unenclosed recreational spaces are considered "ancillary" uses to the proposed commercial retail uses. As a result, their use would be a result of patrons already frequenting the proposed commercial shopping center use. Therefore, any vehicle trips associated with these ancillary uses were appropriately captured in the trip generation estimates for the proposed commercial uses. Assigning a separate trip generation for these ancillary uses in addition to the shopping center trip generation would result in an overestimation of the expected number of project trips. Please refer to Draft EIR page 3.13-19 for a discussion of the project's average daily trips and AM/PM peak hour trips.

Response C-38-8

Please refer to **Topical Response 2**.

Response C-38-9

Please refer to **Topical Response 1** and **Topical Response 2**.

Jasch Janowicz

From: Lisa Pope
Sent: Monday, March 23, 2015 5:51 PM
To: Patricia Salazar; Jasch Janowicz
Subject: Fwd: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Sent from my iPhone

Begin forwarded message:

From: Lili Foster <lilifoster@me.com>
Date: March 23, 2015 at 5:49:37 PM PDT
To: "Lpope@malibucity.org" <Lpope@malibucity.org>
Subject: Whole Foods EIR Comment

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Lili Foster

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Letter No. C-39 **Lili Foster**

Response C-39-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Deborah Frankel <deborah@deborahfrankel.com>
Sent: Thursday, March 12, 2015 12:43 PM
To: Lisa Pope
Cc: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

First of all, Whole Foods alone is the better answer - not a whole new development of shops. Malibu doesn't need more shops but they could use a great Whole Foods.

Malibu also does not need more traffic.

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Deborah Frankel

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Deborah Frankel Photography

Letter No. C-40 Deborah Frankel

Response C-40-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Ben Franklin <franbenjamin@aol.com>
Sent: Sunday, March 22, 2015 8:43 PM
To: Jasch Janowicz
Subject: Whole Foods in the Park EIR

RECEIVED
MAR 22 2015
PLANNING DEPT.

Dear Mr. Janowicz

You must be in trying times. It is understandably difficult to balance the practicality and consequences of purported community progress with the purported reality of community concerns.

Reasonableness is fair standard and has been the legal standard forever. With that in mind the following is offered for your consideration.

1. A increase in commercial businesses and a decrease in traffic is about as reasonable statement as a increase in government subsidized benefits and a decrease in taxes.
2. The same argument applies to there being no traffic impact at the intersection of Cross Creek Road and Civic Center Way.
3. One way to keep traffic "as is" on Cross Creek Road is to not allow any vehicle access to the planned development from Cross Creek Road except for emergency trucks and vehicles through a gate way which is locked except for the aforementioned vehicles which would have access keys similar to fire dept keys.
4. The large parking lot north of Urban Outfitters maybe considered choice but un allowed parking for the new development but even if it isn't it's existence is tantamount to a 4 way intersection since it has 4 stop signs. Addressing this intersection as anything less for EIR convenience purposes is unreasonable and unwarranted.
5. Lastly the complete environmental impact of the existing, approved and proposed future usage of the properties adjacent to the "Whole Foods in the Park" development should be considered cumulatively. The pending approval logically calls for modified and or new EIRs to account for what will be a community problem not just a business development problem.

Additionally from a business and taxpayer point of view the City should consider a caveat be that the financial liability for the solutions to future problems of ingress and egress by emergency vehicles and private home owners (Serra Retreat and there foreseeable relegation to Serra Road for ingress and egress without the benefit of a stoplight light) will be paid for by the developers and business owners should their EIR underestimate the "traffic reality" of the business development they want to impose on our community .
Require the money for the foreseeable necessities eg traffic lights etc be deposited in escrow or installed BEFORE permission to develop is granted.

Sincerely,

Ben Franklin
32 year home owner and resident of Serra Retreat
03/22/2015

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Letter No. C-41 Ben Franklin

Response C-41-1

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 C-41-2

This comment states that the proposed project will have no impact on the intersection of Civic Center Way and Cross Creek Road. Draft EIR Section 3.13, Traffic and Circulation, Tables 3.13-5, 3.13-6, and 3.13-9 calculate the traffic impacts at the intersection of Civic Center Way and Cross Creek Road. Impacts would be less than significant under Existing (2012) Plus Project Conditions, Future (2017) Plus Project Conditions, and Future (2030) Plus Project Conditions.

Response C-41-3

Please refer to **Topical Response 2**.

Response C-41-4

Draft EIR Section 3.13, Traffic and Circulation, identified the intersection of Cross Creek Road and Civic Center Way as a four way intersection. Please refer to Figures 3.13-2 through 3.14-4, Figures 3.13-8 through 3.13-16, and Figures 3.13-20 through 3.13-25. The anticipated volume of vehicle trips utilizing the “driveway cut” proposed on the private section of Cross Creek Road during the AM/PM peak hour periods was analyzed in the Draft EIR.

Response C-41-5

As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Response C-41-6

Mitigation measures for traffic improvements included in the Draft EIR state that “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.”

Please also refer to **Topical Response 1** and **Topical Response 2**.

Jasch Janowicz

From: Jane Franz <innerview.jane@gmail.com>
Sent: Wednesday, March 18, 2015 11:12 AM
To: Jasch Janowicz; Lisa Pope
Subject: Traffic Study - Whole Foods

RECEIVED
MAR 18 2015
PLANNING DEPT.

Dear Lisa and Jasch, My husband and I are long time residents of the Serra Canyon. We feel the traffic impact report for the proposed Whole Foods Market must be in error. The traffic around city hall, the library, Cross Creek, hardware entrance, and our canyon entrance are busier than ever. Whole Foods is turning a blind eye.

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Please have another study completed before it is too late.

Thank you,

Jane and M.B. Franz

3623 Serra Rd, Malibu 90265
310 729-6744 cell

Letter No. C-42 Jane and M.B. Franz

Response C-42-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Judie Stein <judiestein@me.com>
Sent: Tuesday, March 10, 2015 11:10 PM
To: Jasch Janowicz
Subject: Whole Foods potential disaster

RECEIVED
MAR 10 2015
PLANNING DEPT.

Dear City Of Malibu,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impacts of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. All Civic Center traffic must be taken into account including cumulative traffic from all the new developments that are planned including Pepperdine's approved 5000 person event auditorium.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

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Judith Stein Friedman

Letter No. C-43a Judith Stein Friedman

Response C-43a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Judie Stein <judiestein@me.com>
Sent: Thursday, March 19, 2015 2:00 PM
To: Jasch Janowicz
Subject: Whole Foods

RECEIVED
MAR 19 2015
PLANNING DEPT.

Dear Mr. Janowicz

Traffic now impacts Malibu's long time businesses as well as the residents.

Whole Foods is a chain renown for misrepresentation re: their products as well as their political beliefs. I personally boycott them for their CEO's stance on the slaughter of animals.

For these reasons their presence in the oasis of Malibu is an affront not only physically but morally. This is NOT a good company and does not deserve to destroy our environment.

Judith Stein Friedman

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Letter No. C-43b Judith Stein Friedman

Response C-43b-1

Please refer to **Topical Response 1**.

Response C-43b-2

This comment is a set of general remarks and opinions and a statement in opposition to 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.

Jasch Janowicz

From: Charlotte Frieze <cmfrieze@gmail.com>
Sent: Tuesday, March 17, 2015 6:19 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 17 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Charlotte M Frieze
Malibu
Sent from my iPad

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Letter No. C-44 Charlotte M. Frieze

Response C-44-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Steve Uhring <steve.uhring@gmail.com>
Sent: Saturday, March 14, 2015 3:31 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 14 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Carol Gable

1

Letter No. C-45 Carol Gable

Response C-45-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Elizabeth Gabler <Elizabeth.Gabler@fox.com>
Sent: Thursday, March 19, 2015 9:16 PM
To: Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 19 2015
PLANNING DEPT.

Dear M. Janowicz:

I have been a resident of Malibu since 1987 and reside in Malibu Colony. I have seen many changes to our community – some that I think are very beneficial and others that I believe are detrimental to the character and charm of Malibu as it has always been. In many instances, I believe that we have not protected the safety and culture of the residents and the many visitors who seek out Malibu as a place of respite and natural beauty.

1

I believe that the Whole Foods EIR is extremely flawed because it states that the traffic counts used in the Whole Foods EIR, (which claim existing traffic has decreased by 25% or more) materially understates the impacts of traffic on our roads. Going forward with the Whole Foods development based on this erroneous information will present a risk to the health and safety of Malibu residents working or visiting the Civic Center and to those of us living around it.

2

Please exercise your right as an official to demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu roads.

Sincerely,

Elizabeth Gabler
23672 Malibu Road

Letter No. C-46 Elizabeth Gabler

Response C-46-1

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 C-46-2

Please refer to **Topical Response 1** and **Topical Response 2**.

Jasch Janowicz

From: lkg5@aol.com
Sent: Wednesday, March 18, 2015 1:07 PM
To: Lisa Pope; Jasch Janowicz
Subject: YES to Whole Foods

RECEIVED
MAR 18 2015
PLANNING DEPT.

Dear Lisa Pope and Jasch Janowicz,

I am writing as a twenty-five year resident of Malibu who dearly treasures our wonderful community. I want to make sure my voice is heard as I wholeheartedly support the Whole Foods center currently under consideration/review. It is a much needed resource and would help to limit some of the driving trips many of us have to make to do errands in Santa Monica or over the hill in the Conejo Valley. The proposed center would be a lovely addition to our community and would pose absolutely NO problems to the surrounding area. The fear mongering is insane. How would a market and accompanying retail impinge on disaster relief services. Why would a Whole Foods increase the number of visitors to Malibu. Does the opposition really believe that more people will suddenly drive out to Malibu as a destination to go grocery shopping. These arguments are comical and reflect the silly extremes people will grasp at to oppose something just for the sake of having a cause to oppose. The project will provide more local employment (beyond just the sales jobs in designer stores). Central Malibu needs to be more than just fancy boutiques. We need centers that provide essential services to residents, too. Whole Foods and the accompanying retail will serve that purpose. And when the other landlords toss the shoemaker, cleaners etc. I'm sure Steve Soboroff and his associates will give them a home. So please approve the new center. Malibu needs it! Kindly, Lisa Garrett

23531 Malibu Colony Rd
310 456 3671
Sent via BlackBerry by AT&T

1

Letter No. C-47 **Lisa Garrett**

Response C-47-1

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.

Jasch Janowicz

From: Patricia Gartland <p.blue@me.com>
Sent: Thursday, March 19, 2015 1:37 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Patricia Gartland

1

Letter No. C-48 **Patricia Gartland**

Response C-48-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Sara Gepp [REDACTED]
Sent: Thursday, February 12, 2015 7:53 AM
To: Jasch Janowicz
Subject: Whole Foods

Dear Ms. Janowicz,

I am a Malibu Resident and I really oppose building a Whole Foods on Civic Center. I feel that the traffic would choke the already congested area. We already have a thriving Farmer's Market, deli-style eateries and PC Greens selling similar products in a close radius. I think the city would be better off fostering what we have. Maybe building more events out of the existing farmers market and having a swap meet or events in the adjacent lot to bring additional revenue? I just think its a bad idea and Will back up PCH and Civic Center way.

1

Sincerely,
Sara Gepp

[REDACTED]
[REDACTED]
[REDACTED]

RECEIVED
FEB 12 2015
PLANNING DEPT.

Letter No. C-49 Sara Gepp

Response C-49-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Linda gibbs <lindamgibbs@me.com>
Sent: Friday, March 13, 2015 12:33 PM
To: Jasch Janowicz
Subject: Whole Foods and Traffic EIR

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Mr. Janowicz,

I keep hearing concerns that the EIR for the whole foods in the park does not properly address the traffic issues of flow and new congestion (claiming existing traffic has decreased by 25% or more.)

Please demand that the Whole Foods project present new traffic counts that accurately portray the existing traffic on Malibu Roads.

in loVe
Linda

"Earth Care, People Care, Fair Share"

Sent from my iPhone

1

Letter No. C-50 **Linda Gibbs**

Response C-50-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Jo Giese <email@jogiese.com>
Sent: Saturday, March 14, 2015 1:13 PM
To: Jasch Janowicz; Lisa Pope
Subject: Whole Foods Project

RECEIVED
MAR 14 2015
PLANNING DEPT.

March 14, 2015

Jasch Janowicz, Contract Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RE: Draft Environmental Impact Report – Whole Foods and the Park

Mr. Janowicz:

I made a statement at Public Comment, but I wanted to also put a few comments in writing to have them on the record re the Draft Environmental Impact Report for the proposed Whole Foods and the Park project.

#1 – This development is low scale. .15 Floor Area Ratio and no structure exceeding 28 feet in height.

#2 – This development will not increase traffic. The report reached this conclusion: a small (but good) grocery, playground and park environment will not be a *major* traffic generator.

#3 – 80 California Sycamores are proposed to be planted on the site to replace the 8 existing Sycamores that are to be removed. That's a 10:1 replacement ratio! I look forward to enjoying picnics in this area with my neighbors.

#4 – This development satisfies strict fire and emergency access requirements.

#5 – This development will have play areas that are constructed to be inclusive for children with special needs, and a sensory and Kitchen Community Learning Garden that will be used by our local schools as outdoor classrooms.

As you can see, I have positive views about this project, especially after reviewing this almost-600 page, exhaustively researched, environmental report. Even though I've been excited about a Whole Foods market in Malibu, I'm even more convinced that this proposal would work in the City, and would bring a huge benefit to the community. After this report was published, any concerns I had were more than addressed.

1

My neighbors and I look forward to seeing this project built!

Thank you.

Jo Giese, 31500 Broad Beach Road, Malibu, Ca 90265, 310 457 0624

<http://jogiese.com>

Letter No. C-51 **Jo Giese**

Response C-51-1

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.

Jasch Janowicz

From: Errol Ginsberg <errolsweetwater@gmail.com>
Sent: Monday, March 23, 2015 5:10 PM
To: Jasch Janowicz
Subject: Whole Foods project

RECEIVED
MAR 23 2015
PLANNING DEPT.

Errol Ginsberg
3311 Sweetwater Mesa Road
Malibu, CA 90265

March 24, 2015

VIA EMAIL

Jasch Janowicz, Contract Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RE Whole Foods in the Park Draft EIR

Dear Mr. Janowicz,

My family and I have lived in Serra since 1990 and since then have experienced fires, mudslides and various other emergencies that have impacted ingress and egress from Serra Retreat.

1

We are very, very concerned by the amount of traffic that the Whole Foods project will impact the neighborhood. We believe that the EIR should do a traffic study that includes not only Whole Foods but all the other projects in the pipeline of development for the Civic Center area. Traffic is cumulative and one cannot look at each project in isolation.

2

Additionally I do not understand how the current study for the Whole Foods project can possibly be correct. How can the amount of traffic decrease as a result of a big new shopping center? That just does not make sense. Also the traffic study needs to look at the impact of traffic on Cross Creek Road as well as the other intersections already in the study.

3

Thank you for taking another look at this project.

Sincerely,

Errol Ginsberg

Cell: 310-717-4188

Email: errolsweetwater@gmail.com

Letter No. C-52 **Errol Ginsberg**

Response C-52-1

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.

Please also refer to **Topical Response 2**.

Response C-52-2

Please refer to **Topical Response 1**. As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Response C-52-3

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Georgia <georgia.goldfarb@healthequality.net>
Sent: Thursday, March 12, 2015 3:32 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Georgia Goldfarb

Walter Zelman

1

Letter No. C-53 Georgia Goldfarb and Walter Zelman

Response C-53-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Charles Gondell <cgondell@gmail.com>
Sent: Thursday, March 12, 2015 1:40 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Charles Gondell

1

Letter No. C-54 **Charles Gondell**

Response C-54-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Victor Grenner <grenner1533@gmail.com>
Sent: Friday, March 13, 2015 10:27 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 13 2015
PLANNING DEPT

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Victor & Deirdre Grenner

1

Letter No. C-55 **Victor and Deirdre Grenner**

Response C-55-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Azel Griswold <agriz@earthlink.net>
Sent: Thursday, March 12, 2015 1:14 PM
To: Lisa Pope; Jasch Janowicz
Subject: re EIR

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Ms. Pope and Mr. Janowicz,

I have been a Malibu resident for the better part of seventeen years. During my time living in this wonderful area I have noticed a significant spike in traffic through the areas reported by the EIR submitted by Whole Foods. I have no idea how they came up with lower traffic figures than determined in previous studies.

I urge you to demand a more factual EIR which more clearly reflects the increasing traffic congestion in Malibu.

The citizens have already voted their disapproval of the Whole Foods project.

I am quite satisfied with our grocery store choices in the area.

Perhaps Steve Soberoff could better direct his funds and energies.

Thank you,

Azel Griswold

1

2

Letter No. C-56 **Azel Griswold**

Response C-56-1

Please refer to **Topical Response 1**.

Response C-56-2

This comment is a set of general remarks and opinions and a statement in opposition to 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.

Jasch Janowicz

From: Carol <hellocarolann@hotmail.com>
Sent: Thursday, March 12, 2015 2:13 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Traffic around Cross Creek and PCH is really heavy, especially during the summer when there is added traffic from tourists.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

The whole proposal of a little strip mall is too much for that little area. I am so tired of the traffic on PCH and around Malibu. It's getting harder to live a relaxing life here in Malibu. It would be nice to have a Whole Foods in Malibu, but in an existing center that is already built.

Signed,
Carol Hahn

1

2

Letter No. C-57 **Carol Hahn**

Response C-57-1

Please refer to **Topical Response 1**.

Response C-57-2

This comment is a set of general 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.

Jasch Janowicz

From: healypatt@aol.com
Sent: Thursday, March 19, 2015 4:29 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

1

Patt Healy

Letter No. C-58a **Patt Healy**

Response C-58a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: healypatt@aol.com
Sent: Thursday, March 19, 2015 4:30 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Patt Healy

1

Letter No. C-58b Patt Healy

Response C-58b-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: healypatt@aol.com
Sent: Thursday, March 19, 2015 4:30 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads. The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

1

Patt Healy

Letter No. C-58c Patt Healy

Response C-58c-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: healpatt@aol.com
Sent: Monday, March 23, 2015 4:55 PM
To: Jasch Janowicz
Subject: Revision of Whole Foods Draft EIR required

RECEIVED

MAR 23 2015

PLANNING DEPT

The DEIR is the only place the public can comment on the impact a proposed project has on the environment . At the DEIR stage the public must have an DEIR that has put forth , analyzed the issues involved and their impact on the environment.his DEIR makes statements without analysis and this is not acceptable. There are several biased statements rather than only neutral ones.

1

Many of the impacts of the project were not even analyzed. One example is that wildlife frequenting the site was not even studied.

2

Others were incorrectly analyzed. A example is dismissing the possibility of the monarch butterfly roosting on site in the 8 sycamores and eucalyptus. In Malibu, this is where they roost and since they are being proposed for endangered status a survey of the trees must be made when they return to Malibu in the fall.

The DEIR often quotes sections numbers of laws and regulations that have to be complied with but fails to tell the reader what these section numbers say. The full content of laws and regulations need to be put forth so the reader understands the laws meaning. The public and decision makers should not be required to do this research.

3

These are some examples why the DEIR is inadequate and there must be revised to take these and other deficiencies into account. The DEIR must be recirculated to give the public the opportunity to comment on it. {Laural Heights vs The San Francisco Bosrd of Education 764P 2d p278 1988}

Letter No. C-58d **Patt Healy**

Response C-58d-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 C-58d-2

EIR mitigation measure 3.3-5 requires mitigation for the removal of the eight sycamore trees on the project site. With mitigation, impacts would be less than significant. The applicant will be planting 80 sycamores to replace the eight to be removed under the proposed project, which complies with requirements under City's LCP and Local Implementation Plan (LIP).

The eight sycamore 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 trees, there would be no impact to overwintering monarch butterflies.

Response C-58d-3

The responses to comments contain additional information, clarifications and minor revisions that will be added to the text of the Final EIR. City of Malibu staff has reviewed this material and determined that the incorporation of this additional information as part of the Final EIR will not require recirculation of the Draft EIR. This new material will not result in a significant new environmental impact not previously disclosed in the Draft EIR. 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 15088.5.

Jasch Janowicz

From: Anna Belle Heiss <ahmalibu@gmail.com>
Sent: Monday, March 23, 2015 3:01 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Anna Belle Heiss

1

Letter No. C-59 Anna Belle Heiss

Response C-59-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Kathy Heshmatpour <kheshmatpour@me.com>
Sent: Saturday, March 14, 2015 10:29 AM
To: Jasch Janowicz
Subject: Whole Foods

RECEIVED
MAR 14 2015
PLANNING DEPT.

Please be sure we get the accurate information regarding traffic effects related to the proposed Whole Foods Market. Malibu residents deserve accurate information.
Thank you

1

Sent from my iPhone

Letter No. C-60a Kathy Heshmatpour

Response C-60a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Lisa Pope
Sent: Saturday, March 14, 2015 10:34 AM
To: Patricia Salazar, Jasch Janowicz
Subject: Fwd:

RECEIVED
MAR 14 2015
PLANNING DEPT.

Sent from my iPhone

Begin forwarded message:

From: Kathy Heshmatpour [REDACTED]
Date: March 14, 2015 at 10:26:29 AM PDT
To: "Lpope@malibucity.org" <Lpope@malibucity.org>

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed, Kathy Heshmatpour

[REDACTED]

1

Send

Sent from my iPhone

Letter No. C-60b **Kathy Heshmatpour**

Response C-60b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: tiffanyholman4 <tiffanyholman4@aol.com>
Sent: Thursday, March 12, 2015 1:52 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Sent from my T-Mobile 4G LTE Device

1

Letter No. C-61 **Tiffany Holman**

Response C-61-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Judi Hutchinson <judihutch@gmail.com>
Sent: Friday, March 13, 2015 4:08 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Judi Hutchinson
Robert Hutchinson

1

Letter No. C-62 Judi Hutchinson and Robert Hutchinson

Response C-62-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Johnisgurl <johnisgurl@gmail.com>
Sent: Friday, March 20, 2015 3:40 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Nanci and John Iannone

Sent from my iPhone

1

Letter No. C-63 Nanci and John Iannone

Response C-63-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Judith Israel <jli0813@msn.com>
Sent: Friday, March 13, 2015 8:00 AM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Judith Israel
Sent from my iPad

1

Letter No. C-64 **Judith Israel**

Response C-64-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Ron Jenny <rj@jennyent.com>
Sent: Monday, March 23, 2015 2:59 PM
To: Jasch Janowicz
Cc: newsletter@yourmalibu.com
Subject: Whole Foods

RECEIVED
MAR 23 2015
PLANNING DEPT.

I've been getting these newsletters regarding whole foods. I think it's great they're going in, we need more of this type of businesses in Malibu. I would also like to see some more commercial towards Decker Canyon. I believe the point dume shopping center needs more parking. I also don't think we need so many chichi shops.

So I'm writing this to support the whole foods and hopefully it does go in Malibu!

--
Ron Jenny
310-457-2408

1

Letter No. C-65 Ron Jenny

Response C-65-1

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.

Jasch Janowicz

From: Peter C. Jones <peter@petercjonesinc.com>
Sent: Tuesday, March 17, 2015 6:38 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 17 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Sincerely,

Peter C. Jones

Peter C. Jones, Inc.
T. 310-457-5158
F. 310-457-5915
M. 646-321-4448
E. peter@petercjonesinc.com

1

Letter No. C-66 **Peter C. Jones**

Response C-66-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Lisa Pope
Sent: Tuesday, March 17, 2015 7:46 PM
To: Patricia Salazar; Jasch Janowicz
Subject: Fwd: Request for new traffic study

RECEIVED
MAR 17 2015
PLANNING DEPT.

Sent from my iPhone

Begin forwarded message:

From: Bibi Jordan <bibijordan@gmail.com>
Date: March 17, 2015 at 7:13:16 PM PDT
To: "lpope@malibucity.org" <lpope@malibucity.org>
Subject: Request for new traffic study

an accurate study of traffic is imperative before Whole Foods plans proceed. We all know that traffic has not dropped in recent years. It is critical to assure safety of our residents in emergencies. This can only be guaranteed if plan are based on real facts

1

Beatrice Jordan

Letter No. C-67 Beatrice Jordan

Response C-67-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Lori Kantor <bluepacific1@gmail.com>
Sent: Thursday, March 19, 2015 1:34 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years. **The claim that existing traffic has decreased in the past years is nothing short of idiotic to anyone who lives in Malibu, and any EIR that claims otherwise is obviously based on purposely skewed and inaccurate statistics gathered to obtain a completely inaccurate result to support approval of a project that street infrastructure cannot safely or sanely support.**

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. If our city officials are being objective as they should be, they should easily reach the conclusion that the Whole Foods EIR is purposely inaccurate in an attempt to achieve an end that will make money for developers who don't live here, to the permanent detriment of the Malibu citizens who will be permanently stuck with further degradation caused by excessive traffic in the city we call home.

Signed,

Lori E. Kantor
Malibu citizen and resident

1

Letter No. C-68 Lori E. Kantor

Response C-68-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: eaglefem@aol.com
Sent: Saturday, March 14, 2015 10:50 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 14 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Anne Karam

1

Letter No. C-69 Anne Karam

Response C-69-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Jae Flora-Katz <jfloatz@icloud.com>
Sent: Tuesday, March 10, 2015 5:27 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR!

MAR 10 2015
PLANNING DEPT.

Dear City Of Malibu,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impacts of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. All Civic Center traffic must be taken into account including cumulative traffic from all the new developments that are planned including Pepperdine's approved 5000 person event auditorium.

Please demand that Whole Foods present new traffic counts that accurately portray future and the existing traffic on Malibu Roads.

Signed,
Jae and Jeff Katz

1

Letter No. C-70 Jae and Jeff Katz

Response C-70

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Nancy A. Kearson <nkearson@earthlink.net>
Sent: Thursday, March 12, 2015 2:43 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

This is simply a self-evident truth and common knowledge.

Signed,

nkearson@earthlink.net

Nancy A. Kearson

29500 Heathercliff Rd. #258

Malibu, CA 90265

1

Letter No. C-71 **Nancy A. Kearson**

Response C-71-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: cynthia goodman <cynthiaanngoodman@gmail.com>
Sent: Saturday, March 14, 2015 2:48 PM
To: Lisa Pope; Jasch Janowicz
Subject: EIR for Whole Foods

RECEIVED
MAR 14 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Cynthia Kesselman

1

Letter No. C-72 Cynthia Kesselman

Response C-72-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: John Kingsbury <johnkingsbury@earthlink.net>
Sent: Thursday, March 19, 2015 10:29 PM
To: Jasch Janowicz
Subject: "Beach Days"

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

John Kingsbury

1

Letter No. C-73 John Kingsbury

Response C-73-1

Please refer to **Topical Response 1**.

From: Hans and Anneliese Knur
23267 Palm Canyon Lane
Malibu, CA 90265
Phone: (310) 456-8835
A.Knur@yahoo.com

RECEIVED
MAR 22 2015
PLANNING DEPT.

March 21, 2015

To: Jasch Janowicz, Contract Planner
jjanowicz@malibucity.org
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Environmental Impact Report
Whole Foods & the Park Shopping Center
Section 3.13 Transportation & Traffic Analysis
Specifically: Traffic Impact Analysis

Dear Sir:

We respectfully forward our comments to the Environmental Impact Report (EIR) submitted for the **Whole Foods & the Park Shopping Center** proposed to be located at the corner of Civic Center Way and Cross Creek Road in Malibu, California.

1

We are residential property owners in the Serra Canyon area. There are two entrances to our neighborhood, namely Serra Road on the east side and Cross Creek Road on the west side. The proposed shopping center is located on the west side abutting a private road leading to our neighborhood with about one hundred homes.

We are opposed to the project without significant mitigation measures because it will severely impact the access to our homes, especially during peak traffic hours, on weekends and during mountain fires, floods and other emergencies, which we have repeatedly experienced in the past.

2

With traffic constantly increasing on Pacific Coast Highway, the Serra Road entrance was the site of several serious accidents and has become very dangerous for those who enter traffic in either direction. Therefore, many

3

residents are now using Cross Creek Road (via Mariposa or Palm Canyon Lane) to enter Pacific Coast Highway for safety reasons.

However, the Cross Creek Road entrance is also getting very congested with more and more vehicles trying to park parallel on both sides of the private section of the road. On the public section of Cross Creek Road, there were several walkways installed recently for pedestrians to cross between two shopping centers. During weekends an increasing number of cyclists are now using this stretch of Cross Creek Road, in addition to farmer's market patrons on Sundays. Adding further to the congestion are trucks unloading cargo in the middle of turn lanes on Cross Creek Road and on Civic Center Way, which was recently turned into a four way intersection with the use of the Urban Outfitters parking area.

3

The proposed **Whole Foods & the Park Shopping Center** is expected to add an average of at least 2,500 daily car trips and about 20 to 25 delivery vehicles of all sizes into this immediate vicinity. With the current traffic an issue already and several other projects permitted in the past, the addition of yet another shopping center like the **Whole Foods & the Park** will turn the traffic in this area into a nightmare. The Malibu Civic Center will be turned from the rural heart of the city it once was into a busy downtown.

To mitigate the impact of the proposed developments on our own neighborhood please consider the following:

1. Installing a traffic light on Pacific Coast Highway and Serra Road
2. Installing a traffic light on the four- way intersection of Cross Creek Road and Civic Center Way
3. Prohibiting parking on both sides of the private section of Cross Creek Road
4. Prohibiting delivery trucks to unload in center turning lanes

4

In conclusion, we, the undersigned request that the cumulative effect of the proposed development be seriously considered. Thank you for giving us the opportunity to make our concerns known.

5

Hans and Anneliese Knur

Letter No. C-74 Hans and Anneliese Knur

Response C-74-1

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.

Please refer to **Topical Response 1**.

Response C-74-2

This comment is a statement in opposition to 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.

Response C-74-3

Please refer to **Topical Response 1**. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response C-74-4

This comment suggests the adoption of a new traffic mitigation measure for the intersection of Serra Road and PCH, which would require the installation of a traffic signal at the intersection. However, this suggested mitigation measure does not correspond with any project specific or cumulative traffic impacts identified in the Draft EIR and therefore this mitigation measure was not required. 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.

Please refer to **Response C-74-3** for a discussion of project design elements that could alleviate potential truck traffic impacts along Cross Creek Road, north of Civic Center Way.

Response C-74-5

Please refer to **Topical Response 1** and **Response to Comment B-1d-9**.

Jasch Janowicz

From: Anoush <anoush1@gmail.com>
Sent: Thursday, March 12, 2015 3:46 PM
To: Jasch Janowicz
Subject: Whole foods

RECEIVED
MAR 12 2015
PLANNING DEPT.

Hello,

As a 30+ year resident of Malibu, kindly note that I am fully and wholehearted in favor of a much needed Whole foods in Malibu.

I do think that there will be no impact on traffic and in fact will lessen the burden on PCH. I for one, will no longer be driving twice a week to the Brentwood Whole foods store on San Vicente.

Many of my neighbors and friends are in total agreement with me and cannot wait for the Malibu location to open. Thank you,

Mrs. A. Kochounian
P.o. Box 961
Malibu, ca 90265

1

Letter No. C-75 Mrs. A. Kochounian

Response C-75-1

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.

Jasch Janowicz

From: Kohn Family <malibukohn5@gmail.com>
Sent: Thursday, March 12, 2015 1:51 PM
To: Lisa Pope
Subject: whole foods & traffic

RECEIVED
MAR 12 2015
PLANNING DEPT.

Hi, thank you in advance for reading this :) I just want to say that I have been a Malibu resident for over twenty years, and can't recall the last time I drove over any of those black traffic line counter things - any where in town - much less over by the library and Serra... how was this "decrease" in traffic determined? Seems like with the push to keep our small town, small, that it'd be nice if we actually knew what's in store for our community. For those of us that actually live here year round. Regular Joes driving our kids to Webster and OLM and the library and Cross Creek and Serra. I appreciate your being on top of this situation and doing what's best for us. Thank you so much, Kristin Kohn

p.s. why we're entertaining Whole Foods in the first place is beyond me; (I'm sure it's \$) when we already have PC Greens, Vintage, Pavillions & Ralphs! Seems ridiculous to bring in another grocery store that only adds traffic to an already congested area and will undoubtedly hurt existing business for the aforementioned - who as we know, carry plenty of organic, healthy foods. WF is overkill.

1

Letter No. C-76 Kristin Kohn

Response C-76-1

This comment is a set of general remarks and opinions and a statement in opposition to 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Cyndy Kuipers <cyndyart@me.com>
Sent: Thursday, March 19, 2015 1:29 PM
To: Jasch Janowicz
Subject: Whole Foods Insufficient EIR report comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Malibu Residents

Cyndy Kuipers
cyndy@kiperlascu.com

&

Charles Kuipers
ckd57@verizon.net

5801 Kanan Dume Road,
Malibu, CA 90265

1

Letter No. C-77 Cyndy Kuipers and Charles Kuipers

Response C-77-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: J. L. <numb9000@hotmail.com>
Sent: Friday, March 20, 2015 12:56 PM
To: Jasch Janowicz
Subject: Whole Foods

RECEIVED
MAR 20 2015
PLANNING DEPT.

There is no need for a Whole Foods in Malibu, period. It will increase traffic which is already ridiculous in the area. We need to concentrate on alleviating congestion in Malibu, not making it worse. It's getting to the point where I don't want to leave my house on the weekends, it is out of control.

1

Thank You,

Jason LaBerge
(43 Year Resident)

Letter No. C-78 Jason LaBerg

Response C-78-1

This comment is a set of general remarks and opinions and a statement in opposition to 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.

Please also refer to **Topical Response 1**.

RECEIVED

MAR 23 2015

PLANNING DEPT.

hans laetz, j.d.

6402 surfside way / malibu ca 90265
office/cell/home (424) 442-ZUMA (9862) / fax (310) 589-4885
e-mail: hanslaetz@gmail.com

Bonnie Blue, Chief Planner
Jasch Janowicz, Contract Planner
City of Malibu
23825 Stuart Ranch Road
Malibu CA 90265

March 23, 2015

**City Of Malibu
"Whole Foods In The Park"
Demand For Recirculation,**

or in the alternative,

**Comments on the Draft Environmental Impact Report
from Malibu resident Hans Laetz**

The undersigned is a resident of Malibu and hereby submits the following comments and requests. Thank you for considering them.

He wishes to state for the record that he is not opposed to the Project, to the contrary, he favors it.

But he opposes a deficient planning process that fails to anticipate and mitigate the substantial traffic impacts from this proposal, and the others in the Civic Center.

Substantial new information is hereby placed in the administrative record, far surpassing the CEQA Guidelines triggers for recirculation, which is the ultimate request of this comment. I would suggest that the Planning Department keep the statutory thresholds in mind as it reviews the comments leading up to the request for recirculation at the end.

1

s/ Hans Laetz
6402 Surfside Way
Malibu CA 90265

PART I. INTRODUCTION AND DESCRIPTION

The CEQA Guidelines Checklist asks the responsible agency “would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?” It also asks if the project would conflict with the City’s General Plan, certified LCP or zoning code sections specifically adopted for the purpose of avoiding or mitigating an environmental effect.

The draft EIR states “Civic Center Way is a two-lane roadway (one lane in each direction) that connects Malibu Canyon Road on the west to Cross Creek Road on the east. Civic Center Way borders the south side of the project site. Cross Creek Road is a north-south local street with one lane in each direction. South of Civic Center Way, Cross Creek Road is a public road that provides access to the abutting commercial development and connects to Pacific Coast Highway. North of Civic Center Way, Cross Creek Road borders the east side of the site, is a private road, and provides access to the residential area of Serra Retreat.”¹

This description is not complete. It does not disclose the complicated geometry of the existing shopping center parking lot entrances and exits. It does not describe the angle parking that serves as the exclusive public parking areas for Malibu Legacy Park. Does not describe the significant number of angle parking spaces that serve as shopping center parking lots. It does not describe the heavy MTA bus use of the two roads, or explain how bus stops in the area are a critical part of public transit. No traffic counts, or traffic projections after the development is completed, are provided for either road.

2

The draft EIR defines Pacific Coast Highway (PCH, SR-1) as

“a state route that travels east and west through the study area. To the east in the City of Santa Monica, PCH turns into the Santa Monica Freeway (I-10) providing access to the greater Los Angeles basin. Project access to PCH is provided via the signalized intersections at Cross Creek Road and Webb Way. PCH provides four travel lanes (two in each direction) with a third eastbound lane provided on its eastbound approach to Webb Way. PCH would typically be designated a major arterial. However, given its topographical and safety constraints, PCH in the City is limited to four lanes and is designated as a modified major arterial. PCH is posted with a speed limit of 50 mph west of Malibu Canyon Road and 45 mph east of Malibu Canyon Road.”²

It is amazing and quite telling that the City of Malibu does not use the terms “coastal access,” “coastal visitor,” “beach parking,” “parks,” “beaches,” “bicycle route,” “bicyclists,” “pedestrians,” “Malibu Creek State Park,” “Malibu Legacy Park” or other pertinent nouns in its description of its main street. All of those factors are a part of PCH and are in the immediate vicinity of the Project. Mitigation proposed by the applicant is in the middle of the parks and coastal access. It is fundamentally dishonest for the City once again to describe PCH in the limited vocabulary of a traffic engineer.

Worse, this error is repeated verbatim in the 2015 “Traffic Impact Study” from Overland Traffic Consultants. Again. These errors were extensively pointed out to the City in the 2013 Rancho Malibu Draft EIR comments filed by Hans Laetz. They are easy to corroborate, but are left in error in the new Draft EIR for the strip mall.

¹ DEIR page 3-13.2, 3.

² DEIR page 3-13.3.

This document will pose specific CEQA Checklist questions. These questions should have, under CEQA case law, been answered in the Draft version of this document. Appellate courts have made it very clear that the citizenry is entitled to a complete analysis in the draft, as CEQA gives the citizenry but one chance to comment on the analysis of issues raised in the checklist and scoping period.³ These issues were timely raised, and under CEQA and case law, we are entitled to review — at this juncture — the City’s analysis of those items. As indicated below, the city has abjectly failed, once again, to do that.

2

³ See *Mountain Lion Coalition v. Fish & Game Comm.*(1989) 214 Cal.App.3d 1043).

PART II. TRAFFIC AND CIRCULATION ERRORS.

Traffic 1 Capacity of local streets.

The Draft EIR describes intersection capacity on local arterial streets, such as Webb Way, Civic Center Way and Cross Creek Road. It uses “Level Of Service” (LOS) measurements of congestion levels in intersections, in the form of “Volume/Capacity” (V/C). The Draft EIR does not describe delays or congestion in terms of “average number of seconds of delay” at signalized intersections.

3

The CEQA Guidelines Checklist asks “would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?”

(Traffic 1-1) Please explain the City’s rationale for failing to anticipate actual delays or increased congestion, as required by CEQA, the General Plan, and the LCP, by reliance solely on LOS instead of “average number of seconds of delay.” Include in this analysis how an accurate use of “average seconds of delay” methodology would assess the status quo and the projected traffic volumes.

4

(Traffic 1-2) Please explain the City’s rationale for failing to anticipate actual delays or increased congestion by reliance solely on LOS instead of “average number of seconds of delay” will create a Project that complies with General Plan Conservation Policy 1.1.2, which states “the City shall utilize sound traffic engineering and enforcement principles to safely regulate traffic and improve traffic flow.”

5

(Traffic 1-3) Please explain the City’s rationale for failing to anticipate actual delays or increased congestion by reliance solely on LOS instead of “average number of seconds of delay” will allow the City to determine if the proposed development does not violate General Plan Conservation Policy 1.1.2 by (a) causing a degradation of LOS greater than or equal to 2 percent in the circumstances set forth in Land Use Implementation Measure 70; or (b) does not degrade LOS below LOS C.

6

(Traffic 1-4) Please explain the City’s rationale for failing to anticipate actual delays or increased congestion by reliance solely on LOS instead of “average number of seconds of delay” will allow the City to determine if the proposed development will cause the City to follow its Conservation Policy 1.1.3, which requires that “the City shall improve traffic flow through procedural improvements.”

7

(Traffic 1-5) Please explain the City’s rationale for failing to anticipate actual delays or increased congestion by reliance solely on LOS instead of “average number of seconds of delay” will allow the City to determine if the proposed development will cause the City to follow its Conservation Policy 1.1.4, which requires that “the City shall reduce peak-time traffic.”

8

Traffic 2 - Selection of peak traffic periods.

The CEQA Guidelines Checklist asks “would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?”

9

It also asks if the project would conflict with the City's General Plan, certified LCP or zoning code sections specifically adopted for the purpose of avoiding or mitigating an environmental effect.

9

The Draft EIR states "to ensure updated, consistent traffic counts to be used for each pending project, traffic volume data was collected in the summer of 2012 by National Data & Surveying Services, an independent third party data collection company hired by the City of Malibu for use in this study. Weekday traffic counts were conducted on Thursday, July 12th from 7:00 to 9:00 AM and 4:00 to 6:00 PM. Weekend traffic counts were conducted on Saturday, July 14th from 11:00 AM to 1:00 PM."⁴

A review of hourly temperature reports taken by the National Weather Service and transmitted by City News Service shows that the temperatures and sky conditions that particular noon on Saturday, July 14, 2012, were 68 degrees and mostly sunny at LAX, 67 degrees and partly cloudy at Leo Carrillo State Beach, 69 degrees and mostly sunny at Santa Monica Airport, and 82 degrees and mostly sunny at Granada Hills.⁵ The NWS forecast for Los Angeles and Vicinity that day was "low clouds and fog in the morning then sunny. Highs from around 70 at the beaches to near 80 inland."⁶

In other words, the peak weekend traffic measurements were done at noon on a cool and foggy early July day. It was not hot in the San Fernando Valley that day. It can only be reasonably be interpolated that there was low beach usage that day by people using cars.

No traffic counts were undertaken on any Sunday at all, typically a very-heavy beach usage day when the weather is nice.

10

Malibu residents can tell you that Malibu in early July is typically not very crowded on weekends. Many locals are on vacation, the ocean is still cold, the inland valleys have not heated up yet to drive people to the ocean. Heaviest traffic periods are typically towards the end of the days.

Weekend mornings during the school year can be heavier than middays at the Civic Center area, with a combination of church traffic, bicycle clubs, Farmer's Market traffic, AYSO or Little League parents all mixing in with motorcycle enthusiasts, beachgoers and other recreationalists.

But this discussion is anecdotal, because the City's Traffic Impact Analysis Guidelines are not based on data from more than one week day and one weekend day, under cloudy and cool weather conditions, at a date when thousands of Malibu families could be assumed to be out of the city on vacation.

There is no explanation how those arbitrary days or time periods were chosen. When Hans Laetz queried why there are no traffic counts for any time period on Sundays, or holidays, or hot August or September days when the Zuma Beach parking lots are at capacity (unlike foggy July days), or how the 11 a.m.-1 p.m. Saturday window was chosen as the peak weekend period, associate city planner Ha Ly courteously replied that:

"as for the weekend counts, we heard from the City Traffic Engineer, and he stated that typically, Thursdays and Saturdays provide higher than usual traffic volumes. Also, the ACTUAL counts indicate that Saturday AM peak hour is from 11:45 AM to 12:45 PM, which falls within 11 – 1 PM, and confirms that our anticipated peak hours are correct."⁷

⁴ E-mail of Hans Laetz to Ha Ly, Nov. 25, 2013.

⁵ *Noon Temperatures*, City News Service of Southern California, published at 12:12 p.m. on July 14, 2012.

⁶ *Southern California Forecasts*, National Weather Service, in *Noon Temperatures*, City News Service of Southern California, published at 12:12 p.m. on July 14, 2012.

⁷ E-mail of Ha Ly to Hans Laetz, Nov. 25, 2013.

This bit of circuitous logic is breathtaking: it cannot be assumed from a peak within that two-hour period that other peaks do not occur in the morning or afternoon. The lack of traffic measurements from the Saturday morning congestion at Bluffs Park, the Saturday afternoon congestion from beachgoers leaving Malibu, and from no measurements whatsoever on Sundays is astounding. The insufficiencies of using this criteria have been repeatedly pointed out to the City: in the La Paz CDP extension and in the Rancho Malibu Hotel Draft EIR. The City has been placed on notice that its baseline traffic measurement criteria and methodology cannot be considered to be professional air accurate. It is not professional, and an insult to Malibu residents, for this flawed methodology to repeatedly surface in Planning Department documents.

10

Using the above mentioned CEQA checklist criteria (and others), please analyze the following points for compliance to (a) the City's General Plan, (b) the certified LCP, (c) Malibu zoning code sections and (d) the Los Angeles County Congestion Management Program, and:

11

(Traffic 2-1) The Draft EIR conclusions can be considered sufficient, given the arbitrary and scientifically-unsound selection of traffic count periods.

(Traffic 2-2) The City requirement that the Volume/Capacity (V/C) ratio" be computed for peak periods, and the absence in the Draft EIR of accurate baseline peak "beach day" conditions, or projections for future peak "beach day" congestion. Please also analyze this in terms of "average number of seconds of delay."

12

(Traffic 2.3) Will the project increase V/C levels at intersections on Saturday mornings? Please also analyze this in terms of "average number of seconds of delay."

13

(Traffic 2.4) Will the project increase V/C levels at intersections on Saturday afternoons? Please also analyze this in terms of "average number of seconds of delay."

14

(Traffic 2.5) Will the project increase V/C levels at intersections on Sunday mornings, afternoons, or evenings? Please also analyze this in terms of "average number of seconds of delay."

15

(Traffic 2.6) Will the project increase V/C levels at intersections on holidays? Please also analyze this in terms of "average number of seconds of delay."

16

(Traffic 2.7) How the City of Malibu's traffic measurement baseline criteria (measured on two days in 2012) for the City's Traffic Impact Analysis Guidelines is compliant with General Plan Traffic Conservation Policy 1.1.2, which states "the City shall utilize sound traffic engineering and enforcement principles to safely regulate traffic and improve traffic flow." Please address the above criticisms of the insufficiency of the City's traffic volume data, and defend the scant data and unscientific sampling as reliable, scientific, and professional. Please analyze this in terms of V/C levels at intersections, and using the "average number of seconds of delay."

17

(Traffic 2.8) How the Project would furthers "safe, environmentally sensitive and efficient transportation for the City" — as required by Goal 1 in the Transportation Section of the City of Malibu General Plan — when the City's Traffic Impact Analysis Guidelines must be considered unreliable, unscientific, and misleading insofar as measuring the current baseline traffic conditions in the Project area.

18

Traffic 3 - Selection of peak traffic periods (II).

The city's draft EIR states "The July 2012 counts were conducted when Pepperdine was in summer session, which has a lower student population than during their regular sessions (i.e., the fall, winter, and spring sessions). Consequently, while PCH is typically busiest during the summer, it is likely that more Pepperdine or student-associated vehicles may be expected during the regular sessions. However, even when Pepperdine is in regular session, the traffic volumes on PCH are greatest during the summer season."⁸

The Draft EIR fails to state that the July 2012 counts were also conducted when Santa Monica-Malibu Unified School District employees, students and parents are also on summer break, a fact that seems relevant, but omitted. It seems as if the traffic counts were timed to fall just after school ended, but before the heavy beach use days of late summer and fall.

The CEQA Guidelines Checklist asks "would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?" It also asks if the project would conflict with the City's General Plan, certified LCP or zoning code sections specifically adopted for the purpose of avoiding or mitigating an environmental effect.

Using the above CEQA criteria, please analyze if:

(Traffic 3-1) The Draft EIR conclusions can be considered sufficient given the arbitrary and scientifically-unsound selection of traffic count periods that exclude times when the largest two trip generating institutions in Malibu — local schools and Pepperdine University — are not in session.

(Traffic 3-2) Will V/C congestion increase during all weekend time periods (including Sundays and Saturdays at other than 11-1 — see section Traffic 2) when SMMUSD schools are in session, and the number of people living in Malibu and not on vacation will be greater than when the July, 2012 traffic counts were made? Please also analyze this in terms of "average number of seconds of delay."

Traffic 4. Bicycle and pedestrian use ignored.

The Draft EIR states that "In accordance with the City's Traffic Impact Analysis Guidelines, the TIA did not include pedestrian or bicyclist counts."⁹ That's all.

There is no provision in the CEQA traffic checklist to allow the exclusion of foot or pedal traffic. The "environmental setting" section of the traffic analysis in the Draft EIR — shockingly — fails to account for the heavy pedestrian and bicyclist traffic on PCH, including:

- thousands of bicyclists who traverse the area on weekend days.
- hundreds of bicyclists who traverse the area weekdays.
- state legislative designation of PCH as the "Pacific Coast Bicycle Route."

⁸ DEIR, page 3.13-7.

⁹ DEIR, page 3-13.7.

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- hundreds or perhaps thousands of pedestrians who cross PCH, Cross Creek Road, Civic Center Way daily.
- the function of the intersection of PCH at Cross Creek Road as a key pedestrian link between Malibu Creek State Park’s lagoon, Adamson House and Malibu Pier units; Malibu Legacy Park; coastal access pedestrian foot traffic between dozens of free parking places and the beach.
- the hundred of coastal access beach patrons who park on PCH in the area slated for road widening and other mitigation.

22

The lack of pedestrian impact measurements in the City’s Traffic Impact Analysis Guidelines points to a shoddy job by the City in 2012, but does not excuse the City from its duty in 2105 to measure all impacts on the CEQA checklist.

The CEQA Guidelines Checklist asks “would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?” It also asks if the project would conflict with the City’s General Plan, certified LCP or zoning code sections specifically adopted for the purpose of avoiding or mitigating an environmental effect.

Using the above CEQA criteria, please analyze:

(Traffic 4-1) What the current and projected bicycle and pedestrian use of PCH in the Project area is.

23

(Traffic 4-2) Would the Project would cause an increase in traffic load that would result in any increased congestion, risk or danger to pedestrians.

24

(Traffic 4-3) Will the Project would cause an increase in traffic load that would result in any increased risk or danger to bicyclists. Please analyze this in the context of the removal of the de facto bicycle lanes along the shoulder, which would force bicycles into traffic lanes and thus decrease vehicle capacity in the proposed mitigation lanes.

25

(Traffic 4-4) How the proposed traffic mitigation, discussed below, can be anticipated to be adequate when pedestrian and bicycle impacts on the traffic flow in those lanes were not measured.

26

(Traffic 4-5) Whether the baseline description of PCH is adequate, in light of the failure listed in this section.

27

(Traffic 4-6) If the failure of the draft EIR to even define the baseline conditions of PCH renders this entire Transportation Section incomplete and inaccurate.

28

Traffic 5 Flawed criteria for judging traffic impact.

The draft EIR states “The traffic conditions analysis was conducted using the Intersection Capacity Utilization (ICU) method. The ICU method uses a ratio of the traffic volume over intersection capacity to establish the level of traffic congestions. This volume-to-capacity (V/C) ratio defines the proportion of an hour necessary to accommodate all the traffic moving through the intersection assuming all approaches were operating at full capacity.”

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ICU only measures capacity congestion at intersections. It does not measure the consequences of capacity problems. An intersection with an LOS F and a 2-minute backup is exactly the same, under ICU, as an LOS F intersection with a 45-minute clearance time. It does not analyze “average number of seconds of delay.”

As noted at the Scoping Session, it is objectively ridiculous for the City to measure traffic congestion impacts only at intersections, particularly in a linear-geometry traffic flow like Malibu. We do not have a grid where traffic will seek other uncontested intersections when one intersection overloads. And this methodology does not account for congestion between intersections as opposed to congestion only at intersections.

29

In its Scoping Comments for the putative Rancho Malibu Hotel Project, Caltrans made it plain that accurate traffic impact measurements for PCH must include “analysis of AM, and PM peak-hour volumes for both existing and future conditions in the affected area. **This should include mainline highway sections**, interchanges, and intersections (emphasis added).”¹⁰

The CEQA Guidelines Checklist asks “would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?” It also asks if the project would conflict with the City’s General Plan, certified LCP or zoning code sections specifically adopted for the purpose of avoiding or mitigating an environmental effect.

Using the above CEQA criteria, please analyze:

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(Traffic 5.1) The impact of traffic increases on mainline sections of PCH and not just intersections. Please also analyze this in terms of “average number of seconds of delay.”

(Traffic 5.2) Please determine the actual future traffic conditions that would exist (should the Project and other projects in the Civic Center area be built) on the entirety of affected roadways, as opposed to merely intersections, in order to determine the conflict between the Los Angeles County Congestion Management Program and other traffic congestion environmental regulations. This study should include PCH or other roads at some distance from the Project and its affected intersections. For example, what is the effect on Interstate 405 or U.S. 101 if commuters fact daily traffic delays on westbound PCH is delayed by 20 minutes clearing the westbound signal at Cross Creek Road, as frequently already happens at peak weekend traffic periods (other than 11-1 p.m. on cold Saturdays)? Please analyze this in terms of “average number of seconds of delay.”

31

(Traffic 5.3) Why “intersection capacity” — as opposed to “average number of seconds of delay” — was employed to quantify if the Project would “cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.”

32

(Traffic 5.4) If “average number of seconds of delay” is better suited to correctly identify the project’s true environmental impact, as opposed to “intersection capacity”, despite the City guideline’s preference for the less-accurate “intersection capacity”.

33

(Traffic 5.5) As per the CEQA checklist that asks for an analysis of potential “increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system,” what the increase in traffic delays as measured by “average number of seconds of delay” (as opposed to “intersection capacity”) would be.

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¹⁰ Caltrans Scoping Comments, Letter of Dianna Watson to City, Caltrans Office of Regional Planning, at page 2.

(Traffic 5.6) The actual impact in terms of delay that can be expected should the Project bifurcate Malibu, to answer the CEQA checklist item (see the Land Use section) asking if the Project would split the community, and in light of the fact that there Project impact sits on the only road linking two halves of Malibu.

35

(Traffic 5.7) How the traffic section of this report can possibly make any informed conclusions on peak traffic levels based on a consultant's grand total of two visits and two traffic counts at Malibu, once on a weekday, and once at noon on a cool, foggy early summer Saturday.

36

(Traffic 5.8) How the Draft EIR can, without "average number of seconds of delay" data, have the accurate information needed to conclude that he proposed project would not exceed the significant traffic impact thresholds under existing conditions at any of the study intersections.

37

(Traffic 5.9) If the failure to accurately prepare traffic counts and projections conflicts with the General Plan, certified LCP and zoning ordinances, adopted for the purpose of avoiding or mitigating any environmental effects.

38

Traffic 6 Geometry at the Project entrance.

Under CEQA, existing traffic counts and future traffic projections are necessary to determine if the project will split the community or cause other adverse effects. Please supply the analysis of project traffic on Webb Way, Civic Center Way and Cross Creek Road (as opposed to the mere study of intersection capacity), and analyze the impact of projected traffic loads in the context of the CEQA checklist issue: the conflict between applicable environmental laws and the project's unseen impacts.

39

(Traffic 6-1) Under CEQA, existing traffic counts and future traffic projections are necessary to determine if the project will split the community or cause other adverse effects. Please examine Civic Center Way in terms of its present configuration, under its present configuration, what its capacity is, and what will be the effects of traffic in excess of this level will be should the Project's traffic projections cause overload. Please explain the projected effects on the following uses: (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses.

40

(Traffic 6-2) Under CEQA, existing traffic counts and future traffic projections are necessary to determine if the project will split the community or cause other adverse effects. Please examine Cross Creek Road in terms of its present configuration, under its present configuration, what its capacity is, and what will be the effects of traffic in excess of this level will be should the Project's traffic projections cause overload. Please explain the projected effects on the following uses: (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses.

41

(Traffic 6-3) Under CEQA, existing traffic counts and future traffic projections are necessary to determine if the project will split the community or cause other adverse effects. Please examine Pacific Coast Highway in terms of its present configuration, what its capacity is, and what will be the effects of traffic in excess of this level will be should the Project's traffic projections cause overload. Please explain the projected effects on the following uses: (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses.

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(Traffic 6-4) Under CEQA, existing traffic counts and future traffic projections are necessary to determine if the project will split the community or cause other adverse effects. Please examine Webb Way and Stuart Ranch Road in terms of its present configuration, what its capacity is, and what will be the effects of traffic in excess of this level will be should the Project's traffic projections cause overload. Please explain the projected effects on the following uses: (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses.

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(Traffic 6-5) Please explain how new traffic generated by the project will interface, conflict or eliminate parking for Malibu Legacy Park, thus affecting recreational access.

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(Traffic 6-6) Please explain how new traffic generated by the project will interface, conflict or eliminate parking for existing commercial developments, the Malibu Public Library, Civic Center and other civic attractions in the area.

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(Traffic 6-7) Please explain how be complicated driveway Project geometry in the area will affect access for the following uses: (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses.

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(Traffic 6-8) Please examine if the intersection geometry along both Civic Center Way and Cross Creek Road at and near the the Project would 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.

47

(Traffic 6-9) Please examine if the intersection geometry along both Civic Center Way and Cross Creek Road at and near the the Project would 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.

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(Traffic 6-10) Please examine if the intersection geometry along both Civic Center Way and Cross Creek Road at and near the the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses such as pedestrian-vehicle or vehicle-MTA bus conflicts.

49

(Traffic 6-11) Please examine if the intersection geometry along both Civic Center Way and Cross Creek Road at and near the the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses such as pedestrian-vehicle or vehicle-MTA bus conflicts would result in inadequate emergency access.

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(Traffic 6-12) Please examine if the intersection geometry along both Civic Center Way and Cross Creek Road at and near the the Project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

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Traffic 7 Reliance on speculative mitigation.

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Even using the inadequate City TIA Guidelines, the Draft EIR has determined that the change in traffic flow generated by the proposed project alone would significantly impact the intersection of Cross Creek

Road and Pacific Coast Highway during the five weekday afternoons per week and the Saturday mid-day peak, prior to the implementation of traffic mitigation measures.¹¹

As noted above, there is no data whatsoever for the heavy local congestion on Saturday mornings or afternoons.

Based on its analysis for 2017 cumulative traffic levels, again using the inadequate City TIA Guidelines, the City predicts three intersections would significantly impacted: Malibu Canyon Road at PCH during the Saturday mid-day peak hour; PCH at Webb Way during the Saturday mid-day peak hour; and PCH at Cross Creek Road during the five weekday afternoon peak hours per week and the Saturday mid-day peak hour.¹²

Again, there is no data whatsoever for the heavy local congestion on Saturday mornings or afternoons.

The City proposes a mitigation effort for these impacts. It cannot be judged whether this mitigation effort would be successful, given that there is insufficient baseline data (missing dayparts, failure to analyze capacity of Cross Creek Road or Civic Center Way, etc.) .

There is no data in the Draft EIR as to how these mitigations will operate. There is no study of vehicular, for or bicycle traffic movements with or without the Project, or with or without the Project plus the mitigations.

There is no data in the Draft EIR to determine if the increased traffic flow from new or expanded turn lanes from PCH onto Webb Way and Cross Creek Road will be safely or efficiently handled by those tow streets.

The mitigation plan does not explain what will happen if other projects fail to win entitlements, if they are rejected by voters under Measure R, or fail to be built for business reasons. Or if the sewage plant is for some reason rejected by voters or is no built. The financing plan for mitigation improvements is thus based on a series of hopes and presumptions, and there is no alternate plan to fund the mitigations for this Project if a whole series of dominoes fall.

The mitigation plan is speculative and requires the agreement of agencies that have not participated in this planning process, and that have repeatedly rejected the use or appropriation of their property for such mitigation. The following points cannot be overstated:

(ONE) The traffic mitigation plan is dependent on a separate City EIR and CDP for the La Paz LLC widening proposal, which is quite speculative. This request will likely will face rejection or amendment by the California Coastal Commission.

(TWO) The La Paz CDPs are about to expire and the Planning Commission has indicated it will not renew them. Without La Paz entitlements and participation, this Project likely cannot proceed with its offsite traffic mitigation.

(THREE) Caltrans has, over five years, repeatedly refused to allow La Paz LLC to implement any realignment of PCH at Cross Creek to allow for the turn lane mitigation.

(FOUR) California State Parks has, over the past two years, repeatedly refused to allow La Paz LLC to widen PCH into Malibu Lagoon State Park to allow for the turn lane mitigation.

¹¹ DEIR, page 3.13-20.

¹² DEIR, page 3.13-33.

(FIVE) The Mountains Resource Conservation Agency has made it abundantly clear it will not allow landscape mitigation installed along PCH when the bridge at Malibu Lagoon was replaced to be removed for this shopping center turn lane mitigation.

(SIX) The U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers have asserted jurisdiction on any roadway changes at the Malibu Lagoon bridge or abutments, including the area where the road is supposed to be widened or restriped under this Project's mitigation.

(SEVEN) The California Coastal Commission staff has, in writing, made it abundantly clear that any realignment project (even restriping) on PCH will — under the Malibu Local Coastal Program and state Coastal Act — require a Coastal Development Permit, and that no such CDP will ever be granted due to the severe and deleterious impact of either respicing or widening PCH on lateral and vertical coastal access.

The traffic mitigation proposals from developers on PCH at Cross Creek Road and Malibu Lagoon are not feasible, not under permit, and stand zero chance of approval from seven separate agencies or departments at the State of California, plus the U.S. Army. They were dead on arrival several years ago, and no amount of hopeful wishes from this applicant will resurrect them. Yet the City of Malibu keeps issuing CEQA documents reliant on the same set of traffic mitigation that were DOA several years ago, and are DOA today.

(Traffic 7-1) Please analyze the realistic likelihood of the traffic mitigation proposals being approved by California Coastal Commission, and describe the effect of a denial.

(Traffic 7-2) Please analyze the realistic likelihood of the traffic mitigation proposals — under the La Paz CDP — being approved by the Planning Commission as indicated it will not renew them. Without La Paz entitlements and participation, please explain how this Project can proceed without its offsite traffic mitigation proposals.

(Traffic 7-3) Please supply all communications, and records of communications in the city's possession between the City, La Paz, the California Department of Transportation and any other affected or interested party over proposed PCH widening projects at Malibu Lagoon or Cross Creek Road. This request constitutes a formal public records request. Using that information, please analyze the realistic likelihood of the traffic mitigation proposals being approved by Caltrans.

(Traffic 7-4) Please analyze the realistic likelihood of the mitigation proposals being approved by California State Parks, and describe the effect of a denial.

(Traffic 7-5) Please analyze the role of the Mountains Resource Conservation Agency in the preservation of ESHA and ESHA buffer at Malibu Lagoon, and what the impact on the strip mall project will be if MRCA will not allow landscape mitigation installed along PCH when the bridge was replaced to be removed for the strip mall's turn lane mitigation.

(Traffic 7-6) Please analyze the role of the Fish and Wildlife Service and U.S. Army Corps of Engineers, which have asserted jurisdiction on any roadway changes at the Malibu Lagoon bridge or abutments, including the area where the road is supposed to be widened or restriped under this Project's mitigation. Using that information, please analyze the realistic likelihood of the traffic mitigation proposals being approved by the U.S. Army Corps of Engineers or Fish and Wildlife Service.

(Traffic 7-7) Please supply all communications, and records of communications, in the city's possession between the City, La Paz, the California Coastal Commission and any other affected or interested party over proposed PCH widening projects at Malibu Lagoon or Cross Creek Road.

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This request constitutes a formal public records request. Using that information, please analyze the realistic likelihood of the traffic mitigation proposals being approved by the California Coastal Commission.

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(Traffic 7-8) Please summarize the efforts by La Paz LLC or other parties to apply for similar mitigation projects at this location, including a timeline of informal discussions, draft proposals, agency replies and the current status of the proposed mitigations.

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Traffic 8 PCH at Cross Creek Road issues.

As a mitigation requirement, the City states “the project applicant shall contribute its pro-rata share of the costs associated with the intersection improvements required at Pacific Coast Highway and Cross Creek Road, which are currently underling review by the City of Malibu Planning Department (CDP No. 14-036). These intersection improvements shall consist of the construction of an additional westbound right-turn lane along Pacific Coast Highway and incremental roadway widening west and east of the Pacific Coast Highway/Cross Creek Road to provide additional right-turn capacity.”¹³

As discussed above, this chances for this mitigation to be approved by responsible agencies is at best speculative. Assuming it is approved, no engineering data is supplied in the Draft EIR to predict traffic load factors or operations should the mitigations be installed. The Draft EIR states “As shown in Table 3.13-7, Existing (2012) Traffic Conditions with Project + Mitigation below, the impact at Cross Creek Road and Pacific Coast Highway would be mitigated with the implementation of Mitigation Measure 3.13-1.”

The statement that the mitigation “would” reduce this impact is not supported by data and thus factually incorrect. The referred-to material does not include engineering data upon which that conclusory statement is based.

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No data is supplied in the Draft EIR to predict traffic load factors or operations should those mitigations be installed. It is impossible for the citizenry to comment on facial statements such as this that are unsupported or unreferenced in a Draft EIS. We have no data furnished to support this claim.

Further, the executive summary to the latest Overland Traffic Consultants report, amplifies this shoddy lack of study and makes additional errors of fact. It says: “the impact of project traffic on the intersection of Cross Creek Road and Pacific Coast Highway could be mitigated by the addition of a westbound right-turn lane on Pacific Coast Highway. This mitigation would improve the traffic movement along westbound Pacific Coast Highway.”

Again, there is no engineering data supplied to support the conclusion that negative traffic impacts “could” be reduced by adding a right turn lane there on westbound PCH. Further, no traffic count projections with the additional turn lane are supplied. The impact on bicyclists, pedestrians and coastal access vehicular traffic is not analyzed. The Overland engineers are shooting in the dark.

The City of Malibu is being disingenuous and borderline dishonest when it allow Overland to essentially cut and paste the following sentence from the 2008 La Paz CEQA documents, and repeated in the 2013 Rancho Malibu Draft EIR and inserted here:

¹³ DEIR, page 3.13-34.

“It is recommended that an additional westbound right-turn lane be added by restriping Pacific Coast Highway at its intersection with Cross Creek Drive to provide additional right-turn capacity.”¹⁴

The City of Malibu Planning Department and Public Works Department are quite aware that Caltrans has rejected repeated requests from La Paz and Rancho Malibu to accomplish this. For this statement to appear in a new Planning Department document this year, without acknowledging the impossibility of this option, indicates the City of Malibu does not understand what it is doing here.

Incredibly, Overland is allowed to repeat here the exact same language that it used in the 2008 La Paz EIR — which has since been found by the City of Malibu to be insufficient for CEQA purposes.

Overland uses the exact same language used for La Paz (2008), Rancho Malibu (2103) and Whole Foods (2015): “If Caltrans does not approve of the non-standard narrower lane widths, then roadway widening on the south side of Pacific Coast Highway on the approach and departure legs would allow the standard width lanes for this mitigation measure within the existing Pacific Coast Highway right-of-way.”¹⁵

There is no “if.” That option has already been rejected by three state agencies. This exact proposal has been returned by the City Planning staff for CEQA review. As noted above, it cannot be considered a realistic option given its DOA status at five federal and state agencies.

(Traffic 8-1) Please supply the analytic procedure used to conclude that the “mitigation” delivered by construction of Mitigation Measure 3.13-1 would be sufficient to prevent (a) any decrease in LOS or (b) increase in average number of seconds of delay on PCH or Cross Creek Road.

(Traffic 8-2) Please supply traffic data to measure the impact of the construction of Mitigation Measure 3.13-1, and how that construction would affect (a) LOS or (b) number of seconds of delay on PCH. This data should include analysis of the capacity of Cross Creek Road to receive and transmit the increased traffic flow off of PCH, given its use as a shopping street with crosswalks, bus stops, driveways and angle parking.

(Traffic 8-3) Please analyze the actual impact of the predicted increase of .025 in five-day-per-week afternoon/evening V/C — a significant negative impact, under the City’s inadequate standards — at the intersection of PCH at Cross Creek Road and explain the individual and cumulative daily delay in seconds or traffic signal cycles or length of backup (or preferably, all) for persons traversing here.

(Traffic 8-4) Please analyze the actual impact of the predicted increase of .037 in midday Saturday V/C — a significant negative impact, under the City’s inadequate standards — at the intersection of PCH at Cross Creek Road, and explain the individual and cumulative daily delay in seconds or traffic signal cycles or length of backup (or preferably, all) for persons traversing here.

(Traffic 8-5) Please explain, in minutes of aggregate daily delay, what the impact on MTA bus passengers would be.

(Traffic 8-6) Please explain, in minutes of aggregate daily delay, what the impact on beach or parks users would be at this intersection.

(Traffic 8-7) Please analyze how this additional significant congestion at this intersection will affect other nearby intersections and general traffic congestion on PCH.(TRAF 4.C.2) Please

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¹⁴ DEIR, Overland TIS, page 7.

¹⁵ DEIR, Overland TIS, page 7.

analyze how the proposed intersection capacity improvements would affect traffic safety and pedestrian convenience at the PCH/Cross Creek intersection, and at the two crosswalks on Cross Creek Road north of the intersection, and how the increased Cross Creek traffic would affect angle parking places, both in terms of operations and safety, ohm that business district.	68
(Traffic 8-8) Please analyze how the increased traffic flow on Cross Creek Road would affect actual traffic counts on that street (including seconds of delay), and at the all-way stop sign at Civic Center Way. Please consider this in light of the proposed Rancho Malibu Hotel or Cemetery, community college, Malibu Bay Co., La Paz and other developments.	69
(Traffic 8-9) Please analyze how the proposed increased traffic flow accommodated by the proposed additional turn lane from westbound Pacific Coast Highway to northbound Cross Creek Road would be anticipated to affect the high accident rate and percentage of injury crashes at the intersection.	70
The Draft EIR states “implementation of Mitigation Measure 3.13-1 would mitigate impacts at the intersection of Cross Creek Road and Pacific Coast Highway.” ¹⁶	71
(Traffic 8-10) Please provide the methodology and substantiation for this finding.	
(Traffic 8-11) Reserved.	
(Traffic 8-12) Please provide projections, based on the most-modern traffic counting and prediction technology, how Mitigation Measure 3.13-1 would function to mitigate impacts at the intersection of Cross Creek Road and Pacific Coast Highway.	72
(Traffic 8-13) Please provide precise planning and engineering documents for both of the two options offered in Mitigation Measure 3.13-1 for the proposed changes to PCH at and near the intersection of Cross Creek Road and Pacific Coast Highway, and how the traffic geometry would be altered in all directions.	73
(Traffic 8-14) Please describe the actual pavement width of the PCH roadway from existing curb to curb, where it narrows at the “specimen sycamore tree” on the south side of PCH east of Cross Creek Road (commonly called “the tree that saved Malibu”). Please include in these calculations where the striping is for the existing curb lane on the south side of the roadway is used as a de facto bicycle lane.	74
(Traffic 8-15) Please supply the Caltrans design standards for both (a) divided rural highways and (b) urban arterial streets for curb lanes, through lanes, turn lanes, and medians, and bike lanes, and then calculate the total width necessary for a adding a sixth lane to PCH with bike lanes (as required by state laws at this location. Please contrast that with the Proposal’s proposed configuration as recommended by the City in its Draft EIR TIS, and then analyze the CEQA questions about adding traffic congestion, unsafe configurations, or violations environmental protection laws, regulations, ordinances, etc.	75
(Traffic 8-16) As the CEQA aesthetics section talks about dividing an existing community, please analyze and describe the effect on Malibu and the Pacific Coast Bikeway recreation user of a bifurcated “fog lane” bike route existing east and west of the Cross Creek area, with the subtraction of existing “fog lane” bicycle facilities.	76

¹⁶ DEIR, page 3.13-37.

(Traffic 8-17) If the Mitigation Measure 3.13-1 would mitigate impacts at the intersection of Cross Creek Road and Pacific Coast Highway through the use of restriping east of the signal, and if that option would require additional pavement west of the signal to match lane alignments across the intersection, or if that would require a realignment of the concrete center median west of the signal, please analyze and specify this necessary new pavement or sidewalk and signals relocation. Please specify how many specimen trees west of the intersection on the the south side of PCH west of Cross Creek Road would need to be removed, and what mitigation plans accommodate this. Please also specify how many beach visitor parking spaces would be lost as PCH lanes are shifted south to align lanes into the restriping east of the intersection.

77

(Traffic 8-18) Please analyze the “S curve” that would be necessary at the western end of the Malibu Creek bridge to shift the existing 5 lanes of PCH the 14 to 16 feet south it would be necessary to accommodate a westbound right turn lane between the bridge and the Cross Creek intersection. Please include analysis of how long this S-curve would need to be to accommodate traffic at the 45 mile-per-hour posted speed limit, and also include analysis of how long it would need to be to accommodate faster traffic that occurs at non-peak hours. Please calculate exactly where the western end of this curve would start, if it the eastern end is to be contiguous with the western end of the Malibu Creek bridge; or if the Proposal is to end the eastern end of the curve on the bridge itself, please specify exactly where that would be.

78

The Draft EIR notes that, “if Caltrans does not approve of the non-standard narrower lane widths, then roadway widening on the south side of Pacific Coast Highway on the approach and departure legs would allow the standard width lanes for this mitigation measure.”¹⁷ In its comments on the Rancho Malibu matter, Caltrans specifically requested this geometry to be described.¹⁸ No such plans are attached to this proposal. We do not know how far south the City would consider necessary it would be to accommodate a shopping center access lane a by destroying recent ESHA plantings and a historical, specimen sycamore tree that provides irreplaceable visual and audio buffer between the Cross Creek gas station, shopping center and highway on one side, and the sanctuary of Malibu Lagoon State Park on the other.

79

(Traffic 8-19) Because Mitigation Measure 3.13-1 would include widening into coastal resources, please explain if the City’s current position on widening PCH is different than its proposal for Rancho Malibu. Please discuss how “standard width lanes” at the intersection would be curved with any S-curve to transition back to existing striping alignments on the Malibu Creek bridge. there is no specific geometry provided for such widenings.

(Traffic 8-20) Because Mitigation Measure 3.13-1 would include widening into coastal resources, please provide architectural plans and renderings for the relocation of sidewalks, bike lanes, radials, traffic signals, sidewalks and other intersection fixtures that would have to be moved onto Malibu Lagoon State Park to accommodate a widened Pacific Coast Highway at Cross Creek Road.

80

(Traffic 8-21) Because Mitigation Measure 3.13-1 would include widening into coastal resources, please provide exact plans for the incursion of widening Pacific Coast Highway into Malibu Creek State Park, including that portion of the park or its attendant vegetated buffer sitting on Caltrans right of way. Please supply CEQA analysis of this impact, or explain why a separate CEQA analysis is being conducted. Please analyze why a separate CEQA study is legal in this case.

81

(Traffic 8-22) Please provide a biological and horticultural assessment of how the removal of ESHA, and ESHA buffer, on both Caltrans and California State Parks property, would affect the park.

82

¹⁷ DEIR TIS-ES at page 4.

¹⁸ Caltrans Scoping Comments, Letter of Dianna Watson, Caltrans Office of Regional Planning, at page 1.

(Traffic 8-23) Please provide architectural plans and renderings for the retaining wall that would apparently be necessary to elevate the widened Pacific Coast Highway above the adjacent Malibu Lagoon State Park, either on Caltrans property or State Parks lands. Please state how this retaining wall encroachment on an ESHA and State Park would be permissible under the certified LCP. Please include renderings for the appearance of this retaining wall from both (a) the pedestrian entrance to the park, and (b) from Surfrider Beach at the mouth of Malibu Creek. In these renderings, please include and analyze the addition to the views of vehicles on PCH, the Shell gas station and its sign, the Wells Fargo Bank and other buildings north of the highway, which would become prominently visible from the park and beach should the ESHA buffer along PCH be removed. Please supply CEQA analysis of this impact.

83

(Traffic 8-24) Please show the roadway geometry for the entire proposed PCH / Cross Creek / Malibu Creek bridge widening realignment, from the eastern to western ends of the Cross Creek realignment. Please supply CEQA analysis of this impact.

84

(Traffic 8-25) Please specify how many specimen trees west of the intersection on the the south side of PCH would need to be removed, and what mitigation plans accommodate this. Please also specify how many beach visitor parking spaces would be lost as PCH lanes are shifted south to align into the realigned PCH east of the intersection. Please explain how the loss of these parking places will be mitigated, Please supply CEQA analysis of this impact.

85

(Traffic 8-26) Please analyze Caltrans design standards and calculate if the westbound right turn lane proposed by the City would be long enough for safe deceleration under either of the above S-curve configurations, under either the restriping option or the widening to the south option.

86

Pacific Coast Highway is heavily used by bicyclists. Bicycling along the coast is a form of people utilizing lateral coastal access. Either option under Mitigation Measure 3.13-1, restriping the highway, or widening the highway, to accommodate the strip mall congestion would force removal of existing shoulder lanes on both sides of PCH that are used as de facto class II bike lanes.

87

(Traffic 8-27) Please analyze the daily usage by bicyclists of the PCH at this location, determine how many of them are in the shoulder lanes as opposed to the traffic lanes, and estimate the safety impact on bicyclists should the shoulder lanes be eliminated in favor of the S-curve configuration. This study should include a prediction of crashes and fatalities, with and without the Project

(Traffic 8-28) Please analyze how the Project's impact on removing or reducing safe lateral coastal access for bicycles would conflict with (a) state laws promoting a Pacific Coast bicycle route, (b) the certified LCP provisions requiring the City to promote PCH bicycle use, (c) the Malibu General Plan and (d) any other law or regulation designed to allow lateral recreation use of PCH by bicycles or pedestrians.

88

This Project in its entirety is reliant on mitigation of traffic impacts under Mitigation Measure 1.13.1. Both options under that proposal involve removal of protected coastal access facilities or items (parking, de facto bicycle lanes, trees) and would require new pavement on the seaward side of PCH. Even the "mere restriping" option would require the center median and through lanes for PCH to be shifted at least 12 feet to the south on the western side of the intersection.

89

There is no public road between PCH and Malibu Lagoon, which is a tidal pool with a direct tidal nexus to the Pacific Ocean. Malibu Lagoon is thus the “sea” as defined in the Local Coastal Program¹⁹ and federal law. This Project applicant has not requested a required Coastal Development Permit from the California Coastal Commission. To our best knowledge, the concurrent CEQA review of the identical La Paz LLC mitigation project also is not undergoing Coastal Commission permitting.

90

Thus, this is a Project between the sea and the first landward road.

(Traffic 8-29) Please analyze if Mitigation Measure 1.13.1 has any elements “between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance” and therefor requires a Coastal Development Permit for Mitigation Measure 1.13.1 from the California Coastal Commission.

(Traffic 8-30) Please analyze if — because Mitigation Measure 1.13.1 is an intrinsic element of the Project — the Coastal Act and Malibu certified LCP require a Coastal Development Permit from the California Coastal Commission for the entire strip mall Project.

91

As demonstrated above, intrinsic elements of the entire strip mall exist seaward of the first public road from the sea.

(Traffic 8-31) Please analyze if the Project — both Mitigation Measure 1.13.1 items and the entire strip mall — is in conformity with the Malibu certified Local Coastal Program Chapter 13 section 13.9 (b), which requires it to be 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).

92

(Traffic 8-32) Please analyze if the Project — both Mitigation Measure 1.13.1 items and the entire strip mall — is in conformity with the Malibu certified Local Coastal Program Chapter 13 section 13.9 (b), which requires it to be the least environmentally damaging alternative.

93

Again, as demonstrated above, intrinsic elements of the entire strip mall exist seaward of the first public road from the sea. The Malibu certified Local Coastal Program, section C, requires that all developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance, are subject to appeal by the California Coastal Commission.

94

(Traffic 8-33) Please discuss if the Project — both Mitigation Measure 1.13.1 items and the entire strip mall — is appealable to the California Coastal Commission. Please explain why this appeal avenue is missing from the Draft EIR.

According to a City of Malibu document issued by the Planning Department in 2013, the substandard narrow lane modifications proposed in this Draft EIR would “require design exceptions from the Caltrans highway/freeway design standards. The proposed lane widths for PCH are typical for urban arterial streets but non-standard for highways/freeways and will required Caltrans review and approval.”²⁰

95

A recent report from the Los Angeles County Sheriff’s Office, *Pacific Coast Highway Traffic Safety Evaluation*, notes speed limits are 45 or 50 near the strip mall site and 85th percentile average speeds are

¹⁹ Malibu Certified LCP section 2.1, defining “sea” as “the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks and flood control and drainage channels.”

²⁰ Rancho Malibu Hotel DEIR Traffic Impact Study, at page 3.11-54

above 50 mph.²¹ The stretch of PCH at the Civic Center area is a notorious traffic enforcement area, and sheriff's deputies who patrol there say they only stop cars going over 60 mph in the 45 mph zone. ²²

The sheriff's *Pacific Coast Highway Traffic Safety Evaluation* notes that thousands of bicyclists traverse PCH at the hotel site weekly, and cannot "share the road" in 55-60 mph average traffic.²³

95

Pacific Coast Highway is a State Legislature-recognized bicycle route,²⁴ and the certified LCP tells the City "pedestrian and bicycle circulation shall be required as part of all new commercial development."²⁵

With those facts in mind, and the CEQA questions about substantial increases in hazards due to a design feature or incompatible uses, please analyze:

(Traffic 8-34) How the proposed narrow lane widths for PCH, which are typical for urban arterial streets, can be appropriate for an open country divided highway where state design standards call for normal-width, non-urban highway design standards.

96

(Traffic 8-35) The conflict between the Draft EIR's description that PCH is an arterial street and does not need to follow Caltrans highway design standards, even though the nature of the highway west of Cross Creek Road is not an arterial street but rather an open country highway.

97

(Traffic 8-36) The appropriateness and safety risk posed by requesting narrow lanes and eliminated shoulders (which are de facto bike lanes) in an area of 60 mph traffic and heavy bicycle use.

98

(Traffic 8-37) If the Project would substantially increase hazards due to these design features and/or incompatible uses, such as narrowed lanes and eliminated de facto bike lane shoulders used to segregate bicyclists from 60 mph traffic.

99

(Traffic 8-38) How the narrower traffic lanes would decrease roadway capacity, thus possibly increasing congestion and possibly aggravating LOS and seconds of delay at nearby intersections.

100

(Traffic 8-39) How the narrowed lanes and elimination of the shoulder, used by thousands of bicyclists per week, would affect bicycle operations.

101

(Traffic 8-40) If the narrower lanes and proposed elimination of shoulders would deter present and future bicycle riders from using PCH between the northern terminus of the Santa Monica Bay bikeway at Pacific Palisades, and Malibu Pier to the east of the proposed lane narrowings; Malibu Creek, Legacy Park, stores and offices near Webb Way, Bluffs Park, Pepperdine Alumni Park at the stretch proposed for narrower lanes; the new bike paths at Zuma Beach and other parks west of the proposed lane narrowings.

102

²¹ *Pacific Coast Highway Traffic Safety Evaluation* (Malibu Lost Hills Sheriff's Station, Los Angeles County Sheriff), 2012, a section IV. Traffic Volume & Speed Zones.

²² *Pacific Coast Highway Traffic Safety Evaluation* (Malibu Lost Hills Sheriff's Station, Los Angeles County Sheriff), 2012, at page 6.

²³ *Pacific Coast Highway Traffic Safety Evaluation* (Malibu Lost Hills Sheriff's Station, Los Angeles County Sheriff), 2012, at page 6.

²⁴ See California Coastal Trail enabling legislation, 2002.

²⁵ Certified LCP-LIP section C.4.5.8.

(Traffic 8-41) If the decreased bicycle use caused by the narrower lanes would unconstitutionally and illegally inhibit lateral coastal access by recreationalists along the Malibu coast.

103

(Traffic 8-42) The bicycle crash, injury and fatality rates on streets with such narrower lanes, and compare those rates with the similar rates in the specific area proposed for narrowed lanes.

104

The proposed Project mentions, but does not specify details, about widening Pacific Coast Highway on the south side of the roadway at Malibu Lagoon State Park, into trees and shrubs that are considered ESHA by California State Parks.²⁶

In its Scoping Comments for the Rancho Malibu Hotel (which had proposed the exact same mitigation), Caltrans states it needs to see a specific description of transportation infrastructure improvements; financial costs, funding sources and financing; sequence and scheduling considerations; and implementation responsibilities, controls and monitoring.²⁷

105

These critical data are not provided in the strip mall Draft EIR.

It is anticipated as a certainty that such concerns will affect CEQA Checklist items of concern. But it is impossible to analyze or comment on these critical details.

(Traffic 8-43) Please provide a specific description of transportation infrastructure improvements, and then analyze CEQA conflict between appropriate environmental laws and those improvements.

106

(Traffic 8-44) Please provide estimates of financial costs, funding sources and financing, and then analyze CEQA conflict between appropriate environmental laws and those improvements. To be relevant, these estimates should include itemized lists of pro-rata offsite transportation infrastructure improvements that would be levied on future commercial or institutional development projects in the immediate area, including (a) vacant land at Malibu Road / PCH (the old Chevron station), (b) vacant land at the northwest corner of Webb Way / Civic Center Way, (c) land now used by Larry Ellison for employee parking, (d) the "Whole Foods" project, (e) the "La Paz" shopping center, (f) the Malibu Bay Company "Sycamore" office building, (g) the "Wave" property, (h) the satellite community college, and (i) proposed facility additions to Bluffs Park. These estimates should also include contingency plans for completion or partial completion of mitigation in case anticipated funding does not materialize from those nine projects due to any reason,

107

(Traffic 8-45) Please provide estimates of sequence and scheduling considerations for the mitigations.

108

(Traffic 8-46) Please supply and analyze specific descriptions of transportation infrastructure improvements; financial costs, funding sources and financing; sequence and scheduling considerations; and implementation responsibilities, controls and monitoring.

109

²⁶ DEIR, at pages 3.11-54 and 55.

²⁷ Caltrans Scoping Comments, Letter of Dianna Watson, Caltrans Office of Regional Planning, at page 2.

TRAFFIC 9 PCH at Webb Way issues.

As a mitigation requirement, the City states the project applicant shall contribute its pro-rata share of the costs associated with the intersection improvements required at Pacific Coast Highway and Webb Way “with the implementation of Mitigation Measure 3.13-2 and Mitigation Measure 3.13-3.”²⁸

The statement that the mitigation “would” reduce this impact is not supported by data and thus factually incorrect. The referred-to material does not include engineering data upon which that conclusory statement is based. No data is supplied in the Draft EIR to predict traffic load factors or operations, should those mitigations be installed. It is impossible for the citizenry to comment on facial statements such as this that are unsupported or unreferenced in a Draft EIS. We have no data furnished to support this claim.

110

Pacific Coast Highway is heavily used by bicyclists. Bicycling along the coast is a form of people utilizing lateral coastal access. Both Mitigation Measure 3.13-2 and Mitigation Measure 3.13-3, would restripe the highway to accommodate the strip mall congestion, and would force removal of existing shoulder lanes on both sides of PCH that are used as de facto class II bike lanes.

(Traffic 9-1) Please supply the analytic procedure used to conclude that the “mitigation” delivered by construction of Mitigation Measure 3.13-2 and Mitigation Measure 3.13-3 would be sufficient to prevent (a) any decrease in LOS or (b) increase in average number of seconds of delay on PCH, Civic Center Way or Webb Way.

111

(Traffic 9-2) Please supply traffic data to measure the impact of the construction of Mitigation Measure 3.13-2 and Mitigation Measure 3.13-3, and how that construction would affect (a) LOS or (b) number of seconds of delay on those three streets. This data should include analysis of the capacity of Civic Center Way to receive and transmit the increased traffic flow off of PCH via Webb Way, given its use as a shopping street with crosswalks, bus stops, driveways and angle parking.

112

(Traffic 9-4) Please analyze the actual impact of the predicted increase of .025 in V/C — a significant negative impact, under the City’s inadequate standards — at the intersection of PCH at Malibu Canyon Road, and explain the individual and cumulative daily delay in seconds or traffic signal cycles or length of backup (or preferably, all) for persons traversing here.

113

(Traffic 9-5) Please explain, in minutes of aggregate daily delay, what the impact on MTA bus passengers would be.

114

(Traffic 9-6) Please explain, in minutes of aggregate daily delay, what the impact on beach or parks users would be at this intersection.

115

(Traffic 9-7) Please analyze how this additional significant congestion at this intersection will affect other nearby intersections and general traffic congestion on PCH.

116

(Traffic 9-8) Please accurately define the parks or public lands adjacent to this intersection on two of its four corners. Please supply data about coastal or park access loads at this intersection, including pedestrian crossing movements at the intersection, or bicycles passing through it. Using that description and data, please discuss and analyze what steps can be taken to improve bicyclist and pedestrian safety and improve intersection load performance here.

117

²⁸ DEIR, page 3.13-37.

(Traffic 9-9) Please explain the exact geometry of lanes at PCH at Webb Way would be, under this mitigation plank, and explain exactly what would happen to existing “fog lane” pavement that is currently used as de facto bike lanes by bicyclists, or sidewalks by pedestrians.

118

(Traffic 9-10) Please describe and quantify the effect of these mitigation matters on the loss of parking spaces used by coastal visitors to Malibu Lagoon State Park or Surfrider Beach, or to the City’s Legacy Park, and describe how the loss of such parking spaces will be mitigated, as required under the Coastal Act and the Malibu certified Local Coastal Program.

119

TRAFFIC 10 PCH at Malibu Canyon Road issues.

The Draft EIR notes that the City of Malibu’s traffic impact criteria, applied to 2017, shows that the only “intersection that would exceed the City’s traffic impact criteria is Malibu Canyon Road and Pacific Coast Highway in 2017. As shown in Table 3.13-8, application of Mitigation Measure 3.13.2 would reduce this impact to less than significant.”²⁹

The statement that the mitigation “would” reduce this impact is not supported by data and thus factually incorrect. The referred-to material does not include engineering data upon which that conclusory statement is based.

120

No data is supplied in the Draft EIR to predict traffic load factors or operations should those mitigations be installed. It is impossible for the citizenry to comment on facial statements such as this that are unsupported or unreferenced in a Draft EIS. We have no data furnished to support this claim.

Further, the executive summary to the latest Overland Traffic Consultants report, amplifies this shoddy lack of study: “The impact of project traffic on the intersection of Malibu Canyon Road and Pacific Coast Highway **could** be mitigated by restriping the south leg of the intersection to include a left-turn lane, one through lane and one right-turn lane (emphasis added).”³⁰

Again, there is no engineering data supplied to support the conclusion that negative traffic impacts “**could**” be reduced by adding a right turn lane there on northbound Malibu Canyon Road coming out of Bluffs Park. Further, no traffic count projections with the additional turn lane are supplied. The impact on bicyclists, pedestrians and coastal access vehicular traffic is not analyzed. The Overland engineers are shooting in the dark..

(Traffic 10-1) Please supply the analytic procedure used to conclude that the “mitigation” delivered by construction of Mitigation Measure 3.13-2 and Mitigation Measure 3.13-3 would be sufficient to prevent (a) any decrease in LOS or (b) increase in average number of seconds of delay on PCH, Civic Center Way or Malibu Canyon Road in the Pepperdine University vicinity.

121

(Traffic 10-2) Please supply traffic data to measure the impact of the construction of Mitigation Measure 3.13-2 and Mitigation Measure 3.13-3, and how that construction would affect (a) LOS or (b) number of seconds of delay on those three streets. This data should include analysis of the capacity of Civic Center Way to receive and transmit the increased traffic flow off of PCH via Malibu, given its use as a shopping street with crosswalks, bus stops, driveways and angle parking.

122

²⁹ DEIR, page 3.13-40.

³⁰ DEIR “Traffic Impact Study,” Overland Traffic Consultants, Inc., page 7.

(Traffic 10-3) Please supply traffic data for the above items that include estimates of impacts on school-related traffic at the Winter Canyon Road / Civic Center Way signal.	123
(Traffic 10-4) Please supply traffic data for the above items that include estimates of impacts of heavy construction anticipated along Civic Center Way due to the anticipated construction of the Central Malibu Sewage Treatment Center, which which we are told will cause extensive traffic delays for excavation along Civic Center Way as sewer main in the construction project is completed.	124
(Traffic 10-5) Please analyze the actual impact of the predicted increase of .011 in V/C — a significant negative impact, under the City’s inadequate standards — at the intersection of PCH at Malibu Canyon Road, and explain the individual and cumulative daily delay in seconds or traffic signal cycles or length of backup (or preferably, all) for persons traversing here.	125
(Traffic 10-6) Please explain, in minutes of aggregate daily delay, what the impact on MTA bus passengers would be.	126
(Traffic 10-7) Please explain, in minutes of aggregate daily delay, what the impact on beach or parks users would be at this intersection.	127
(Traffic 10-8) Please analyze how this additional significant congestion at this intersection will affect other nearby intersections and general traffic congestion on PCH.	128
(Traffic 10-9) Please explain the exact geometry of lanes at PCH at Malibu Canyon Road would be, under this mitigation plank, and explain exactly what would happen to existing “fog lane” pavement that is currently used as de facto bike lanes by bicyclists, or sidewalks by pedestrians	129
The Traffic Impact Study for the Draft EIR states “the impact of project traffic on the intersection of Malibu Canyon Road and Pacific Coast Highway could be mitigated by restriping the south leg of the intersection to include a left-turn lane, one through lane and one right-turn lane. Traffic signal recommendations include installing a northbound right turn overlap phase to run concurrently with the westbound left turn phase.”	
How adding a third lane coming out of Bluffs Park “ could ” be efficient mitigation is not substantiated. No traffic projections for this intersection with the addition of the third lane coming out of the park are supplied. No mitigation for the far-heavier through traffic on PCH, left turn moves off eastbound PCH, and southbound Malibu Canyon Road traffic are provided. This mitigation also fails to account for heavy pedestrian crossing movements at the intersection, or bicycles passing through it. How would the change in geometry affect hundreds of pedestrians crossing PCH here?	130
(Traffic 10-10) Please accurately define the parks adjacent to this intersection on three of its four corners. Please supply data about coastal or park access loads at this intersection, including pedestrian crossing movements at the intersection, or bicycles passing through it. Using that description and data, please discuss and analyze what steps can be taken to improve bicyclist and pedestrian safety and improve intersection load performance here.	131
(Traffic 10-11) Please discuss the unsubstantiated and conclusory claim that adding a third lane coming out of Bluffs Park could (or better would) mitigate the LOS and additional “seconds of delay” for traffic on PCH or Malibu Canyon Road. This discussion must include analysis of how any mitigation will affect pedestrian or bicyclist use of the intersection.	132
(Traffic 10-12) Please supply and discuss traffic projections for this intersection with the addition of the third lane coming out of the park. This discussion must include analysis of how any mitigation will affect pedestrian or bicyclist use of the intersection.	133

(Traffic 10-13) Please discuss possible mitigation for eastbound through traffic on PCH at Malibu Canyon Road. This discussion should include traffic projections for no project, project with no mitigation, project with the indicated mitigation, and other forms of mitigation possible here. This discussion must include analysis of how any mitigation will affect pedestrian or bicyclist use of the intersection.

134

(Traffic 10-14) Please discuss possible mitigation for westbound through traffic on PCH at Malibu Canyon Road. This discussion should include traffic projections for no project, project with no mitigation, project with the indicated mitigation, and other forms of mitigation possible here. This discussion must include analysis of how any mitigation will affect pedestrian or bicyclist use of the intersection.

135

(Traffic 10-15) Please discuss possible mitigation for westbound PCH to northbound Malibu Canyon Road moves at this intersection. This discussion should include traffic projections for no project, project with no mitigation, project with the indicated mitigation, and other forms of mitigation possible here. (Traffic 10-13) Please discuss possible mitigation for eastbound through traffic on PCH at Malibu Canyon Road. This discussion should include traffic projections for no project, project with no mitigation, project with the indicated mitigation, and other forms of mitigation possible here. This discussion must include analysis of how any mitigation will affect pedestrian or bicyclist use of the intersection.

136

(Traffic 10-16) Please discuss possible mitigation for southbound Malibu Canyon Road traffic. This discussion should include traffic projections for no project, project with no mitigation, project with the indicated mitigation, and other forms of mitigation possible here. This discussion must include analysis of how any mitigation will affect pedestrian or bicyclist use of the intersection.

137

The impact of the Project's mitigation at Malibu Canyon Road on coastal access or park patron parking is not described.

(Traffic 10-17) Please describe and quantify the effect of these mitigation matters on the loss of parking spaces used by coastal visitors to Pepperdine's adjacent park, or to the City's Bluffs Park, or coastal access via trails to Amarillo Beach, and describe how the loss of such parking spaces will be mitigated, as required under the Coastal Act and the Malibu certified Local Coastal Program.

138

Traffic 11. Fair Share Mitigation Issues.

The Traffic Impact Study for the Project states "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."³¹ This statement presupposes that the other Projects will make it through a lengthy regulatory and political process where no such success can be guaranteed or assumed. All face severe regulatory hurdles and the added wrinkle of Measure R, which will subject them to approval by voters. Litigation has already been filed on Measure R's constitutionality, further clouding future development. All the other proposals — except La Paz — also face the uncertainties of the wastewater discharge moratorium and sewer plant construction effort. And La Paz faces hurdles of its own, with a new CEQA study underway for a major component of it that by no means guarantees it can be built.

139

³¹ DEIR, Revised TIS Executive Summary, page 8.

It cannot be assumed, as the Draft EIR assumes, that these other projects will be able to contribute to any 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.

140

The Traffic Impact Study for the Project ignores this reality, and blithely states that the strip mall Project would “participate” in the funding program, without discussing the likelihood of failure of such a mechanism to implement the recommended traffic mitigation measures.

(Traffic 11-1) Please describe how traffic will be affected should the mitigation proposals for the strip mall Project be partially unfunded due to the inability of other developers to gain regulatory permission, or funding, to build.

141

(Traffic 11-2) Please describe how the strip mall Project proponent will or will not be responsible for funding mitigation efforts that this Draft EIR says are necessary if some or all of the other projects are not able to contribute to the fund.

142

(Traffic 11-3) Please describe how the City of Malibu’s taxpayers will or will not be responsible for funding mitigation efforts that this Draft EIR says are necessary if some or all of the other projects are not able to contribute to the fund.

143

(Traffic 11-4) Please describe the impact on coastal access patrons should the mitigation efforts that this Draft EIR says are necessary cannot be implemented because some or all of the other projects are not able to contribute to the fund.

144

(Traffic 11-5) Please describe the impact on to county’s Congestion Management Program and regional traffic users of PCH should the mitigation efforts that this Draft EIR says are necessary cannot be implemented because some or all of the other projects are not able to contribute to the fund.

145

The Rancho Malibu Hotel Draft EIR states “it should be noted that the approved La Paz Project is required to fund improvements to the intersections of PCH with both Webb Way and Cross Creek Road.”³² If this is not included in the strip mall Draft EIR, it should be.

146

(Traffic 11-6) Please analyze the anticipated traffic impacts should La Paz not be built, and its mitigation efforts are deleted or nor forthcoming.

147

³² DEIR, at page 3.11-13

PART III. RECIRCULATION REQUESTED

Under CEQA Guidelines Section 15088.5, the City of Malibu is required to recirculate a draft EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.³³

As used in that section, the term "information" can include changes in the project or environmental setting as well as additional data or other information.³⁴

Mr. Laetz contends the factual errors and omissions listed in this comment constitute substantial and relevant new information. Mr. Laetz contends his information meets the Guideline's definition of "significant" because, without its inclusion in the draft (and not the final) EIR, it deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement.³⁵

Examples of "significant new information" requiring recirculation include:

- a disclosure showing that new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.³⁶
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.³⁷
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.³⁸
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (See *Mountain Lion Coalition v. Fish & Game Comm.* (1989) 214 Cal.App.3d 1043).³⁹

Mr. Laetz has amply demonstrated that the factual and dispassionate information he offers in this document meets every one of those triggers.

He has provided significant new information showing significant environmental impact from the Project's proposed mitigations on Pacific Coast Highway, the impact of new pavement at the Malibu Lagoon, the

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³³ CEQA Guidelines § 15088.5

³⁴ CEQA Guidelines § 15088.5

³⁵ CEQA Guidelines § 15088.5

³⁶ CEQA Guidelines § 15088.5(1)

³⁷ CEQA Guidelines § 15088.5(2)

³⁸ CEQA Guidelines § 15088.5(3)

³⁹ CEQA Guidelines § 15088.5(4)

undiscussed respiring or widening proposals' impact on lateral coastal access, and the undisclosed dangers of unsafe roadway geometry on vehicular congestion and the safety of the general public.

Under the CEQA Guidelines, the City of Malibu must recirculate an EIR if there is substantial evidence of new information in the administrative record.⁴⁰ This document's contents more than pass that threshold.

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⁴⁰ CEQA Guidelines § 15088.5(e)

PART IV. THE LAST PAGE.

Respectfully submitted, this 23rd day of March 2015, at Malibu, Calif.

s/ Hans Laetz
6402 Surfside Way
Malibu CA 90265

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Letter No. C-79 **Hans Laetz, J.D.**

Response C-79-1

This comment is a set of general introductory 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.

Response C-79-2

This comment requests a more detailed description of Cross Creek Road, Civic Center Way and Pacific Coast Highway (PCH) road segments. It also suggests that the Draft EIR does not sufficiently address the traffic impacts caused by the proposed project. A detailed description of Cross Creek Road driveway is provided on page 3.13-1 of the Draft EIR and a description of the Civic Center Way roadway segment is provided on Page 3.13-3 of the Draft EIR. A detailed description of the PCH roadway segment is provided on page 3.13-3. A detailed description of the traffic safety and other ancillary uses of PCH (including its use by beachgoers for pedestrians, bicyclists, and accident history) is provided on pages 3.13-3 and 3.13-4 under the *Traffic Safety and Operations on PCH* heading in the Draft EIR. Together, these descriptions characterize the current roadway geometry and supporting roadway infrastructure surrounding the proposed project and were used to analyze the potential project specific and cumulative traffic impacts.

Response C-79-3

This comment summarizes the Draft EIR's description of the traffic impact measurement criteria (Level of Service) and states that the Draft EIR does not describe "delays or congestion in terms of average number of seconds of delay" at signalized intersections." The comment also reinterprets the CEQA Guidelines Initial Study Checklist questions posed under Section XVI (Transportation/Traffic). Draft EIR Section 3.13, Traffic and Circulation, summarizes the results of traffic flow analysis completed in accordance with the City of Malibu Traffic Impact Analysis Guidelines. Please refer to **Topical Response 1**.

Response C-79-4

This comment asks that the City explain the rationale for failing to anticipate actual delays or increased congestion and questions the validity of utilizing "level of service" instead of "average number of seconds of delay" to determine traffic and circulation system impacts. The methodology used to determine project specific and cumulative traffic and circulation impacts in the City of Malibu is governed by the City's Traffic Impact Analysis Guidelines. Accordingly, the traffic conditions analysis

was conducted using the Intersection Capacity Utilization (ICU) methods for the study intersections. The ICU procedure uses a ratio of the traffic volume to the intersection capacity (V/C ratio). The V/C ratios provide an appropriate means for quantifying intersection operating characteristics. Once the intersection V/C ratio has been calculated, a level of service grade (A through F) is assigned to estimate the level of congestion and the quality of traffic flow at a signalized intersection. Definitions of level of service grades, from the City's General Plan Circulation Element, are described below.

LOS A – Excellent: Free flow conditions with low traffic density

LOS B – Very Good: A stable flow of traffic

LOS C – Good: Light congestion but stable, occasional backups behind left-turning vehicles

LOS D – Fair: Approaching instability, drivers are restricted from freely changing lanes. Vehicles may be required to wait through more than one cycle.

LOS E – Poor: At or near capacity with some lines for left-turning vehicles. Blockage of intersection may occur if traffic signal does not provide for protected turning movements.

LOS F – Failure: Jammed conditions with stoppages of long duration and long queues.

For unsignalized intersections within the project area (e.g., Civic Center Way and Cross Creek Road and Webb Way/Stuart Ranch Road and Civic Center Way, a delay-based analysis was conducted using procedures based on the Highway Capacity Manual (HCM). This procedure calculates the delay as the total elapsed time from the time a vehicle stops at the end of the queue to the time the vehicle departs from the intersection. Using this procedure, the LOS is evaluated on the basis of total delay per vehicle. The definitions of the LOS grades for stop controlled intersections as defined by the Transportation Research Board are shown below.

LOS A – Less than or equal to 10 seconds of delay

LOS B – Between 10-15 seconds of delay

LOS C – Between 15-25 seconds of delay

LOS D - Between 25-25 seconds of delay

LOS E – Between 35-50 seconds of delay

LOS F – Greater than 50 seconds of delay

Please refer to **Topical Response 1**.

Response C-79-5

This comment asks that the City explain the rationale for failing to anticipate actual delays or increased congestion by reliance solely on LOS instead of the average number of seconds of delay to determine consistency with the City's General Plan Conservation Policies. Please refer to **Response No. C-79-4** above and to Draft EIR Section 3.13, Traffic and Circulation.

Response C-79-6

This comment asks that the City explain the rationale for failing to anticipate actual delays or increased congestion by reliance solely on LOS instead of the average number of seconds of delay to determine consistency with the City's General Plan Conservation Policies. Please refer to **Response No. C-79-4** above and to Draft EIR Section 3.13, Traffic and Circulation.

Response C-79-7

This comment asks that the City explain the rationale for failing to anticipate actual delays or increased congestion by reliance solely on LOS instead of the average number of seconds of delay to determine consistency with the City's General Plan Conservation Policies. Please refer to **Response No. C-79-4** above and to Draft EIR Section 3.13, Traffic and Circulation.

Response C-79-8

This comment asks that the City explain the rationale for failing to anticipate actual delays or increased congestion by reliance solely on LOS instead of the average number of seconds of delay to determine consistency with the City's General Plan Conservation Policies. Please refer to **Response No. C-79-4** above and to Draft EIR Section 3.13, Traffic and Circulation.

Response C-79-9

This comment is a general reference to traffic and circulation thresholds of significance contained within the CEQA Guidelines. 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 C-79-10

This comment suggests that the peak weekend traffic measurements were taken during a cool and foggy day in July and therefore the traffic counts do not accurately represent a highly congested or a peak

summer season traffic condition in the City of Malibu. While it is acknowledged that meteorological conditions may be a factor affecting traffic counts in the City of Malibu, it is not the only factor. Given the high degree of weather pattern variability in the Southern California region, the City concluded that the collection of traffic counts on July 14, 2012 would provide a reasonable characterization of baseline traffic conditions on a weekend during the summer season. It is important to note that the analysis of traffic impacts presented in Draft EIR Section 3.13, Traffic and Circulation, is based not only upon these baseline traffic counts, but also project-related vehicle trips, cumulative growth factors, and other pending projects with the potential to increase traffic within the project study area. All of these factors were combined to assess a conservative estimate of traffic impacts under existing (2012), future (2017), and full buildout (2030) scenarios. Please refer to **Topical Response 1**.

Response C-79-11

This comment requests an explanation as to how the Draft EIR conclusions with respect to traffic impacts can be considered sufficient given the “arbitrary and scientifically unsound” selection of traffic count periods. Please refer to **Topical Response 1**.

Response C-79-12

This comment requests that the V/C ratio and the average number of seconds of delay be computed for peak periods using “accurate baseline peak beach day conditions or projects for future peak beach day congestion.” Both the weekday and weekend traffic counts were utilized as the basis for completing an analysis of AM and PM weekday peak hour and weekend traffic impacts at the study area intersections. The impacts at each intersection were calculated for existing conditions (2012), future conditions (2017), and General Plan buildout conditions (2030). Please refer to **Topical Response 1**.

Response C-79-13

This comment requests the analysis of traffic impacts during Saturday mornings using the V/C ratio and average number of seconds of delay. Saturday AM peak hour traffic is typically much lighter when compared to weekday AM peak hour traffic and therefore its analysis would not provide an appropriate characterization of traffic impacts in the City of Malibu. Please refer to **Topical Response 1**.

Response C-79-14

This comment requests the analysis of traffic impacts during Saturday afternoons using the V/C ratio and average number of seconds of delay. Saturday afternoon traffic (mid-day) was analyzed as part of the Draft EIR in accordance with the City’s Traffic Impact Analysis Guidelines. Please refer to Tables 3.13-5,

3.13-6, and 3.13-9, which show traffic impacts at each intersection during the Saturday mid-day period. Please also note that 24-hour traffic counts completed in the City of Malibu along Pacific Coast Highway east of Cross Creek Road show that the Saturday mid-day period is within the peak hour period. Please refer to **Topical Response 1**.

Response C-79-15

This comment requests the analysis of traffic impacts during Sunday mornings, afternoons, or evenings using the V/C ratio and average number of seconds of delay. Sunday traffic is highly variable and therefore its analysis would not provide an appropriate characterization of traffic impacts in the City of Malibu. Saturday afternoon traffic (mid-day) was analyzed as part of the Draft EIR in accordance with the City's Traffic Impact Analysis Guidelines. Please refer to Tables 3.13-5, 3.13-6, and 3.13-9, which show traffic impacts at each intersection during the Saturday mid-day period. Please also note that 24-hour traffic counts completed in the City of Malibu along Pacific Coast Highway east of Cross Creek Road show that the Saturday mid-day period is within the peak hour period. Please refer to **Topical Response 1**.

Response C-79-16

This comment requests the analysis of traffic impacts during holidays using the V/C ratio and average number of seconds of delay. Holiday traffic is highly variable and infrequent and therefore its analysis would not provide an appropriate characterization of traffic impacts in the City of Malibu. Saturday afternoon traffic (mid-day) was analyzed as part of the Draft EIR in accordance with the City's Traffic Impact Analysis Guidelines. Please refer to Tables 3.13-5, 3.13-6, and 3.13-9, which show traffic impacts at each intersection during the Saturday mid-day period. Please also note that 24-hour traffic counts completed in the City of Malibu along Pacific Coast Highway east of Cross Creek Road show that the Saturday mid-day period is within the peak hour period. Please refer to **Topical Response 1**.

Response C-79-17

Please refer to **Topical Response 1**

Response C-79-18

This comment questions how the proposed project would further safe, environmentally sensitive and efficient transportation for the City and suggests that the City's Traffic Impact Analysis Guidelines are considered "unreliable, unscientific, and misleading." The Traffic Impact Analysis prepared for the

proposed project was reviewed by the City of Malibu Public Works Department. This study was deemed consistent with the City's Traffic Impact and Analysis Guidelines. Please refer to **Topical Response 1**

Response C-79-19

This comment suggests that the July 2012 traffic counts are insufficient because they did not include vehicle trips generated by Pepperdine University and the Santa Monica-Malibu Unified School District employees, students and parents. The City of Malibu Public Works Department considered previously completed traffic counts for the Malibu region during the summer and non-summer periods prior to initiating traffic counts in July 2012 for the Whole Foods and the Park project. After reviewing all of the background traffic count data, the City of Malibu determined that the collection of traffic counts during July 2012 at area intersections would sufficiently establish a baseline traffic condition. Please refer to **Topical Response 1**

Response C-79-20

This comment asks the City to confirm that the Draft EIR conclusions are sufficient given that the traffic counts were conducted in the summer (July 2012) when local schools are not in session. The City of Malibu Public Works Department considered previously completed traffic counts for the Malibu region during the summer and non-summer periods prior to initiating traffic counts in July 2012 for the Whole Foods and the Park project. After reviewing all of the background traffic count data, the City of Malibu determined that the collection of traffic counts during July 2012 at area intersections would sufficiently establish a baseline traffic condition. It is important to note that the analysis of traffic impacts at area intersections presented in Draft EIR Section 3.13, Traffic and Circulation, was based not only upon these baseline traffic counts, but also project-related vehicle trips, cumulative growth factors, and other pending projects with the potential to increase traffic within the project study area. All of these factors were combined to assess traffic impacts under existing (2012), future (2017), and full buildout (2030) scenarios. Please refer to **Topical Response 1**.

Response C-79-21

This comment asks the City to confirm whether V/C ratios would increase if traffic counts were collected when Santa Monica-Malibu Unified School District (SMMUSD) schools are in session and requests an analysis of traffic impacts using average number of seconds of delay. After reviewing all of the background traffic count data, the City of Malibu determined that the collection of traffic counts during July 2012 at area intersections would sufficiently establish a baseline traffic condition. It is important to note that the analysis of traffic impacts at area intersections presented in Draft EIR Section 3.13, Traffic and Circulation, was based not only upon these baseline traffic counts, but also project-related vehicle

trips, cumulative growth factors, and other pending projects with the potential to increase traffic within the project study area. All of these factors were combined to assess traffic impacts under existing (2012), future (2017), and full buildout (2030) scenarios. Please refer to **Topical Response 1**.

Response C-79-22

This comment suggests that Draft EIR improperly excludes pedestrians and bicyclists for its analysis of traffic impacts. Pedestrian and bicycle trips through the project study area intersections are considered in the calculation of V/C ratios and LOS in the Traffic Impact Analysis, as these types of trips move through intersections along with vehicle traffic and thus are accommodated in the traffic signal timing.

Response C-79-23

This comment requests that the Draft EIR describe the current and projected pedestrian and bicycle traffic. Please refer to Draft EIR Section 3.13, Threshold 3.13-6. The proposed project would facilitate alternative transportation by providing 16 bike racks, four golf carts, and two electric vehicle charging stations. Pedestrian movement on the site would be facilitated by interior walkways as well as a pedestrian connection to the adjacent La Paz project. Therefore, impacts related to bicycle and pedestrian facilities would be less than significant.

Response C-79-24

This comment requests that the Draft EIR traffic section include an analysis of potential increases in pedestrian hazards. Please refer to Draft EIR Section 3.13, Threshold 3.13-6. The project would construct on-site improvements, which would not adversely impact the ability of pedestrians or bicyclists to utilize the existing pedestrian and/or bicycle infrastructure within the Civic Center Area.

Response C-79-25

This comment requests that the Draft EIR traffic section include an analysis of increases in hazards to bicyclists. Please refer to Draft EIR Section 3.13, Threshold 3.13-6. The project would construct on-site improvements, which would not adversely impact the ability of pedestrians or bicyclists to utilize the existing pedestrian and/or bicycle infrastructure within the Civic Center Area.

Response C-79-26

This comment asks whether the Draft EIR mitigation measures would adequately mitigate impacts to pedestrians and bicyclists. The project would construct on-site improvements, which would not adversely impact the ability of pedestrians or bicyclists to utilize the existing pedestrian and/or bicycle

infrastructure within the Civic Center Area. The Draft EIR concluded that impacts to pedestrian and bicycles and the supporting infrastructure would be less than significant. Therefore, no mitigation measures were required.

Response C-79-27

The commenter asks whether the baseline description of PCH is inadequate. Please refer to page 3.13-3 of the Draft EIR for a discussion of the physical characteristics of PCH in the vicinity of the project site.

Response C-79-28

This comment suggests that the baseline description of PCH is inadequate. Please refer to page 3.13-3 of the Draft EIR for a discussion of the physical characteristics of PCH in the vicinity of the project site.

Response C-79-29

This comment is a general request and a reiteration of previously submitted scoping comments. 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 C-79-30

This comment requests an analysis of impacts to the “mainline” segment of PCH using the average number of seconds of delay. Impacts to the PCH roadway segment were analyzed in Draft EIR Section 3.13. The street segments analyzed in the Draft EIR include:

- Pacific Coast Highway east of Cross Creek Road; and
- Pacific Coast Highway west of Malibu Canyon Road.

Please refer to Draft EIR Table 3.13-11 for the results of the PCH segment impact analysis. The proposed project’s impacts on PCH segments located east of Cross Creek Road and west of Malibu Canyon Road would be less than significant. Delay was measured using a volume to capacity V/C ratio to calculate a Level of Service metric. The Level of Service methodology is a national standardize method, which provides consistency of application for all projects. The methodology is consistent with the City of Malibu Traffic Impact Analysis Guidelines and was independently reviewed by the City’s traffic consultants, Kimley-Horne and Associates. Please refer to **Topical Response 1**.

Response C-79-31

This comment requests an analysis of impacts to PCH, I-405, & US 101 segments resulting from the proposed project and other cumulative development. The proposed project would not exceed the arterial traffic impact significance thresholds of 5 percent at any study area street segments, including I-405 and US 101. Therefore, impacts were considered less than significant.

Response C-79-32

This comment asks why intersection capacity was used instead of average seconds of delay to determine traffic impacts. Delay was measured using a volume to capacity V/C ratio to calculate a Level of Service metric. The Level of Service methodology is a national standardize method, which provides consistency of application for all projects. The methodology is consistent with the City of Malibu Traffic Impact Analysis Guidelines and was independently reviewed by the City's traffic consultants, Kimley-Horne and Associates. Please refer to **Topical Response 1**.

Response C-79-33

This comment suggests that the average number of seconds of delay methodology is superior to LOS V/C methodology. Delay was measured using a volume to capacity V/C ratio to calculate a Level of Service metric. The Level of Service methodology is a national standardize method, which provides consistency of application for all projects. The methodology is consistent with the City of Malibu Traffic Impact Analysis Guidelines and was independently reviewed by the City's traffic consultants, Kimley-Horne and Associates. Please refer to **Topical Response 1**.

Response C-79-34

This comment requests that the traffic impact analysis be redone using average number of seconds of delay methodology rather than LOS V/C methodology. Delay was measured using a volume to capacity V/C ratio to calculate a Level of Service metric. The Level of Service methodology is a national standardize method, which provides consistency of application for all projects. The methodology is consistent with the City of Malibu Traffic Impact Analysis Guidelines and was independently reviewed by the City's traffic consultants, Kimley-Horne and Associates. Please refer to **Topical Response 1**.

Response C-79-35

This comment suggests that the project could "bifurcate" the City and requests that the traffic impact analysis utilize the average number of seconds of delay methodology to determine the significance of this impact. The proposed project would not construct any physical barriers or construct any roadway

improvements that would physically divide an established community. However, the project specific and cumulative traffic impacts were analyzed in Draft EIR Section 3.13, Transportation and Traffic. The intersection capacity and level of service at each PCH intersection was calculated in an effort to provide a quantitative and qualitative assessment of intersection and roadway segment operation. For example, the Future Plus Project (2030) impact at the Cross Creek Road and PCH intersection was rated LOS F during the weekend mid-day period. LOS F is defined as “backups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delay with continuously increasing queue lengths.”

Response C-79-36

This comment suggests that the traffic section of the Draft EIR is flawed due to insufficient traffic counts and other background information. 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. Please refer to **Topical Response 1**.

Response C-79-37

This comment requests that the traffic impact analysis utilize average number of seconds of delay methodology rather than LOS V/C methodology. Delay was measured using a volume to capacity V/C ratio to calculate a Level of Service metric. The Level of Service methodology is a national standardize method, which provides consistency of application for all projects. The methodology is consistent with the City of Malibu Traffic Impact Analysis Guidelines and was independently reviewed by the City’s traffic consultants, Kimley-Horne and Associates. Please refer to **Topical Response 1**.

Response C-79-38

This comment requests an analysis determining whether the traffic impact analysis conflicts with the General Plan, Certified LCP, and zoning ordinances, adopted for the purposes of mitigating a significant environmental effect. Please refer to Draft EIR Section 3.13, Traffic and Circulation, Regulatory Framework and Tables 3.9-3 in the Draft EIR Section 3.9, Land Use and Planning. After mitigation, all project specific and cumulative traffic impacts would be less than significant.

Response C-79-39

This comment requests roadway segment analysis for Webb Way, Civic Center Way and Cross Creek Road. Traffic flow on roadways is most constrained at intersections. Therefore, detailed traffic flow

analyses focus on operating conditions of critical intersections during peak travel periods. Delay was measured using a volume to capacity V/C ratio to calculate a Level of Service metric along Webb Way, Civic Center Way, and Cross Creek Road at their critical intersections. The Level of Service methodology is a national standardize method, which provides consistency of application for all projects. The methodology is consistent with the City of Malibu Traffic Impact Analysis Guidelines and was independently reviewed by the City's traffic consultants, Kimley-Horne and Associates. Please refer to **Topical Response 1.**

Response C-79-40

This comment requests roadway segment analysis for Civic Center Way to determine impacts to (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses. Traffic flow on roadways is most constrained at intersections. Therefore, detailed traffic flow analyses focus on operating conditions of critical intersections during peak travel periods. Impacts to Civic Center Way at its intersection with Cross Creek Road, Stuart Ranch Road/Webb Way, and Malibu Canyon Road were considered in Draft EIR Section 3.13 for "Existing Plus Project," "Future (2017) Plus Project," and Future (2030) Plus Project" conditions. According to Table 3.13-5, the projected project traffic volumes would increase delay by less than 1 second along Civic Center Way and its associated intersections during the AM and PM peak hours. Therefore, impacts were considered less than significant and therefore residential access, commercial property access, MTA bus access, SMMUSD bus use, coastal access, bicycle access, and access to parking would not be adversely affected.

Response C-79-41

This comment requests roadway segment analysis for Cross Creek Road to determine impacts to (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses. Traffic flow on roadways is most constrained at intersections. Therefore, detailed traffic flow analyses focus on operating conditions of critical intersections during peak travel periods. Impacts to Cross Creek Road at its intersection with Civic Center Way and PCH were considered in Draft EIR Section 3.13 for "Existing Plus Project," "Future (2017) Plus Project," and Future (2030) Plus Project" conditions. According to Table 3.13-5, the projected project traffic volumes would increase delay by less than 1 second along Cross Creek Road at Civic Center Way and would increase the volume to capacity ratio by 3.7 percent during the PM peak hour (a potentially significant impact). After mitigation (which includes improvements at the PCH/Cross Creek Road intersection), impacts were considered less

than significant and therefore residential access, commercial property access, MTA bus access, SMMUSD bus use, coastal access, bicycle access, and access to parking would not be adversely affected.

Response C-79-42

This comment requests roadway segment analysis for PCH to determine impacts to (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses. Traffic flow on roadways is most constrained at intersections. Therefore, detailed traffic flow analyses focus on operating conditions of critical intersections during peak travel periods. Impacts to PCH at its intersection with Kanan Dume Road, Malibu Canyon Road, Webb Way, Cross Creek Road, Malibu Pier Signal, Carbon Canyon Road, and Las Flores Canyon Road were considered in Draft EIR Section 3.13 for “Existing Plus Project,” “Future (2017) Plus Project,” and Future (2030) Plus Project” conditions. According to Table 3.13-5, the projected project traffic volumes would not significantly impact the volume to capacity ratio, except for at the intersection of PCH and Cross Creek Road. After mitigation (which includes improvements at the PCH/Cross Creek Road intersection), impacts were considered less than significant and therefore residential access, commercial property access, MTA bus access, SMMUSD bus use, coastal access, bicycle access, and access to parking would not be adversely affected.

Response C-79-43

This comment requests roadway segment analysis for Webb Way/Stuart Ranch Road to determine impacts to (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses. Traffic flow on roadways is most constrained at intersections. Therefore, detailed traffic flow analyses focus on operating conditions of critical intersections during peak travel periods. Impacts to Webb Way/Stuart Ranch Road at its intersection with Civic Center Way were considered in Draft EIR Section 3.13 for “Existing Plus Project,” “Future (2017) Plus Project,” and Future (2030) Plus Project” conditions. According to Table 3.13-5, the projected project traffic volumes would not significantly increase the delay. Impacts were considered less than significant and therefore residential access, commercial property access, MTA bus access, SMMUSD bus use, coastal access, bicycle access, and access to parking would not be adversely affected.

Response C-79-44

This comment requests analysis of parking space removal and its impact on Legacy Park users. Draft EIR Section 3.13, page 2, describes the project’s proposal to remove four existing parking spaces along the north side of Civic Center Way to make room for the proposed driveway entrance. Impacts to

recreational facilities are discussed in Draft EIR Section 3.12, Recreation. Impacts to recreational facilities would be less than significant, as ample parking would remain along the north and south sides of Civic Center Way along the Legacy Park frontage and the proposed project would not substantially increase the use of nearby recreational uses such that a physical impact on residential facilities would occur.

Response C-79-45

This comment requests analysis of potential conflicts with existing commercial developments, the Malibu Public Library, Civic Center and other civic attractions in the area due to the elimination of parking. As described above, the project would remove four parking spaces along the north side of Civic Center Way to make room for the proposed driveway entrance. The Malibu Municipal Code requires 217 spaces and the proposed project includes 220 parking spaces. Sufficient on-site parking would be provided as part of the proposed project and ample parking spaces would remain along Civic Center Way west of the project site. The sufficiency of the proposed on-site parking supply was analyzed as part of the Revised Traffic Impact Study prepared for the project. Please refer to Draft EIR Appendix 3.13 (Revised Traffic Impact Study, pages 73-76). Moreover, each existing and proposed land use within the Civic Center Area is required to provide on-site vehicle and bicycle parking in accordance with the Malibu Municipal Code. Therefore, no conflicts with adjacent commercial uses would occur.

Response C-79-46

The commenter requests an analysis of the “complicated driveway Project geometry” and impacts to (a) residential access to nearby homes; (b) commercial property access; (c) MTA bus patrons; (d) SMMUSD bus use; (e) Coastal Access users; (f) bicyclists; (g) pedestrians; and (h) persons using angle parking on the street for the above uses. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The driveway capacity analysis indicates that the project’s main driveway on Civic Center Way will operate at LOS B for all study periods, as shown in Table 3.13-10. Furthermore, the project’s secondary driveway located on Cross Creek Road will operate at LOS A for all study periods. The driveway capacity analysis indicates that vehicle queuing for left-turns entering or exiting the site will not create any traffic impacts on-site or any significant on-street conflicts with non-project traffic volumes. Therefore, the driveway would not conflict with the above-described uses.

Response C-79-47

This comment requests CMP analysis of “intersection geometry” along Civic Center Way and Cross Creek Road. For the purposes of the CMP, a significant traffic impact occurs when the proposed project increases the V/C ratio by 2 percent or more at LOS F or causes LOS F. The driveway capacity analysis indicates that the project’s main driveway on Civic Center Way will operate at LOS B for all study periods, as shown in Table 3.13-10. Furthermore, the project’s secondary driveway located on Cross Creek Road will operate at LOS A for all study periods. Therefore, the proposed driveways will not adversely affect traffic flow along Civic Center Way, which would in turn not adversely affect existing commercial uses along Civic Center Way.

Response C-79-48

Duplicate of Comment C-79-47. Please see response above.

Response C-79-49

This comment requests analysis of “intersection geometry” along Civic Center Way and Cross Creek Road and whether it would substantially increase hazards due to design features or incompatible uses or conflicts pedestrian/vehicle or vehicle/MTA bus usage. The proposed project does not include any sharp curves or dangerous intersections. Uses on the site would generally consist of commercial/retail uses, including the Whole Foods market and similar restaurant uses. These uses would be compatible with other uses on the site and in the surrounding area.

Response C-79-50

This comment requests analysis of “intersection geometry” along Civic Center Way and Cross Creek Road and whether it would substantially increase hazards due to design features or incompatible uses or result in inadequate emergency access. Emergency access would be provided in accordance with County requirements. A fire lane would be provided along the perimeter of the site, including behind the Whole Foods market. A secondary access would be provided on Cross Creek Road to facilitate emergency/fire service access if needed. Therefore, impacts related to inadequate emergency access and hazardous design features would be less than significant. Please refer to **Topical Response 2**.

Response C-79-51

This comment requests analysis of “intersection geometry” along Civic Center Way and Cross Creek Road and whether it would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. The existing intersection of Civic Center Way and Cross Creek Road

would not be modified by the proposed project. Sufficient on-site and off-site parallel and angled parking along Civic Center Way and Cross Creek Road would remain (with the exception of the four spaces proposed for removal along Civic Center Way) and the existing pedestrian improvements (cross walk and bulb-outs) would remain. Therefore, the “intersection geometry” of Civic Center Way and Cross Creek Road would not conflict with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.

Response C-79-52

This comment includes general statements and opinions regarding the proposed traffic mitigation measures and specifically the mitigation measure required at the intersection of PCH and Cross Creek Road. Please refer to Draft EIR Section 3.13, Transportation and Traffic, Figures 3.13.-2 through 3.13-4 for a summary of existing vehicle trips within the study area (including vehicle trips collected during the AM/PM peak hour and Saturday mid-day). Please refer to Tables 3.13-7 and 3.13-8 for an analysis of Level of Service after implementation of Mitigation Measures 3.13-1 through 3.13-3. These tables show that Level of Service after mitigation will be improved at the intersections of Malibu Canyon Road and PCH, Webb Way and PCH, and Cross Creek Road and PCH and impacts would be mitigated to a less than significant level. The requirements for mitigation are not speculative. The payment of pro-rata funds towards intersection improvements at PCH and Cross Creek Road, Malibu Canyon Road and PCH, and PCH and Webb Way must be completed prior to the issuance of building permits for the project. The commenter is correct that the construction of intersection improvements at PCH and Cross Creek Road are currently being processed as part of Coastal Development Permit (CDP) No. 14-036. This CDP application has been filed by the developer of the previously approved La Paz commercial shopping center project in accordance with the previously certified La Paz Development Agreement EIR. Upon approval of this CDP, the applicant will be required to construct intersection improvements at the PCH and Cross Creek Road intersection.

Response C-79-53

This comment requests an analysis of the likelihood of traffic mitigation approval by the California Coastal Commission, and the effect of a denial. As stated above, the proposed construction of intersection improvements at PCH and Cross Creek are currently undergoing review as part of CDP No. 14-036. Upon approval, the improvements will be constructed. The Draft EIR Mitigation Measure No. 3.13-1 requires that the proposed project contribute its pro-rata share of the improvement costs to the City prior to the issuance of building permits and that construction of said improvements shall be completed prior to final inspection of the proposed project. Without completion of the PCH and Cross Creek Road intersection improvements, the proposed project would not be able to operate.

Response C-79-54

This comment requests analysis of likelihood of the traffic mitigation proposals being approved by the Planning Commission, and describe the effect on the project mitigation in case of a denial. As stated above, without completion of the PCH and Cross Creek Road intersection improvements, the proposed project would not be able to operate.

Response C-79-55

This comment requests all communications in the City's possession between the City, La Paz, the California Department of Transportation, and any other affected or interested party over proposed PCH widening projects at Malibu Lagoon or Cross Creek Road and requests analysis of likelihood of the traffic mitigation proposals being approved by Caltrans. All of the communications requested by the commenter were provided on April 15, 2015. All correspondence from Caltrans regarding CDP No. 14-036 is on file with the City.

Response C-79-56

This comment requests an analysis of the likelihood of the traffic mitigation proposal (CDP No. 14-036) being approved by California State Parks, and requests a description of the effect on the project mitigation in case of a denial. All correspondence from California State Parks regarding CDP No. 14-036 is on file with the City.

Response C-79-57

This comment requests an analysis of the likelihood of the traffic mitigation proposal (CDP No. 14-036) being approved by the Mountains Recreation Conservation Agency (MRCA), and requests a description of the effect on the project mitigation in case of a denial. The City has received no correspondence from MRCA regarding CDP No. 14-036.

Response C-79-58

This comment requests an analysis of the likelihood of the traffic mitigation proposal (CDP No. 14-036) being approved by the US Army Corps of Engineers or the US Fish and Wildlife Service, and requests a description of the effect on the project mitigation in case of a denial. The City has received no correspondence from the US Army Corps of Engineers or the Fish and Wildlife Service regarding CDP No. 14-036. The City is not in a position to speak on behalf of the US Army Corps of Engineers or the US Fish and Wildlife Service.

Response C-79-59

This comment requests all communications in the City's possession between the City, La Paz, the California Department of Transportation, and any other affected or interested party over proposed PCH widening projects at Malibu Lagoon or Cross Creek Road. This comment also requests an analysis of likelihood of the traffic mitigation proposals being approved by the California Coastal Commission. All of the communications requested by the commenter were provided by the City of Malibu. The City is not in a position to speak on behalf of the California Coastal Commission.

Response C-79-60

This comment requests a summary of the efforts by La Paz LLC or other parties applying for intersection improvements at this location. 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 C-79-61

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. For a discussion of impacts and mitigation measures related to traffic, please refer to Draft EIR Section 3.13, Traffic and Transportation.

Response C-79-62

This comment requests a summary of the procedure used to conclude that the "mitigation" delivered by Mitigation Measure 3.13-1 would be sufficient to prevent (a) any decrease in LOS or (b) increase in average number of seconds of delay on PCH or Cross Creek Road. The methodology used to complete the analysis presented in Draft EIR Section 3.13, Traffic and Transportation is summarized on pages 13.13-1 through 3.13-12. Please refer to Tables 3.13-7 and 3.13-8 for an analysis of intersection levels of service after completion of the required mitigation measures. Please refer to **Topical Response 1**.

Response C-79-63

This comment requests review of the traffic data to measure the impact of the construction of Mitigation Measure 3.13-1, and how that construction would affect (a) LOS or (b) number of seconds of delay on PCH. The methodology used to complete the analysis presented in Draft EIR Section 3.13, Traffic and Transportation is summarized on pages 13.13-1 through 3.13-12. Please refer to Tables 3.13-7 and 3.13-8

for an analysis of intersection levels of service after completion of the required mitigation measures. Please refer to **Topical Response 1**.

Response C-79-64

This comment requests additional analysis of cumulative traffic delays of 0.025 in five-day-per week afternoon/evening V/C, and the significance of the impact at the intersection of PCH and Cross Creek Road. The methodology used to complete the analysis presented in Draft EIR Section 3.13, Traffic and Transportation is summarized on pages 3.13-1 through 3.13-12. Please refer to Tables 3.13-7 and 3.13-8 for an analysis of intersection levels of service after completion of the required mitigation measures. Please refer to **Topical Response 1**.

Response C-79-65

This comment requests additional analysis of cumulative traffic delays of 0.037 in midday Saturday V/C, and the significance of the impact at the intersection of PCH and Cross Creek Road. The methodology used to complete the analysis presented in Draft EIR Section 3.13, Traffic and Transportation, is summarized on pages 3.13-1 through 3.13-12. Please refer to Tables 3.13-7 and 3.13-8 for an analysis of intersection levels of service after completion of the required mitigation measures. Please refer to **Topical Response 1**.

Response C-79-66

This comment requests additional analysis of traffic delays (in minutes) on MTA bus passengers. Metro transit service is provided by three eastbound and seven westbound buses during the morning peak hours, five eastbound and three westbound buses during the afternoon peak hours, with three buses in each direction during the mid-day peak hours on Saturdays. Please refer to Draft EIR Tables 3.13-5, 3.13-6, and 3.13-7 for calculations of impact significance at project study area intersections using level of service or delay where appropriate. Metro transit service is provided by three eastbound and seven westbound buses during the morning peak hours, five eastbound and three westbound buses during the afternoon peak hours, with three buses in each direction during the mid-day peak hours on Saturdays. Thus, given the low number of project-generated transit trips per bus, no impacts on the existing or future transit services are expected to occur as a result of the proposed project.

Response C-79-67

This comment requests additional analysis of traffic delays on beach and park users at the intersection of PCH and Cross Creek Road. As shown in Draft EIR Tables 3.13-5, 3.13-6, and 3.13-9, impacts at the

intersection at PCH and Cross Creek Road would be less than significant. This conclusion was reached after completing an analysis of traffic impacts pursuant to the City of Malibu Traffic Impact Analysis Guidelines. Please refer to **Topical Response 1**.

Response C-79-68

This comment requests analysis of how cumulative traffic would affect traffic safety and pedestrian convenience at the PCH/Cross Creek intersection, and at the two crosswalks on Cross Creek Road north of the intersection, and how the increased Cross Creek traffic would affect angle parking places, both in terms of operations and safety, ohm (*sic*) that business district. Cumulative traffic impacts at the intersection of PCH and Cross Creek Road would be potentially significant but mitigatable. However, the existing cross walks and other pedestrian improvements at the PCH and Cross Creek Road intersection and along Cross Creek Road would not be impacted by the proposed project. The existing parking spaces along Cross Creek Road would not be physically altered by the proposed project.

Response C-79-69

This comment requests additional analysis of how cumulative traffic would affect actual traffic counts on Cross Creek Road (including seconds of delay), and at the all-way stop sign at Civic Center Way. Please refer to Table 3.13-9 for a summary of impacts at PCH and Cross Creek Road and Civic Center Way/Stuart Ranch Road/Webb Way. The impacts presented in Table 3.13-9 include the vehicle trips associated with all related projects (including Rancho Malibu, Santa Monica College, Malibu Bay Company, La Paz, and other developments), a growth factor to calculate vehicle trips associated with 2030 buildout and project related vehicle trips. After mitigation, cumulative impacts were considered less than significant.

Response C-79-70

This comment requests additional analysis of how increased traffic accommodated by the proposed additional turn lane from westbound Pacific Coast Highway to northbound Cross Creek Road would be anticipated to affect the high accident rate and percentage of injury crashes at the intersection. A summary of traffic safety on PCH was provided on page 3.13-4 of the Draft EIR. However, after mitigation, the Level of Service at the intersection of PCH and Cross Creek Road would remain at LOS B during the AM peak hour, would improve from LOS E to LOS D during PM peak hour, and would improve from LOS F to LOS E during the weekend mid-day period.

Response C-79-71

This comment requests clarification of the methodology used to substantiate the conclusion that MM 3.13-1 would mitigate impacts at PCH and Cross Creek. The volume to capacity (V/C) ratio was used to calculate a Level of Service after mitigation at the intersection of PCH and Cross Creek. This is a national standardized method, which provides consistency of application for all projects and is consistent with the City of Malibu's Traffic Impact Analysis Guidelines. Please refer to **Topical Response 1**.

Response C-79-72

This comment requests that traffic count projections be provided to substantiate the conclusion that MM 3.13-1 would mitigate impacts at PCH and Cross Creek. The volume to capacity (V/C) ratio was used to calculate a Level of Service after mitigation at the intersection of PCH and Cross Creek. This is a national standardized method, which provides consistency of application for all projects and is consistent with the City of Malibu's Traffic Impact Analysis Guidelines. The worksheets calculating the V/C ratio and Level of Service after mitigation are included in Appendix G of the Traffic Impact Analysis, which is included as Appendix 3.13 of the Draft EIR. Please refer to **Topical Response 1**.

Response C-79-73

This comment requests planning and engineering documents for MM 3.13-1 (intersection at Cross Creek & PCH). The physical improvements proposed at the intersection of Cross Creek and PCH are included in CDP Application No. 14-036 on file at the City. The worksheets calculating the V/C ratio and Level of Service after mitigation are included in Appendix G of the Traffic Impact Analysis, which is included as Appendix 3.13 of the Draft EIR. Moreover, the Level of Service After Mitigation at the Cross Creek Road & PCH intersection is listed in Table 3.13-8(a).

Response C-79-74

This comment requests planning and engineering documents for the intersection at Cross Creek & PCH. These documents are on-file with the City as part of CDP No. 14-036.

Response C-79-75

This comment requests Caltrans design standards for both (a) divided rural highways and (b) urban arterial streets for curb lanes, through lanes, turn lanes, and medians, and bike lanes, and then calculate the total width necessary for adding a sixth lane to PCH with bike lanes (as required by state laws at this location). The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The V/C ratio was used to calculate a LOS after mitigation

at the intersection of PCH and Cross Creek. This is a national standardized method, which provides consistency of application for all projects and is consistent with the City of Malibu's Traffic Impact Analysis Guidelines.

Response C-79-76

This comment is a general statement regarding the project's potential to divide an existing community. This comment also requests an analysis of impacts to Malibu and the Pacific Coast Bikeway recreation user of a bifurcated "fog lane" bike route existing east and west of the Cross Creek area, with the subtraction of existing "fog lane" bicycle facilities. The proposed project would not physically alter the "fog lane" bike route existing along PCH. Therefore, no impact would occur.

Response C-79-77

This comment is a request for further information regarding the design of the Cross Creek & PCH intersection under Mitigation Measure 3.13-1, including impacts to specimen trees and beach visitor parking. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. These impacts were analyzed as part of the CEQA documentation prepared for CDP No. 14-036. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-78

This comment is requests further information regarding the design of the Cross Creek & PCH intersection under Mitigation Measure 3.13-1, including the metrics of a potential "S curve" at the western end of the Malibu Creek bridge. No "S curve" is proposed as part of the design of Cross Creek & PCH intersection improvements or as part of the project.

Response C-79-79

This comment is a general statement and opinions regarding previous Caltrans comments on the proposed Cross Creek & PCH intersection improvements. This comment also requests further information regarding the design of the Cross Creek & PCH intersection under Mitigation Measure 3.13-1. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. These impacts were analyzed as part of the CEQA documentation prepared for CDP No. 14-036. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-80

This comment states that implementation of Mitigation Measure 3.13-1 would require widening of Pacific Coast Highway and incursion onto Malibu Creek State Park property. This comment also requests more detailed information regarding the design of the Cross Creek & PCH intersection. These impacts were analyzed as part of the CEQA documentation prepared for CDP No. 14-036. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR. Please refer to CDP No. 14-036 for specific engineering information prepared for the intersection improvements proposed at the Cross Creek & PCH intersection.

Response C-79-81

This comment states that Mitigation Measure 3.13-1 would include widening into coastal resources and requests exact plans for Cross Creek and PCH intersection improvements. This statement is incorrect as Mitigation Measure 3.13-1 only requires the payment of fees to the City of Malibu to help fund intersection improvements at Cross Creek and PCH as part of CDP No. 14-036. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The impacts associated with intersection improvements at Cross Creek & PCH were analyzed as part of the CEQA documentation prepared for CDP No. 14-036. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR. Please refer to CDP No. 14-036 for specific engineering information prepared for the intersection improvements proposed at the Cross Creek & PCH intersection.

Response C-79-82

This comment requests additional information regarding the intersection improvements proposed at the Cross Creek & PCH intersection. The biological resources and horticultural assessment prepared for CDP No. 14-036 is on file at the City of Malibu. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. These impacts were analyzed as part of the CEQA documentation prepared for CDP No. 14-036. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-83

This comment requests further information regarding the design of the Cross Creek & PCH intersection improvements, including architectural plans and renderings for the retaining wall, including views from (a) the pedestrian entrance to the park, and (b) from Surfrider Beach at the mouth of Malibu Creek. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no

further response is provided. These impacts were analyzed as part of the CEQA documentation prepared for CDP No. 14-036. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-84

This comment requests further information regarding the design of the Cross Creek & PCH intersection. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The more detailed exhibits prepared for the proposed improvements to the Cross Creek & PCH intersection are on file with the City as part of CDP No. 14-036. The environmental analysis for CDP No. 14-036 is also on file with the City. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-85

This comment requests further information regarding the number of specimen trees and beach visitor parking spaces would be removed as part of Cross Creek & PCH intersection improvements. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The environmental analysis for CDP No. 14-036 is also on file with the City. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-86

This comment requests analysis of Caltrans design standards for the design of the “S curve” at the western end of the Malibu Creek bridge under either the restriping option or the widening to the south option. There is no “S curve” included as part of the design of Cross Creek & PCH intersection improvements. The environmental analysis for CDP No. 14-036 is on file with the City. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-87

This comment is a general statement regarding bicycle lanes on PCH and a statement that Mitigation Measure 3.13-1 would result in the removal of bike lanes. No bike lanes would be removed as a result of the proposed project. Please refer to the detailed plans for CDP No. 14-036 which illustrate the construction of a Class II bike lanes and sidewalks as part of intersection improvements at Cross Creek and PCH.

Response C-79-88

This comment requests an analysis of the project's impact on removing or reducing safe lateral coastal access for bicycles would conflict with (a) state laws promoting a Pacific Coast bicycle route, (b) the certified LCP provisions requiring the City to promote PCH bicycle use, (c) the Malibu General Plan and (d) any other law or regulation designed to allow lateral recreation use of PCH by bicycles or pedestrians. The proposed project would not be removing or reducing safe lateral coastal access for bicycles. As stated above, detailed plans for CDP No. 14-036 illustrate the construction of a Class II bike lanes and sidewalks as part of intersection improvements at Cross Creek and PCH.

Response C-79-89

This comment is a general statement and an expressed opinion regarding the extent of improvements proposed at the intersection of Cross Creek and PCH. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-90

This comment is a general statement and an expressed opinion regarding the implementation of mitigation at the intersection of Cross Creek and PCH. As stated above, physical improvements to the Cross Creek and PCH intersection are not part of the Whole Foods and the Park Project. The project is required to contribute its fair share towards these improvements as stated in Mitigation Measure No. 3.13-1. The environmental analysis for CDP No. 14-036 is on file with the City. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-91

This comment requests additional information regarding the permit requirements for construction of intersection improvements at Cross Creek and PCH. As stated above, physical improvements to the Cross Creek and PCH intersection are not part of the Whole Foods and the Park Project. The project is required to contribute its fair share towards these improvements as stated in Mitigation Measure No. 3.13-1. The environmental analysis for CDP No. 14-036 is on file with the City. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-92

This comment requests additional information regarding the permit requirements for construction of intersection improvements at Cross Creek and PCH. As stated above, physical improvements to the Cross Creek and PCH intersection are not part of the Whole Foods and the Park Project. The project is

required to contribute its fair share towards these improvements as stated in Mitigation Measure No. 3.13-1. The environmental analysis for CDP No. 14-036 is on file with the City. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-93

This comment requests additional information regarding the permit requirements for construction of intersection improvements at Cross Creek and PCH. As stated above, physical improvements to the Cross Creek and PCH intersection are not part of the Whole Foods and the Park Project. The project is required to contribute its fair share towards these improvements as stated in Mitigation Measure No. 3.13-1. The environmental analysis for CDP No. 14-036 is on file with the City. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-94

This comment requests additional information regarding the permit requirements for construction of intersection improvements at Cross Creek and PCH. As stated above, physical improvements to the Cross Creek and PCH intersection are not part of the Whole Foods and the Park Project. The project is required to contribute its fair share towards these improvements as stated in Mitigation Measure No. 3.13-1. The environmental analysis for CDP No. 14-036 is on file with the City. This analysis has been incorporated by reference in the Whole Foods and the Park Final EIR.

Response C-79-95

This comment is a general statement regarding public safety along PCH. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-96

This comment requests analysis of how the proposed narrow lane widths for PCH, which are typical for urban arterial streets, can be appropriate for an open country divided highway where state design standards call for normal-width, non-urban highway design standards. As stated above, physical improvements to the Cross Creek and PCH intersection are not part of the Whole Foods and the Park Project. The project is required to contribute its fair share towards these improvements as stated in Mitigation Measure No. 3.13-1. The intersection design details are presented in CDP No. 14-036 and the improvements do not include narrow lane widths, as stated by the commenter. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-97

This comment describes the Draft EIR's description of PCH as an arterial street. Please refer to Draft EIR page 3.13-3 for a detailed description of PCH.

Response C-79-98

This comment describes the design of the improvements proposed at the Cross Creek and PCH intersection as part of CDP No. 14-036. Narrow lane widths are not proposed. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-99

This comment describes the design of the improvements proposed at the Cross Creek and PCH intersection as part of CDP No. 14-036. Narrow lane widths are not proposed at the intersection of Cross Creek & PCH. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-100

This comment describes the design of the improvements proposed at the Cross Creek and PCH intersection as part of CDP No. 14-036. Narrow lane widths are not proposed at the intersection of Cross Creek & PCH. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-101

This comment describes the design of the improvements proposed at the Cross Creek and PCH intersection as part of CDP No. 14-036. Narrow lane widths are not proposed at the intersection of Cross Creek & PCH. Bicycle lanes and sidewalks are proposed in order to enhance pedestrian and bicycle accessibility. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-102

This comment describes the design of the improvements proposed at the Cross Creek and PCH intersection as part of CDP No. 14-036. Narrow lane widths are not proposed at the intersection of Cross

Creek & PCH. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-103

This comment describes the design of the improvements proposed at the Cross Creek and PCH intersection as part of CDP No. 14-036. Narrow lane widths are not proposed at the intersection of Cross Creek & PCH. Bicycle lanes and sidewalks are proposed in order to enhance pedestrian and bicycle accessibility. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-104

This comment describes the design of the improvements proposed at the Cross Creek and PCH intersection as part of CDP No. 14-036. Narrow lane widths are not proposed at the intersection of Cross Creek and PCH. Bicycle lanes and sidewalks are proposed in order to enhance pedestrian and bicycle accessibility. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided.

Response C-79-105

This comment includes a general statement and opinions regarding the proposed intersection improvement at Cross Creek and PCH. Please refer to CDP No. 14-036 for a specific description of the proposed intersection improvements.

Response C-79-106

This comment requests a specific description of transportation infrastructure improvements along PCH, and analysis of “CEQA conflict” between appropriate environmental laws and those improvements. The project does not include any physical improvements along PCH. Please refer to Mitigation Measure 3.13-2 and 3.13-3 for a discussion of intersection improvement funding requirements applicable to the Whole Foods and the Park project under 2030 cumulative buildout conditions.

Response C-79-107

This comment requests estimates of financial costs, funding sources and financing, and analysis of “CEQA conflict” between appropriate environmental laws and those improvements envisioned in the immediate area. Please refer to Mitigation Measures 3.13-2 and 3.13-3 for a discussion of intersection

improvement funding requirements applicable to the Whole Foods and the Park project under 2030 cumulative buildout conditions.

Response C-79-108

This comment requests estimates of sequence and scheduling considerations for the mitigations. Please refer to Mitigation Measures 3.13-1 through 3.13-3 for a description of the timing of mitigation fee payment. The payment of pro-rata fees toward intersection improvements is required prior to issuance of building permits. The construction of said improvements is required prior to final inspection of the Whole Foods and the Park Project.

Response C-79-109

This comment requests specific descriptions of transportation infrastructure improvements, and analysis of financial costs, funding sources and financing; sequence and scheduling considerations; and implementation responsibilities, controls and monitoring. Please refer to Figures 3.13-17 through 3.13-19 for the conceptual design details for the required intersection improvements. Please refer to Mitigation Measures 3.13-1 through 3.13-3 for a description of the timing of mitigation fee payment. The payment of pro-rata fees toward intersection improvements is required prior to issuance of building permits. The construction of said improvements is required prior to final inspection of the Whole Foods and the Park project.

Response C-79-110

This comment is a set of general introductory remarks indicating that the Draft EIR did not sufficiently support the conclusion that the proposed mitigation measures would sufficiently mitigate traffic impacts to a less than significant level. Please refer to Tables 3.13-7 and 3.13-8, which analyzes post mitigation measure conditions at the significantly impacted intersection. The V/C methodology was used to calculate LOS after mitigation, which is consistent with the City of Malibu Traffic Impact Analysis Guidelines. The results conclude that after implementation of the required intersection improvements, impacts would be less than significant.

Response C-79-111

This comment requests an explanation of the analytical procedure used to conclude that Mitigation Measures 3.13-2 and 3.13-2 would sufficiently mitigate traffic impacts. Please refer to Tables 3.13-7, 3.13-8, and 3.13-8(a) which analyzes post mitigation measure conditions at the significantly impacted intersection. The V/C methodology was used to calculate LOS after mitigation, which is consistent with

the City of Malibu Traffic Impact Analysis Guidelines. The results conclude that after implementation of the required intersection improvements, impacts would be less than significant.

Response C-79-112

This comment requests an explanation of the analytical procedure used to conclude that Mitigation Measures 3.13-2 and 3.13-2 would sufficiently mitigate traffic impacts. Please refer to Tables 3.13-7, 3.13-8, and 3.13-9(a), which analyzes post mitigation measure conditions at the significantly impacted intersection. The V/C methodology was used to calculate LOS after mitigation, which is consistent with the City of Malibu Traffic Impact Analysis Guidelines. Please refer to Tables 3.13-5 and 3.13-6 for an assessment of the impacts to Webb Way/Civic Center Way/Stuart Ranch Road.

Response C-79-113

This comment requests that the predicted V/C impact of 0.025 at the intersection of PCH and Malibu Canyon Road be expressed as delay in seconds or traffic signal cycles or length of backup for project related and cumulative conditions. The measurement of traffic impacts (delay) at the aforementioned intersection was measured using a volume to capacity (V/C) ratio to calculate a Level of Service. Using V/C ratios for traffic impact studies is a standard industry practice because use of V/C ratios provides an opportunity to understand any “over-capacity” issues and help to identify effective mitigation measures (e.g., physical improvements). Use of delay at signalized intersections such as the PCH/Malibu Canyon intersection could easily be reduced by optimizing signal timing under Existing Plus Project conditions. However, this same approach may not sufficiently mitigate cumulative buildout conditions. Therefore, use of the V/C ratio is an appropriate means of quantifying intersection operation characteristics. Please refer to **Topical Response 1**.

Response C-79-114

This comment requests that impacts to bus service be expressed as delay in seconds or traffic signal cycles or length of backup for project related and cumulative conditions. Metro transit service is provided by three eastbound and seven westbound buses during the morning peak hours, five eastbound and three westbound buses during the afternoon peak hours, with three buses in each direction during the mid-day peak hours on Saturdays. Thus given the low number of project-generated transit trips per bus, no impacts on the existing or future transit services are expected to occur as a result of the proposed project.

Response C-79-115

This comment requests that impacts on beach and park users be expressed in minutes via aggregate daily delay at the intersection. The measurement of traffic impacts (delay) at the aforementioned intersection was measured using a volume to capacity (V/C) ratio to calculate a Level of Service. This methodology is consistent with the City's Traffic Impact Assessment Guidelines. After implementation of Mitigation Measure 3.13-1, impacts would be less than significant. Therefore, traffic impacts on beach and park users would also be less than significant. Please refer to **Topical Response 1**.

Response C-79-116

This comment requests that analysis of additional significant congestion at the intersection will affect other nearby intersections. Please refer to Tables 3.13-5, 3.13-6, and 3.13-9 for an assessment of project specific and cumulative impacts at all intersections within the project study area. Please also refer to Table 3.13-11 for an assessment of project specific and cumulative impacts along key street segments within the project study area.

Response C-79-117

This comment requests that the traffic impact analysis accurately define parks or public lands adjacent to the intersection. For a description of parks surrounding this intersection, please refer to Draft EIR Section 3.12, Recreation. Pedestrian and bicycle movements are included in the assessment of intersection functionality, as they contribute to signal timing. The proposed project would contribute to proposed improvements to the intersection of Webb Way and PCH, which would maintain bicycle and pedestrian access by the construction of additional sidewalks and bike lanes. These improvements, plus adjustments in signal timing would improve bicyclist and pedestrian and safety at this intersection.

Response C-79-118

This comment requests clarification of the intersection geometry of PCH and Webb Way after the required mitigation. Please refer to Draft EIR Figure 3.13-9 for a depiction of the intersection geometry. It is assumed that the "fog lane" pavement is the existing pavement located along the north side of PCH west of the PCH/Webb Way intersection. As shown in Figure 3.13-9, this pavement would remain after implementation of the intersection improvement.

Response C-79-119

This comment requests a description of the loss of parking spaces resulting from implementation of the proposed mitigation measures. No parking spaces would be lost due to implementation of the proposed intersection improvement mitigation measures at PCH and Webb Way.

Response C-79-120

This comment is a set of general introductory remarks indicating that the Draft EIR did not sufficiently support the conclusion that the proposed mitigation measures would sufficiently mitigate traffic impacts to a less than significant level at the intersection of PCH and Malibu Canyon Road. Please refer to Tables 3.13-7, 3.13-8, and 3.13-8(a), which analyzes post mitigation measure conditions at the PCH and Malibu Canyon Road intersection. The V/C methodology was used to calculate LOS after mitigation, which is consistent with the City of Malibu Traffic Impact Analysis Guidelines. The results conclude that after implementation of the required intersection improvements, impacts would be less than significant.

Response C-79-121

This comment requests an explanation of the analytical procedure used to conclude that Mitigation Measures 3.13-2 and 3.13-2 would sufficiently mitigate traffic impacts. Please refer to Tables 3.13-7, 3.13-8, and 3.13-8(a), which analyzes post mitigation measure conditions at the significantly impacted intersection. The V/C methodology was used to calculate LOS after mitigation, which is consistent with the City of Malibu Traffic Impact Analysis Guidelines. The results conclude that after implementation of the required intersection improvements at PCH and Malibu Canyon Road, impacts would be less than significant.

Response C-79-122

This comment requests an explanation of the analytical procedure used to conclude that Mitigation Measures 3.13-1 and 3.13-2 would sufficiently mitigate traffic impacts. Please refer to Tables 3.13-7 and 3.13-8, which analyzes post mitigation measure conditions at the significantly impacted intersection. The V/C methodology was used to calculate LOS after mitigation, which is consistent with the City of Malibu Traffic Impact Analysis Guidelines. Please refer to Tables 3.13-5 and 3.13-6 for an assessment of the impacts to Webb Way/Civic Center Way/Stuart Ranch Road.

Response C-79-123

This comment requests traffic data estimating the impacts of school related traffic at the Winter Canyon Road/Civic Center Way signal. This intersection was not analyzed as part of this project as it lies between

the intersections of Civic Center Way/Stuart Ranch Road/Webb Way and Civic Center Way/Malibu Canyon Road. The project specific and cumulative impacts on these intersections are presented on Draft EIR Tables 3.13-5, 3.13-6, and 3.13-9.

Response C-79-124

This comment requests traffic data estimating the traffic impacts associated with construction of the Civic Center Wastewater Treatment Plant. The Malibu Civic Center Wastewater Treatment Plant EIR included an assessment of temporary traffic-related construction impacts. These impacts were considered less than significant after implementation of a Traffic Control Plan. Moreover, operation of the Malibu Civic Center Wastewater Treatment Plant would generate approximately two trips per week up to two trips per day. The increase would not generate any noticeable difference in local traffic.

Response C-79-125

This comment requests analysis of the predicted V/C increase of 0.011 at the intersection of PCH and Malibu Canyon Road in daily delay in seconds or traffic signal cycles or length of backup. The measurement of traffic impacts (delay) at the aforementioned intersection was measured using a volume to capacity (V/C) ratio to calculate a Level of Service. Using V/C ratios for traffic impact studies is a standard industry practice because use of V/C ratios provides an opportunity to understand any “over-capacity” issues and help to identify effective mitigation measures (e.g., physical improvements). Use of delay at signalized intersections (such as the PCH/Malibu Canyon Road intersection) could easily be reduced by optimizing signal timing under Existing Plus Project conditions. However, this same approach may not sufficiently mitigate cumulative buildout conditions. Therefore, use of the V/C ratio is an appropriate means of quantifying intersection operation characteristics. Please refer to **Topical Response 1**.

Response C-79-126

This comment requests that impacts to bus service be expressed as delay in seconds or traffic signal cycles or length of backup for project related and cumulative conditions. Metro transit service is provided by three eastbound and seven westbound buses during the morning peak hours, five eastbound and three westbound buses during the afternoon peak hours, with three buses in each direction during the mid-day peak hours on Saturdays. Thus given the low number of project-generated transit trips per bus, no impacts on the existing or future transit services are expected to occur as a result of the proposed project.

Response C-79-127

This comment requests that impacts on beach and park users be expressed in minutes via aggregate daily delay at the intersection. The measurement of traffic impacts (delay) at the PCH/Malibu Canyon Road intersection was measured using a volume to capacity (V/C) ratio to calculate a Level of Service. This methodology is consistent with the City's Traffic Impact Analysis Guidelines. After implementation of Mitigation Measure 3.13-1, impacts would be less than significant. Traffic impacts on beach and park users would also be less than significant, as no physical improvements are proposed that would impact the coastline or Malibu Lagoon State Beach Park.

Response C-79-128

This comment requests that analysis of additional significant congestion at the intersection will affect other nearby intersections. Please refer to Tables 3.13-5, 3.13-6, and 3.13-9 for an assessment of project specific and cumulative impacts at all intersections within the project study area. Please also refer to Table 3.13-11 for an assessment of project specific and cumulative impacts along key street segments within the project study area.

Response C-79-129

This comment requests that the traffic impact analysis accurately define parks or public lands adjacent to the intersection. For a description of parks surrounding this intersection, please refer to Draft EIR Section 3.12, Recreation. Pedestrian and bicycle movements are included in the assessment of intersection functionality, as they contribute to signal timing. The proposed project would contribute to proposed improvements to the intersection of PCH/Malibu Canyon Road, which would maintain bicycle and pedestrian access by the construction of additional sidewalks and bike lanes. These improvements, plus adjustments in signal timing would improve bicyclist and pedestrian and safety at this intersection.

Response C-79-130

This comment requests an explanation of the analytical procedure used to conclude that Mitigation 3.13-2 would sufficiently mitigate traffic impacts at the PCH/Malibu Canyon Road intersection. Please refer to Tables 3.13-7 and 3.13-8, which analyzes post mitigation measure conditions at the significantly impacted intersection. The impact of project traffic on the intersection of Malibu Canyon Road and Pacific Coast Highway could be mitigated by restriping the south leg of the intersection to include a left-turn lane, one through lane and one right-turn lane. Traffic signal recommendations include installing a northbound right turn overlap phase to run concurrently with the westbound left turn phase. This mitigation would improve the traffic movement along northbound approach to the Pacific Coast Highway and Malibu

Canyon Road intersection necessary for Saturday traffic when the traffic congestion is the heaviest due to the activities associated with the proposed athletic fields.

Response C-79-131

This comment requests that the traffic impact analysis accurately define parks or public lands adjacent to the intersection. For a description of parks surrounding this intersection, please refer to Draft EIR Section 3.12, Recreation. Pedestrian and bicycle movements are included in the assessment of intersection functionality, as they contribute to signal timing. The proposed project would contribute to proposed improvements to the intersection of Malibu Canyon Road and PCH, which would maintain bicycle and pedestrian access by the construction of additional sidewalks and bike lanes. These improvements, plus adjustments in signal timing would improve bicyclist and pedestrian and safety at this intersection.

Response C-79-132

This comment requests an explanation of the analytical procedure used to conclude that Mitigation 3.13-2 would sufficiently mitigate traffic impacts at the PCH/Malibu Canyon Road intersection. Please refer to Tables 3.13-7 and 3.13-8, which analyzes post mitigation measure conditions at the significantly impacted intersection. The impact of project traffic on the intersection of Malibu Canyon Road and Pacific Coast Highway could be mitigated by restriping the south leg of the intersection to include a left-turn lane, one through lane and one right-turn lane. Traffic signal recommendations include installing a northbound right turn overlap phase to run concurrently with the westbound left turn phase. This mitigation would improve the traffic movement along northbound approach to the Pacific Coast Highway and Malibu Canyon Road intersection necessary for Saturday traffic when the traffic congestion is the heaviest due to the activities associated with the proposed athletic fields. No impacts to pedestrians and bicyclists would occur, as the existing pedestrian and bicycle infrastructure would be maintained.

Response C-79-133

This comment requests traffic projections for the PCH and Malibu Canyon Road intersection in the mitigation condition. Please refer to Tables 3.13-7 and 3.13-8, which analyzes post mitigation measure conditions at the significantly impacted intersection. The impact of project traffic on the intersection of Malibu Canyon Road and Pacific Coast Highway could be mitigated by restriping the south leg of the intersection to include a left-turn lane, one through lane and one right-turn lane. Traffic signal recommendations include installing a northbound right turn overlap phase to run concurrently with the westbound left turn phase. No impacts to pedestrians and bicyclists would occur, as the existing pedestrian and bicycle infrastructure would be maintained.

Response C-79-134

This comment requests discussion of possible mitigation for eastbound through traffic on PCH at Malibu Canyon Road. The methodology for determining arterial street impacts is based on a comparison of the future without and future with project conditions. The percentage increase in peak hour traffic is used as the measurement for the impact evaluation. Pursuant to the City Traffic Impact Analysis Guidelines, a significant traffic impact for an arterial street occurs if the V/C ratio on a roadway segment operating at an unacceptable level of Service (LOS D, E, or F) increases by 0.05 or more. As shown in Draft EIR Table 3.13-11, the project added traffic generated by the proposed project would not exceed the arterial traffic impact significance threshold of V/C increase of 0.05 for the eastbound PCH roadway segment between PCH/Malibu Canyon Road and PCH/Cross Creek Road. Therefore, no mitigation is required for the eastbound thru traffic at PCH/Malibu Canyon Road. No impacts to pedestrian and bicycle use would occur as the existing pedestrian and bicyclist infrastructure would remain.

Response C-79-135

This comment requests discussion of possible mitigation for western through traffic on PCH at Malibu Canyon Road. The methodology for determining arterial street impacts is based on a comparison of the future without and future with project conditions. The percentage increase in peak hour traffic is used as the measurement for the impact evaluation. Pursuant to the City Traffic Impact Analysis Guidelines, a significant traffic impact for an arterial street occurs if the V/C ratio on a roadway segment operating at an unacceptable level of Service (LOS D, E, or F) increases by 0.05 or more. As shown in Draft EIR Table 3.13-11, the project added traffic generated by the proposed project would not exceed the arterial traffic impact significance threshold of V/C increase of 0.05 for the westbound PCH roadway segment between PCH/Cross Creek Road and PCH/Malibu Canyon Road. Therefore, no mitigation is required for the westbound thru traffic at PCH/Malibu Canyon Road. No impacts to pedestrian and bicycle use would occur as the existing pedestrian and bicyclist infrastructure would remain.

Response C-79-136

This comment requests discussion of possible mitigation for westbound PCH to northbound Malibu Canyon Road. Please refer to Tables 3.13-5, 3.13-6, and 3.13-9 which analyze project specific and cumulative intersection impacts at PCH and Malibu Canyon Road and at Malibu Canyon Road and Civic Center Way. As described above, impacts to PCH and Malibu Canyon Road would be sufficiently mitigated by implemented Mitigation Measure 3.13-2. Impacts at the Malibu Canyon Road/Civic Center Way intersection would be less than significant under project specific and cumulative buildout conditions.

Response C-79-137

This comment requests discussion of possible mitigation for southbound Malibu Canyon Road. Please refer to Tables 3.13-5, 3.13-6, and 3.13-9 which analyze project specific and cumulative intersection impacts at PCH and Malibu Canyon Road and at Malibu Canyon Road and Civic Center Way. As described above, impacts to PCH and Malibu Canyon Road would be sufficiently mitigated by implemented Mitigation Measure 3.13-2. Impacts at the Malibu Canyon Road/Civic Center Way intersection would be less than significant under project specific and cumulative buildout conditions. Furthermore, as shown in Draft EIR Table 3.13-11, the project added traffic generated by the proposed project would not exceed the arterial traffic impact significance threshold of V/C increase of 0.05 for the Malibu Canyon Road segment north of Civic Center Way. Therefore, no mitigation is required for the southbound traffic at PCH/Malibu Canyon Road. No impacts to pedestrian and bicycle use would occur as the existing pedestrian and bicyclist infrastructure would remain unchanged.

Response C-79-138

This comment requests a description of the loss of parking spaces as a result of mitigation measures proposed at the PCH/Malibu Canyon Road intersection. No parking spaces would be removed as a result of the proposed project or as part of the roadway construction proposed as part of CDP No. 14-036.

Response C-79-139

This comment includes a general statement and opinions regarding the status of related projects that have been recently filed with the City of Malibu and are expected to occur within a similar timeframe with similar traffic Impacts. 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 C-79-140

This comment includes an opinion that the Draft EIR incorrectly assumes that other projects will be able to contribute any fair share funding for the mitigation measures designed to reduce cumulative traffic impacts at the PCH/Malibu Canyon Road and the PCH/Webb Way intersections. To address this concern, Mitigation Measures 3.13-2 and 3.13-3 require the payment of pro-rata fees prior to issuance of building permits and the completion of intersection improvements prior to the project's final inspection. Therefore, the project cannot begin operation until the intersection improvements are physically constructed.

Response C-79-141

This comment requests an explanation of how the mitigation measures will be implemented if the specific developments responsible for the physical construction of Mitigation Measures 3.13-1 through 3.13-3 fail to receive regulatory permission to construction. The project would be required to construct these improvements prior to receiving final inspection, as specified in Mitigation Measures 3.13-1 through 3.13-3.

Response C-79-142

This comment requests an explanation of how the mitigation measures will be implemented if the specific developments responsible for the physical construction of Mitigation Measures 3.13-1 through 3.13-3 fail to receive regulatory permission to construction. The project would be required to construct these improvements prior to receiving final inspection, as specified in Mitigation Measures 3.13-1 through 3.13-3.

Response C-79-143

This comment requests an explanation of how the mitigation measures will be implemented if the specific developments responsible for the physical construction of Mitigation Measures 3.13-1 through 3.13-3 fail to receive regulatory permission to construction. If the party responsible for the physical construction of the intersection improvements failed to construction the intersection improvements in advance of the proposed project, the project would be required to construct the intersection improvements prior to receiving final inspection, as specified in Mitigation Measures 3.13-1 through 3.13-3.

Response C-79-144

This comment requests a description of impacts on coastal access patrons if the specific developments responsible for the physical construction of Mitigation Measures 3.13-1 through 3.13-3 fail to receive regulatory permission to construction. If the party responsible for the physical construction of the intersection improvements failed to construction the intersection improvements in advance of the proposed project, the project would be required to construct the intersection improvements prior to receiving final inspection, as specified in Mitigation Measures 3.13-1 through 3.13-3. The construction of improvements would sufficiently mitigate any impacts to coastal access resulting from the additional vehicle, pedestrian and bicycle trips resulting from the proposed project.

Response C-79-145

This comment requests a description of CMP impacts if the specific developments responsible for the physical construction of Mitigation Measures 3.13-1 through 3.13-3 fail to receive regulatory permission to construction. If the party responsible for the physical construction of the intersection improvements failed to construction the intersection improvements in advance of the proposed project, the project would be required to construct the intersection improvements prior to receiving final inspection, as specified in Mitigation Measures 3.13-1 through 3.13-3. The construction of improvements would sufficiently mitigate any impacts to CMP facilities.

Response C-79-146

This comment requests that the following statement should be included in the Draft EIR: “it should be noted that the approved La Paz Project is required to fund improvements to the intersection of PCH with both Webb Way and Cross Creek Road.” The following statement has been added to the Whole Foods Draft EIR page 3.13-37 under the heading of *Residual Impacts*: “It should be noted that the approved La Paz project is required to fully fund and physically construct improvements to the intersection of PCH/Cross Creek Road and PCH/Webb Way.”

Response C-79-147

This comment requests analysis of the anticipated traffic impacts should La Paz not be built, and its mitigation efforts are deleted or nor forthcoming. If the party responsible for the physical construction of the intersection improvements failed to construction the intersection improvements in advance of the proposed project, the project would be required to construct the intersection improvements prior to receiving final inspection, as specified in Mitigation Measures 3.13-1 through 3.13-3.

Response C-79-148

The responses to comments contain additional information and minor revisions that will be added to the text of the Final EIR. City of Malibu staff has reviewed this material and determined this material would not constitute the type of significant new information that requires recirculation of the Draft EIR for further public comment under *State CEQA Guidelines* Section 15088.5. This new material does not indicate that the project will result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, this material does not indicate that there would be 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 15088.5.

Response C-79-149

This comment is a general closing remark. 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.

Jasch Janowicz

From: Margo Lane <MLane@guthy-renker.com>
Sent: Monday, March 23, 2015 2:54 PM
To: Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understate the impact of traffic on our roads in many respects. For example, the EIR does not analyze the impact of traffic during days of heavy beach use, which can occur throughout the year. On such days, during which Malibu experiences extraordinary traffic, it is vital to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working at, visiting and/or driving by the Civic Center area, as well as to that of those persons living in the community.

Please demand that Whole Foods promptly present new traffic counts that accurately portray the existing traffic on Malibu's roads.

Signed,

Margo Lane
Point Dume Resident

1

Letter No. C-80 Margo Lane

Response C-80-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: dni <dnismok@gmail.com>
Sent: Monday, March 16, 2015 4:20 AM
To: Lisa Pope; Jasch Janowicz
Subject: EIR Comparison

RECEIVED
MAR 16 2015
PLANNING DEPT.

Hello,

Please tell me that you are aware that the WF EIR Comparison report is just a projection of 2 of the lesser impacts and that no matter who goes in there, they will contribute to the planning and building of whatever means is determined to be feasible that will REDUCE the congestion that is already unbearable in this area already. This report does not address the increase we have been experiencing over the last 5 years. It needs to state what is the current traffic flow and then compare how much in addition to the current flow this will add. If we have 5000 cars going through our area on a week day and their projections are 1200 more cars then the increase is 25%! If the numbers are higher, the impact ratio changes. In either case, the present report is misleading and the public needs to know.

1

When will we be at a point where we say stop to more growth? When will there be enough money to expand PCH by buying up the buildings that are in the way? Is there a solution? A sky bridge to Santa Monica, a rapid mono rail down the center lane of PCH to SM? A ferry? None of these are feasible yet the want for growth remains. There can not be anymore give to building and a blind eye to impenetrable traffic.

We do not make plans for theatre in town or dinners or plays in SM on weekends anymore because the traffic just to Sunset is over 1.25 hrs. Weekdays are not much better but a reasonable travel window is rapidly getting smaller and smaller. Maybe you don't have to travel to work farther than Webb Way, lucky you. Employ all of us and we will let you build what you want. What is happening is that you are driving out anyone that works in LA. Movie people, athletes, studio personnel, lawyers, corp officers... you get the idea. We will have more homes going on the market and property values dropping. Look at the turn over in Malibu. How many people move to Malibu and stay? Watch those numbers, the turn over time (people moving in and back out) is getting shorter and shorter as the problem gets worse by the month.

2

Open your eyes to the problem. Quit looking into their pocketbooks. We will not win with more growth. The problems will just compound.

D. Larsen.

Letter No. C-81 D. Larsen

Response C-81-1

Please refer to **Topical Response 1**.

Response C-80-2

This comment is a set of general 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.

Jasch Janowicz

From: Richard Lawrence <rlawrence@reptalent.com>
Sent: Thursday, March 12, 2015 5:13 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Sincerely:

Barbara & Richard Lawrence
19264 PCH
Malibu, Ca. 90265

1

Letter No. C-82 Barbara and Richard Lawrence

Response C-82-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: John LePrevost <leprevost3@yahoo.com>
Sent: Friday, March 13, 2015 10:31 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

John LePrevost
Coldwell Banker Malibu
29178 Heathercliff Rd
Malibu, Ca 90265
310 589-2465
BRE 01061303
www.MalibuRealEstateToday.com



1

Letter No. C-83 John LePrevost

Response C-83-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Joel Denver <jdenver@allaccess.com>
Sent: Friday, March 13, 2015 12:54 PM
To: Jasch Janowicz
Cc: Lisa Pope
Subject: Whole Foods and the Park DEIR

RECEIVED
MAR 13 2015
PLANNING DEPT.

**Jasch Janowicz
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265**

Dear Jasch,

After reviewing the Draft Environmental Impact Report, I believe that the Whole Foods and the Park development will be a positive addition to our community. My main concerns about this project pertained to emergency access---given our frightening history of fires, traffic, and general mass and height of the project. After reviewing this document, I feel comfortable voicing my support for its approval.

This report studied seemingly dozens of areas including geology, air quality, water use, cultural resources, and of course, traffic and emergency access. Independent environmental experts concluded there are no significant impacts.

In terms of the size of the project, the tallest structure is 28 feet and the vast majority of the future site will be open and heavily landscaped. Best of all, it will give families high quality recreational options and another place to congregate.

Great project. Minimal impacts. And we finally get a Whole Foods market!

Sincerely,

**Joel Levinson
4025 Latigo Canyon Road
Malibu, CA 90265**

**email: jdenver@allaccess.com
office: 310-457-6616
cell: 310-251-0737
fax: 310-457-8058**

1

skype: joeldenver
web site: <http://www.allaccess.com>

Worldwide Radio Summit 2015
April 22, 23, 24
Hotel Roosevelt, Hollywood, CA
www.worldwideradiosummit.com

Letter No. C-84 **Joel Levinson**

Response C-84-1

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.

Jasch Janowicz

From: Alan Long <alanlong05@yahoo.com>
Sent: Thursday, March 19, 2015 4:56 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Alan Long
Sent from my iPad

1

Letter No. C-85 Alan Long

Response C-85-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: CORI LOWE <corilowe@me.com>
Sent: Sunday, March 15, 2015 5:30 AM
To: Jasch Janowicz
Cc: Lisa Pope
Subject: Whole Foods

RECEIVED
MAR 15 2015
PLANNING DEPT.

The approval of a Whole Foods Market in the Civic Center of Malibu will make a huge impact on our already over crowded and sensitive neighborhood. Malibu already has Ralph's Pavilions, PC Greens and Vintage. Surely we do not need another market situated in the center of town. We understand from reading the newspapers that the EIR is in question so it is your duty and responsibility to make sure that the EIR information is up to date and accurate.

1

Sincerely,

Cori Lowe
Malibu, CA

Letter No. C-86 **Cori Lowe**

Response C-86-1

This comment is a set of general 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Maile Mason <maile@mailemason.com>
Sent: Thursday, March 19, 2015 1:20 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Maile

Maile
Maile Mason Photography
213.308.0186

Sent from my iPhone

1

Letter No. C-87 **Maile Mason**

Response C-87-1

Please refer to **Topical Response 1**.

COMMENTS AND QUESTIONS

WHOLE FOODS AND THE PARK SHOPPING CENTER
DRAFT ENVIRONMENTAL IMPACT REPORT

MALIBU PLANNING COMMISSION
MARCH 2, 2015

SUBMITTED BY
JOHN MAZZA – PLANNING COMMISSIONER
6613 ZUMIREZ DRIVE
MALIBU, CA 90265
310 457-2075

TO

Jasch Janowicz, Contract Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Mr Janowicz;

I wish to submit the following comment and questions for a complete answer in the forth coming final Environmental Impact Report on the above referenced project based on the draft Environmental Impact Report presented to the Planning Commission on March 2, 2015.

1

1. The subject property was used as a towing yard in the past (ES 1) and no testing of the soil other than a visual inspection was reported and although sub surface water was tested from wells on the site(3.7-4) no testing of surface soil was conducted. Towing yards involve leakage of fluids from wrecked or stored vehicles such as oil and anti freeze. A through testing of soils must be undertaken under EIR standards if there is an indication of uses that are highly likely to produce pollution.

2

2. The proposed project would include a “12 foot high sound wall along the northerly property line”. (ES-5) The draft EIR (ES-5) states that the property immediately north of the project site is used as a horse training facility and states that the wall is to respond to the concern of the horse facility about noise. The EIR is incorrect in that approximately one third of the northern property line borders the GTE/ Verizon wireless maintenance building at 3705 Cross Creek Road (Figure 3.7-1). A twelve foot wall on two sides of that property would eliminate the views from that property and isolate the property with a twelve foot wall thus damaging its use as a commercial property. It could no longer be seen from Cross Creek Rd when traveling north. This negative impact must be studied in the final EIR.

3

3. A service road is proposed on the entire easterly property line of the property line which eliminates thousands of sq ft of required open space/landscaping (ES-6). The EIR does not examine feasible alternatives to this driveway which would reduce impermeable surfaces and increase open space/landscaping such as routing the driveway between buildings 4 and 5 (site plan figure 2.0-4). The space between the buildings clearly exceeds road width and turning radius requirements. Other alternatives must be studied in the EIR

4

4. As stated (ES-6) “The Local Coastal Program (LCP) requires that 40 percent of the gross lot area constitutes landscaped area, in this case,102,467 square feet.”. This figure is calculated by taking 40 percent of the total lot area of 258,168 square feet and equals 103,341 square feet (ES-7). The draft EIR falsely claims that the “Landscaped Area “ is not defined in the LCP (ES-7) when in fact it is. All percentage requirements in the LCP are calculated using “gross lot area” as stated above. The EIR proposes to calculate areas such as “green walls” based not on their footprint as required by the LCP but rather by using their vertical surfaces which are not a part of “gross lot area”. This method could result , when taken to an extreme, in calculation of lot coverage that exceeds many times the “gross lot area”. The analysis in the EIR is clearly not true, has never been used in any LCP analysis of lot area coverage in any coastal jurisdiction and must be corrected and analyzed.

5

5. The project proposes to remove four parking spaces on Civic Center Way (ES-6)(3.13-2). There is no discussion any replacement of these spaces and the LCP requirement that visitor serving parking not be removed. This should be discussed in the EIR.

6

6. Although the project description (2.0-31) states that a “specific plan “ has been prepared for this project the planning commission has not been asked to take comments on the specific plan (as required and the “specific plan” has not been reconciled to the draft EIR. One example of this is that the “specific plan” fails to discuss or disclose the uses allowed by the current zoning of a large portion of which is CG (commercial general).(specific plan Elementx 2-5)

7

7. The planning commission has not been asked to take comments on the specific plan as required by Measure R (WFPSP draft 3-1)

8

8. The draft EIR fails to discuss and evaluate the uses and alternatives allowed by the current municipal zoning of CG for the project. These alternatives are required to be studies since it takes a legislative action that has not taken place to change the zoning to the uses that have been proposed in the EIR.

9

9. The EIR Alternative 3 (ES-10)states that the buildings have been “stacked one upon the other

10

with a maximum height of 24 feet...This layout would not fulfill the intent of the proposed project design , which is that of a low rise retail village...” . The purpose of the alternative study disclosure is to evaluate alternatives not to compare alternatives to the the wishes of the developer. The proposed project states (2.0-13) that all five buildings are to be 28 feet in height which is the maximum allowed by the MMC and the LIP and certainly could not be considered “a low rise retail villiage”. It apparent from these statements that the proposed project would be higher than Alternative 3 and thus the analysis if fatally flawed.

10

10. Alternative analysis 3 states “...a typical retail space would have a ceiling height of 15 to 18 feet....the two retail buildings under the Two-Story Building Alternative would have a maximum interior ceiling height of 11 feet. “This is not considered a practical height for most retail spaces...” “This is not considered practical height..”(ES-11) These statements must be called into question and the alternative section analyzed . There are numerous examples , including the immediately adjacent Malibu Country Mart two story building across Civic Center Way, that do not have two stories of 18ft ceilings which would not be allowed under the MMC or LIP because of the 28 ft elevation limit. In fact there are virtually no retail spaces ,with the exception of food markets, with 18 ft. ceilings. The EIR is required to have factual analysis not unsubstantiated statements and it must factually discuss alternatives.

11

11. Alternative 3 states “As with the Code Complying Alternative, due to the reconfiguration of the site under this alternative, it cannot be assumed that Whole Foods would be the tenant”. This statement is speculation that presumes that Whole Foods is the tenant , which nowhere has been demonstrated , and is not a concern of an Environmental Impact Report under state law. The statement (ES-11) “Therefore the proposed grocery building would be a generic “box”...is speculation on the part of the author of this report without any backup. In fact , the building , to a casual observer, is a box with a trellis attached. The EIR must analyze the physical properties of buildings since ,once built, they are tenant agnostic. There is o evidence that this building will be occupied by Whole Foods or any other tenant nor should there be especially in light of the statement “...it cannot be assumed that the tenant would be the tenant. No analysis of why a three building configuration is ,with additional open space, is detrimental to a grocery tenant is given and to make the statements given in this analysis it is required.

12

12. The EIR is titled “Whole Foods in the Park” when in fact there is no evidence that the Whole Food Corporation has any interest or lease in this development. If fact the application is made by an entity which does not have the words “Whole Foods” in its' title. Environmental Impact Reports are reports on development of properties and their potential uses and they are required to have titles that are not misleading. Branding is not the purpose of a EIR and it appears that without evidence this EIR could just as easily be called “Trader Joe's in the Park or “in-n-Out in the Park”. The EIR should be agnostic as to brand names and the city attorney should make an opinion on this issue before the final

13

EIR is issued.

13

13. The project proposes to count 48,492 sq ft of “tree canopy outside landscape planters and or open space.”(figure 2.0-12). This represents almost one half of the 102,467 sq ft of landscape required by the LIP based on the total “gross lot area “ of 258,168. Since, as stated above in comment 4, this represents double counting of an area and thus does not comply with the “gross lot area” calculations this needs to have a detailed discussion in the EIR. It does not seem, on its' face that the tree canopy calculations are accurate since Tree Canopy Diagram 2.0-12 does not reconcile with the landscape Plan 20-10a and b. This tree canopy is calculated using the assumption that all of the trees will have canopies “...of 50feet in diameter”. A casual inspection of the trees in the civic center does not seem to show any examples of a trees with 50 foot diameters. Most of the trees in the civic center area are over 50 years old and no discussion in the EIR of how long it will take the proposed trees to reach 50 ft in diameter is given. There is also no discussion of the fire hazzard involved with trees of this size. There is also no discussion of how a fifty foot tree would grow to the height at which its' canopy would exceed the 28 ft height proposed for the the five buildings involved.

14

More comments will be made at a later date.

15

Letter No. C-88 John Mazza, Planning Commissioner

Response C-88-1

This comment is a general opening remark. 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 C-88-2

Please refer to **Response to Comment A-2-6**.

Response C-88-3

To clarify, the proposed sound (acoustic) wall (that would also be a “green wall”) would only extend along the northern-most property line that is immediately adjacent to the equestrian facility. There is no plan to erect a sound wall along the northern property line between the project site and the adjacent GTE/Verizon Wireless maintenance facility. Please refer to Figure 2.0-4, Site Plan and Figure 2.0-13, Green Wall Site Plan in the Draft EIR.

Response C-88-4

It is assumed that the commenter is referring to the service road proposed along the western property line rather than the “easterly property line.” The service road as shown in Figure 2.0-4, Site Plan is designed to conform to Section 503 of the Fire Code as required by the Los Angeles County Fire Department and meet the turning radius requirements of three-axle delivery trucks.

Alternative 2, the Code Complying Alternative provides an alternative which reduces impermeable surfaces and increase open space/landscaping. Please refer to Figure 4.0-1, Code Complying Alternative Site Plan.

Response C-88-5

Please refer to **Response to Comment B-1c-2**

Response C-88-6

While the City and the Coastal Commission value public parking and access to visitor serving uses within and near the coastal areas of Malibu, the removal of four spaces would not create a significant impact on the environment.

In terms of replacement parking, the project is required to provide 217 parking spaces (five spaces per 1,000 square feet [sf]), and would provide 220 parking stalls (seven handicapped accessible, 175 standard and 38 compact), 16 bicycle spaces (via four bicycle racks spread out across the site), four golf cart spaces, two electric vehicle charging stations, four loading spaces for the retail uses, and 520 square feet of soft-surface area for horse parking, including four hitching posts, and a watering trough.

Response C-88-7

The Specific Plan will be brought before the Planning Commission and the City Council for their consideration. Public comments will also be taken/considered at this that time.

A public review draft of the Whole Foods and the Park Specific Plan is currently available for review on the City's website at: <https://www.malibucity.org/DocumentCenter/View/11417>. Zoning and permitted uses for the project site are discussed in Section 2: Elements, subsection 2.2: Land Use, pages 2-4 through 2-6.

Response C-88-8

Please refer to **Response to Comment C-88-7**.

Response C-88-9

According to the CEQA Guidelines Section 15126.6(a), an EIR must describe a reasonable range of alternatives to the proposed project, or to the location of a proposed project that attain most of the basic objectives of the project in a feasible manner, but avoid or substantially lessen any of the significant effects of the project.

The legal standard for the discussion of alternatives states that:

The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds... [P] Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as

environmental aspects are concerned. It is only required that the officials and agencies make an objective, good-faith effort to comply.

The Draft EIR complies with the requirements of the CEQA Guidelines as it provided full analysis of three alternatives (Alternative 1: No Project/No Development Alternative, Alternative 2: Code Complying Alternative and Alternative 3: Two-story Building Alternative,) in addition to providing brief narratives for four other alternatives (Alternative Site, Reduced Supermarket Square Footage, Subterranean Parking Lot and Alternative Uses) that were considered but not evaluated in detail as they were all deemed to be infeasible.

Response C-88-10

Please refer **Response to Comment C-88-9**.

Response C-88-11

Please refer **Response to Comment C-88-9**.

Response C-88-12

Whole Foods Market has given every indication that it will be the anchor tenant of the proposed project. A lease agreement between former the property owner, Cross Creek Ventures, LLC as “Landlord”, and Mrs. Gooch’s Natural Food Markets, Inc. (doing business as [DBA] Whole Foods Market) as “Tenant”, was entered into on July 23 2007 (the “Original Lease”) in which the Tenant commits to leasing the premises as more particularly described in the Original Lease, including but not limited to, requirements as to site orientation, access and square footage which would not be met by the design and orientation of the building configuration presented in Alternative 2.

To reflect Whole Foods Market’s continuing commitment to occupying the project once it is completed, to date, two Amendments have been made to the Original Lease, the most recent of which served to amend the Landlord to DBA Malibu Holdco LLC, the current property owner. Further, Whole Foods Market includes “California – Malibu” in its listing of “Stores in Development” on its website:

<http://www.wholefoodsmarket.com/company-info/stores-development>.

Please also refer to **Response to Comment C-88-9**.

Response C-88-13

A project description serves as the basis for the technical analysis contained in an EIR and is provided to describe the project in a way that will be meaningful to the public, reviewing agencies, and decision

makers. The *California Environmental Quality Act (CEQA) Guidelines* state that a project description need not be exhaustive but should provide the level of detail needed for the evaluation and review of potential significant environmental impacts. Section 15146 of the *State CEQA Guidelines* states that the degree of specificity required in an environmental impact report (EIR) shall correspond to the degree of specificity involved in the underlying activity described in the EIR.

The *State CEQA Guidelines* does not require that a project remain “tenant agnostic.” In fact, numerous EIRs for specific anchor tenants (e.g., Walmart, Target, and Costco Wholesale) have been completed in numerous jurisdictions throughout the state, including Bakersfield, Barstow, Desert Hot Springs, Fresno, Huntington Beach, Los Angeles, Oxnard, Palmdale, Rancho Palos Verdes, Rialto, Santa Monica, and Tehachapi, to name just a few.

Please also refer to **Response to Comment C-88-12**.

Response C-88-14

The western sycamore (*Platanus racemosa*) is native to California and can grow to a height of 40 to 80 feet tall and 30 to 50 feet wide. The tree has a fast growth rate of approximately 36 to 48 inches per year. They grow faster when they are young, and the trees planted on the site are expected to put on new growth fairly quickly once established.

A planting plan has been prepared indicating the location of the 80 western sycamores that would be included as part of the proposed project’s landscaping. These plans indicate the required sycamores would be planted in the following sizes: 15 of the 60-inch-box size; 15 of the 48-inch-box size; 10 of the 36-inch-box size; 10 of the 24-inch-box size; and 30 of the 15-gallon size.

The following is provided as an example of the typical growth pattern for the western sycamore planted from a 48 inch box. A typical “nursery container stock standard” tree would be approximately 14 feet tall by 10 feet wide at installation. The actual size varies per tree and also depends on if the tree is a standard single trunk or a multi trunk tree. It would take approximately five to seven years for the 48 inch box trees to reach around 25 feet in width as shown in the planting plans. In areas on the project site where they have more room to grow they could potentially reach up to 50 feet in width within 12 to 15 years. The lifespan of a western sycamore can be greater than 150 years.

The western sycamore typically has a naturalized, irregular canopy shape. In keeping with the project’s design intent to have a wider canopy of sycamores, trees would be selected for this project that have the largest canopy available at the time of purchase per the selected container sizes. Care would be taken during tree selection to ensure that trees with a more spreading form were chosen. Careful maintenance

and selective tree trimming over time would also be performed to encourage the trees to take on more of the natural spreading form that they are so well known for and which is desired for this project.

The trees would be maintained per the requirements of the LIP Section 5.6.2 and Title 32 of the Los Angeles County Fire Code, therefore they are not expected to pose a greater fire hazard than any other type of landscaping in the Civic Center area.

Response C-88-15

This comment is a general closing remark. 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.

Jasch Janowicz

From: robby mazza <rbmazza@gmail.com>
Sent: Wednesday, March 18, 2015 11:01 AM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 18 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Robby Mazza

1

Letter No. C-89 **Robby Mazza**

Response C-89-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: alisam@earthlink.net
Sent: Monday, March 23, 2015 3:11 PM
To: Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2,300 - 3,000 cars trips/day, but the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Thank you,

Alisa McCarter

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Letter No. C-90 Alisa McCarter

Response C-90-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Dennis McCarthy <dennismccarthy@yahoo.com>
Sent: Monday, March 23, 2015 4:32 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. This was clearly created to falsely underestimate traffic.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion. Cross Creek is a pinch point in Malibu that will only get worse with the addition of another merchant in that area.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Thank you.

Sincerely,
Dennis and Kim McCarthy
30600 Las Estrellas Dr.
Malibu, CA 90265

1

Letter No. C-91 Dennis and Kim McCarthy

Response C-91-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Carla McCloskey <carlamccloskey@aol.com>
Sent: Thursday, March 12, 2015 12:31 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Sample Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed, Carla and Leigh McCloskey

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Letter No. C-92a Carla and Leigh McCloskey

Response C-92a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Carla McCloskey <carlamccloskey@aol.com>
Sent: Friday, March 20, 2015 4:52 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 20 2015
PLANNING DEPT.

Dear Mr. Janowicz and Ms. Pope,
It is clear that the traffic counts used in the Whole Foods EIR claiming existing traffic has decreased by 25% or more materially understates the impact of traffic on our roads.
Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu residents working or visiting the Civic Center and those living around it.
Please demand that Whole Foods present new traffic counts that accurately portray existing traffic on Malibu roads.

1

Thank you,

Carla and Leigh McCloskey

Letter No. C-92b Carla and Leigh McCloskey

Response C-92b-1

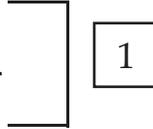
Please refer to **Topical Response 1**.

Jasch Janowicz

From: Patty <smytho57@gmail.com>
Sent: Tuesday, March 17, 2015 7:57 PM
To: Jasch Janowicz
Subject: Please do a new traffic survey

RECEIVED
MAR 17 2015
PLANNING DEPT.

And keep malibu a beautiful small city.
We cannot support the traffic whole foods will bring.
Thanks



Patty McEnroe (malibu resident)

Letter No. C-93a **Patty McEnroe**

Response C-93a-1

This comment is a set of general remarks and opinions and a statement in opposition to 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Lisa Pope
Sent: Tuesday, March 17, 2015 8:26 PM
To: Patricia Salazar; Jasch Janowicz
Subject: Fwd: I'd like a new traffic study

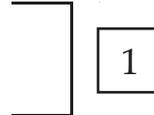
RECEIVED
MAR 17 2015
PLANNING DEPT.

Sent from my iPhone

Begin forwarded message:

From: Patty <smytho57@gmail.com>
Date: March 17, 2015 at 7:54:58 PM PDT
To: "lpope@malibucity.org" <lpope@malibucity.org>
Subject: I'd like a new traffic study

I feel whole foods will really take a toll on our beautiful city in a negative way
A resident of malibu Colony



Patty McEnroe

Letter No. C-93b Patty McEnroe

Response C-93b-1

This comment is a set of general remarks and opinions and a statement in opposition to 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Bobby milstein <milsteindesign@gmail.com>
Sent: Thursday, March 19, 2015 3:37 PM
To: Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 19 2015
PLANNING DEPT.

Hi Jasch,

I for one would demand a proper current EIR for the Whole Foods in the park project. As a long time local who drives through Malibu daily I find the current EIR laughable. Also curious if you know of any other Whole Food

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Markets that front on a small road with only one lane in each direction.

Best Regards,

Bobby Milstein

Letter No. C-94 **Bobby Milstein**

Response C-94-1

This comment is a set of general 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: vmalibumews@gmail.com
Sent: Friday, March 13, 2015 5:48 AM
To: Lisa Pope; Jasch Janowicz
Subject: Re: Whole Foods (EIR) report

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

1

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Further, that Malibu's Planning Commission do their own, independent and therefore impartial survey in this matter so we the residents and local businesses have some **credible** basis for comparison.

Is it not so that the PCH in this is already one of the most dangerous roads in the State? Don't you have an obligation to us residents to ease our current safety and traffic congestion problem wherever possible - also to ensure that residents can go about their day without overcrowding, additional noxious fumes etc., in their local town?

2

Signed,

V.P.A. Mitchell-Clyde

Letter No. C-95 V.P.A. Mitchell-Clyde

Response C-95-1

Please refer to **Topical Response 1**.

Response C-95-2

This comment is a set of general remarks and opinions regarding public safety on PCH and the need to ease traffic congestion with in the City of Malibu. 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.

Jasch Janowicz

From: daniel moder <modermoder@me.com>
Sent: Thursday, March 19, 2015 3:37 PM
To: Jasch Janowicz
Subject: the most beautiful sycamore

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

in addition to adding a store that takes away what's left of any soul in malibu, we can't remove the majestic trees to make room for cars. it's the worst message, plowing hillsides and cutting trees. please have some sense.

1

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

2

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

a phone

Letter No. C-96 Daniel Moder

Response C-96-1

This comment is a set of general 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 C-96-2

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Carol Moss <greenlotus@earthlink.net>
Sent: Tuesday, March 17, 2015 8:00 PM
To: Lisa Pope; Jasch Janowicz
Subject: Please require updated, accurate Whole Foods EIR

RECORDED
MAR 17 2015
PLANNING DEPT.

Dear Ms. Janowicz and Ms. Pope:

I write to urge you to require that the whole Foods development draft EIR be updated to accurately reflect the traffic and safety impacts to the surrounding community. I bought my home in Malibu in 1964 and move here as a full time resident nearly 20 years ago. Even as a part timer I was deeply involved with Malibu issues. I have witnessed first hand the impacts of shopping centers in our community over the last few decades. Along with some conveniences comes dramatic increases in traffic. Indeed, the public recently learned that this new development would result in an additional 2300 to 3000 new car trips every day. There is no clearly articulated plan in the draft EIR to deal with this new traffic.

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Additionally, the developers have not provided adequate assurances that traffic generated will not jeopardize public safety in the event of an emergency. This is particularly unacceptable, given how emergency prone our community is.

Finally, the draft EIR makes the outrageous assumption that traffic has actually decreased by 25% to 30% in recent years. I regularly commute through the canyons and on PCH into "town" for work and frankly find this assertion laughable.

I urge you to prevent this draft EIR from being approved and to require that the developer more carefully consider the aforementioned concerns.

Thank you for your time and assistance.

Sincerely

Carol Moss

Letter No. C-97 **Carol Moss**

Response C-97-1

Please refer to **Topical Response 1.**

Response C-97-2

Please refer to **Topical Response 2.**

Response C-97-3

Please refer to **Topical Response 1.**

Jasch Janowicz

From: Diane Moss <todiane4@yahoo.com>
Sent: Thursday, March 12, 2015 5:02 PM
To: Jasch Janowicz; Lisa Pope
Subject: Please require updated, accurate Whole Foods EIR

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Ms. Janowicz and Ms. Pope:

I write to urge you to require that the whole Foods development draft EIR be updated to accurately reflect the traffic and safety impacts to the surrounding community.

I was born and grew up in Malibu, my family still lives in the City of Malibu, and my husband I live in the hills above Leo Carrillo. As such, I have witnessed first hand the impacts of shopping centers in our community over the last few decades. Along with some conveniences comes dramatic increases in traffic. Indeed, the public recently learned that this new development would result in an additional 2300 to 3000 new car trips every day. There is no clearly articulated plan in the draft EIR to deal with this new traffic.

1

Additionally, the developers have not provided adequate assurances that traffic generated will not jeopardize public safety in the event of an emergency. This is particularly unacceptable, given how emergency prone our community is.

2

Finally, the draft EIR makes the outrageous assumption that traffic has actually decreased by 25% to 30% in recent years. I regularly commute through the canyons and on PCH into "town" for work and frankly find this assertion laughable.

3

I urge you to prevent this draft EIR from being approved and to require that the developer more carefully consider the aforementioned concerns.

Thank you for your time and assistance.

Sincerely
Diane Moss

From: Jennifer Waterhouse Pietro <jenniferpietro@icloud.com>
To: lpope@malibucity.org
Cc: jjanowicz@malibucity.org; Jennifer Pietro <jenniferpietro@mac.com>
Sent: Thursday, March 12, 2015 12:49 PM
Subject: Whole Foods EIR

Dear Mr. Janowicz and Ms. Pope,

The traffic counts used in the Whole Foods EIR claiming existing traffic has decreased by 25% or more materially understates the impact that the project will have on traffic in the Civic Center.

The Whole Foods development project and the EIR currently under consideration must be reevaluated. The EIR cannot stand based on this erroneous traffic information, especially given the risk it poses to the health and safety of Malibu Residents working or visiting the Civic Center and of course to those living in the immediate vicinity as well.

As our representatives we urge the City Council to require an EIR that does not materially understate project traffic consequences, and as our city staff we urge you to work with the City Council to ensure that new traffic counts are integrated into the EIR that accurately portray the existing (and projected) traffic on our Malibu Roads.

Sincerely,

Jennifer Waterhouse Pietro, M.S.M.
Development Consultant and Philanthropic Advisor
Certified Mediator, MMC
www.malibumeditationcenter.com
jenniferpietro@mac.com
310 924-0591

Letter No. C-8 **Diane Moss**

Response C-98-1

Please refer to **Topical Response 1**.

Response C-98-2

Please refer to **Topical Response 2**.

Response C-98-3

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Dominique Navarro <dominiquenavarro@yahoo.com>
Sent: Saturday, March 21, 2015 9:10 AM
To: Jasch Janowicz
Subject: No Solution

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Dominique Navarro

1

Letter No. C-99 Dominique Navarro

Response C-99-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: ken nilsen <ken.nilsen@yahoo.com>
Sent: Monday, March 23, 2015 8:31 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed, Ken Nilsen, 50 year resident.

1

Letter No. C-100 Ken Nilsen

Response C-100-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Lynn Norton <lynorton@verizon.net>
Sent: Sunday, March 22, 2015 9:38 PM
To: Jasch Janowicz; Lisa Pope
Subject: Whole Foods

RECEIVED
MAR 22 2015
PLANNING DEPT.

Dear Planning Commissioners and City Council Members,

Please require the "Whole Foods" project to create a more accurate traffic study and a meaningful traffic management plan.

Also, the lighting plan was not clear to me in the EIR – does it include any showing of the light lumens that are expected in the project – if not please require that (if it is already included, can you Jasch, direct me to it?)

Thank you.

Lynn Norton

1
2

Letter No. C-101 **Lynn Norton**

Response C-101-1

Please refer to **Topical Response 1**.

Response C-101-2

A lighting plan is presented in Section 2.0, Project Description, refer to Figure 2.0-15, Site Lighting Plan. Potential impacts from nighttime lighting at the project site are described and analyzed in Section 3.1, Aesthetics, of the Draft EIR. The project's designed features include shielded pedestrian walkway and parking lot lighting, dense landscaping, and all other lighting design recommendations included in the Malibu Municipal Code.

Jasch Janowicz

From: Kate E. Novotny <kate@movetomalibu.com>
Sent: Friday, March 13, 2015 4:00 PM
To: Lisa Pope
Cc: Jasch Janowicz
Subject: Whole Foods Eir

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Ms. Pope and Mr. Janowicz,

With regards to the proposed Whole Foods project. The opposition would have us believe that the Whole Foods will bring thousands of outside visitors to shop at Whole Foods, Malibu, even though they have one much closer to their home if they live in the valley or Pacific Palisades. This is clearly more misinformation to try to delay or prevent the project.

The reality is that having Whole Foods in Malibu will dramatically diminish the traffic in and around Malibu because the residents will be able to shop "Locally" (which is what I thought everyone was trying to encourage) instead of driving to Santa Monica so increasing PCH traffic or winding their way over Malibu Canyon or Kanan Dume to shop in the valley. Currently I drive to the valley to go to Whole Foods, Trader Joes or Gelsons pretty much every day of the week, if you multiply those trips by the 12,000 plus residents, that more than likely do the same, that is an awful amount of unnecessary traffic on our roads.

1

I believe that having Whole Foods in the center of Malibu will help to reduce traffic flow in and around Malibu, and therefore it would seem that their EIR estimate of traffic reduction is accurate. They should not be made to do a new EIR, nothing has materially changed since they did the last one.

K.

Kate Novotny

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Letter No. C-102 **Kate Novotny**

Response C-102-1

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.

Jasch Janowicz

From: Susan Nuttal <ricnut@verizon.net>
Sent: Thursday, March 19, 2015 3:28 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed, RICHARD THOMAS NUTTALL

1

Letter No. C-103a Richard Thomas Nuttall

Response C-103a-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Susan Nuttal <ricnut@verizon.net>
Sent: Thursday, March 19, 2015 3:42 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads. The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed, RICHARD THOMAS NUTTALL

1

Letter No. C-103b Richard Thomas Nuttall

Response C-103b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Susan Nuttal <ricnut@verizon.net>
Sent: Thursday, March 19, 2015 3:42 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed, RICHARD THOMAS NUTTALL

1

Letter No. C-103c Richard Thomas Nuttall

Response C-103c-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Bruce Parker D.C. <DrParker@chiroparker.com>
Sent: Monday, March 23, 2015 3:19 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Bruce Parker D.C.
22917 PCH Suite 220
Malibu, CA 90265
310-456-7721
DrParker@Chiroparker.com

1



Letter No. C-104 Bruce Parker, D.C.

Response C-104-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: GEORGE PARRA <georgeparra@me.com>
Sent: Thursday, March 19, 2015 1:43 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

George Parra
28952 Selfridge Dr
Malibu, CA 90265
(C) 310 991-0575
georgeparra@mac.com

1

Letter No. C-105 George Parra

Response C-105-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Sabrina Parra <sabrinaparra95@aol.com>
Sent: Thursday, March 19, 2015 1:47 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Sabrina Parra

Sent from my iPhone

1

Letter No. C-106 Sabrina Parra

Response C-106-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: anne payne <mapayne310@gmail.com>
Sent: Monday, March 23, 2015 4:36 PM
To: Jasch Janowicz
Cc: Jeff Follert
Subject: Whole Foods Project EIR, Corner Civic Ctr Way, Malibu, CA

RECEIVED
MAR 23 2015
PLANNING DEPT

March 23, 2015
3507 Cross Creel Lane
Malibu, CA 90265

Dear Mr. Janowicz and Members of the Malibu Planning Commission,

I am writing to reiterate my concerns which were submitted at the original EIR Scoping meeting, as well as voiced in the 3-minute Public Comment hearing of the Malibu Planning Commission held earlier this month. I was only able to tackle one subject within the 3- minute comment, which was TRAFFIC SAFETY within the Civic Center.

I appreciated Mr.Pierson’s urging citizens to submit their concerns in writing for review by all members of the Planning Commission. I also noted Mr. Mazza’s many, specific questions about traffic analysis and unusual reports of decline in traffic due to increased parking ! This needs further review. Thank you to them both for their concerns. All of the Commission members present listened to speakers thoughtfully. Many of the speakers spoke to the general “like” format of “Facebook”, which did NOT address EIR and community SAFETY! ! This is not about whether we like the new market concept, but rather, how will this and other approved Civic Center projects affect the Safety of all citizens, local and temporary !

1

According to our City’s Charter and the Mission Statement which goes back to the first City Council, the SAFETY of its citizens is very important as we, as a young City, craft a safe center, with safe traffic flow, ingress and egress for local citizens and the many visitors who come to Malibu, especially in warm seasons, which means during Fire Season !

I noted that the City’s Planning Commission reported that the County Fire officials thought that this market/park plan could be serviced. That did not address our City’s Firestorm history when we have had to evacuate vehicles, horses, pets, and people from Cross Creek Road while housing hundreds of firefighters and their needed firestorm vehicles within the Civic Center !

2

Please address the SAFETY needs for the ENTIRE CIVIC CENTER, cumulative needs, which desperately needed to be studied before any single project can be approved !

Malibu has recently faced terrible accidents on PCH; citizens are begging for a study to address the traffic. My strong belief is that we must beg for this Planning Commission to demand that a cumulative study work with the PCH, Civic Ctr. Way, Cross Creek Road, as a Whole Civic Center SAFE traffic flow, because we will be creating a 4-way intersection ! We cannot afford to create an inferior Civic Center where pedestrians, bicycles, cars and firetrucks will be able to be safe.

3

I voiced my concerns about the dire need to allow the 100 households, 250 cars, 35 horses, 100 + domestic pets and 250 residents to evacuate from Cross Creek Road, during firestorm or flooding emergencies, as the Serra Canyon residents must use Cross Creek Road when PCH gets closed and the canyon is filled with emergency workers and vehicles. This need will not be limited to the residents alone, but would include shoppers, beach goers and delivery trucks. This brings to mind the need for limited hours for deliveries by trucks and the need to study the possible directional flow of Malibu’s Civic Center design.

We must address the total, cumulative needs of Malibu's future changes with SAFETY being the number one priority ! I will, again, ask City Council to assist with the needed overall Civic Center traffic safety plan. The huge trucks which continue to load and unload goods in the Civic Ctr. narrow, medial lane is a scary hazard. I urge you to address the City's needs, before we have a pedestrian or bicycle fatality.

4

In addition to my 3-minute comments already voiced, I would ask you to view each project within the Civic Ctr. with regard to limitation of the Noise which cafes, restaurants and even markets with music, because our unique City center is an acoustical bowl with amphitheater effects ; please consider the total sound reverberation from outdoor events, as the sound carries to the Malibu Knolls, Library and Serra Retreat areas !
What will be done to avoid fireworks in the Civic Ctr. from barges and restaurants?

5

Lighting needs to be addressed within the EIR, with respect to the neighbors above the Civic Ctr, as well as to the residents between the Creek and SM Mountains. Any efforts to be consistent for all of the Civic Ctr. projects in the queue with standards for the "Night sky" considerations will be appreciated by local citizens.

6

Thank you to the Planning Commissioners who have attended or reviewed the first of only 3 meetings set for the Civic Center Task Force. This does need attention, as we have only one, still somewhat, virgin, Civic Center which must be done well, so that future visitors and residents will respect your voluntary and important work ahead.

7

Respectfully,

Anne Payne, resident,
ph. 310-456-3507

Letter No. C-107 Anne Payne

Response C-107-1

This comment is a set of general 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.

Please also refer to **Topical Response 2**.

Response C-107-2

Please refer to **Topical Response 2**.

Response C-107-3

This comment expresses concerns about three-axle truck traffic utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimated 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response C-107-4

Please refer to **Topical Response 1**. As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Response C-107-5

Section 3.10, Noise, of the Draft EIR addresses the potential noise impacts that could result from construction and operation of the proposed project. No large, outdoor events are contemplated at the project site. The proposed project includes Mitigation Measure 3.10-10 which limits all truck deliveries and all maintenance operations to between the hours of 7:00 AM and 7:00 PM.

Response C-107-6

A lighting plan is presented in Section 2.0, Project Description, refer to Figure 2.0-15, Site Lighting Plan. Potential impacts from nighttime lighting at the project site are described and analyzed in Section 3.1, Aesthetics, of the Draft EIR. The project's designed features include shielded pedestrian walkway and parking lot lighting, dense landscaping, and all other lighting design recommendations included in the Malibu Municipal Code.

Response C-107-7

This comment is a set of general 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.

Jasch Janowicz

From: chrispenny@aol.com
Sent: Thursday, March 12, 2015 12:40 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Food EIR

RECEIVED
MAR 12 2015
PLANNING DEPT.

Hello. I am a Malibu resident living at 32219 Pacific Coast Highway. I am writing you to express my concern over the EIS for the proposed Whole Foods. I fear that it makes unsubstantiated claims about the impact on traffic that the store would have. As a Malibu resident, I am against that project and the added traffic it will bring. If the city does move forward I think we should have a realistic expectation as to the impact on traffic and this EIS does not seem to provide it.

Thank you - Chris Penny

1

Letter No. C-108 **Chris Penny**

Response C-108-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Monika Peters <spamonika@charter.net>
Sent: Thursday, March 12, 2015 12:54 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Monika S Peters
Malibu resident since 1990

Randy Peters
Malibu resident since 1986

1

Letter No. C-109 **Monica S. Peters and Randy Peters**

Response C-109-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Jennifer Pietro <jenniferpietro@mac.com>
Sent: Thursday, March 12, 2015 2:07 PM
To: Lisa Pope
Cc: Jasch Janowicz; Jennifer Pietro
Subject: Re: Whole Foods EIR

RECEIVED

MAR 12 2015

PLANNING DEPT.

Typo correction in letter below.
Thank you!

Sent from my iPhone, with attendant grammatical and spelling errors, for which I sincerely apologize.

Jennifer Waterhouse Pietro
Development Consultant
and Certified Mediator
310 924-0591
www.malibumediatiomcenter.com

On Mar 12, 2015, at 12:49 PM, Jennifer Waterhouse Pietro <jenniferpietro@icloud.com> wrote:

Dear Mr. Janowicz and Ms. Pope,

The traffic counts used in the Whole Foods EIR claiming existing traffic has decreased by 25% or more materially understates the impact that the project will have on traffic in the Civic Center.

The Whole Foods development project and the EIR currently under consideration must be reevaluated. The EIR cannot stand based on this erroneous traffic information, especially given the risk it poses to the health and safety of Malibu Residents working or visiting the Civic Center and of course to those living in the immediate vicinity as well.

As our representatives we urge the City Council to require an EIR that does not materially understate project traffic consequences, and as our city staff we urge you to work with the City Council to ensure that new traffic counts are integrated into the EIR that accurately portray the existing (and projected) traffic on our Malibu Roads.

Sincerely,

Jennifer Waterhouse Pietro, M.S.M.
Development Consultant and Philanthropic Advisor
Certified Mediator, MMC
www.malibumeditationcenter.com
jenniferpietro@mac.com
310 924-0591

1

Letter No. C-110a Jennifer Waterhouse Pietro

Response C-110a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Jennifer Waterhouse Pietro <jenniferpietro@icloud.com>
Sent: Thursday, March 19, 2015 1:33 PM
To: Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 19 2015
PLANNING DEPT.

Dear Mr. Janowicz,

Clearly, the traffic counts used in the Whole Foods EIR MATERIALLY UNDERSTATE the impact that this proposed development will have on traffic at Cross Creek, and on Pacific Coast Highway.

How does the existing EIR address the additional traffic that this development will undoubtedly create? Are we to believe that the widening of PCH for a right turn lane at the signal at Cross Creek will ease the congestion created by the additional traffic? Really?

The Whole Foods development must be evaluated based on accurate and believable information, and the traffic counts being used now are not accurate nor are they believable. Please protect the health and safety of all who live in our Civic Center area, those who are visiting our City, and those who live nearby and must suffer the traffic consequences that will certainly result from this proposed development.

Please require the Whole Foods developers to provide more accurate, believable traffic counts: this is a matter that requires the immediate and urgent attention of our City staff and City Council.

Thank you,

Jennifer Pietro and Brian Pietro
Malibu Residents

Jennifer Waterhouse Pietro, M.S.M.
Development Consultant and Philanthropic Advisor
Certified Mediator, Malibu Mediation Center
www.malibummediationcenter.com
jenniferpietro@mac.com
310 924-0591 cellular

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Please consider the environment and whether you need to print this email.

1

Letter No. C-110b Jennifer Waterhouse Pietro

Response C-110b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: veeper@veeper.net
Sent: Thursday, March 19, 2015 1:54 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Victoria Principal

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Letter No. C-111a Victoria Principal

Response C-111a-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: veeper@veeper.net
Sent: Thursday, March 19, 2015 1:54 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Victoria Principal

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Letter No. C-111b Victoria Principal

Response C-111b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Martha Quinn <marthaquinn@mac.com>
Sent: Sunday, March 22, 2015 1:33 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 22 2015
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Mr. Janowicz,

I hope this email finds you well.

I'm writing in regards to the traffic counts used in the Whole Foods EIR. The claim that existing traffic has decreased by 25% or more materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Martha Quinn

1

Letter No. C-112 **Martha Quinn**

Response C-112-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Andrea Rader <andrea.rader@me.com>
Sent: Thursday, March 12, 2015 2:00 PM
To: Lisa Pope; Jasch Janowicz
Subject: I want a whole foods

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MAR 12 2015
PLANNING DEPT.

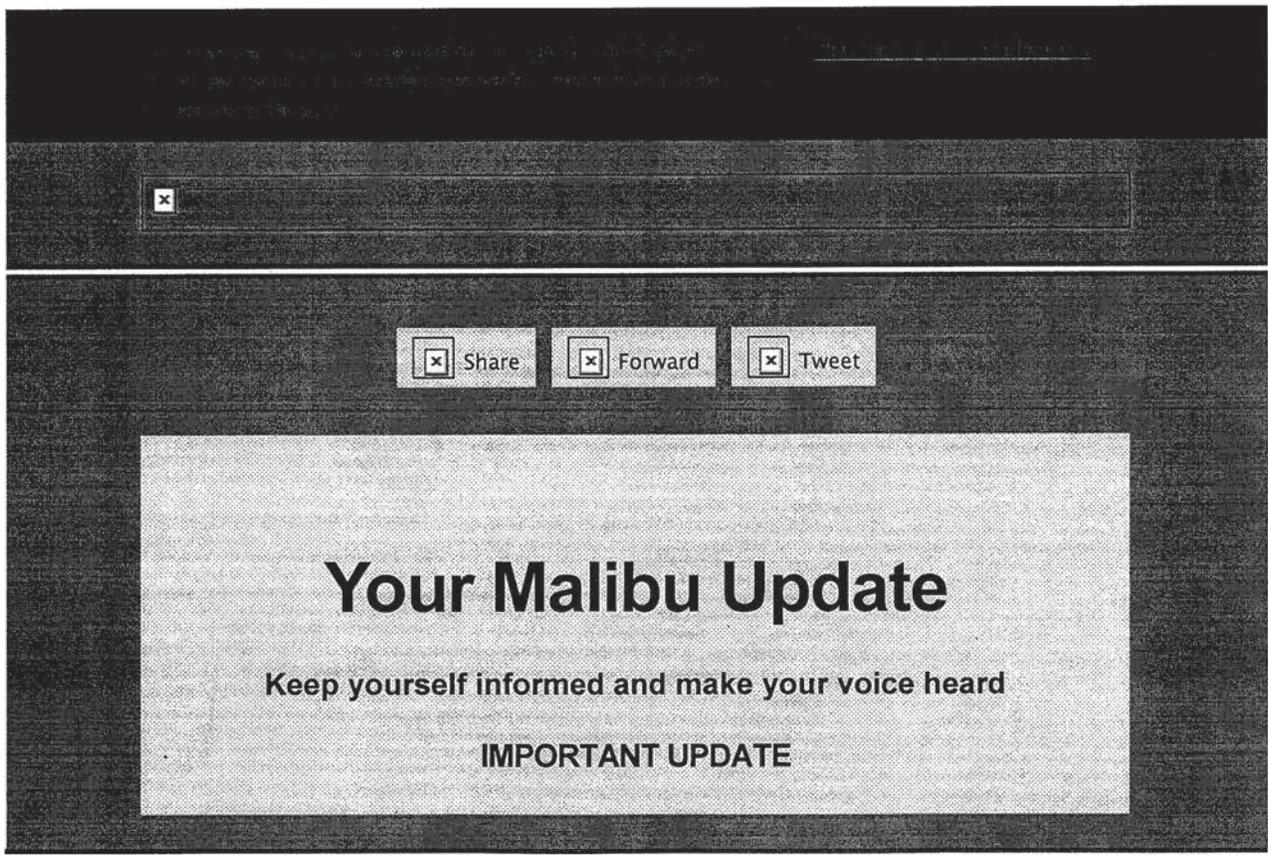
Hello. As a supporter of measure r I was sent the email below urging me to contact you about whole foods concerns.
On the contrary I whole heartedly welcome whole food to our Malibu community.
Thanks

1

Sent from my iPhone

Begin forwarded message:

From: Your Malibu Newsletter <newsletter@yourmalibu.com>
Date: March 12, 2015 at 12:18:01 PM PDT
To: Andrea <andrea.rader@me.com>
Subject: URGENT: Your input on Malibu traffic needed before March 23
Reply-To: us9-d28ac5088f-6913ecfd17@conversation01.mailchimpapp.com



Please take a minute to review:

Andrea --

Last Monday, Malibu's Planning Commission held a comment session on the draft Whole Foods Environmental Impact Report (EIR). Here's what we learned:

- The project would cause a major increase in traffic, resulting in an additional **2300 to 3000 new car trips** every day.
- There is no clearly articulated plan to deal with this new traffic.
- Whole Foods has ignored resident requests for assurances that traffic generated will not jeopardize their safety in the event of an emergency.
- **The draft EIR ignores these consequences and justifies the new Whole Foods by making the unbelievable assumption that traffic has actually decreased by 25% to 30% in recent years.**

We need your help. Public comment on the draft ends on **March 23**, meaning we have until then to make our voices heard and demand a report that accurately evaluates and addresses major traffic problems caused by a

new Whole Foods.

Please take a moment to contact Malibu City Clerk, Lisa Pope (L.pope@malibucity.org) and Jasch Janowicz in the Planning Department (jjanowicz@malibucity.org) to demand an accurate EIR.

To make things easy, we've provided a sample message below, which you read, edit, and send by clicking the "Send" button. **Don't forget to add your name at the bottom!**

Thanks for all of your help.

Sincerely,

The Your Malibu Team

Whole Foods EIR Sample Comment

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Send



Whole Foods EIR Comparison

The following graphs demonstrate the difference between the traffic counts in the pending Whole Foods EIR and previously approved EIRs for similar projects.

In all cases, the Whole Foods EIR dramatically underestimates traffic conditions, suggesting less of an impact than is likely.

You can help us spread the word by sharing these charts with your friends. Just click the buttons below!



Share



Forward



Tweet



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You are receiving this email because of your participation passing Measure R in Malibu, or you have subscribed on our website.

Our mailing address is:

Save Malibu

P.O. Box 6085

Malibu, CA 90264

[Add us to your address book](#)

[unsubscribe from this list](#) [update subscription preferences](#)

Letter No. C-113 Andrea Rader

Response C-113-1

This comment is 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.

Jasch Janowicz

From: Olivia Raine <oliviaraine24@gmail.com>
Sent: Wednesday, March 18, 2015 4:28 PM
To: Lisa Pope
Cc: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 18 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

You are meant to represent your people, their safety and wellbeing included. The amount of environmental damage caused by the building and business such as Whole Foods is immeasurable. Traffic, garbage and environmental pollution will be the result. Please be responsible.

Signed,
Olivia Raine

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2

Letter No. C-114 **Olivia Raine**

Response C-114-1

Please refer to **Topical Response 1**.

Response C-114-2

This comment is a set of general 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.

Jasch Janowicz

From: cynthia randall [REDACTED]
Sent: Friday, February 13, 2015 10:29 AM
To: Jasch Janowicz
Subject: Whole Foods Project

Dear Jasch,

As a Malibu resident, I am writing to encourage the city of Malibu to go ahead with the proposed Whole Foods project. A Whole Foods Market will benefit the health of the entire community. There is a huge demand for it here. I assure you the vast majority of Malibu people want to see a Whole Foods here. Please do not be swayed by the vocal minority.

The project has been delayed long enough already. Let's break ground already!

Thank you,

Cynthia Randall
[REDACTED]

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Letter No. C-115 Cynthia Randall

Response C-115-1

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.

Jasch Janowicz

From: Rheta Resnick <rheta@enroutetravel.com>
Sent: Thursday, March 19, 2015 1:19 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

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MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Rheta and Bernie Resnick

1

Letter No. C-116 Rheta and Bernie Resnick

Response C-116-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: malibusteph@aol.com
Sent: Tuesday, March 17, 2015 3:43 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 17 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope, It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed, Stephanie Rocco

1

Letter No. C-117 Stephanie Rocco

Response C-117-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Lisa Pope
Sent: Friday, March 13, 2015 11:16 AM
To: Patricia Salazar; Jasch Janowicz
Subject: Fwd: Whole Foods

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MAR 13 2015
PLANNING DEPT.

Sent from my iPhone

Begin forwarded message:

From: Mary Anne Roelke <ciao2mar@aol.com>
Date: March 13, 2015 at 11:14:54 AM PDT
To: Lpope@malibucity.org
Subject: Whole Foods

I am a member of the community and I support Whole Foods.

1

Mary Anne Roelke
22548 PCH
Malibu

Letter No. C-118 **Mary Anne Roelke**

Response C-118-1

This comment is 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.

Jasch Janowicz

From: Kimberly Roth <kimberlyroth@yahoo.com>
Sent: Thursday, March 19, 2015 1:14 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Kimberly Roth
Malibu Resident

Sent from my iPhone

1

Letter No. C-119 Kimberly Roth

Response C-119-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: steve rucker <steverucker@yahoo.com>
Sent: Monday, March 23, 2015 3:05 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

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Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. PCH is already dangerously congested. Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed,

1

Steve Rucker
310 589-2141
<http://www.steveruckermusic.com>

Letter No. C-120 Steve Rucker

Response C-120-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Ann Ryan <ann@beachycream.com>
Sent: Thursday, March 12, 2015 3:49 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment !

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Dear Mr. Janowicz & Ms. Pope,

I am a longtime resident of Malibu, I live on Malibu Road and I am very concerned about this! It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Anyone who lives here can see this with their own eyes!

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety (not to mention the mental health) of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Not to do so would represent an extreme dereliction of your duties to this community!

Sincerely,

Ann Ryan

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Letter No. C-121 Ann Ryan

Response C-121-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Bill Sampson <malibubill@yahoo.com>
Sent: Thursday, March 12, 2015 1:56 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

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Dear Mr. Janowicz & Ms. Pope, It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

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To the above "canned" may we add that getting around here has exponentially worsened in the last few years. Because of congestion we stopped heading toward Santa Monica many years ago. NOW, because of existing congestion, we try to avoid even mid-Malibu. Stick another 3000 cars in there (and you KNOW they underestimated that don't you?) and we'll just stop going there unless we must. Why add gridlock to an area already suffering?

Signed,

MalibuBill and Rosemary Sampson

Letter No. C-122 MalibuBill and Rosemary Sampson

Response C-122-1

This comment is a set of general 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: nancy sanders <nsanders1957@gmail.com>
Sent: Monday, March 23, 2015 5:26 PM
To: Jasch Janowicz
Subject: WHOLE FOODS comments from Serra homeowner

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My husband and I are the owners of a home in Serra Retreat. We have recently read the Whole Food EIR and have a few comments:

Given the broader context and traffic potential of the La Paz project, the Santa Monica College project, and the Edge Development, **the Whole Foods project is possibly the worse scenario of all of them.**

I am only too familiar with the traffic at other Whole Foods locations in California and other states. Every Whole Foods I have frequented, generates, on a daily basis, a major traffic nightmare...not just within the parking lot but on the approach roads as well. I can only imagine what this could mean, traffic wise and safety wise for the Malibu community and especially those of us who have homes in Serra Canyon.

Civic Center Way is our normal path to the PCH. Given what I've seen in Whole Foods traffic flow around the country, the addition of a Whole Foods on the way to the PCH will add heavily time wise to everyone's travel on Civic Center Way and the already crowded Cross Creek Road. In an emergency situation, this scenario is fraught with risk.

I am reading the EIR that Whole Foods has created to support their position. Suffice it to say, presenting the additional Whole Foods traffic as a "decrease" (in the context of some very magical comparisons) is possibly the most disingenuous piece of "supporting research" I have ever seen.

1

The bottom line is that their numbers do not square with the reality of the massive traffic flow that a typical Whole Foods store generates.

Right now, I am visiting in Palm Desert and the new Whole Foods store here is not even that large, and it now causes a massive traffic nightmare in that particular shopping center. Keep in mind, Palm Desert is a small community, like Malibu.

In a town with one way in and one way out in emergencies, the visitors to Malibu's cherished shopping center plus the merchants, along with the community of Serra Canyon homeowners will be at incredible risk if one of their main access roadways to the PCH gets shut down.

I urge you to research this issue far more closely out of concern for everyone in Malibu.

Sincerely

Nancy Sanders
214 766 4066

Letter No. C-123 **Nancy Sanders**

Response C-123-1

This comment is a set of general 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Sarantinos@aol.com
Sent: Thursday, March 12, 2015 12:27 PM
To: Jasch Janowicz
Subject: Whole Foods EIR

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Dear Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

James Sarantinos

1

Letter No. C-124 **James Sarantinos**

Response C-124

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Lisa Pope
Sent: Tuesday, March 17, 2015 8:26 PM
To: Patricia Salazar; Jasch Janowicz
Subject: Fwd: Whole Foods

RECEIVED
MAR 17 2015
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Sent from my iPhone

Begin forwarded message:

From: Diane Sherman <dinny1@mac.com>
Date: March 17, 2015 at 8:24:16 PM PDT
To: <Lpope@malibucity.org>
Subject: Whole Foods

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Diane Sherman, Malibu resident

1

Letter No. C-125 Diane Sherman

Response C-125-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Francesca Silva <cescarsilva@gmail.com>
Sent: Wednesday, March 18, 2015 3:05 PM
To: Jasch Janowicz; Lisa Pope
Subject: New Whole Foods by Cross Creek

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Dear City Officials- I read with skepticism the Whole Foods report stating that traffic around Cross Creek has decreased by 25%. By all local accounts, this is clearly not the case. I like the idea of a Whole Foods nearby but how can we make a smart decision when we start with false numbers about the traffic? Please determine how Whole Foods got this number and, if not accurate, have them do another study.

1

Thank you,
Francesca Silva (formerly Francesca Judge)
23687 Malibu Colony Road

Letter No. C-126 **Francesca Silva**

Response C-126-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Carol Simpson <carolsgi@aol.com>
Sent: Thursday, March 12, 2015 4:00 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

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Dear Mr. Janowicz & Ms. Pope, It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed,
Carol Simpson
21 year resident

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Letter No. C-127 **Carol Simpson**

Response C-127-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Kevin Singer <ksings0201@gmail.com>
Sent: Thursday, March 12, 2015 2:03 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

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PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Kevin Singer

1

Letter No. C-128 Kevin Singer

Response C-128-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Aris Sislyan <asislyan@att.net>
Sent: Monday, March 23, 2015 7:53 PM
To: Lisa Pope
Cc: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
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Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

From the ridiculous contention of the applicant's consultants that traffic has reduced, or would be REDUCED if this project is approved, that the traffic data and counts were illegitimately conducted to misrepresent true facts of traffic conditions that are readily apparent to residents have NOT OCCURRED. The projections and formulae used to arrive at the erroneous result were therefore erroneously applied to analyze this project -- and should be redone. Please do NOT adopt the misrepresentative findings and conclusions of the flawed traffic analysis.

1

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Sincerely,

Anna Rose Sislyan
(818) 536-8817

Letter No. C-129 Anna Rose Sislyan

Response C-129-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Alexander "Sasha" Sitkovetsky <alexit@verizon.net>
Sent: Thursday, March 12, 2015 3:12 PM
To: Lisa Pope
Cc: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) hugely understates the impact of traffic on our already congested roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please strongly demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Alexander & Elena Sitkovetsky
3874 Puerco Canyon Rd.
Malibu, CA 90265

1

Letter No. C-130a **Alexander and Elena Sitkovetsky**

Response C-130a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Alexander "Sasha" Sitkovetsky <alexit@verizon.net>
Sent: Monday, March 23, 2015 6:56 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Alex & Elena Sitkovetsky
3874 Puerco Cyn Rd.

1

Letter No. C-130b Alexander and Elena Sitkovetsky

Response C-130b-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Karen Smythe <malibufloridanj@yahoo.com>
Sent: Monday, March 23, 2015 4:37 PM
To: Jasch Janowicz
Subject: too much traffic + garbage

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The traffic is already on overload in Malibu. And, people that are coming to Malibu on weekends are leaving garbage in the streets and on the beaches..I walked for 45 min yesterday picking up plastic bottles, cans, papers, etc from the beach. In just 45 min got a whole bag of garbage that was thrown all over the beach. My friend said garbage on beach where she lives in Malibu is bad too. And on the streets..

1

Sent from Yahoo Mail on Android

Letter No. C-131 **Karen Smythe**

Response C-131-1

This comment is a set of general 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Cecilia Soto-Loftus <ccsotous@yahoo.com>
Sent: Monday, March 23, 2015 6:24 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed,

1

We do not want a whole foods here!!!!!!!!!!!!!!!

2

Cecilia Soto-Loftus, MPH

Letter No. C-132a **Cecilia Soto-Loftus, MPH**

Response C-132a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Cecilia Soto-Loftus <ccsotous@yahoo.com>
Sent: Monday, March 23, 2015 6:24 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed,

1

Cecilia Soto-Loftus, MPH

Letter No. C-132b Cecilia Soto-Loftus, MPH

Response C-132b-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Tables 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Cecilia Soto-Loftus <ccsotous@yahoo.com>
Sent: Monday, March 23, 2015 6:24 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz, It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads. The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed,

1

Cecilia Soto-Loftus, MPH

Letter No. C-132c **Cecilia Soto-Loftus, MPH**

Response C-132c-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: louspirito <louspirito@verizon.net>
Sent: Wednesday, March 11, 2015 10:13 AM
To: Jasch Janowicz; Lisa Pope
Subject: WHOLE FOODS - EIR

RECEIVED
MAR 11 2015
PLANNING DEPT.

Dear City Officials:

My wife and I have read the draft EIR regarding Whole Foods and we came away with the feeling that the impact on civic center traffic was understated.

Once the other developments come on line and the Pepperdine auditorium starts holding events, traffic in the area could be impassible.

Imagine a gorgeous Spring or Summer weekend when hordes of beach goers compete with the attendees at a Pepperdine concert, and shoppers flocking to Whole Foods.

It could be more than inconvenient for Malibu residents; it could pose serious health and safety problems in the event of an accident or a fire.

Given these concerns, we're asking you to have Whole Foods reexamine their count with an eye toward a more accurate, honest assessment.

Sincerely,

Louis & Eugenie Spirito
28274 Rey De Copas Lane
Malibu

1

Letter No. C-133 Louis and Eugenie Spirito

Response C-133-1

Please refer to **Topical Response 1**. As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Jasch Janowicz

From: Frankie Blue <frankieblue1@verizon.net>
Sent: Friday, March 13, 2015 10:28 AM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods Proposal

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

We don't need another grocery store. We already have Vintage Grocery, PC Greens, Von's and Ralph's (which has become like a mini Vintage Grocery)

Additionally, it is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Frankie Blue Sposato
Planet India Music
310-589-8778
frankieblue@me.com
www.frankieblue.com

1

Letter No. C-134 **Frankie Blue Sposato**

Response C-134-1

This comment is a statement in opposition to 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.

Please also refer to **Topical Response 1**.

Jasch Janowicz

From: Susan Stiffelman <osusannaji@gmail.com>
Sent: Tuesday, March 10, 2015 6:34 PM
To: Jasch Janowicz; Lisa Pope
Subject: Whole Foods

RECEIVED
MAR 10 2015
PLANNING DEPT.

Dear City Planners,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impacts of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. All Civic Center traffic must be taken into account including cumulative traffic from all the new developments that are planned including Pepperdine's approved 5000 person event auditorium.

Please demand that Whole Foods present new traffic counts that accurately portray the existing, and known future, traffic on Malibu Roads.

Susan Stiffelman, 35 year Malibu resident (Malibu West)

Susan Stiffelman, MFT
(310) 589-7020
www.parentingwithoutpowerstruggles.com
passionateparent@gmail.com

*Susan Stiffelman shows parents how to create healthy, loving relationships with children while helping them develop the resilience and authenticity that will serve them throughout their lives. Parenting Without Power Struggles is one of the best parenting books I have ever read.-
Arianna Huffington*

Check out Susan's weekly advice column:
<http://www.huffingtonpost.com/news/parent-coach>

1

Letter No. C-135 Susan Stiffelman

Response C-135-1

Please refer to **Topical Response 1**. As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Jasch Janowicz

From: Joanne Verbon <J_Verbon@learcapital.info>
Sent: Thursday, March 12, 2015 12:30 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed, Michael Stoller

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Letter No. C-136 Michael Stoller

Response C-136-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: William Stange <wbstange@gmail.com>
Sent: Thursday, March 12, 2015 1:28 PM
To: Lisa Pope; Jasch Janowicz

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. The Coast Highway "Narrows" as I call it, between Malibu Pier and Tuna Canyon have been increasingly dangerous to all that happen across it. Valet services, pedestrians, bicyclists, motorcyclists and drivers are at saturation levels never before seen. Residents and tourists alike who use Cross Creek intersection to access the State Park and the beach continue to use the crosswalk further inhibiting traffic at any time of day or season. Valets for certain restaurants were supposed to have been using reflective vests at low light times of day and nighttime parking, even this example is not the case! In fact they are dressed in black clothing! I am concerned for our neighbors who live in the Cross Creek and Serra Road areas, they have only two exit areas to which they may access the Coast Highway. The first is at an unbelievable difficult exit at the Adamson House, whether a right or left turn on any given day. The second is through Cross Creek Road which is already a mess with congestion, driveways, crosswalks and inadequate parking. These residents need some sort of mitigation let alone ALL the other people AND rescue vehicles that require immediate access through this bottleneck. I for one am shocked at the thought of losing parking along the PCH AND losing mature trees at the south side of the highway along the State Park! These trees are majestic in every way, shape and form and have formed a beautiful and necessary wind block, noise reduction barrier and natural groundwater uptake system. Give all of this up for a right turn lane, a pile of pavement that will do nothing but bottle more traffic. I do believe in problem-solving, I do believe there are answers as hard as they may be. Pedestrian walkover as they have along Castlemar or a underpass below ground is just a start.

If this is indeed a Civic Center then lets treat it as such. What kind of area could this be? If I were visiting what would I like to see available, where would I park and where could I walk to in safety? If I were a resident what would I like to see, a market/shopping, doctors office, a place to park and an access to a large year round green park for picnics and music festivals? By throwing away the opportunity to make Malibu great is a shame, your development seems just more of the same as we are already suffering under.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
William B. Stange

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Letter No. C-137 William B. Strange

Response C-137-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Mary Streeter <marystreeter@gmail.com>
Sent: Thursday, March 19, 2015 6:14 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed, Mary Streeter

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Letter No. C-138 Mary Streeter

Response C-138-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Sharon Talovic Ph.D. <sharon@talovic.net>
Sent: Friday, March 20, 2015 11:03 PM
To: Jasch Janowicz
Subject: Fwd: Whole Foods EIR

RECEIVED
MAR 20 2015
PLANNING DEPT.

> Dear Mr. Janowicz,

>

> I am writing you to request a very thorough evaluation of the traffic issues surrounding the Whole Foods Development Plan, specifically the EIR, beyond that which has been presented by the applicant.

>

> I am concerned that the traffic counts are misrepresentative as stated thus far, and sorely underestimate the amount of traffic. Traffic will, indeed, increase significantly, perhaps 2300-3000 more car trips/day, as a result of this project; therefore, existing conditions must be represented accurately for City authorities to make an informed decision regarding the viability of the project, and in particular, the impact on the environment.

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>

> The safety of Malibu citizens and visitors, particularly during warm weather days when traffic is quite congested normally, is crucial. As a 30-year resident of the Malibu Knolls, above the Civic Center, I am particularly familiar with traffic in the direct vicinity of the proposed project. Having evacuated during several fires, I know first-hand the dire risk of traffic flow slowing during emergencies. We must be accurate in our evaluations because of these real-world, and unfortunately increasing, risks.

2

>

> Assumptions regarding road widening must be based upon data, not hopeful guesses. I trust you will keep the concerns of citizens who are most impacted on a daily basis by Civic Center development foremost in your mind, and thoroughly vet the facts as presented by the applicant.

3

>

> Sincerely,

>

> Sharon A. Talovic, Ph.D.

>

> Sent from my iPad

>

Letter No. C-139 **Sharon A. Talovic, Ph.D.**

Response C-139-1

Please refer to **Topical Response 1**.

Response C-139-2

Please refer to **Topical Response 2**. A detailed description of the PCH roadway segment is provided on page 3.13-3. A detailed description of the traffic safety and other ancillary uses of PCH (including its use by beachgoers for pedestrians, bicyclists, and accident history is provided on pages 3.13-3 and 3.13-4 under the *Traffic Safety and Operations on PCH* heading in the Draft EIR. Together, these descriptions sufficiently characterize the current roadway geometry and supporting roadway infrastructure surrounding the proposed project and were used to analyze the potential project specific and cumulative traffic impacts.

Response C-139-3

The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Jordan Tarlow <jordantarlow@gmail.com>
Sent: Sunday, March 22, 2015 1:32 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED

MAR 22 2015

PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Jordan Tarlow

Sent from my iPhone

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Letter No. C-140 Jordan Tarlow

Response C-140-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Susan Tellem <susan@tellemgrodypr.com>
Sent: Friday, March 13, 2015 4:49 PM
To: Jasch Janowicz; Lisa Pope
Cc: John Sibert; Joan House; Lou La Monte; Laura Rosenthal; Skylar Peak
Subject: Whole Foods EIR

RECEIVED

MAR 13 2015
PLANNING DEPT.

Dear Lisa, Jasch and City Council Members:

Today as I write this PCH is closed for a fire and fire truck staging, and it is only March. Yesterday, it took me an extra hour to get home because a traffic signal was out at Nobu. Just days ago, a woman was killed by a hit and run, just a few weeks after another death of a woman on PCH in a traffic accident. I would be happy to share every sheriff Nixle report I have collected since August 2014 that document crashes, deaths and other traffic casualties and mishaps on PCH. With 1,000 accidents clocked each year on our PCH, and with thousands of beachgoers, hikers and cyclists coming in extremely early due to unseasonably warm weather, it's apparent that Whole Foods is literally out to lunch with its EIR. We have local Vintage Market and PC Greens, Whole Foods clones, for those wanting high priced organic food. We certainly do not need another market with a huge Ralph's close by. But most important, we do not need another choke point during emergencies or with tourists and beachgoers already flooding in making PCH impassable.

This project would cause a major increase in traffic, resulting in an additional 2300 to 3000 new car trips every day. Whole Foods has not proposed anything to ease the additional burden. Whole Foods has ignored resident requests for assurances that traffic generated will not jeopardize their safety in the event of an emergency. And laughably, the EIR makes the unbelievable assumption that traffic has decreased by 25% to 30% in recent years. What pot dispensary were those drafting the EIR visiting before they sat down to write it? Obviously none of them live here.

We cannot add more cars to this small beach town that already suffers tremendously from PCH traffic.

Respectfully, Susan Tellem



Susan M. Tellem, APR, RN, BSN
Tellem Grody PR, Inc.
310-313-3444, ext. 1
www.tellemgrodypr.com

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Letter No. C-141 Susan Tellem

Response C-141-1

Please refer to **Topical Response 1** and **Topical Response 2**. A description of the PCH roadway segment is provided on page 3.13-3. A detailed description of the traffic safety and other ancillary uses of PCH (including its use by beachgoers for pedestrians, bicyclists, and accident history) is provided on pages 3.13-3 and 3.13-4 under the *Traffic Safety and Operations on PCH* heading in the Draft EIR. Together, these descriptions characterize the current roadway geometry and supporting roadway infrastructure surrounding the proposed project and were used to analyze the potential project specific and cumulative traffic impacts.

Jasch Janowicz

From: Lisa Pope
Sent: Thursday, March 12, 2015 12:43 PM
To: Patricia Salazar; Jasch Janowicz
Subject: FW: Whole foods

RECEIVED
MAR 12 2015
PLANNING DEPT.

Lisa Pope, City Clerk
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
310-456-2489 ext. 228

-----Original Message-----

From: Janet Tholen [redacted]
Sent: Thursday, March 12, 2015 12:40 PM
To: Lisa Pope
Subject: Whole foods

Dear Lisa Pope -

Please consider the enormous increase in traffic that a Whole Foods market would create in an area that is already teeming with people and cars on a typical summer day. The impact of this project needs to be thoroughly analyzed by a purely objective party. Try to enter the Pavillion's parking lot on Heathercliff on any afternoon of the week for a glimpse into what this project will create - and in a much busier part of Malibu.

Thank you -

Janet Tholen

Sent from my iPad

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Letter No. C-142a Janet Tholen

Response C-142a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Janet Tholen <janettholendesign@verizon.net>
Sent: Thursday, March 12, 2015 12:51 PM
To: Jasch Janowicz
Subject: Whole Foods

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz -

Please consider the enormous impact on traffic that a Whole Foods development would have on an area in Malibu that is teeming with cars and people on any summer day. I live near the Pavillion's on Heathercliff and many of my neighbors no longer patronize any business in that complex - it is simply too chaotic to deal with. Needless to say, this west end of Malibu does not generate the traffic that frequents the city center where the Whole Foods would be located. An objective party should conduct a thorough environmental impact study to ascertain the wisdom of moving ahead with this development.

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Thank you -

Janet Tholen.

Sent from my iPad

Letter No. C-142b Janet Tholen

Response C-142b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Marshall <marshall@prvideo.tv>
Sent: Thursday, March 12, 2015 6:46 PM
To: Lisa Pope
Cc: Jasch Janowicz
Subject: My Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Importance: High

Dear City Planners and Malibu City Council;

I am a common-sense sort of a person. I trust my own powers of observation. A person who pays attention to levels of traffic at various times of the day and days of the week in the Civic Center for the past 17 year as I have as a resident, will come to the following conclusion: Any development that adds thousands of daily car trips plus attending large delivery truck traffic to the already heavily burdened Cross Creek and Civic Center Way, is a foolish and potentially dangerous mistake. As an 11-year volunteer member of Malibu CERT (Community Emergency Response Team) and community organizer in my Malibu Park neighborhood, public safety and free access to evacuation routes for emergencies are of primary importance in any planning decision.

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At the very least, please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Better yet, reject this unneeded and unwanted development in its entirety.

Marshall Thompson 310-403-2507
Bilingual writer, producer, director, photographer



30745 Pacific Coast Hwy, # 243, Malibu, CA 90265
<http://www.linkedin.com/in/marshallthompsonvideo>
<http://www.facebook.com/#/PRVIDEOGUY?ref=profile>

Please remember: May 23rd is WORLD TURTLE DAY! www.tortoise.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Letter No. C-143 **Marshall Thompson**

Response C-143-1

Please refer to **Topical Response 1** and **Topical Response 2**.

Jasch Janowicz

From: Lynchfa <lynchfa@gmail.com>
Sent: Thursday, March 12, 2015 1:14 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods Traffic

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Dru Tolmachoff-Lynch
Sent from my iPhone

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Letter No. C-144 Dru Tolmachoff-Lynch

Response C-144-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: jtomlinson22@aol.com
Sent: Wednesday, March 18, 2015 3:16 AM
To: Lisa Pope; Jasch Janowicz
Subject: whole foods traffic

RECEIVED
MAR 17 2015
PLANNING DEPT.

Dear Mr. Janowicz and Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR claiming existing traffic has decreased by 25% or more materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu residents working or visiting the Civic Center and those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray existing traffic on Malibu roads.

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Warmly, Jacky Tomlinson - Malibu

Thank you for your help.

Letter No. C-145 Jackie Tomlinson

Response C-145-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Beth Treweek <Beth@BLKArtDesign.com>
Sent: Sunday, March 15, 2015 6:00 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 15 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Beth Treweek

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Letter No. C-146 **Beth Treweek**

Response C-146-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Randy Turrow <featurepro@gmail.com>
Sent: Thursday, March 12, 2015 1:39 PM
To: Lisa Pope; Jasch Janowicz
Cc: Carlene
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Randy Turrow and Carlene Moore
Condo Owners
Malibu Canyon Village

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Letter No. C-147 Randy Turrow and Carlene Moore

Response C-147-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Steve Uhring <steve.uhring@gmail.com>
Sent: Thursday, March 19, 2015 2:10 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Steve Uhring

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Letter No. C-148a Steve Uhring

Response C-148a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Steve Uhring <steve.uhring@gmail.com>
Sent: Monday, March 23, 2015 9:59 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment
Attachments: Eir comments.docx

RECEIVED
MAR 23 2015
PLANNING DEPT.

Follow Up Flag: Follow up
Flag Status: Flagged

Attached are my Whole Foods EIR comments

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Steve Uhring

RECEIVED

MAR 23 2015

PLANNING DEPT.

Whole Foods EIR Comments

1)

Cumulative buildout of projects in the Civic Center will generate 9800 to 10967* new weekday trips and approximately 8000+* Saturday trips into the Civic Center. (* Appendix G, Approved La Paz EIR, page 22 and Table 6 and Appendix H, Whole Foods EIR)

This increase in people traveling to, parking, and working in the Civic Center will be added to traffic from the schools and business already located in the Civic Center and the traffic from surrounding neighborhoods all of whom must use Civic Center roads as egress routes in an emergency. Traffic congestion in the Civic Center will create a safety risk if it inhibits egress during an emergency. The EIR discusses mitigations focused on improving traffic entry into the Civic Center but there is no discussion providing speedy egress in an emergency.

- The EIR fails to analyze the impact cumulative buildout traffic will have on emergency evacuation plans for the schools and businesses in the civic center and the surrounding neighborhoods.
- The EIR fails to analyze the impacts that cumulative buildout truck traffic on Cross Creek and Civic Center Way will have on Serra Canyon residents and livestock exiting in an emergency.

2)

Cumulative buildout of projects in the Civic Center will generate 9800 to 10967* new weekday trips and approximately 8000* Saturday trips into the Civic Center. (* Appendix G, Approved La Paz EIR, page 22 and Table 6 and Appendix H, Whole Foods EIR)

The increase in traffic on Cross Creek will impact the health and safety of Serra residents by causing them abandon Cross Creek and instead enter and exit Serra Retreat via Serra Road. The PCH Safety Study Assessment report (page 7) commissioned by Malibu and on file with the City, identified that there are major problems for traffic exiting Serra Road onto PCH. It states "Vehicles turning left

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from PCH to Serra Road can see approximately 300 feet down PCH. Vehicles turning from Serra Road can see approximately 200 feet to their left. At the speed of 45 mph Caltrans recommends at least 360 feet of sight distance. The prevailing speed measured near this area was 53 MPH.”

3

- The EIR fails to analyze the impacts of increased traffic on Serra Road.

3)

Water during a wildfire is a critical issue in Malibu

4

- The EIR fails to analyze and clearly state that there is an adequate water supply to fight both a building fire and a wildfire?

4)

The applicant identifies the project as “A Neighborhood Shopping Center and uses that definition to compute traffic generation

Both the Urban Land Institute and the International Council of Shopping Centers state that a neighborhood shopping center is designed to meet the needs of the **immediate neighborhood**.

http://www.icsc.org/uploads/research/general/US_CENTER_CLASSIFICATION.pdf

The International Council of Shopping Centers definition states that a neighborhood shopping center should generate 75% of its business within three miles. http://www.icsc.org/uploads/research/general/US_CENTER_CLASSIFICATION.pdf

5

On pages 4, pages and in appendix H the applicant makes the case that the shopping center will be used by “Commuters using Malibu Canyon road”, and “the high volume of pass through traffic between Calabasas and Los Angeles” demonstrating that the project is being designed to extend beyond the immediate neighborhood.

As demonstrated in Table I-1 of Appendix I, classifying the Whole Foods as a supermarket vs. a “Neighborhood Shopping Center” increases traffic generation from 42.70 daily trips per 1000 G.L.S.F. to 102.24 daily trips per G.S.S.F. Put another way classified as a Supermarket the weekend daily traffic increases by

1475 trips per day. This difference in trip generation demonstrates the primary reason Whole Foods wants Malibu to use the “Neighborhood Shopping Center classification..

5

- The EIR fails to correctly classify the project as a supermarket (ITE Code 850). This misclassification understates trip generation numbers in the EIR.

5)

The project requires a major mitigation project at the corner of Cross Creek and PCH yet provides only a pictorial overview of this effort.

- The EIR fails to analyze:
 - Impact of this mitigation to bike lanes
 - Impact of this mitigation to beach access. Will PCH parking areas used by visitors to Surfrider Beach be eliminated?
 - Impacts to pedestrians. An hour long weekend count by The PCH Safety Assessment Report, on file with the city, page 8, counted 236 pedestrians crossing PCH at this intersection and 79 pedestrians crossing Cross Creed RD.
 - Impacts to State Parks Land.
 - traffic capacity after completion of mitigation items for proposed widening Pacific Coast Highway at Malibu Lagoon/Cross Creek and proposed mitigations for Webb Way, Civic Center Way, Cross Creek Road, or any of their intersections.

6

6)

One of the details of the Cross Creek mitigation identified in the EIR is that the applicant, in connection with La Paz, is asking Caltrans to reduce the width of the traffic lanes to accommodate the proposed mitigation.

7

- The EIR fails to analyze the impact the narrower lanes will have to safe travel on PCH and explain how these narrower lanes are consistent with the PCH Safety Taskforce effort currently being supported by the City of Malibu.

7)

Page 9 of Whole Foods updated traffic analysis the applicant defines the outdoor seating as an “additional food court use” that is incorporated into the computation for required parking. Additionally it states “the outdoor seating is not only being provided for food consumption but rather as an outdoor gathering place for the Center”

8

Yet on page 21 of the updated analysis the applicant states that they have excluded the unenclosed spaces from trip calculations.

- The EIR fails to compute trip calculations for the unenclosed spaces.

8)

The City Traffic Analysis guidelines recommend that truck counts be clearly identified in the traffic analysis. Based upon a consultation and a follow up visual survey at Ralphs Supermarket, we can expect 15-17 daily truck trips to service a supermarket. This count is verified in a study by the University of Washington (<http://www.wsdot.wa.gov/NR/rdonlyres/E7164661-25E6-421B-B828-C2EF5F909180/0/TruckTripGenerationGroceryStoresreportAugust2010.pdf>) that confirms that it will take approximately 15 truck trips per day to service a store like Whole Foods. In addition two restaurants will be included in the project plus additional retail which conservatively takes the count for truck trips to the project up to 20+. This will be in addition to the truck currently servicing the business establishments in the Civic Center.

9

- The EIR fails to identify the number of daily truck trips needed to service the project, fails to identify what number of these truck trips will use Cross Creek to deliver supplies and fails to provide an estimate of the cumulative number of daily truck trips needed to service Whole Foods and the other existing Civic Center businesses.

9)

Page 23 of the Updated traffic analysis states that the applicant used “the study area traffic roadway patterns, and other traffic studies recently prepared for the general area to develop trip distribution and trip assignment.

To assist readers of the EIR to determine if the trip distribution and assignment has been done properly the EIR should identify the specific “study area traffic roadway patterns, and other traffic studies recently prepared for the general area” used as the basis for the trip distribution and assignment calculations. Specific page numbers should be included to enable us to quickly get to the appropriate sections of the study.

10

- The EIR fails to provide the details (facts) used to reach conclusions about trip distribution and trip assignment

10)

When the baseline traffic counts in the EIR are compared against the traffic counts in previously approved EIRs there is a significant discrepancy.

For example baseline traffic counts for Malibu Canyon and PCH AM traffic identified in Whole Foods EIR are 21% to 25% less than the same counts recorded in the approved Legacy Park EIR. (Detailed computations were included in the Power Point presentation to the Planning Commission on March 2, 2015)

11

- The EIR should reconcile the Whole Food Traffic counts with the counts previously approved in the Legacy Park EIR and specifically explain why these lower counts at this intersection should be considered an accurate representation of current traffic on Malibu Highways.

11)

When the baseline traffic counts in the EIR are compared against the traffic counts in previously approved EIRs there is a significant discrepancy.

For example baseline traffic counts for weekday PM traffic on Civic Center Way going onto Malibu Canyon identified in Whole Foods EIR is 28% less than the same counts recorded in the previously approved La Paz EIR (Detailed computations

12

were included in the Power Point presentation to the Planning Commission on March 2, 2015)

- The EIR should reconcile the Whole Food Traffic counts with the counts previously approved in the La Paz EIR and specifically explain why these lower counts at this intersection should be considered an accurate representation of current traffic on Malibu Highways.

12

12)

When the baseline traffic counts in the EIR are compared against the traffic counts in previously approved EIRs there is a significant discrepancy.

For example baseline traffic counts for weekday PM traffic on Webb Way going onto Civic Center Way identified in Whole Foods EIR are 17% less than the same counts recorded in the previously approved La Paz EIR (Detailed computations were included in the Power Point presentation to the Planning Commission on March 2, 2015)

13

- The EIR should reconcile the Whole Food Traffic counts with the counts previously approved in the La Paz EIR and specifically explain why these lower counts on this roadway should be considered an accurate representation of current traffic on Malibu Highways. .

13)

When the baseline traffic counts in the EIR are compared against the traffic counts in previously approved EIRs there is a significant discrepancy.

For example baseline traffic counts for weekday PM traffic on Cross Creek going onto Civic Center Way identified in Whole Foods EIR are 35% less than the same counts recorded in the previously approved La Paz EIR (Detailed computations were included in the Power Point presentation to the Planning Commission on March 2, 2015)

14

- The EIR should reconcile the Whole Food Traffic counts with the counts previously approved in the La Paz EIR and specifically explain why these

lower counts on this roadway should be considered an accurate representation of current traffic on Malibu Highways.

14

14)

When the baseline traffic counts in the EIR are compared against the traffic counts provided by reputable agencies there is a significant discrepancy.

For example baseline traffic counts for weekday PM traffic on PCH at Malibu Canyon and Cross Creek identified in Whole Foods EIR are up to 35% less than the same counts recorded by Caltrans (Detailed computations were included in the Power Point presentation to the Planning Commission on March 2, 2015). It should be noted that the applicant verifies the accuracy of the Caltrans highway counts by referencing Caltrans traffic counts on page 18 of the updated traffic analysis.

15

- The EIR should reconcile the Whole Food Traffic counts with the Caltrans counts for the same intersections and specifically explain why these lower counts on this roadway should be considered an accurate representation of current traffic on Malibu Highways.

15)

The following two graphs identify weekday Level Of Service (LOS) studies at major Malibu intersections and compare the LOS conclusions in the Whole Foods EIR to the conclusions arrived at in previously approved EIRs for La Paz and Legacy Park. In every case the Whole Foods EIR suggest that there have been significant improvements in LOS at every major intersection.

16

Misrepresenting or overstating the LOS at major intersections obfuscates the need for roadway improvements. Failing to make necessary improvements can prove to be fatal in an emergency evacuation situation.

- The EIR should reconcile each of these LOS differences and identify the changes in traffic patterns or the roadway improvements that have been

put in place to account for the improved LOS identified in the Whole Foods EIR

Level Of Service Comparisons

		A	B	B-A	
		Approved La Paz EIR	Approved Legacy Park EIR	Whole Foods EIR	Improved Per Whole Foods
Location	Direction	LOS*	LOS	LOS	Per Whole Foods
Malibu Canyon and PCH	AM	C	D	B	←
	PM	D	D	B	
Webb Way and PCH	AM	B	B	A	←
	PM	D	D	B	
Cross Creek and PCH	AM	C	C	A	←
	PM	D	D	C	
Malibu Canyon and Civic Center Way	AM	B	B	A	←
	PM	C	C	A	

* Level of Service

16

Level Of Service Comparisons

		A	B	B-A	
		Approved La Paz EIR	Approved Legacy Park EIR	Whole Foods EIR	Improved Per Whole Foods
Location	Direction	LOS	Whole Foods	Difference	% Decrease
Webb Way and Civic Center Way	AM	C	C	B	←
	PM	F	F	C	
Cross Creek and Civic Center Way	AM	A	A	A	←
	PM	B	B	A	

16)

The project plans to include a Shane's playground on the property which will draw additional traffic to the project location. The playground's focus on drawing individuals to the site is confirmed on the Shane's Inspiration website (<http://www.shanesinspiration.org/>) where it states:

“Once a playground is built, our community outreach programs increase use and build public awareness of the benefits of integrated play. Outreach services include busing/field trip programs, international speaking engagements, newsletters targeting children with disabilities and adults, hospital research collaborations, and monthly play dates that bring children of all abilities and their families together for fun-filled days at the playground.

My PlayClub® is a community outreach program of Shane's Inspiration that brings children of ALL abilities together at one of our inclusive playgrounds for a play date”

17

Malibu's TRAFFIC IMPACT ANALYSIS GUIDELINES state that unenclosed spaces such as this playground should be included in the traffic generation computation. On page three of the traffic impact guidelines it states:

a. *Assessment of Proposed Project*

The latest edition of the Institute of Transportation Engineers' (ITE) *Trip Generation* shall be used for trip generation forecasts. In some cases, the ITE data are based on a limited amount of studies or do not adequately represent the proposed land use(s). In these cases, and with approval from the City, trip generation rates could be obtained from the current *San Diego Traffic Generators* (San Diego Association of Governments) or should be verified through local field observation of similar uses.

Whole Foods decided to ignore the requirement of the Guidelines and instead simply excluded the outdoor spaces from trip calculation

“The Institute of Transportation Engineers (ITE) studies and trip generation rates do not include unenclosed spaces such as this projects outdoor space. Therefore outdoor spaces is excluded from the trip calculations” Whole Foods traffic analysis, page 21

- The EIR fails to include trip calculations for these unenclosed spaces as required per the Malibu Traffic Analysis guidelines.

17

17)

The project plans to include a Learning Garden on the property which will draw additional traffic to the project location. The garden's focus on drawing individuals to the site is confirmed in much of the language on the Kitchen Community website (<https://thekitchencommunity.org/learning-gardens/g/>). For example it states:

"A bountiful fall harvest of a wide variety of fruits and vegetables depends on the long summer growing season. Many Learning Gardens utilize a combination of parents, teachers, garden clubs, school engineers and custodians, and community members to care for the garden over the summer. Those people working in the garden over the summer are the ones who will enjoy the summer harvests."

Malibu's TRAFFIC IMPACT ANALYSIS GUIDELINES state that unenclosed spaces such as this garden should be included in the traffic generation computation. On page three of the traffic impact guidelines it states:

18

b. Assessment of Proposed Project

The latest edition of the Institute of Transportation Engineers' (ITE) *Trip Generation* shall be used for trip generation forecasts. In some cases, the ITE data are based on a limited amount of studies or do not adequately represent the proposed land use(s). In these cases, and with approval from the City, trip generation rates could be obtained from the current *San Diego Traffic Generators* (San Diego Association of Governments) or should be verified through local field observation of similar uses.

Whole Foods decided to ignore the requirement of the Guidelines and instead simply excluded the outdoor spaces from trip calculation

"The Institute of Transportation Engineers (ITE) studies and trip generation rates do not include unenclosed spaces such as this projects outdoor space. Therefore outdoor spaces is excluded from the trip calculations" Whole Foods traffic analysis, page 21

- The EIR fails to include trip calculations for these unenclosed spaces as required per the Malibu Traffic Analysis guidelines.

18

18)

The Whole Foods EIR , page 16 updated analysis, states that parking spaces on Civic Center way will be removed to accommodate the project’s driveway. Section 3.12.1 of Malibu’s LIP state that if existing parking spaces serving recreational uses are displaced, comparable replacement must be provided.

LIP...3.12.1 Purpose and Intent

C. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

As demonstrated in the photo’s below parking on Civic Center Way is used by residents and visitors who park while surfing, biking or jogging.

- The EIR fails to identify the replacement parking spaces required to be provided due to the Whole Foods plan to remove existing Civic Center parking spaces.

19

19)

Currently the public uses available parking along the West side of Cross Creek Road, between Civic Center Way and the gated entrance to Serra Retreat.

- The EIR should identify if any of these Cross Creek parking spaces will be impacted by this project, and if they are does the project provide replacement parking.

20

20)

Page 17 of the updated traffic analysis states “ Other smaller vendor delivery trucks would arrive throughout the day and utilize the two loading spaces designated at each side of the site.”

21

The site diagrams in the EIR suggest that these Loading spaces are no bigger than a parking space for a car. Design standards dictate that loading spaces must be able to accommodate large vehicles, forklifts, and pedestrian traffic and must not interfere with emergency egress routes from the building .

21

- The EIR fails to identify the size of these loading spaces and provide assurances that they will accommodate large vehicles, forklifts, and pedestrian traffic and will not interfere with emergency egress routes from the building in the instance of an emergency.

21)

In its computation of needed parking spaces the EIR references Malibu’s LIP and states “*To qualify for the “shopping center criteria” (5/1000), a well balanced mixture of uses within the center must be demonstrated. Where there is an imbalance of high intensity uses, restaurants, theater, bowling alley, billiard parlors, beauty schools and other such uses and/or long-term parking uses, parking calculations will be based totally or in part on an individual basis.*”

It then fails to mention that 75% of this project is made up of a supermarket and restaurants, hardly a well balanced mixture of uses.

The EIR on page 74 of the updated traffic analysis , states “The City of Malibu has determined that the project qualifies for the shopping center definition of the code as long as the square footage of the restaurant uses and outdoor seating area does not exceed the levels analyzed in this study.

22

Suggesting that the City of Malibu agreed that this project, devoting 75% of its space to high intensity uses (supermarket and two restaurants), qualifies for a ‘shopping center criteria’ designation borders on the unbelievable.

- The EIR fails to provide a signed statement from the City of Malibu identifying the City department that concluded that this project does not have an imbalance of high intensity uses and that made this determination the ‘ shopping center was appropriate..

22)

Appendix H of the updated traffic analysis lists Related project information along with trip counts but does not provide a chart that identifies the specific projects and traffic

23

counts that are used to compute the future traffic counts presented in the EIR. (for example figure 27)

- The EIR fails to provide a table that clearly identifies the specific projects and traffic counts that are incorporated into the EIR future traffic counts.

23

23)

Page 1 of the updated traffic analysis states:

Existing traffic conditions utilize new traffic data collected by the City of Malibu in the Summer of 2012

- The EIR fails to identify the guidance provided to the traffic counter to insure accurate results and the City of Malibu representative who certified to the accuracy of this traffic study.

24

24)

During the scoping session for the Whole Foods EIR residents identified numerous environmental issues they believed should be addressed in the EIR. A large number of these issues were not included in the Draft EIR. Excluded issues include, but are not limited to, subjects such as Civic Center evacuation plans, Economic impacts, Water Supplies for emergencies, proposed mitigation and its impact on bike lanes. (See Whole Foods and the Park Scoping Session, May 2, 2012, on file with the City)

- The EIR fails to address all the environmental concerns raised by residents during the scoping session. The EIR should identify each the scoping issues mentioned by residents during the scoping session and included in the city scoping session file, and explain why they were not included in the Draft EIR

25

Letter No. C-148b Steve Uhring

Response C-148b-1

This comment is a general introductory remark. 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 C-148b-2

Please refer to **Topical Response 1** and **Topical Response 2**.

Response C-148b-3

This comment expresses concerns about increased vehicle trips utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval. The Serra Canyon residents would be able to continue using Cross Creek Road as a viable access road. Serra Canyon residents choosing to utilize Serra Road to access their residences would not be considered a significant public health and safety impact resulting from the proposed project.

Response C-148b-4

Please refer to **Topical Response 2**.

Response C-148b-5

This comment states that the proposed project has been inappropriately classified as a “Neighborhood Shopping Center” and should be classified as a “Supermarket”, which would result in additional vehicle trips. Estimates of the traffic generated by the proposed project were calculated using the industry standard traffic generation rates developed by the Institute of Transportation Engineers (ITE) for a shopping center with restaurant uses. ITE, the International Council of Shopping Centers and the Urban Land Institute all define a shopping center as “an integrated group of commercial establishments that is planned, developed, owned and managed as a unit.” A neighborhood shopping center is further defined as a center with 30,000 – 100,000 square feet usually with a supermarket and or drug store use. Therefore, the shopping center definition appropriately applies to the proposed project.

Response C-148b-6

This comment requests additional analysis of the potential impacts resulting from intersection improvements proposed at the Cross Creek Road and PCH intersection. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

The proposed project would not be removing or reducing safe lateral coastal access for bicyclist or pedestrians at the intersection of Cross Creek Road and PCH. Detailed plans submitted for CDP No. 14-036 illustrate the construction of a Class II bike lanes and sidewalks as part of intersection improvements required as a Mitigation Measure for the La Paz commercial shopping center project.

Response C-148b-7

The commenter states that the EIR failed to consider the effect of reduced lane widths for the improvements proposed at the intersection of Cross Creek Road and PCH. Detailed plans for the improvements proposed at the intersection of Cross Creek Road and PCH were submitted as part of CDP No. 14-036. These plans propose an intersection design that incorporates standard vehicle lane widths. Please refer to Draft EIR Figure 3.13-17, which illustrates the use of standard land widths.

Response C-148b-8

This comment states that the proposed outdoor gathering places should be counted as separate uses, therefore requiring a separate calculation of vehicle trips. Trip generation is based upon established

industry practices using Institute of Transportation Engineers trip generation rates that include all types of activity at typical shopping centers, including employee access, ancillary uses within the shopping center, delivery trucks, etc. The outdoor space provided as part of the project is a related use to the proposed use. Therefore, separating each type of activity on the site in addition to using a shopping center type of rate would result in double counting the expected number of project trips.

Response C-148b-9

This comment requests that truck counts be clearly identified in the traffic impact analysis. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimated 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response C-148b-10

This comment requests that the EIR should identify the specific study area traffic roadway patterns, and other traffic studies recently prepared for the general area to develop trip distribution and trip assignment. Figures 5 and 6 of the Traffic Impact Analysis (included as Draft EIR Appendix 3.13) illustrate the trip distribution for all project study area intersections. These trips distribution rates were reviewed and approved by the City's Public Works Department.

Response C-148b-11

Please refer to **Topical Response 1**.

Response C-148b-12

Please refer to **Topical Response 1**.

Response C-148b-13

Please refer to **Topical Response 1**.

Response C-148b-14

Please refer to **Topical Response 1**.

Response C-148b-15

Please refer to **Topical Response 1**.

Response C-148b-16

Please refer to **Topical Response 1**.

Response C-148b-17

This comment states that the proposed “Shane’s playground” should be counted as a separate use, therefore requiring a separate calculation of vehicle trips. Trip generation is based upon established industry practices using Institute of Transportation Engineers trip generation rates that include all types of activity at typical shopping centers, including employee access, ancillary uses within the shopping center, delivery trucks, etc. The outdoor space provided as part of the project is a related use to the proposed use. Therefore, separating each type of activity on the site in addition to using a shopping center type of rate would result in double counting the expected number of project trips.

Response C-148b-18

This comment states that the proposed “Learning Garden” should be counted as a separate use, therefore requiring a separate calculation of vehicle trips. Trip generation is based upon established industry practices using Institute of Transportation Engineers trip generation rates that include all types of activity at typical shopping centers, including employee access, ancillary uses within the shopping center, delivery trucks, etc. The outdoor space provided as part of the project is a related use to the proposed use. Therefore, separating each type of activity on the site in addition to using a shopping center type of rate would result in double counting the expected number of project trips.

Response C-148b-19

This comment states that the EIR fails to identify the replacement parking spaces required as a result of the proposed removal of four parking spaces along Civic Center Way. While the City and the Coastal Commission value public parking and access to visitor serving uses within and near the coastal areas of Malibu, the removal of four spaces would not create a significant impact on the environment.

In terms of replacement parking, the project is required to provide 217 parking spaces (five spaces per 1,000 sf), and would provide 220 parking stalls (seven handicapped accessible, 175 standard and 38 compact), 16 bicycle spaces (via four bicycle racks spread out across the site), four golf cart spaces, two electric vehicle charging stations, four loading spaces for the retail uses, and 520 sf of soft-surface area for horse parking, including four hitching posts, and a watering trough.

Response C-148b-20

This comment requests that the Draft EIR should analyze parking impacts on the west side of Cross Creek Road. As stated above, the proposed project would remove four parking spaces along Civic Center Way. However, the project is required to provide 217 parking spaces (five spaces per 1,000 sf), and would provide 220 parking stalls (seven handicapped accessible, 175 standard and 38 compact), 16 bicycle spaces (via four bicycle racks spread out across the site), four golf cart spaces, two electric vehicle charging stations, four loading spaces for the retail uses, and 520 sf of soft-surface area for horse parking, including four hitching posts, and a watering trough. The net removal of one parking space would not create a significant impact on the environment. The proposed project would not remove any parking spaces located along the west side of Civic Center Way.

Response C-148b-21

This comment states that the EIR fails to identify the size of the loading spaces and would not provide assurances that they will accommodate large vehicles, forklifts and pedestrians and would not interfere with emergency access routes. The loading spaces, parking spaces, and drive aisles are designed consistent with Municipal Code Section 17.48 – Off-Street Parking and Loading Requirements. Compliance with these standards will ensure that adequate vehicle access and emergency access to the site is provided. Please also refer to **Topical Response 2**.

Response C-148b-22

This comment suggests that the proposed project has been inappropriately classified as a “shopping center.” The project has been designed to provide parking pursuant to the Malibu Local Coastal Program

(LCP) Local Implementation Plan (LIP) requirements for a shopping center. Based on the Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) calculation of 217 parking spaces, the project's parking supply of 220 parking spaces will accommodate the estimated parking demand at the shopping center.

Response C-148b-23

This comment states that the EIR fails to identify the specific projects and traffic counts that were used to calculate cumulative traffic impacts. Please refer to Draft EIR Table 3.0-1.

Response C-148b-24

This comment states that the EIR fails to identify the guidance provided to the traffic counter to insure accurate traffic count results. Traffic volume data was collected in the summer of 2012 by National Data & Surveying Services, an independent third party data collection company hired by the City of Malibu.

Response C-148b-25

This comment states that a large number of issues raised at the scoping session were not addressed in the EIR. During preparation of the Draft EIR, all of the comments received during the scoping session were considered.

Jasch Janowicz

From: Ron Underwood <underwoodron@me.com>
Sent: Wednesday, March 18, 2015 2:02 PM
To: Lisa Pope; Jasch Janowicz
Subject: EIR

RECEIVED
MAR 18 2015
PLANNING DEPT.

Dear Ms. Pope and Mr. Janowicz,

It seems that the traffic counts used by Whole Foods in their EIR is inaccurate.

It is wrong to move forward with Whole Foods based on this incorrect information.

Please demand that Whole Foods present new traffic counts that reflect the true traffic situation on PCH and why their counts differ so much from Caltrans.

Thank you.

Ron Underwood
Resident, Malibu

1

Letter No. C-149 Ron Underwood

Response C-149-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Tom Urban <tomu@treatmentinfo.org>
Sent: Thursday, March 19, 2015 1:28 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

THOMAS URBAN

1

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Letter No. C-150a Thomas Urban

Response C-150a-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: Tom Urban <tomu@treatmentinfo.org>
Sent: Thursday, March 19, 2015 1:29 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

THOMAS URBAN

1

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Letter No. C-150b Thomas Urban

Response C-150b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Tom Urban <tomu@treatmentinfo.org>
Sent: Thursday, March 19, 2015 1:29 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

THOMAS URBAN

1

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Letter No. C-150c Thomas Urban

Response C-150c-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Jv <actionnowrealty@gmail.com>
Sent: Thursday, March 19, 2015 1:40 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Sent from my iPhone

1

Letter No. C-151 Jason Ventress

Response C-151-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Joanne Verbon <J_Verbon@learcapital.info>
Sent: Thursday, March 12, 2015 12:30 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed, Joanne Verbon

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Letter No. C-152a Joanne Verbon

Response C-152a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Joanne Verbon <J_Verbon@learcapital.info>
Sent: Thursday, March 19, 2015 1:28 PM
To: Jasch Janowicz
Subject: Whole Foods

RECEIVED
MAR 19 2015
PLANNING DEPT.

I am against Whole Foods coming into Malibu!

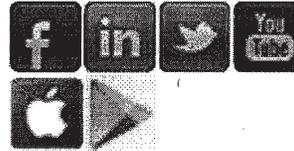
1

Joanne Verbon
Senior Account Executive
J_Verbon@learcapital.com



Phone : (800) 576-9355
Fax : (310) 571-0194
Ext : 233

1990 S. Bundy Dr., Suite 600
Los Angeles, CA 90025
www.LearCapital.com



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Letter No. C-152b Joanne Verbon

Response C-152b-1

This comment is a statement in opposition to 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.

Jasch Janowicz

From: Joanne Verbon <J_Verbon@learcapital.info>
Sent: Monday, March 23, 2015 2:53 PM
To: Jasch Janowicz
Subject: Whole Foods

RECEIVED
MAR 23 2015
PLANNING DEPT.

I DO NOT want Whole Foods to come to Malibu!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

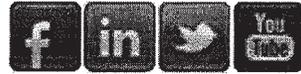
1

Joanne Verbon
Senior Account Executive
J_Verbon@learcapital.com



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Letter No. C-152c Joanne Verbon

Response C-152c-1

This comment is a statement in opposition to 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.

Jasch Janowicz

From: Joanne Verbon <J_Verbon@learcapital.info>
Sent: Monday, March 23, 2015 2:54 PM
To: Jasch Janowicz
Subject: Whole Foods

RECEIVED
MAR 23 2015
PLANNING DEPT.

I want an accurate EIR!!!!!!!

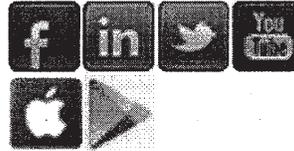
1

Joanne Verbon
Senior Account Executive
J_Verbon@learcapital.com

Phone : (800) 576-9355
Fax : (310) 571-0194
Ext : 233



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Letter No. C-152d Joanne Verbon

Response C-152d-1

This comment is a statement. 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.

Jasch Janowicz

From: Judy Villablanca <judygrobv@gmail.com>
Sent: Monday, March 23, 2015 2:54 PM
To: Jasch Janowicz
Cc: Judy Villablanca
Subject: Coment on EIR for Whole Foods Development

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

I strongly feel the city needs to re-evaluate the traffic counts used in the Whole Foods EIR. The project would cause a traffic increase of 2,300 - 3,000 cars trips/day, but the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years. In addition, the EIR should include traffic counts on "beach days" which are now happening in March for multiple weekends due to our warmer weather, as well as during the usual summer months.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. It is clearly impossible to add a new parking lot, new stores and state there would be no impact in increased traffic. Already on beach weekends, traffic makes it impossible for emergency vehicles to move through Malibu optimally.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads, and include counts on "beach" weekends.

Judy Villablanca
Malibu resident
27567 Winding Way, Malibu 90265

1

Letter No. C-153 Judy Villablanca

Response C-153-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Peri Vincent <picklessorell@aol.com>
Sent: Monday, March 23, 2015 8:47 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Sincerely,

Peri Vincent

1

Letter No. C-154a Peri Vincent

Response C-154a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Peri Vincent <picklessorell@aol.com>
Sent: Monday, March 23, 2015 8:48 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Sincerely,
Peri Vincent

1

Letter No. C-154b Peri Vincent

Response C-154b-1

Please refer to **Topical Response 1**. The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Jasch Janowicz

From: ronald weiner <malibucraiglist@gmail.com>
Sent: Thursday, March 12, 2015 3:02 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Ronald Weiner

1

Letter No. C-155 Ronald Weiner

Response C-155-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Pam Weingarten <pamw@malibuonline.com>
Sent: Thursday, March 19, 2015 1:30 PM
To: Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 19 2015
PLANNING DEPT.

I have observed with a combination of both horror and amusement the absolutely absurd representations made in the draft EIR submitted on behalf of the "whole Foods" project.

1

The traffic counts and the time of day those counts were taken are absurd. Of course there will be a dramatic increase in the amount of traffic generated by this project. This not only is a flaw in the traffic study but rightly impacts air quality and visual impacts as well.

Furthermore, there is no specificity with respect to the "widening of PCH" and the environmental impacts as well as visual impacts that might be triggered.

2

In addition, the last thing this community needs is another drugstore and more fast food places. The ones we have now can't make a living.

This project is totally out of step with the lifestyle that has long attracted residents like myself who have made Malibu their home since 1986.

3

The City Council along with the Planning Commission was put in place to prevent development the residents do not want and to prevent sewers from coming to Malibu.

All in all, I think all of you have done a really piss poor job of protecting this community.

Palomba Weingarten
3535 sweetwater mesa rd. Malibu.

Letter No. C-156 **Palomba Weingarten**

Response C-156-1

Please refer to **Topical Response 1**.

Potential impacts to Aesthetics (visual resources) and Air Quality were analyzed in the Draft EIR in Section 3.1 and 3.2, respectively. Following the implementation of mitigation measures, potential impacts would be less than significant.

Response C-156-2

The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Response C-156-3

This comment is a set of general 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.

Jasch Janowicz

From: Debbie Weiss <gallery@wwagallery.com>
Sent: Monday, March 23, 2015 10:23 AM
To: Jasch Janowicz
Subject: Whole Foods EIR

RECEIVED
MAR 23 2015
PLANNING DEPT.

Dear Jasch,

We are property owners on Sweetwater Mesa (Serra Canyon). We have many concerns about the Whole Food project and it's EIR not the least of which is concerns about the traffic implications and potential impacts to the ability of emergency vehicles to respond. We wish to see a more detailed EIR which further studies the impact of the proposed project, especially in regards to the traffic and discusses what control will be put into place.

1

Kind Regards,

Debbie Weiss and Adrian Lorimer

Letter No. C-157 Debbie Weiss and Adrian Lorimer

Response C-157-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: louwestphal@gmail.com
Sent: Thursday, March 19, 2015 5:29 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Sincerely,

Lou Westphal

1

Letter No. C-158 Lou Westphal

Response C-158-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Cami Winikoff <cami@sobini.com>
Sent: Friday, March 13, 2015 4:46 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 13 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Thank you,
Cami winikoff and Scott greco

1

Letter No. C-159 **Cami Winikoff and Scott Greco**

Response C-159-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Kathy Wittenberg <kawitte@me.com>
Sent: Thursday, March 12, 2015 10:22 PM
To: Lisa Pope
Cc: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Thank you,

Kathy Wittenberg

1

Letter No. C-160 **Kathy Wittenberg**

Response C-160-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Justin Wixsom <justinwixsom@gmail.com>
Sent: Friday, March 20, 2015 7:43 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Justin Wixsom
JSW Designs Inc.
310.869.4256
Justin@jswdesigns.net
Justinwixsom@gmail.com
CA Contractors LIC# 955669
CA Real Estate LIC# 01509683

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Letter No. C-161a **Justin Wixsom**

Response C-161a-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Justin Wixsom <justinwixsom@gmail.com>
Sent: Friday, March 20, 2015 7:43 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Additionally, the EIR does not analyze the impact of traffic during days of heavy beach use. On days like these, during which Malibu experiences extraordinary traffic, it is important to understand the consequences of new development.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Justin Wixsom
JSW Designs Inc.
310.869.4256
Justin@jswdesigns.net
Justinwixsom@gmail.com
CA Contractors LIC# 955669
CA Real Estate LIC# 01509683

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1

Letter No. C-161b Justin Wixsom

Response C-161b-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Justin Wixsom <justinwixsom@gmail.com>
Sent: Friday, March 20, 2015 7:43 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 20 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300 - 3000 cars at the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Justin Wixsom
JSW Designs Inc.
310.869.4256
Justin@jswdesigns.net
Justinwixsom@gmail.com
CA Contractors LIC# 955669
CA Real Estate LIC# 01509683

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Letter No. C-161c Justin Wixsom

Response C-161c-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Peg Yorkin <pegyorkin@mac.com>
Sent: Thursday, March 19, 2015 8:12 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 19 2015
PLANNING DEPT.

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,
Peg Yorkin
22348 PCH, Malibu, 90265

Sent from my iPhone

1

Letter No. C-162 Peg Yorkin

Response C-162-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: David Zielski - RainCatcher <dave@raincatcher.org>
Sent: Thursday, March 12, 2015 12:28 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope,

It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

David Zielski
Malibu Resident

1

Letter No. C-163 David Zielski

Response C-163-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Beatrix Z <beatrix_z@hotmail.com>
Sent: Monday, March 23, 2015 7:19 AM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT.

Mr Janowicz:

It is clear that the traffic counts used in the Whole Food EIR materially understates the impact of traffic on our roads.

The project would cause a traffic increase of 2300-3000 cars as the least. But the EIR ignores this impact by claiming that existing traffic has actually decreased by 25% or more in past years.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu roads.

Additionally, I am contacting Whole Foods Market to determine if they are, in fact considering placing one of their stores in Malibu because I have heard the "Whole Foods" developer publicly state that Whole Foods Market has not committed to placing a store in Malibu and, in that case, the developer has co-opted Whole Foods Market' good name and reputation to "Trojan Horse" a large commercial development into Malibu that the community would clearly object to if the promise of a Whole Foods Market wasn't clouding the waters.

Thank you for your time and attention, respectfully

Beatrix Zilinskas

28315 Via Acero
Malibu, CA 90265

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Letter No. C-164 Beatrix Zilinskas

Response C-164-1

Please refer to **Topical Response 1** and **Topical Response 2**.

Response C-164-2

This comment is a set of general 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.

The presumption that Whole Foods Market would be the anchor tenant of the proposed project is not speculative. In fact, a lease agreement between former the property owner, Cross Creek Ventures, LLC as “Landlord”, and Mrs. Gooch’s Natural Food Markets, Inc. (doing business as Whole Foods Market) as “Tenant”, was entered into on July 23 2007 (the “Original Lease”) in which the Tenant commits to leasing the premises as more particularly described in the Original Lease, including but not limited to, requirements as to site orientation, access and square footage which would not be met by the design and orientation of the building configuration presented in Alternative 2.

To reflect Whole Foods Market’s continuing commitment to occupying the project once it is completed, to date, two Amendments have been made to the Original Lease, the most recent of which served to amend the Landlord to DBA Malibu Holdco LLC, the current property owner. Further, Whole Foods Market includes “California – Malibu” in its listing of “Stores in Development” on its website:
<http://www.wholefoodsmarket.com/company-info/stores-development>.

Jasch Janowicz

From: Lisa Pope
Sent: Saturday, March 14, 2015 10:34 AM
To: Patricia Salazar; Jasch Janowicz
Subject: Fwd: traffic count

RECEIVED
MAR 14 2015
PLANNING DEPT.

Sent from my iPhone

Begin forwarded message:

From: Dagmar Zilinskas <[REDACTED]>
Date: March 14, 2015 at 9:54:31 AM PDT
To: "Lpope@malibucity.org" <lpope@malibucity.org>
Subject: traffic count

The traffic count for the "Whole Foods" EIR is not believable. We ask you to please conduct a new traffic count, and notify the public in advance who is doing the count and where. At the same time I ask you to explain why you still use the Whole Foods name for the development. Is Whole Foods in any way associated with the development or as a future tenant??

[] [1]
[] [2]

Respectfully,
Gene and Dagmar Zilinskas

Letter No. C-165a **Gene and Dagmar Zilinskas**

Response C-165a-1

Please refer to **Topical Response 1**.

Response C-165a-2

Whole Foods Market has given every indication that it will be the anchor tenant of the proposed project. A lease agreement between the former property owner, Cross Creek Ventures, LLC as “Landlord,” and Mrs. Gooch’s Natural Food Markets, Inc. (doing business as Whole Foods Market) as “Tenant,” was entered into on July 23 2007 (the “Original Lease”) in which the Tenant commits to leasing the premises as more particularly described in the Original Lease, including but not limited to requirements as to site orientation, access, and square footage, which would not be met by the design and orientation of the building configuration presented in Alternative 2.

To reflect Whole Foods Market’s continuing commitment to occupying the project once it is completed, to date, two Amendments have been made to the Original Lease, the most recent of which served to amend the Landlord to DBA Malibu Holdco LLC, the current property owner. Further, Whole Foods Market includes “California – Malibu” in its listing of “Stores in Development” on its website:
<http://www.wholefoodsmarket.com/company-info/stores-development>.

Jasch Janowicz

From: Dagmar Zilinskas <dzilinskas@hotmail.com>
Sent: Monday, March 16, 2015 1:23 PM
To: Jasch Janowicz
Subject: Traffic count for the "Whole Foods" development

RECEIVED
MAR 16 2015
PLANNING DEPT.

I find the traffic count re the EIR for the so called Whole Food project totally unbelievable. Please conduct a new traffic count and notify the public in advance who is doing the count and where.

Please let me know why you use the 'whole Foods' name for the Soboroff project. Is Whole Foods in any way associated with the development or as a future tenant ??

Respectfully,
Gene and Dagmar Zilinskas

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2

Letter No. C-165b **Gene and Dagmar Zilinskas**

Response C-165b-1

Please refer to **Topical Response 1**.

Response C-165b-2

Whole Foods Market has given every indication that it will be the anchor tenant of the proposed project. A lease agreement between former the property owner, Cross Creek Ventures, LLC as “Landlord,” and Mrs. Gooch’s Natural Food Markets, Inc. (doing business as Whole Foods Market) as “Tenant,” was entered into on July 23 2007 (the “Original Lease”) in which the Tenant commits to leasing the premises as more particularly described in the Original Lease, including but not limited to, requirements as to site orientation, access, and square footage, which would not be met by the design and orientation of the building configuration presented in Alternative 2.

To reflect Whole Foods Market’s continuing commitment to occupying the project once it is completed, to date, two Amendments have been made to the Original Lease, the most recent of which served to amend the Landlord to DBA Malibu Holdco LLC, the current property owner. Further, Whole Foods Market includes “California – Malibu” in its listing of “Stores in Development” on its website:
<http://www.wholefoodsmarket.com/company-info/stores-development>.

Jasch Janowicz

From: Dagmar Zilinskas <dzilinskas@hotmail.com>
Sent: Friday, March 20, 2015 9:54 AM
To: Jasch Janowicz

RECEIVED
MAR 20 2015
PLANNING DEPT.

Dear Sir,

Please let me know if you received my recent letter regarding the traffic count for the so called Whole Foods project. I asked you to do a renewed count since the recent count is, frankly, unbelievable.

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Please acknowledge receipt of my letters,

Respectfully,

Dagmar Zilinskas

Letter No. C-165c Dagmar Zilinskas

Response C-165c-1

Please refer to **Topical Response 1**.

All comments received on the Draft EIR by the City have been catalogued and responded to in this Final EIR.

Jasch Janowicz

From: HENRY ZINMAN <zinperson@verizon.net>
Sent: Thursday, March 12, 2015 1:18 PM
To: Lisa Pope; Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 12 2015
PLANNING DEPT.

Dear Mr. Janowicz & Ms. Pope, It is clear that the traffic counts used in the Whole Foods EIR (claiming existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads. Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it. Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads. Signed,

1

Letter No. C-166 Henry Zinman

Response C-166-1

Please refer to **Topical Response 1**.

Jasch Janowicz

From: Katina Zinner <katina@katinazinner.com>
Sent: Monday, March 23, 2015 4:38 PM
To: Jasch Janowicz
Subject: Whole Foods EIR Comment

RECEIVED
MAR 23 2015
PLANNING DEPT

Mr. Janowicz,

It is clear that the traffic counts used in the Whole Foods EIR (claiming that existing traffic has decreased by 25% or more) materially understates the impact of traffic on our roads.

Importantly, the existing EIR contains no real plan for alleviating additional traffic. It assumes, but does not quantify, that widening PCH for a right turn lane at the Cross Creek signal will ease projected congestion.

Going forward with the Whole Foods development based upon this erroneous information would present a risk to the health and safety of Malibu Residents working or visiting the Civic Center and to those living around it.

Please demand that Whole Foods present new traffic counts that accurately portray the existing traffic on Malibu Roads.

Signed,

Katina Zinner

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Letter No. C-167 Katina Zinner

Response C-167-1

Please refer to **Topical Response 1**.

ORAL PUBLIC COMMENTS AND RESPONSES

The following pages provide a summary of the oral comments made at the Planning Commission hearing on the Draft EIR held on March 2, 2015 and the City's responses to these comments.

Planning Commission Draft EIR public hearing – March 2, 2015 Summary of Oral Comments

Comment No.	Commenter	Comments
D-1	Brad Thornton	1. As the director of the Shane's Inspiration project, Mr. Thornton stated that it is an international nonprofit that designs and develops inclusive playgrounds to bring playgrounds for children of all abilities to play together; and then works with communities to implement social inclusion programming. On behalf of Shane's Inspiration, he spoke in support of the project.

Response D-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.

D-2	Chuck Trout	1. As the development director for The Kitchen Community Mr. Trout outlined the design and purpose of the gardens and spoke in support of the project.
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Response D-2-1

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.

D-3	Jeff Follert	<ol style="list-style-type: none"> 1. Mr. Follert is president of the Serra Canyon Property Owners Association (SCPOA); an organization of approximately 110 properties in the Serra Canyon neighborhood and spoke on their behalf. The properties share common ingress and egress easements on private roadways (Serra Road and Cross Creek Road) which are required by the fire department for emergency, primary, and secondary access points for all properties in the neighborhood. SCPOA's preliminary review of the project's traffic study resulted in many questions and raised doubt as to the practical reality of the impact analysis. 2. The report seems to indicate that in the intersection study only three were potentially impaired and proposed for mitigation. These are PCH and Cross Creek Road at PCH, PCH, and Malibu Canyon Road at Malibu Canyon, and PCH and Webb Way and Civic Center Way, and Webb Way. Cross Creek Road and Civic Center Road, the intersection that's directly adjacent to the project, right next to it and most impacting SCPOA, is cited as having "No impact" from the proposed project. Despite the traffic engineer's estimates, SCPOA requests a further detailed analysis of the real and potential impacts on this most critical intersection. 3. The report indicates that tri-axle truck traffic would be loaded into ingress or egress in the main Civic Center Way driveway. The report states that this will be accomplished by these vehicles being "prohibited" from using the private section across Creek Road. How will this effectively be controlled? By signage? Furthermore, many, if not a majority of delivery vehicles for an organic market, restaurants and retail stores are not tri-axle vehicles. 4. For at least one event during the fires in the early 1990s, Serra Road access was entirely fire involved and closed. Residents and emergency vehicles were limited to the Cross Creek Road access point. Historically the private Cross Creek Road use has been limited to residents and a limited number of low-impact businesses. The practical potential impact and use of the secondary driveway on Cross Creek Road needs further analysis. The proposed use is active and significant. It will impact the safety of Serra Canyon residents. If the access point is included in project emergency access requirements, at a minimum, consideration should be given to emergency use only
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		<p>controlled by a gate and a Knox key.</p> <ol style="list-style-type: none"> 5. The Cross Creek Road and Civic Center Way intersection was considered a three-way intersection in the traffic study. With the approval of and used by the Urban Outfitters property parking area and the alignment of their driveway, the intersection has become a four-way intersection and should be analyzed as such. The impact of a new driveway cut from private Cross Creek Road needs greater scrutiny. 6. SCPOA feels strongly that the project traffic analysis should be viewed in its cumulative effect with the existing development with the existing development agreement for La Paz, the Santa Monica College use of the County buildings, the potential of other commercial developments. The project's EIR should include the cumulative impact of other approved and proposed developments in the Civic Center area. 7. SCPOA is deeply concerned about the potential impact of this project and the traffic, the health and safety of our property owners and residents. Please do not simply accept the studies provided by the applicant without further independent analysis.
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Response D-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.

Response D-3-2

Please refer to **Topical Response 1**.

Response D-3-3

This comment expresses concerns about three-axle truck traffic utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimate 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic

Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response D-3-4

Please refer to **Topical Response 2**.

Response D-3-5

Draft EIR Section 3.13, Traffic and Circulation, identified the intersection of Cross Creek Road and Civic Center Way as a four way intersection. Please refer to Figures 3.13-2 through 3.14-4, Figures 3.13-8 through 3.13-16, and Figures 3.13-20 through 3.13-25. As a result, the anticipated volume of vehicle trips utilizing the "driveway cut" proposed on the private section of Cross Creek Road during the AM/PM peak hour periods was analyzed in the Draft EIR.

Response D-3-6

Please refer to **Topical Response 1**. As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Response D-3-7

The Draft EIR was prepared under contract to the City of Malibu and reflects the City's independent judgment on its contents as required by CEQA.

Please also refer to **Topical Response 1** and **Topical Response 2**.

D-4	Linda Ellrod	1. Ms. Ellrod lives in Malibu and has two children with special needs. She is also the vice president of the Malibu Special Ed Foundation. She spoke in support of the project and specifically Shane's Inspiration playground.
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Response D-4-1

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.

D-5	Justine Petretti	1. Ms. Petretti is a 25-year resident of Malibu with three children. She is vice-chair of the Parks and Rec Commission, as well an active executive board member of the local PTAs for the past 11 years. She spoke in support of the project.
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Response D-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.

D-6	Mariane Schector	1. Ms. Schector is a resident of Malibu with a five-year-old child. She spoke in support of the project.
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Response D-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.

D-7	Anne Payne	1. Ms. Payne is a 38-year resident of Malibu. She is concerned that the City has not looked at the traffic impact of the trucks that unload and load every day now without any development in the Civic Center beyond what is already there. The City continues to allow huge trailers and trucks to block Civic Center
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		<p>Way, Cross Creek Road every day.” An accident waiting to happen.”</p> <p>2. The evacuation point for the Serra Retreat property owners or the residents who are there is huge. Cross Creek Road is the critical point for evacuation for all the people, animals, and vehicles. It would only take one truck or one trailer on Cross Creek Road to block several hundred people trying to get in and out, including visitors who might be at Serra Retreat. “I really think we have to look at the traffic and the traffic flow in Civic Center before we look at any projects in isolation.”</p>
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Response D-7-1

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.

This comment expresses concerns about three-axle truck traffic utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimate 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project’s covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response D-7-2

Please refer to **Topical Response 1**, **Topical Response 2** and **Response to Comment B-1d-9**.

D-8	Norm Haynie	<ol style="list-style-type: none"> 1. Mr. Haynie stated that for over 20 years, he has said that the requirement for 40 percent of your land to be used for landscaping is a bad standard. It's a bad standard because it reduces the number of parking places that are necessary for people to go to the 20 percent or the 15 percent floor area ratio buildings that ought to be built. Mr. Haynie is in support of the variance and believes that the City should grant landscaping areas associated with tree canopies and any other creative ways that provide landscaping without requiring the 40 percent.
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Response D-8-1

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.

D-9	Jo Giese	<ol style="list-style-type: none"> 1. Ms. Giese is known as the founder and president of the Malibu Green Machine, sponsors of a major landscaping project on Pacific Coast Highway in the heart of Malibu. She spoke in support of the project.
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Response D-9-1

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.

D-10	Michelle Kahen	<ol style="list-style-type: none"> 1. Ms. Kahen lives in Malibu and has three children five and under. She spoke in support of the project and Shane's Inspiration playground.
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Response D-10-1

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.

D-11	Howard Schector	<ol style="list-style-type: none"> 1. Mr. Schector is an attorney and a 37-year resident of Malibu with a five-year-old child. He spoke in support of the project and the findings of the EIR, in particular that he believes the project would not endanger the residents of Serra Canyon.
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Response D-11-1

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.

D-12	Amy Cohen	<ol style="list-style-type: none"> 1. Ms. Cohen is a resident of Malibu with two children. She spoke in support of the project.
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Response D-12-1

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.

D-13	Steve Uhring	<ol style="list-style-type: none"> 1. Mr. Uhring stated that at the scoping meeting in May 2012 the public requested accurate traffic counts, including truck trips, stating that truck traffic on Cross Creek could have a major impact on the safety of Serra Canyon residents. 2. Other scoping comments included: Is there an adequate water supply to fight both building fires and wildfires? If a fire does occur, how will the traffic get out onto Civic Center Way and will it impact the ability of emergency vehicles to get in to deal with the emergency along with the evacuation the area schools
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		<p>and businesses?</p> <p>3. Concerns were raised about impacts to the intersection of Serra Road and PCH as more Serra Canyon residents would use it rather than Cross Creek. More information was requested regarding the mitigation at Cross Creek and PCH. Mr. Uhring stated that the requested information was not provided in the EIR.</p> <p>4. Mr. Uhring stated that the traffic counts performed for the report were done manually during low traffic periods and undercounted actual area traffic by 25 to 28 percent. Mr. Uhring requests that new traffic counts be provided along with a new study.</p>
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Response D-13-1

Please refer to **Topical Response 1**.

Response D-13-2

Please refer to **Topical Response 2**.

Response D-13-3

The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Response D-13-4

Please refer to **Topical Response 1**.

D-14	Bob Perkins	1. Mr. Perkins is a resident of Malibu. He spoke in support of the project.
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Response D-14-1

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.

D-15	Paul Grisanti	1. Mr. Grisanti spoke in support of the project and the findings of the EIR
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Response D-15-1

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.

D-16	Charlotte Jones	<ol style="list-style-type: none"> 1. Ms. Jones is a resident of Malibu. She spoke of her concerns regarding traffic safety in the project vicinity and concurs with Mr. Uhring that a new traffic study is needed. 2. Ms. Jones objects to the variance for the height of the building and the addition of new lighting, which she stated will alter the views of the mountains from PCH. 3. Ms. Jones stated that there a multiple other venues to purchase organic food in Malibu and is generally not in support of the project. She stated that she has no objection to a park for children and that a park on the site would be "a great idea."
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Response D-16-1

Please refer to **Topical Response 1**.

Response D-16-2

Please refer to **Responses to Comments B-1c-2, B-1d-11, B-1d-13 and C-156-1**.

Response D-16-3

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.

<p>D-17</p>	<p>Commissioner John Mazza</p>	<ol style="list-style-type: none"> 1. Has there been any consideration of the loss of fire staging areas in the Civic Center on the cumulative impact in this particular project? 2. Prior use at the project site suggests that there may be some soil contamination and soils testing should be performed. 3. Prior and current EIR studies of traffic in the area show a 20 to 35-percent decrease in the traffic study on this particular property. Can you reconcile certified EIR studies versus this study and was that attempted? 4. Is there any place in Malibu that has a two-story building or a one-story or any place other than a supermarket or a drug store that has 18-foot standard retail height retail stores? 5. Is it possible and how many years would it take for a sycamore tree to grow to 28 feet with a 50-foot canopy? 6. Have the traffic counts really dropped from other studies?
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Response D-17-1

Please refer to **Topical Response 2**.

Response D-17-2

Please refer to **Response to Comment A-2-6**.

Response D-17-3

Please refer to **Topical Response 1**.

Response D-17-4

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.

Response D-17-5

The western sycamore (*Platanus racemosa*) is native to California and can grow to a height of 40 to 80 feet tall and 30 to 50 feet wide. The tree has a fast growth rate of approximately 36 to 48 inches per year. They

grow faster when they are young and the trees planted on the site are expected to put on new growth fairly quickly once established.

A planting plan has been prepared indicating the location of the 80 western sycamores that would be included as part of the proposed project's landscaping. These plans indicate the required sycamores would be planted in the following sizes: 15 of the 60-inch-box size; 15 of the 48-inch-box size; 10 of the 36-inch-box size; 10 of the 24-inch-box size; and 30 of the 15-gallon size.

The following is provided as an example of the typical growth pattern for the western sycamore planted from a 48 inch box. A typical "nursery container stock standard" tree would be approximately 14 feet tall by 10 feet wide at installation. The actual size varies per tree and also depends on if the tree is a standard single trunk or a multi trunk tree. It would take approximately five to seven years for the 48 inch box trees to reach around 25 feet in width as shown in the planting plans. In areas on the project site where they have more room to grow they could potentially reach up to 50 feet in width within 12 to 15 years. The lifespan of a western sycamore can be greater than 150 years.

The western sycamore typically has a naturalized, irregular canopy shape. In keeping with the project's design intent to have a wider canopy of sycamores, trees would be selected for this project that have the largest canopy available at the time of purchase per the selected container sizes. Care would be taken during tree selection to ensure that trees with a more spreading form were chosen. Careful maintenance and selective tree trimming over time would also be performed to encourage the trees to take on more of the natural spreading form that they are so well known for and which is desired for this project.

The trees would be maintained per the requirements of the LIP Section 5.6.2 and Title 32 of the Los Angeles County Fire Code, therefore they are not expected to pose a greater fire hazard than any other type of landscaping in the Civic Center area.

Response D-17-6

Please refer to **Topical Response 1**.