

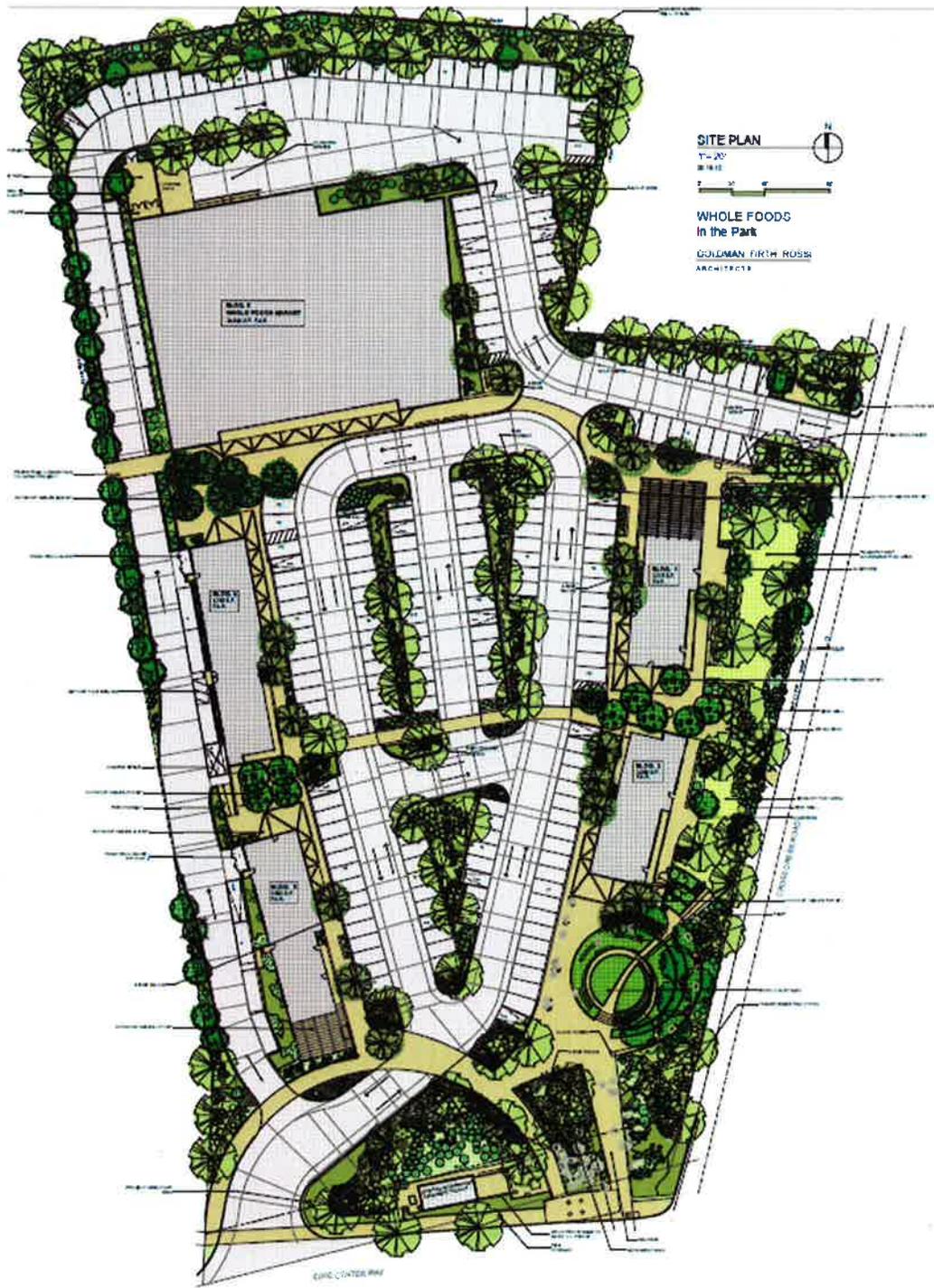
Whole Foods in the Park

Scoping Meeting

May 22, 2012



**PROJECT
SITE**



- 2 parcels = 5.88 acres
- 5 buildings = 38,425 sq. ft.
 - 4 buildings @ 3,000 to 4,200 sq. ft. each
 - Whole Foods 24,549 sq. ft.
 - 28 feet max
- FAR = 0.15
- Outdoor dining = 4,800 sq. ft.
- 2 driveways
- Pedestrian, golf cart, equestrian access
- Landscaping – 80 sycamores
- Outdoor amenities
- Shane's Park
- Landscape City right of way – 4,514 sq. ft.

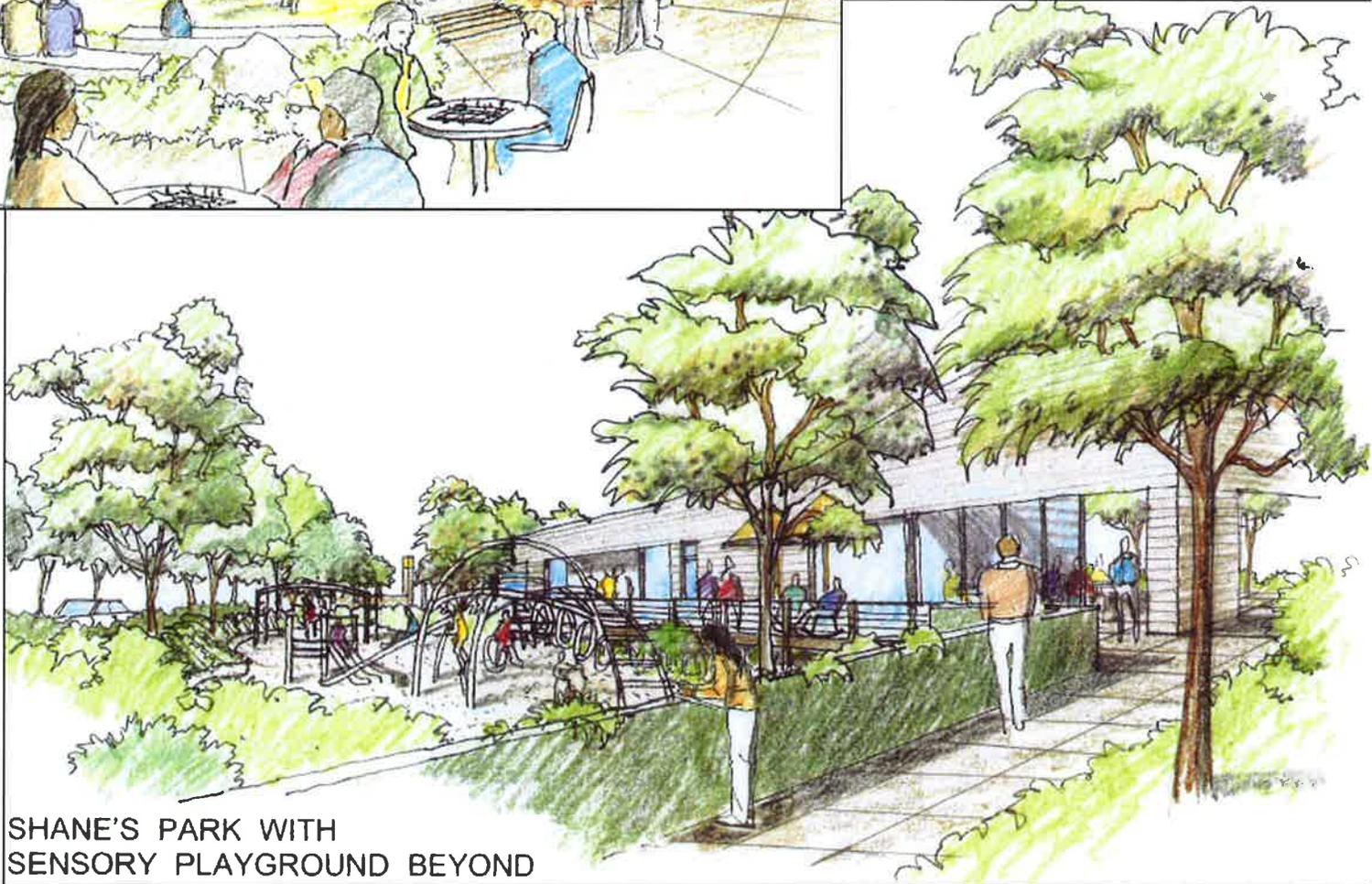
Site Prep & Infrastructure

- Tie in to future Civic Center WWTP
- Remedial grading for FEMA
- Water District 29 participation agreement
- New right turn lane on PCH at Cross Creek





ENTRY COURTYARD



SHANE'S PARK WITH SENSORY PLAYGROUND BEYOND



MARKET ENTRANCE & COURTYARD

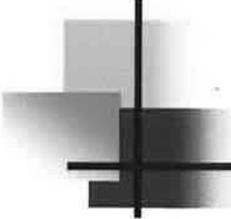


Proposed Entitlements

- CDP
- Lot merger
- GP and Zoning map update to CV-1
- CUP
- Site Plan Reviews
 - 28 foot height
 - Remedial grading
- Minor Mod – front and east side yards
- Variances
 - Landscape/Open Space - 37.8%
 - 12 foot noise wall
 - 10 foot directory sign
 - 16 foot clock tower

What is an EIR?

- An Environmental Impact Report (EIR) is an informational document.
- Studies are prepared and conclusions of significance are made in accordance with the CEQA Guidelines and the City's CEQA Guidelines.



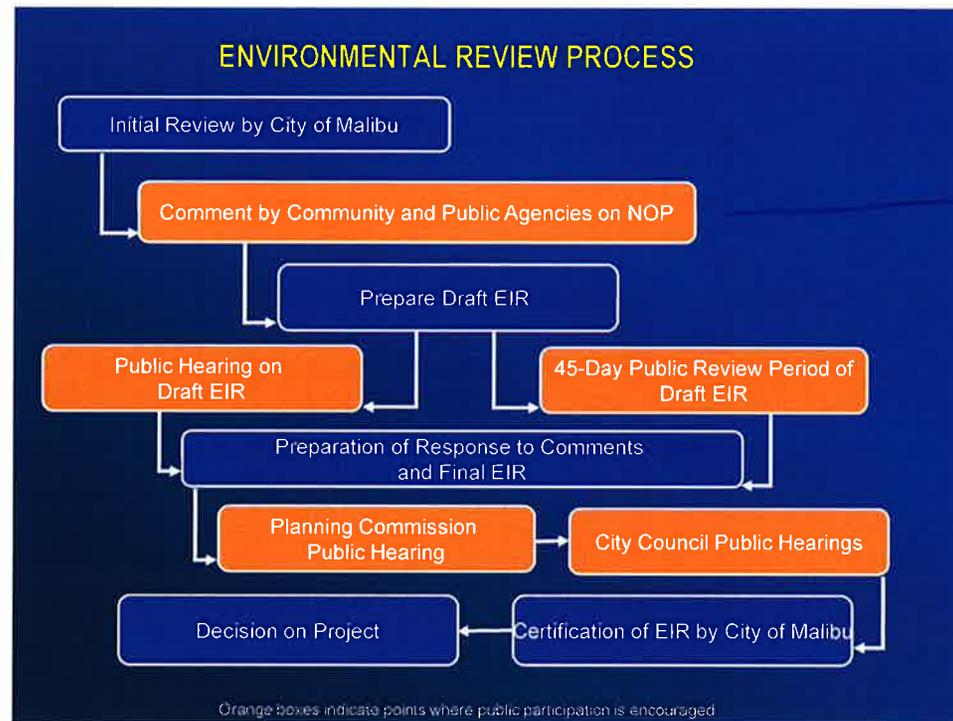
Potential Environmental Impacts

- Air Quality (construction and operational)
- Biological Resources
- Geology
- Land Use/Planning
- Aesthetics
- Cultural Resources



- Hydrology/Water Quality
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Noise (construction and operational)
- Traffic (construction and operational)
- Public Service (Fire and Sheriff)
- Utilities and Service Systems (including Wastewater)

Environmental Review Process



→ ends May 29

How Do I Make Comments to this EIR?

- Participate in the Discussion this evening
- Send in Written Comments –no later than **May 29, 2012**
- Review the Draft EIR when it is Published and provide comments during the 45-day review period
- Comment at the Planning Commission and (if applicable) City Council Hearings

What Kinds of Comments are Useful to the EIR Process

- Of course, City staff wants to hear all of your comments. But the most helpful comments to the EIR process are those that directly pertain to the environmental consequences of the project.



Public Concerns and Comments

- This is your opportunity to discuss any environmental issues that you believe should be addressed in the EIR

Whole Foods in the Park – Scoping Meeting

May 22, 2012

Jeff Fuller

Mr. Fuller indicated that he was speaking as an individual not as a member of any organization and I have concerns regarding the project in general. Currently there are two accessways near the project, Cross Creek Road ?, private roadways. Both access ways must be kept open for emergency services. I also have concerns about traffic and access to Cross Creek due to an easement that currently exists. The La Paz project will also affect traffic at this intersection. Truck traffic and loading traffic will use Cross Creek to access the project, with additional traffic coming from La Paz. The EIR should study the cumulative effect of lighting with this project and other projects in Civic Center, including La Paz, and the college. Civic Center lighting should be addressed in the EIR. The EIR should also address emergency use on Cross Creek during a fire, as well as water resources in the event of a fire fight.

Steve Uhring

The traffic study from overland is outdated and should be updated to 2012. The study is inadequate due to importance of traffic. The traffic study should be current not just new counts but new study. The traffic study should be done based on 2012 technology to make sure it is accurate. In the event of an emergency there would be an evacuation at Serra Canyon, emergency access for three nearby schools and other nearby businesses. How will this affect people leaving in an emergency? The study should address where traffic is coming from.

Michael ????

There is traffic from new projects at Pepperdine, two new restaurants on PCH, the lagoon project, how long will these projects be going on? The traffic study should include all cumulative projects proposed as well as what exists today. Traffic should not be averaged through the year.

John Mazza

Is it practical to use Cross Creek for access? Why are there so many roads on the five acres? Is parking adequate, will there be a loading dock for each building? Is the outside seating included in the surface area for parking? What about the easement in front of the building – is that part of the total 5 acres and counted in the FAR. Regarding the overall look, the General Plan requires rural rustic features. What about the economic impact?

Frank Angel

Economic impacts should be considered. There should be an urban decay study prepared to determine fiscal balance and to determine if businesses will close and what impact those closures will have on the physical areas.

Andy Lyon

Where will wastewater go? What happens if sewer for the Civic Center area is not built? Is there a backup to the sewer plan such as an onsite wastewater system? Mr. Lyon's is also concerned about the ties between applicant and company that is preparing the wastewater study.

Brian Eamer

Mr. Eamer would like to see an independent peer review of traffic study. Cumulative effects should be considered and the results should be available included as appendix to EIR. The area is lacking in pedestrian access and there are no sidewalks in the area such as near Legacy Park. The project should have pedestrian accessible sidewalks and a pedestrian safety study should also be done to understand what mitigation may be needed.

Jae Flora-Katz

The project lacks open space. Traffic and lighting in the civic center area must be looked at as a whole.

Alessandra Di Carlo

Humans/citizens make the environment. This project is not in character with the City of Malibu. Chain stores suck up mom and pop stores and the loss of the mom and pop stores will impact humans and the way they live in Malibu. This project looks more like Beverly Hills, it doesn't fit Malibu.

Cindy Vandor

The project should provide proof on the availability of water. Water necessary for the project and water necessary for a fire should be considered. A "will serve" letter is not good enough. District 29 is broken.

Ryan Embry

I'm concerned about circulation and traffic which parking for is for the market and which is for other buildings? The layout does not include much curbside area which means the pickup and drop off areas will get crowded or blocked. Pedestrians will have to cross a main traffic thruway to get to stores. Will left side be accessible to customers? The access off Civic Center Way leads to loading docks. Will trucks access the site through Civic Center Way? There should there be a truck ban on Civic Center Way. Would heavy trucks be on Civic Center Way? How will they go back out? Will they drive through the parking lot? The reduction in landscape reduces the potential for the use of reclaimed water. How many normal sized spaces (not compact) will be offered? 183? The traffic ingress/egress issues should be studied.

Ozzy Silna – Serra Canyon

Traffic is an issue. Took 2 ½ hours in the 1993 fires to get out of the area. The only way to leave will be Civic Center Way. Traffic now is backed up, and the combination of projects will be 2,000 more parking spaces. The traffic study/EIR should show the impact of all the parking spots after they are built. How will existing cars impact all other cars?

Frank Angel

Will traffic be compared to future conditions or existing conditions? Traffic should be compared to existing conditions. I would like to request that runoff flows be studied; groundwater and surface water bodies affected by the project should be discussed. Actual baseline conditions in the surface water bodies need to be examined and included, not just relying on BMPs. Review the case of Laurel Heights v. California Regents. The EIR should consider the Laurel Heights case on all water quality violations.

Carla McCloskey

Is there a signed lease with Whole Foods? To be profitable each family in Malibu would have to spend 16,000 at Whole Foods.

Michael

The EIR should take into account fire staging areas that are no longer empty.

Pamela Finck

With all the EIRs up and down the coast which ones have actually stopped the project? The projects still get built but it is not the will of the people.

Anne Payne

Ms. Payne was concerned about the flow across Cross Creek Road, and thought there would be a safety gate.

John Mazza

The east side of Cross Creek includes a lumber store and other businesses – will those uses be studied, what kind of trucks go in and out of those parcels?

Ginsburg

Will the cumulative effect of all traffic be considered?

Maggie Luckerath

The City of Malibu should do an independent report/traffic study. Are there any guidelines on what is an unacceptable level of traffic? Does exceeding that level kill the project?

David Dominguez

Mr. Dominguez is concerned with the cumulative impact to cultural resources in the Malibu Lagoon area. The record should take into account all projects and there is no data available to show where the resources (burials, etc.) are located. It is important to not to lose the history of Chumash people. There should be a report to document these areas for the City and the Natives. There should be an intense archeological study for the area. He is also concerned with loss of open space; oak trees need to be

reintroduced into the area. There should be a Native American monitor to monitor the installation of the story poles.

Carol Moss

EIRs don't help in terms of usefulness. The questions asked in EIRs do not reflect the community. The City should broaden the scope of the document to consider traffic, the effect of losing PC Greens. Ms. Moss noted that she can speak to the head of the store now if something is needed. Ms. Moss did not feel that she would be able to do that with Whole Foods.

Julie Hoffman

The emotional impact of the project and cumulative effect on the citizens should be studied. The well-being of citizens should be taken into account. The applicant sold a shopping center and many stores left because they could not afford higher rent. Higher end stores do not necessarily reflect the needs of the residents. Having community members own their own businesses is beneficial to the well-being of the residents. The residents of Malibu will no longer be shop owners; instead they will be stocking shelves. The needs of the residents should be taken into account.

Brian Eamer

When the Draft EIR comes out there will be issues like traffic that cannot be mitigated, it will go to Planning Commission. The Planning Commission will adopt it with a Statement of Overriding Considerations to allow that unmitigated circumstance to remain. A significant impact will not stop the EIR since the Planning Commission will rubber stamp it.

Andy Lyon

There should be a cumulative sewer study for the Civic Center area. RMC is designing the wastewater plant; they have boats checking depths for sewer. They are also in charge of the lagoon project. What happens when the projects are operational? It will result in parts of Malibu sinking.

Steve Uhring

There should be an urban decay analysis. Whole Foods is an aggressive chain and will put PC Greens out of business. There should be analysis to see how the whole foods will disrupt traffic patterns at PC Greens.

Pam Finck

The EIR process is a waste of time, what can be done to stop the project?

Jefferson Wagner

The impact on traffic from La Paz in an emergency could be alleviated by an easement behind La Paz that is to be used for an emergency only. The City should include strong language in the EIR that takes some of area at the back of the project and tie into La Paz so people on Serra Road have an extra way

out. La Paz has a 1 million gallon storage tank. This project should have water storage for structure protection separate from La Paz. Consequently, if one pump fails during an event the other will be available.

Carla McCloskey

These projects should be voted on by the people, we could create a ballot initiative.

John Mazza

Front of property is impacted by flood plain, address city open space requirement and ability to park underground

Pat Healy

I am concerned about lack of landscaping for the project. The project has less than 13 percent when it should be at 40 percent landscaping. Are the 80 sycamores counted as landscaping? The applicant should consider ways to meet requirement such as by landscaping the entrance at cross creek, or by eliminating one of the buildings, or make the buildings two-story. What is the cumulative impact on the health and safety of residents? There is no way for people to leave in an emergency. Also an agricultural component should be considered, flood plain of Malibu creek and there are rich agricultural soils on that site. The impact of the removal of the soils should be reviewed.

Rheta Reswick

What will the impact of major fire be on Serra Road resident? During a fire the residents are trying to get people and livestock out of the area. What will the effect be with the additional projects? What will the effects be with all the projects in the summer?

I also have questions on parking and internal traffic. There is no central theme to the project; other projects have communal areas in middle. I would like to see a central gathering area or something of interest to the project to make it unique, to give it value. The project does not include enough parking, maybe there should be a more creative use of driveway, or maybe remove one building. The project should include full sized parking spaces.

Laurence Wise

During a fire emergency equipment also needs to come into the canyon, how will they access the canyon when everyone else is trying to leave?

Brian Uhring

Will there be a Conditional Use Permit for restaurant for alcohol sales? What restaurants are being contemplated? There are too many restaurants with alcohol sales in the area already. How does the safety issue from alcohol sales get included in EIR? Will the City approve the CUP at Planning Commission? There are too many restaurants with alcohol sales in the area.

Julie Hoffman

Will the storage tanks have an effect on water pressure in Serra Canyon?

Jefferson Wagner

The storage tanks are not always full. The letter of service for the project should address supply for the homes uphill.

In the 1993 fire, there were people and animals coming from the canyon. There has been fire in civic center twice. There will be another fire. There is too much development. The city should take all of the development into consideration and say no. [Jefferson Wagner did not say this]

Patt Healy

Fire department says it can only defend a structure fire, it does not address wildfire. Health and safety is an issue with all this development.



DEPARTMENT OF FISH AND GAME

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
<http://www.dfg.ca.gov>

RECEIVED
MAY 25 2012
PLANNING DEPT.

May 25, 2012

Ms. Bonnie Blue
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Subject: Notice of Preparation for a Draft Environmental Impact Report for Whole Foods in the Park SCH # 2012041087, Los Angeles County

Dear Ms. Blue:

The Department of Fish and Game (Department) has reviewed the Initial Study and Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the development of two vacant lots totaling 5.88 acres to include a Whole Foods Market and four small commercial buildings (project) at Civic Center Way and Cross Creek Road in the City of Malibu. The area surrounding the project site includes shopping centers, restaurants, City and County government buildings and recreational uses. Malibu Creek and Lagoon are located to the east and south.

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. With these stressors in mind, the Department has previously worked with the City of Malibu in recommending conservation and protective measures for biological and botanical resources and looks forward to continuing this effort. Please let Department staff know if you would like a copy of the California Wildlife Action Plan to review.

The Department is California's Trustee Agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code. (Fish & G. Code, §§ 711.7, subd. (a), 1802.) The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA). (See generally Pub. Resources Code, §§ 21070; 21080.4.) Given its related permitting authority under the California Endangered Species Act (CESA) and Fish and Game Code section 1600 *et seq.*, the Department also submits these comments likely as a Responsible Agency for the project under CEQA. (*Id.*, § 21069.)

To enable Department staff to adequately review and comment on the proposed project we recommend the following information, where applicable, be included in the DEIR:

1. A complete, recent assessment of flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats including:
 - a. A thorough recent assessment of rare plants and rare natural communities, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural

Communities. (See Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities at:
<http://www.dfg.ca.gov/habcon/plant/>).

- b. A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use within the project area should also be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.
 - c. Endangered, rare, and threatened species to address should include all those species which meet the related definition under the CEQA Guidelines. (See Cal. Code Regs., tit. 14, § 15380).
 - d. The Department's Biogeographic Data Branch in Sacramento should be contacted at (916) 322-2493 (www.dfg.ca.gov/biogeodata) to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Also, any Significant Ecological Areas (SEAs) or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction that are located in or adjacent to the project area must be addressed.
2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. This discussion should focus on maximizing avoidance, and minimizing impacts.
- a. CEQA Guidelines, Section 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. Project impacts including deposition of debris should also be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas are of concern to the Department and should be fully evaluated and provided. The analysis should also include a discussion of the potential for impacts resulting from such effects as increased vehicle traffic, outdoor artificial lighting, noise and vibration and pest management.
 - c. A cumulative effects analysis should be developed as described under CEQA Guidelines, Section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
 - d. Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to remove/disturb native and ornamental landscaping and other nesting habitat for native birds. Impact evaluation may also include such elements as migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.

- e. Impacts from project activities (including but not limited to, staging and disturbances to native and non native vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from March 1-August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If project activities cannot avoid the avian breeding season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department generally recommends a minimum 300 foot nest avoidance buffer or 500 feet for all active raptor nests).
 - f. Proposed impacts to all habitats from City or County required Fuel Modification Zones (FMZ). Areas slated as mitigation for loss of habitat shall not occur within the FMZ.
3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources including wetlands/riparian habitats, alluvial scrub, coastal sage scrub, should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.
 - a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Compensation for unavoidable impacts through acquisition and protection of high quality habitat elsewhere should be addressed with off-site mitigation locations clearly identified.
 - b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts (Attachment).
 - c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
 4. An Incidental Take Permit (ITP) from the Department may be required if the project, project construction, or any project-related activity during the life of the project will result in "take" as defined by the Fish and Game Code of any species protected by CESA. (Fish & G. Code, §§86, 2080, 2081, subd. (b), (c).) Early consultation with the Department regarding potential permitting obligations under CESA with respect to the project is encouraged. (Cal. Code Regs., tit. 14, § 783.2, subd. (b).) It is imperative with these potential permitting obligations that the draft environmental document prepared by the Lead Agency includes a thorough and robust analysis of the potentially significant impacts to endangered, rare, and threatened species, and their habitat, that may occur as a result of the proposed project. For any such potentially significant impacts the Lead Agency should also analyze and describe specific, potentially feasible mitigation measures to avoid or substantially lessen any such impacts as required by CEQA and, if an ITP is necessary, as required by the relevant permitting criteria prescribed by Fish and Game Code section 2081, subdivisions (b) and (c). The failure to include this analysis in an environmental document could preclude the Department from relying on the Lead Agency's analysis to issue an ITP without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project. (See, e.g., Cal. Code Regs., tit. 14, § 15096, subd. (f).) For these reasons, the following information is requested:
 - a. Biological mitigation monitoring and reporting proposals should be of sufficient detail and

resolution to satisfy the requirements for a CESA Permit.

- b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
5. The Department opposes the elimination of watercourses (including concrete channels, blue line streams and other watercourses not designated as blue line streams on USGS maps) and/or the channelization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of drainage.
- a. The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a project subject to CEQA. To facilitate issuance of a LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Again, the failure to include this analysis in the project's environmental document could preclude the Department from relying on the Lead Agency's analysis to issue a LSA Agreement without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project.

Thank you for this opportunity to provide comments. Please contact Mr. Scott Harris, Environmental Scientist, at (626) 797-3170 if you should have any questions and for further coordination on the proposed project.

Sincerely,



Leslie S. MacNair
Environmental Program Manager
South Coast Region

Attachment

cc: Ms. Terri Dickerson, Laguna Niguel
Ms. Kelly Schmoker, Pasadena
Mr. Scott Harris, Pasadena
State Clearinghouse, Sacramento

Sensitivity of Top Priority Rare Natural Communities in Southern California

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

- S1.# Fewer than 6 known locations and/or on fewer than 2,000 acres of habitat remaining.
- S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.
- S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

- S1.1 = very threatened
- S2.2 = threatened
- S3.3 = no current threats known

Sensitivity Rankings (February 1992)

<u>Rank</u>	<u>Community Name</u>
S1.1	Mojave Riparian Forest Sonoran Cottonwood Willow Riparian Mesquite Bosque Elephant Tree Woodland Crucifixion Thorn Woodland Allthorn Woodland Arizonan Woodland Southern California Walnut Forest Mainland Cherry Forest Southern Bishop Pine Forest Torrey Pine Forest Desert Mountain White Fir Forest Southern Dune Scrub Southern Coastal Bluff Scrub Maritime Succulent Scrub Riversidean Alluvial Fan Sage Scrub Southern Maritime Chaparral Valley Needlegrass Grassland Great Basin Grassland Mojave Desert Grassland Pebble Plains Southern Sedge Bog Cismontane Alkali Marsh

- S1.2 Southern Foredunes
Mono Pumice Flat
Southern Interior Basalt Flow Vernal Pool
- S2.1 Venturan Coastal Sage Scrub
Diegan Coastal Sage Scrub
Riversidean Upland Coastal Sage Scrub
Riversidean Desert Sage Scrub
Sagebrush Steppe
Desert Sink Scrub
Mafic Southern Mixed Chaparral
San Diego Mesa Hardpan Vernal Pool
San Diego Mesa Claypan Vernal Pool
Alkali Meadow
Southern Coastal Salt Marsh
Coastal Brackish Marsh
Transmontane Alkali Marsh
Coastal and Valley Freshwater Marsh
Southern Arroyo Willow Riparian Forest
Southern Willow Scrub
Modoc-Great Basin Cottonwood Willow Riparian
Modoc-Great Basin Riparian Scrub
Mojave Desert Wash Scrub
Engelmann Oak Woodland
Open Engelmann Oak Woodland
Closed Engelmann Oak Woodland
Island Oak Woodland
California Walnut Woodland
Island Ironwood Forest
Island Cherry Forest
Southern Interior Cypress Forest
Bigcone Spruce-Canyon Oak Forest
- S2.2 Active Coastal Dunes
Active Desert Dunes
Stabilized and Partially Stabilized Desert Dunes
Stabilized and Partially Stabilized Desert Sandfield
Mojave Mixed Steppe
Transmontane Freshwater Marsh
Coulter Pine Forest
Southern California Fellfield
White Mountains Fellfield
- S2.3 Bristlecone Pine Forest
Limber Pine Forest

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, OFFICE OF REGIONAL PLANNING
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IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
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PHONE: (213) 897-9140
FAX: (213) 897-1337



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Be energy efficient!*

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MAY 29 2012
PLANNING DEPT.

May 23, 2012

Ms. Bonnie Blue
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Whole Foods in the Park, EIR No. 11-001
Notice of Preparation of Draft EIR
IGR#120429/EA, SCH#2012041087
Vic: LA/001/46.85

Dear Ms. Blue:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the proposed Whole Foods Market located in the Malibu Civic Center area. Proposed project includes a Whole Foods Market and four small commercial buildings for a total of approximately 38,400 square feet of commercial development.

Based on the information received the project is anticipated to include upgrades to the intersection of Pacific Coast Highway and Cross Creek Road to address potential traffic impacts. To assist in evaluating potential adverse transportation impacts to Pacific Coast Highway (State Route 1), Caltrans requests that a traffic impact study be prepared. Please evaluate potential traffic impacts to the Pacific Coast Highway intersection with Cross Creek Road, Webb Way, and Malibu Canyon Road. A permit would be needed from Caltrans for any work on or affecting State right-of-way.

Caltrans developed a Guide for the Preparation of Traffic Impact Studies for the benefit of local agencies in preparing their traffic impact studies. The Guide can be downloaded from the Internet at: www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

Caltrans prefers Highway Capacity Manual (HCM) methodology when analyzing State highways. Please contact the undersigned if you have any questions as to the scope and overall traffic analysis.

The following are elements of what is expected in a traffic impact study for consideration by Caltrans District 7:

1. Analysis should include a) traffic generated by the projects under consideration, b) cumulative traffic from all related approved developments in the area, c) cumulative traffic from likely not-yet-approved developments in the area, and d) traffic growth other than from the project and developments. For example: include: existing + specific plan project + other related projects + other growth scenarios involving different assumptions on development and growth.
2. Analysis of AM, and PM peak-hour volumes for both existing and future conditions in the affected area. Future conditions would include build-out of all projects within the area plan.

Mr. Bonnie Blue

May 23, 2012

Page 2 of 2

3. Presentations of assumptions and methods used to develop trip generation, trip distribution, choice of travel mode, and assignments of trips to routes. Also, consistency of travel demand modeling with other regional and local modeling forecasts and with travel data. Differences or inconsistencies must be thoroughly explained.
4. Discussion of mitigation measures appropriate to alleviate anticipated traffic impacts. This discussion should include, but not be limited to, the following:
 - description of transportation infrastructure improvements
 - financial costs, funding sources and financing
 - sequence and scheduling considerations
 - implementation responsibilities, controls and monitoring

We look forward to reviewing the Draft EIR. We expect to receive a copy from the State Clearinghouse. However, to expedite the review process, you may send two copies of the traffic study in advance to the undersigned.

If you have any questions, you may reach Elmer Alvarez, project coordinator at (213) 897-6696 and please refer to IGR No. 120429/EA.

Sincerely,



DIANNA WATSON
IGR/CEQA Branch Chief
Office of Transportation Planning



South Coast Air Quality Management District

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MAY 17 2012
PLANNING DEPT.

May 11, 2012

Bonnie Blue, AICP, LEED AP, Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Notice of Preparation of a CEQA Document for the Whole Foods in the Park Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: <http://www.aqmd.gov/ceqa/models.html>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM_{2.5} emissions from construction and operational activities and processes. In connection with developing PM_{2.5} calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM_{2.5} emissions and compare the results to the recommended PM_{2.5} significance thresholds. Guidance for calculating PM_{2.5} emissions and PM_{2.5} significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,



Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM

LAC120427-09

Control Number

From: Healypatt@aol.com
To: [Bonnie Blue](#)
Cc: [Joyce Parker-Bozylinski](#)
Subject: Fwd: whole foods written scoping comments
Date: Tuesday, May 29, 2012 4:27:10 PM

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.

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 ?

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.

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 .

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 .

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.

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 ?.

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 .

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 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..

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.

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

--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 .

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

--A thorough 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.

--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).

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

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

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

--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?

-- 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?

-- 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?

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.

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 ?.

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 .

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.

Hans and Anneliese Knur, 23267 Palm Canyon Lane, Malibu, CA 90265 (310) 456-8835

May 28, 2012

Malibu City Council

Attn: Planning Department

Re: EIR for the Whole Foods in the Park project

Ladies and Gentlemen:

My husband and I are 48 year residents of the Serra Canyon area, which is adjacent to the proposed Whole Foods in the Park project. The site plan shows that there is a narrow one-way entry road planned for delivery trucks and cars off Civic Center Way and a two-lane entryway and exit way off Cross Creek Road. Cross Creek Road is currently a private dead-end road without a properly constructed turn-around leading to the Serra Canyon residential area.

In addition to the delivery truck traffic, there will be a lot of traffic generated by the cars parked in the front and in the back of the projected Whole Foods building. Some of these cars, it appears, can only get in and out of the parking lots by using Cross Creek Road. We are alarmed about the traffic congestion that will be created on Cross Creek Road under the current plan.

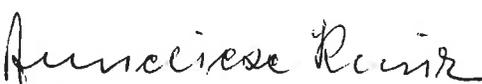
Please also keep in mind that Serra Canyon is located in a very fire prone area and that Cross Creek Road is used as an evacuation route for more than a hundred families, their live stock, and the Serra Retreat visitors, sometimes numbering in the hundreds. In 1970, a mountain fire destroyed several dozen homes in the Serra Canyon area, there were a number of mandatory evacuations in the following years, and just recently a Malibu Canyon fire reached the very area of the proposed development and beyond (see attachment).

To be able to build such a high density development, the applicant apparently requested a significant open space variance from 65% to 37.8%. We strongly believe that the variance request should be denied for the reasons cited above.

To mitigate some of our concerns we propose that the project be redesigned and down seized to allow for a two way entry road for deliveries and customers off Civic Center Way and, at most, a one way exit road for cars only, not trucks, on Cross Creek Road.

As a procedural question, please let us know why the response cut-off date for the public to the EIR is only four working days, even straddling the Memorial Day weekend. This kind of pressure by the Planning Department is totally unacceptable on an issue vital to so many residents.

Respectfully,


Anneliese and Hans W. Knur



attachment: 1

ATTACHMENT: 1



From: Hans Laetz [<mailto:hanslaetz@gmail.com>]
Sent: Tuesday, May 29, 2012 4:54 PM
To: Joyce Parker-Bozylinski; Jim Thorsen
Subject: ... and ...

You guys are killing me with all these CEQA deadlines. I can't make it to all the meetings. So those comments are rushed -- forgive typos please!

I would love to have asked -- at the scoping session -- how the City traffic engineer missed the fact that the PCH turn lane that is "critical" to the project can only be squeezed in by either (a) expanding PCH south into Malibu Lagoon State Park, or (b) asking Caltrans (and us) to accept unsafe, non-standard lane widths. Does Malibu really endorse ripping out the existing bike-friendly lanes at the bridge/Shell station to make room for a supermarket turn lane?

Why isn't that rather-critical Hobson's Choice in any of the city traffic engineer's comments to the applicant? Why is there no Whole Foods NOP on the city's website? Why are we residents left to fish around for the traffic impact documents -- also not on the website?

Why are we even wasting time by analyzing and discussing nonstarters like widening the bridge to push PCH into the park? Sheesh -- MALIBU LAGOON PARK, of all places! That place sound familiar? What are we thinking here?

Joyce, I shouldn't be doing the City's work for them on this. Once again, staff is not calling out such obvious problems on projects BEFORE these things go out for CEQA review. This has not been vetted.

And finally -- this is yet ANOTHER project right on PCH -- like the hotel -- that fails to mention the California Coastal Trail, bikes, pedestrians or recreation whatsoever. Hello? Coastal Access? Trails Map? I do not know what it takes to get these issues on your radar.

I'm grumpy after a day spent analyzing incomplete reports. Please forgive me. You do a great job, really. But come on ... it's 75 out there and I'm in here doing this!

Hans

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Bonnie Blue, associate planner
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May 29, 2012

**City Of Malibu – Proposed Supermarket and Shopping Center Variances
23401 Civic Center Way, Malibu
CEQA Scoping Comments from Malibu Resident Hans Laetz**

These comments are regarding the City of Malibu's Notice Of Preparation (NOP) for the proposed supermarket and outlying commercial structures marketed as "Whole Foods In The Park" (the Project). I, Hans Laetz, appreciate the opportunity to make these comments, and appreciate as always the Staff's kind assistance on this matter.

As a foreword, I note that the City of Malibu Planning Department has adopted the Applicant's marketing slogan for the supermarket project, an act that implies City endorsement of the concept. Given that the tenancy of the proposed building by Whole Foods is not a matter of City control or concern (nor should it be), and given that the project is neither at or adjacent to any park, the City's adoption of the applicant's preferred "Whole Foods In The Park" moniker is pejorative, is not based in fact and is unprofessional. The City of Malibu is respectfully requested to cease offering support to project applicants by referring to their proposals by preferred marketing names. This is properly captioned and identified as "a proposed supermarket and shopping center at 23401 Civic Center Way," period.

That said, the following observations and analyses are made, and each is followed by a specific question to be included in the Scope of the Environmental Impact Report.

1. The Project calls for a critical off-site mitigation that assumes an adequate right turn lane can be squeezed in on westbound PCH -- an assumption that is simply not realistic.

The Overland Traffic Impact Statement (OTIS) notes that critical traffic congestion would be imposed on Malibu residents if the project were to be built. As discussed further below, that impact would NOT be imposed merely at the traffic light at Pacific Coast Highway at Cross Creek Road. As Malibu residents know only too well, congestion at that corner can back up into Santa Monica – and beyond.

The OTIS proposes to mitigate this critical traffic congestion by installing a right turn lane from westbound PCH to northbound Cross Creek Road. Tellingly, the OTIS fails to accurately describe the existing baseline conditions, what the impact would be with the turn lane installed, or other details.

The Applicant assumes this right turn lane will in some unexplained way mitigate traffic impacts caused by the Project. the OTIS (shockingly) does not discuss existing substandard conditions at that intersection, including the glaring problems for pedestrians and bicyclists there.

Worse, buried in the OTIS is the vision of the use of “non-standard narrower lane widths” of 12 feet at the intersection, and the elimination of wider curb lane area now used by bicycles to “share the lane” without blocking vehicles, as its preferred alternative. Incredibly, the City Traffic Engineer apparently does not object to this.

Most alarmingly, OTIS states “if Caltrans does not approve of the non-standard narrower lane widths, then roadway widening of the south side of Pacific Coast Highway on the approach and departure legs would allow the standard lane widths for this mitigation method.”

The obvious faults of this alternative are – incredibly – glossed over by both the Applicant and the City. Expanding PCH to the south would require widening of the PCH bridge at Malibu Creek and incursion into Malibu Creek State Park’s Malibu Lagoon unit. The likely chances of Caltrans, State Parks, Fish and Game and other agencies approving that are charitably described as far below than the freezing temperature of hydrogen.

The OTIS preferred alternative, its Appendix H “Conceptual Traffic Mitigation” plan, raises enormous undiscussed problems. It calls for stuffing a turn lane onto PCH between the Malibu Creek bridge and Cross Creek Road. Problems are obvious:

(1) Insufficient overall PCH width: The OTIS proposes five 12-foot traffic lanes on PCH, but does not disclose that existing lanes are wider than that. **It eliminates (without discussion) the approximately 16-foot right lanes on both eastbound and westbound PCH (east of the intersection) that allow bicycles to hug the right curb and allow cars to pass them without changing lanes.** OTIS does not study the slowed traffic on PCH that can be easily predicted by the dangerous proposal to eliminate existing capacity for cars and bikes to share the lanes. And OTIS does not mention an historic sycamore tree that exists on the curb, in the sidewalk of eastbound PCH’s sidewalk immediately east of the Cross Creek signal, a potentially-lethal obstacle to traffic in a narrowed traffic lane shoved immediately next to the curb and tree.

- more -



(2) Insufficient right of way for a turn lane on the north side of the intersection. As the attached photo shows, there is no room for an additional lane at the intersection without significantly encroaching upon the gas station. There is no indication that the property owner is a willing seller, or that relocation of a sizeable portion of the gas station is practical or possible. This alternative is not considered by OTIS.

(3) No consideration for obvious and critical bicycle or pedestrian needs on PCH. Under SB 908 (the 2003 state law establishing the “California Coastal Trail”), the certified Malibu Local Coastal Program, and the city’s General Plan, PCH is a designated bike and hiking route. There is no discussion in the OTIS about the impact of increased turn movements on bicyclists and pedestrians at PCH/Cross Creek Road. The applicant’s “Appendix H” does not show a bike lane or sidewalk. Particularly, if PCH is to be widened at Cross Creek Road, it is a legitimate question to ask why vehicles entering a supermarket should benefit from road widening -- as opposed to the thousands of bicyclists continuing west in PCH traffic. No mention is made about how pedestrians and bicyclists will be handed west of the intersection, where a hazardous gap in the sidewalk and shoulder lane exists at the (city-owned) “Lumberyard.”

(4) No mention is made of the short distance available for a right turn lane given the topography at Malibu Creek. The OTIS fails to discuss the relatively-short length available for a turn lane from westbound PCH to northbound Cross Creek Road. At best, eight cars may be able to queue in that lane, given the 60 feet or so between the signal and the eastern edge of the Shell driveway. No analysis was

made as to whether queued turn traffic would back up and obstruct one of the two westbound PCH lanes in advance of the signal. Further, it is reasonably believed that the short turn lane would NOT meet Caltrans standards for deceleration in a 45 mile per hour speed zone.

(5) Providing additional room for an adequately-long turn lane, bicycle lane and sidewalk on westbound PCH will eliminate parking in the shopping center, possibly placing that center in violation of parking standards, but the OTIS did not study this. It appears that the gas station encroaches on Caltrans right of way (particularly the sign, an unpermitted structure that was modified in recent years when it was physically changed from Texaco to Shell). These conflicts are somehow not discussed in the OTIS, or in the city traffic engineer's response.

(6) Because of the grade separation needed for the abutment to the Malibu Creek bridge, a vertical retaining wall would be necessary to elevate the turn lane above the parking lot east of the Shell station driveway. And even then, an adequately-sized turn lane may not be possible without widening the PCH bridge at Malibu Creek. The OTIS missed this.

The EIR must fully examine the Project's proposed mitigation of the "critical" traffic problem it will cause on PCH by expanding the highway south into Malibu State Park [Scoping Comment 1.].

The EIR must examine the Project's proposed mitigation of the "critical" traffic problem it will cause on PCH by using substandard lane widths and removing an existing safe bicycle-car geometry by decreasing the width of PCH's righthand lanes (in both directions) from 16 feet to 12 feet to make way for the proposed PCH vehicular turn lane, especially given the heavy bicycle traffic and the large tree on the southeast curb [Scoping Comment 2.].

The EIR must examine if the Applicant can prove that the Malibu Village shopping center and gas station are willing sellers for the right of way necessary to squeeze in the turn lane plus a bike lane and sidewalk without the use of substandard lane widths [Scoping Comment 3.].

The EIR must examine the impact of the short right turn lane in light of its apparent inability to hold sufficient queued traffic [Scoping Comment 4.].

The EIR must examine the impact of the short right turn lane in light of its apparent inability to meet Caltrans design standards for length to safely allow vehicles to cross the bike lane and decelerate out of through traffic [Scoping Comment 5.].

The EIR must examine the turn lane only in the context of providing a westbound bike lane and sidewalk, in provision with current and future needs by the city and Caltrans to build a Class II bikeway on PCH [Scoping Comment 6.].

The EIR must examine if adding a sufficiently-long turn lane will cause removal of the gas station, or place the Malibu Village shopping center below its required parking space supply [Scoping Comment 7.].

The EIR must examine other offsite mitigation that should be undertaken at PCH/Cross Creek, including widening PCH at the intersection, and west of the intersection, to allow a Class II Bike

Lane and sidewalk to link Legacy Park with the Malibu Lagoon unit of Malibu State Park via the impacted intersection [Scoping Comment 8.].

If the EIR concludes that neither PCH widening scheme is feasible, and that critical traffic congestion will be created on PCH at Cross Creek Road that cannot be mitigated if the Project is built, the EIR must explain that the Project itself cannot be built without causing irreversible, overwhelming negative impact on the Malibu environment [Scoping Comment 9.].

2. The Project may create a significant hazard to the public by physically interfering with an adopted emergency response plan and also physically interfere with an emergency evacuation plan.

Malibu has often been scorched by disastrous brushfires. On Oct. 11, 2007, residential neighborhoods adjacent to the Project site were evacuated of people, pets and livestock on an emergency basis when the Malibu Canyon Fire ignited in the middle of the night. Chaotic traffic conditions were observed on both Cross Creek Road and Civic Center Way. On an emergency basis, and with no opportunity for authorities to set up road closures or evacuation routes, both of those streets became chaotic fire staging, family reunification, horse trailer loading and law enforcement command post centers.



The EIR must examine the impact of commercial development at the intersection of these two fire evacuation routes. It must consider as an alternative a scaled down project that does not require any variances or other loopholes, and compare the impact of such a smaller project on emergency evacuations and emergency vehicle access into adjacent neighborhoods [Scoping Comment 10.].

The EIR must evaluate the impact of commercial development, made possible by the requested variances and loopholes, of traffic congestion for emergency vehicles and residents/customers fleeing the area, often under uncontrolled and panic-driven conditions [Scoping Comment 11.].

2. The Project may result in a substantial adverse physical impact associated with the provision of existing government facilities, resulting in diminished fire protection services during brushfire or other emergencies.

Malibu’s Civic Center Way and Cross Creek Road have been frequent fire equipment staging sites, along with the large adjacent field at the former “Chili Cook-Off” site – now off limits due to the development of Legacy Park”). The Project will increase traffic on streets used by emergency vehicles for fire staging.



The EIR must examine how fire staging operations will be affected by the Project, and must examine how the Project possibly will mitigate the anticipated substantial adverse physical

impact on the provision of existing government facilities such a fire staging, evacuation, etc. [Scoping Comment 12.].

3. The Project will, under the Overland Traffic Consultants’ best estimates, cause a substantial increase in the number of vehicle trips, the volume-to-capacity ratio, and the congestion levels at intersections.

The City of Malibu has spent considerable public money enhancing the beauty and safety of Cross Creek Road and Civic Center Way. A “signature” commercial center has been created along Cross Creek Road, with bus turnouts, pavers to delineate diagonal parking, crosswalks, etc. Pedestrian circulation between the five existing shopping centers, office buildings, Legacy Park and other attractions has been nurtured. Two major pedestrian crossings – at the theater and at Starbuck’s – get heavy foot traffic. The Malibu General Plan requires pedestrian circulation between commercial centers, and such circulation may be inhibited if heavy traffic precludes safe crossing of Cross Creek Road – or the perception thereof. Somehow, the Applicant’s “Overland Traffic Impact Study” and the city traffic engineer’s review of OTIS missed the rather significant impact of additional traffic on Cross Creek Road itself – it focused only on the intersections.

The EIR must consider, from a traffic safety viewpoint, additional traffic and congestion impacts on existing pedestrian crossing patterns on Cross Creek Road [Scoping Comment 13.].

The EIR must consider, from the aesthetics and pedestrian circulation viewpoints, the additional traffic and congestion impacts caused by the project on existing pedestrian patterns on Cross Creek Road [Scoping Comment 14.].

The EIR must consider the congestion levels to be caused by the Project along Cross Creek Road itself, and on Civic Center Way, rather than just intersections. [Scoping Comment 15.].

4. The City of Malibu has accepted a Traffic Study that ignores Malibu’s unique topography and access issues, and fails to account for heavy beach recreation use patterns.

The OTIS itself is fundamentally faulty, and the Project’s ability to cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system is obvious. The OTIS fails to adequately predict the foreseeable substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, and congestion at intersections.

It is an accepted and common use for traffic engineers to use a “Critical Movement Analysis” (CMA) methodology study to measure the impact of a proposed project on traffic. It is perhaps revealing to note that the OTIS refers to its work in Malibu as a “CMA *mythology* (sic) study” – because the common CMA methodology is a fantasy in accurately assessing traffic impacts in Malibu.

CMA methodology uses intersection capacity projections to calculate significant traffic impacts. Such methodology assumes the existence of other, parallel intersections in a grid that might be available to bear the brunt of overflow traffic from a Project. CMA methodology ignores the Malibu reality of severe linear traffic congestion by falsely assuming congestion can only occur only at intersections. The City’s

“significant traffic impact criteria” may measure only intersection congestion, but it ignores the miles of linear congestion that will result from one “significantly impacted” intersection.

One Malibu intersection with an LOS of “D” or worse will cause traffic to back up 10, 20 or 40 miles away. For example, sewer construction in 2003 on Pacific Coast Highway in Santa Monica restricted one of three northbound lanes on a 24/7 basis for several months. As traffic backed up on northbound Highway 1, unusual heavy backups developed westbound, northbound and southbound at the Interstate 10/Interstate 405 interchange. That in turn caused motorists to divert to U.S. 101 or canyon roads to reach the San Fernando Valley. The 405 backed up into Long Beach and then Orange County. Local news media did stories about how the little lane closure towards Malibu ended up corking up the entire western end of Los Angeles County.

This error is compounded by the Overland Study’s measurement of LOS at only six intersections, which is wholly insufficient for several reasons:

(1) Limited scope to the east: Given the historic record of traffic congestion at the Malibu Civic Center backing traffic up well into Los Angeles, it is insufficient to calculate added traffic congestion only as far east as Los Flores Canyon Road. Heavy traffic at the Civic Center area can cause other vehicles to use Kanan-Dume Road:

(2) Limited scope to the west: On holidays, traffic on eastbound PCH can back up to Trancas. It can be reasonably assumed that eastbound traffic will be affected by the Project, both in the additional vehicle trips to be added to the stores, but also in additional traffic turning from eastbound PCH onto northbound Kanan-Dume Road, a turn movement that already experiences severe congestion.

(3) Limited scope to the north: Northbound Kanan traffic is heavily congested at the U.S. 101 interchange on beach days. Stopped cars can back up to the tunnels – six miles. This can only be aggravated by traffic either caused by the Project, or avoiding it. Similar traffic can be expected to exist on Malibu Canyon Road, although the undersigned does not travel there and does not have evidence thereof.

And, the Project is proposed to “significantly impact” an intersection that is notorious among Malibu residents for needless delay. Westbound PCH at Cross Creek is the subject of complaints for years for the signal’s “short cycle” – which often backs up westbound Highway 1 into Topanga Beach.

The EIR must evaluate traffic impacts along the entirety of the affected region, instead of the inadequate survey of six intersections. Specifically, the EIR should calculate all foreseeable traffic delays caused by additional overall trips and peak hour trips along the corridor from the Interstate 10/405 interchange west on Interstate 10 and State Route 1 to beyond Trancas [Scoping Comment 16.].

The EIR should measure overall traffic backups on PCH to be caused by the project, not just delays at intersections. Traffic congestion should be considered at survey points every half mile along Interstate 10 and PCH in the entire affected corridor (above) [Scoping Comment 17.].

The EIR should calculate all foreseeable traffic delays caused by additional overall trips and peak hour trips at Malibu Canyon/Los Virgenes Road at Piuma Road and Mulholland Highway, along Los Virgenes Road at the various signals from Lost Hills Road to U.S. 101, and at Kanan-Dume Road at Agoura Road, U.S. 101 and Roadside Way [Scoping Comment 18.].

The EIR should consider traffic mitigation by forcing the Project to pay for newer traffic signal technology – particularly for Civic Center-area intersections – that can be adjusted by remote control by Caltrans [Scoping Comment 19.].

6. The traffic impacts at the Serra Road/PCH intersection must be studied,

It is logical to infer that Serra Estates residents will attempt to avoid the newly-overcrowded Cross Creek Road area by entering and exiting their subdivision via Serra Road at PCH. Serra Road at PCH is on a curve, in a heavily-congested area where traffic is aggravated by backups from Cross Creek, heavy turn movement in and out of the beach and Adamson House, U-turn drivers vying for Surfrider Beach onstreet parking, etc. Visibility to the west is obscured by the crest of the Malibu Creek Bridge, visibility to the east is restricted by the curving PCH. Extremely-heavy pedestrian traffic is observed here. The OTIS study and City of Malibu traffic engineer somehow missed all this, and the obvious impact of both additional supermarket oriented trips, and the additional turn movements caused by Serra Estates residents avoiding Cross Creek congestion.

The EIR must study impacts caused by the Project at Serra Road at PCH, examine how much additional traffic will be placed on Serra Road by residents newly avoiding Cross Creek Road, and examine how the intersection will be affected by additional Project-related traffic [Scoping Comment 20.].

7. Traffic studies erroneously assume that Malibu’s heaviest traffic is on Saturday afternoons, and ignore the typical (but uncommon) Malibu beach usage and coastal commuting patterns.

The OTIS ignores beach usage traffic patterns, which vary substantially with general CMA assumptions. For example, it is anecdotally observed by traffic reporters that traffic on PCH westbound into Malibu is much heavier than usual on weekends, on Fridays, in the summer, and on summer or fall holidays. Traffic on westbound PCH is notoriously very heavy on Friday afternoons in the summer and fall, presumably when students and summer-home tenants or owners leave greater Los Angeles heading for Santa Barbara, Ventura County or Malibu beach residences. Conversely, eastbound traffic arguably is heaviest late Sundays, when city residents return from weekend houses and mix with day-use recreationalists heading home from a day at the beach.

OTIS fails to mention these patterns, and assumes with no foundation that Saturday afternoons are the peak traffic period. The Project’s predicted ability to cause an increase in traffic during peak hours is substantial in relation to the existing traffic load and capacity of the street system, including the obvious substantial increase in the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections. OTIS and the City missed this.

The EIR must analyze traffic based on new studies that accurately measure peak traffic times, and the loads carried by PCH at those times. The Project's capacity to aggravate traffic at peak times must be measured at peak times, which are not Saturday afternoons [Scoping Comment 21.].

Bonnie Blue

From: Blair, Katharyn [BlairK@metro.net]
Sent: Thursday, May 17, 2012 1:55 PM
To: Bonnie Blue
Cc: Hartwell, Scott
Subject: Whole Foods in the Park Project
Attachments: Whole Foods Response Letter.pdf

Ms. Blue,

Attached is the Metropolitan Transportation Authority's response for the Whole Foods in the Park Project. Please feel free to contact me if you have any questions.

Thank you.

Sincerely,

Katharyn Blair
(213) 922-3984



Metro

May 16, 2012

Ms. Bonnie Blue, AICP
LEED AP, Senior Planner
City of Malibu
23825 Stuart Ranch
Malibu, CA 90265

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MAY 17 2012
PLANNING DEPT.

Re: Whole Foods in the Park Project

Dear Ms. Blue:

Thank you for the opportunity to comment on the Notice of Preparation and Scoping Meeting for the Whole Foods in the Park Project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (LACMTA) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

A Traffic Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the "2010 Congestion Management Program for Los Angeles County", Appendix D (attached). The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed project will add 50 or more trips during either the a.m. or p.m. weekday peak hour (of adjacent street traffic);
2. If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections;
3. Mainline freeway-monitoring locations where the project will add 150 or more trips, in either direction, during either the a.m. or p.m. weekday peak hour; and
4. Caltrans must also be consulted through the NOP process to identify other specific locations to be analyzed on the state highway system.

The CMP TIA requirement also contains two separate impact studies covering roadways and transit, as outlined in Sections D.8.1 – D.9.4. If the TIA identifies no facilities for study based on the criteria above, no further traffic analysis is required. However, projects must still consider transit impacts. For all CMP TIA requirements please see the attached guidelines.

In addition to identifying the CMP requirements, MTA is responding in the capacity as a responsible agency with respect to the proposed project's potential impacts on MTA and municipal transit services:

Several transit corridors with Metro bus service could be impacted by the project. Metro Bus Operations Control Special Events Coordinator should be contacted at 213-922-4632 regarding construction activities that may impact Metro bus lines. Other Municipal Bus Service Operators may also be impacted and therefore should be included in construction outreach efforts.

MTA looks forward to reviewing the Draft EIR. If you have any questions regarding this response, please contact me at 213-922-2836 or by email at hartwells@metro.net.

Please send the Draft EIR to the following address:

MTA CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Scott Hartwell

Sincerely,



Scott Hartwell
CEQA Review Coordinator, Long Range Planning

Attachment



GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

Important Notice to User: This section provides detailed travel statistics for the Los Angeles area which will be updated on an ongoing basis. Updates will be distributed to all local jurisdictions when available. In order to ensure that impact analyses reflect the best available information, lead agencies may also contact MTA at the time of study initiation. Please contact MTA staff to request the most recent release of "Baseline Travel Data for CMP TIAs."

D.1 OBJECTIVE OF GUIDELINES

The following guidelines are intended to assist local agencies in evaluating impacts of land use decisions on the Congestion Management Program (CMP) system, through preparation of a regional transportation impact analysis (TIA). The following are the basic objectives of these guidelines:

- Promote consistency in the studies conducted by different jurisdictions, while maintaining flexibility for the variety of project types which could be affected by these guidelines.
- Establish procedures which can be implemented within existing project review processes and without ongoing review by MTA.
- Provide guidelines which can be implemented immediately, with the full intention of subsequent review and possible revision.

These guidelines are based on specific requirements of the Congestion Management Program, and travel data sources available specifically for Los Angeles County. References are listed in Section D.10 which provide additional information on possible methodologies and available resources for conducting TIAs.

D.2 GENERAL PROVISIONS

Exhibit D-7 provides the model resolution that local jurisdictions adopted containing CMP TIA procedures in 1993. TIA requirements should be fulfilled within the existing environmental review process, extending local traffic impact studies to include impacts to the regional system. In order to monitor activities affected by these requirements, Notices of Preparation (NOPs) must be submitted to MTA as a responsible agency. Formal MTA approval of individual TIAs is not required.

The following sections describe CMP TIA requirements in detail. In general, the competing objectives of consistency & flexibility have been addressed by specifying standard, or minimum, requirements and requiring documentation when a TIA varies from these standards.

D.3 PROJECTS SUBJECT TO ANALYSIS

In general a CMP TIA is required for all projects required to prepare an Environmental Impact Report (EIR) based on local determination. A TIA is not required if the lead agency for the EIR finds that traffic is not a significant issue, and does not require local or regional traffic impact analysis in the EIR. Please refer to Chapter 5 for more detailed information.

CMP TIA guidelines, particularly intersection analyses, are largely geared toward analysis of projects where land use types and design details are known. Where likely land uses are not defined (such as where project descriptions are limited to zoning designation and parcel size with no information on access location), the level of detail in the TIA may be adjusted accordingly. This may apply, for example, to some redevelopment areas and citywide general plans, or community level specific plans. In such cases, where project definition is insufficient for meaningful intersection level of service analysis, CMP arterial segment analysis may substitute for intersection analysis.

D.4 STUDY AREA

The geographic area examined in the TIA must include the following, at a minimum:

- All CMP arterial monitoring intersections, including monitored freeway on- or off-ramp intersections, where the proposed project will add 50 or more trips during either the AM or PM weekday peak hours (of adjacent street traffic).
- If CMP arterial segments are being analyzed rather than intersections (see Section D.3), the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections.
- Mainline freeway monitoring locations where the project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.
- Caltrans must also be consulted through the Notice of Preparation (NOP) process to identify other specific locations to be analyzed on the state highway system.

If the TIA identifies no facilities for study based on these criteria, no further traffic analysis is required. However, projects must still consider transit impacts (Section D.8.4).

D.5 BACKGROUND TRAFFIC CONDITIONS

The following sections describe the procedures for documenting and estimating background, or non-project related traffic conditions. Note that for the purpose of a TIA, these background estimates must include traffic from all sources without regard to the exemptions specified in CMP statute (e.g., traffic generated by the provision of low and very low income housing, or trips originating outside Los Angeles County. Refer to Chapter 5, Section 5.2.3 for a complete list of exempted projects).

D.5.1 Existing Traffic Conditions. Existing traffic volumes and levels of service (LOS) on the CMP highway system within the study area must be documented. Traffic counts must

be less than one year old at the time the study is initiated, and collected in accordance with CMP highway monitoring requirements (see Appendix A). Section D.8.1 describes TIA LOS calculation requirements in greater detail. Freeway traffic volume and LOS data provided by Caltrans is also provided in Appendix A.

D.5.2 Selection of Horizon Year and Background Traffic Growth. Horizon year(s) selection is left to the lead agency, based on individual characteristics of the project being analyzed. In general, the horizon year should reflect a realistic estimate of the project completion date. For large developments phased over several years, review of intermediate milestones prior to buildout should also be considered.

At a minimum, horizon year background traffic growth estimates must use the generalized growth factors shown in Exhibit D-1. These growth factors are based on regional modeling efforts, and estimate the general effect of cumulative development and other socioeconomic changes on traffic throughout the region. Beyond this minimum, selection among the various methodologies available to estimate horizon year background traffic in greater detail is left to the lead agency. Suggested approaches include consultation with the jurisdiction in which the intersection under study is located, in order to obtain more detailed traffic estimates based on ongoing development in the vicinity.

D.6 PROPOSED PROJECT TRAFFIC GENERATION

Traffic generation estimates must conform to the procedures of the current edition of Trip Generation, by the Institute of Transportation Engineers (ITE). If an alternative methodology is used, the basis for this methodology must be fully documented.

Increases in site traffic generation may be reduced for existing land uses to be removed, if the existing use was operating during the year the traffic counts were collected. Current traffic generation should be substantiated by actual driveway counts; however, if infeasible, traffic may be estimated based on a methodology consistent with that used for the proposed use.

Regional transportation impact analysis also requires consideration of trip lengths. Total site traffic generation must therefore be divided into work and non-work-related trip purposes in order to reflect observed trip length differences. Exhibit D-2 provides factors which indicate trip purpose breakdowns for various land use types.

For lead agencies who also participate in CMP highway monitoring, it is recommended that any traffic counts on CMP facilities needed to prepare the TIA should be done in the manner outlined in Chapter 2 and Appendix A. If the TIA traffic counts are taken within one year of the deadline for submittal of CMP highway monitoring data, the local jurisdiction would save the cost of having to conduct the traffic counts twice.

D.7 TRIP DISTRIBUTION

For trip distribution by direct/manual assignment, generalized trip distribution factors are provided in Exhibit D-3, based on regional modeling efforts. These factors indicate Regional Statistical Area (RSA)-level tripmaking for work and non-work trip purposes.

(These RSAs are illustrated in Exhibit D-4.) For locations where it is difficult to determine the project site RSA, census tract/RSA correspondence tables are available from MTA.

Exhibit D-5 describes a general approach to applying the preceding factors. Project trip distribution must be consistent with these trip distribution and purpose factors; the basis for variation must be documented.

Local agency travel demand models disaggregated from the SCAG regional model are presumed to conform to this requirement, as long as the trip distribution functions are consistent with the regional distribution patterns. For retail commercial developments, alternative trip distribution factors may be appropriate based on the market area for the specific planned use. Such market area analysis must clearly identify the basis for the trip distribution pattern expected.

D.8 IMPACT ANALYSIS

CMP Transportation Impact Analyses contain two separate impact studies covering roadways and transit. Section Nos. D.8.1-D.8.3 cover required roadway analysis while Section No. D.8.4 covers the required transit impact analysis. Section Nos. D.9.1-D.9.4 define the requirement for discussion and evaluation of alternative mitigation measures.

D.8.1 Intersection Level of Service Analysis. The LA County CMP recognizes that individual jurisdictions have wide ranging experience with LOS analysis, reflecting the variety of community characteristics, traffic controls and street standards throughout the county. As a result, the CMP acknowledges the possibility that no single set of assumptions should be mandated for all TIAs within the county.

However, in order to promote consistency in the TIAs prepared by different jurisdictions, CMP TIAs must conduct intersection LOS calculations using either of the following methods:

- The Intersection Capacity Utilization (ICU) method as specified for CMP highway monitoring (see Appendix A); or
- The Critical Movement Analysis (CMA) / Circular 212 method.

Variation from the standard assumptions under either of these methods for circumstances at particular intersections must be fully documented.

TIAs using the 1985 or 1994 Highway Capacity Manual (HCM) operational analysis must provide converted volume-to-capacity based LOS values, as specified for CMP highway monitoring in Appendix A.

D.8.2 Arterial Segment Analysis. For TIAs involving arterial segment analysis, volume-to-capacity ratios must be calculated for each segment and LOS values assigned using the V/C-LOS equivalency specified for arterial intersections. A capacity of 800 vehicles per hour per through traffic lane must be used, unless localized conditions necessitate alternative values to approximate current intersection congestion levels.

D.8.3 Freeway Segment (Mainline) Analysis. For the purpose of CMP TIAs, a simplified analysis of freeway impacts is required. This analysis consists of a demand-to-capacity calculation for the affected segments, and is indicated in Exhibit D-6.

D.8.4 Transit Impact Review. CMP transit analysis requirements are met by completing and incorporating into an EIR the following transit impact analysis:

- Evidence that affected transit operators received the Notice of Preparation.
- A summary of existing transit services in the project area. Include local fixed-route services within a ¼ mile radius of the project; express bus routes within a 2 mile radius of the project, and; rail service within a 2 mile radius of the project.
- Information on trip generation and mode assignment for both AM and PM peak hour periods as well as for daily periods. Trips assigned to transit will also need to be calculated for the same peak hour and daily periods. Peak hours are defined as 7:30-8:30 AM and 4:30-5:30 PM. Both “peak hour” and “daily” refer to average weekdays, unless special seasonal variations are expected. If expected, seasonal variations should be described.
- Documentation of the assumption and analyses that were used to determine the number and percent of trips assigned to transit. Trips assigned to transit may be calculated along the following guidelines:
 - Multiply the total trips generated by 1.4 to convert vehicle trips to person trips;
 - For each time period, multiply the result by one of the following factors:
 - 3.5% of Total Person Trips Generated for most cases, except:
 - 10% primarily Residential within 1/4 mile of a CMP transit center
 - 15% primarily Commercial within 1/4 mile of a CMP transit center
 - 7% primarily Residential within 1/4 mile of a CMP multi-modal transportation center
 - 9% primarily Commercial within 1/4 mile of a CMP multi-modal transportation center
 - 5% primarily Residential within 1/4 mile of a CMP transit corridor
 - 7% primarily Commercial within 1/4 mile of a CMP transit corridor
 - 0% if no fixed route transit services operate within one mile of the project

To determine whether a project is primarily residential or commercial in nature, please refer to the CMP land use categories listed and defined in Appendix E, *Guidelines for New Development Activity Tracking and Self Certification*. For projects that are only partially within the above one-quarter mile radius, the base rate (3.5% of total trips generated) should be applied to all of the project buildings that touch the radius perimeter.

- Information on facilities and/or programs that will be incorporated in the development plan that will encourage public transit use. Include not only the jurisdiction’s TDM Ordinance measures, but other project specific measures.

- Analysis of expected project impacts on current and future transit services and proposed project mitigation measures, and;
- Selection of final mitigation measures remains at the discretion of the local jurisdiction/lead agency. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the existing mitigation monitoring requirements of CEQA.

D.9 IDENTIFICATION AND EVALUATION OF MITIGATION

D.9.1 Criteria for Determining a Significant Impact. For purposes of the CMP, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$), causing LOS F ($V/C > 1.00$); if the facility is already at LOS F, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$). The lead agency may apply a more stringent criteria if desired.

D.9.2 Identification of Mitigation. Once the project has been determined to cause a significant impact, the lead agency must investigate measures which will mitigate the impact of the project. Mitigation measures proposed must clearly indicate the following:

- Cost estimates, indicating the fair share costs to mitigate the impact of the proposed project. If the improvement from a proposed mitigation measure will exceed the impact of the project, the TIA must indicate the proportion of total mitigation costs which is attributable to the project. This fulfills the statutory requirement to exclude the costs of mitigating inter-regional trips.
- Implementation responsibilities. Where the agency responsible for implementing mitigation is not the lead agency, the TIA must document consultation with the implementing agency regarding project impacts, mitigation feasibility and responsibility.

Final selection of mitigation measures remains at the discretion of the lead agency. The TIA must, however, provide a summary of impacts and mitigation measures. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the mitigation monitoring requirements contained in CEQA.

D.9.3 Project Contribution to Planned Regional Improvements. If the TIA concludes that project impacts will be mitigated by anticipated regional transportation improvements, such as rail transit or high occupancy vehicle facilities, the TIA must document:

- Any project contribution to the improvement, and
- The means by which trips generated at the site will access the regional facility.

D.9.4 Transportation Demand Management (TDM). If the TIA concludes or assumes that project impacts will be reduced through the implementation of TDM measures, the TIA must document specific actions to be implemented by the project which substantiate these conclusions.

D.10 REFERENCES

1. *Traffic Access and Impact Studies for Site Development: A Recommended Practice*, Institute of Transportation Engineers, 1991.
2. *Trip Generation*, 5th Edition, Institute of Transportation Engineers, 1991.
3. *Travel Forecast Summary: 1987 Base Model - Los Angeles Regional Transportation Study (LARTS)*, California State Department of Transportation (Caltrans), February 1990.
4. *Traffic Study Guidelines*, City of Los Angeles Department of Transportation (LADOT), July 1991.
5. *Traffic/Access Guidelines*, County of Los Angeles Department of Public Works.
6. *Building Better Communities*, Sourcebook, Coordinating Land Use and Transit Planning, American Public Transit Association.
7. *Design Guidelines for Bus Facilities*, Orange County Transit District, 2nd Edition, November 1987.
8. *Coordination of Transit and Project Development*, Orange County Transit District, 1988.
9. *Encouraging Public Transportation Through Effective Land Use Actions*, Municipality of Metropolitan Seattle, May 1987.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
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Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



May 10, 2012

Ms. Bonnie Blue, Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

RECEIVED
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Re: SCH#2012041087; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the **"Whole Foods in the Park Project"** located on 5.8-acres in the City of Malibu; Los Angeles County, California.

Dear Ms. Blue:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did not conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE) due to the absence of the USGS coordinates.: this area of Los Angeles County is known to the NAHC to be very culturally sensitive. Also, the absence of archaeological resources does not preclude their existence at the subsurface level.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

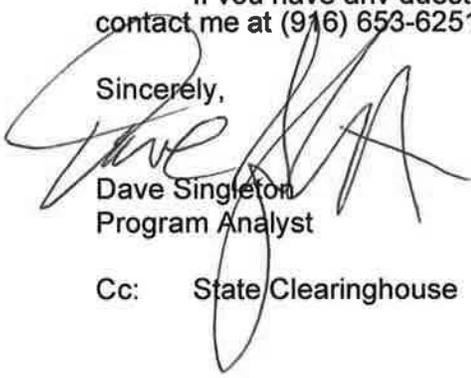
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Singleton', written over the typed name and title.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts

Los Angeles County

May 10, 2012

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes@msn.com
805 492-7255
(805) 558-1154 - cell

Chumash
Tataviam
Fernandeño

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles, CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stennsle, Chairwoman
365 North Poli Ave
Ojai, CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Chumash

Owl Clan
Qun-tan Shup
48825 Sapaque Road
Bradley, CA 93426
mupaka@gmail.com
(805) 472-9536 phone/fax
(805) 835-2382 - CELL

Chumash

Patrick Tumamait
992 El Camino Corto
Ojai, CA 93023
(805) 640-0481
(805) 216-1253 Cell

Chumash

Randy Guzman - Folkes
6471 Cornell Circle
Moorpark, CA 93021
ndnRandy@yahoo.com
(805) 905-1675 - cell

Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
(805) 481-2461
(805) 474-4729 - Fax

Chumash

Coastal Band of the Chumash Nation
Toni Cordero, Chairwoman
P.O. Box 4464
Santa Barbara CA 93140
cordero44@charter.net
805-964-3447

Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012041087; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Whole Foods in the Park Project; located on 5.8-acres in the Civic Center area of the City of Malibu; Los Angeles County, California.

Native American Contacts

Los Angeles County

May 10, 2012

Carol A. Pulido
165 Mountainview Street Chumash
Oak View, CA 93022
805-649-2743 (Home)

Aylisha Diane Marie Garcia Napoleone
33054 Decker School Road Chumash
Malibu, CA 90265

Melissa M. Parra-Hernandez
119 North Balsam Street Chumash
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Barbareno/Ventureno Band of Mission Indians
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Frank Arredondo
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ksen_sku_mu@yahoo.com
805-617-6884
ksen_sku_mu@yahoo.com

Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr.
331 Mira Flores Court Chumash
Camarillo, CA 93012
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Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Preservation Conslnt
P.O. Box 365 Chumash
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805-688-7997, Ext 37

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012041087; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Whole Foods in the Park Project; located on 5.8-acres in the Civic Center area of the City of Malibu; Los Angeles County, California.

RECEIVED

MAY 29 2012

PLANNING DEPT.



From: anne payne <anne.payne@me.com>
Subject: Residents' concerns about EIR for Whole Foods project
Date: May 29, 2012 5:31:03 PM PDT
To: bblue@malibu.city.org

As a resident of the Serra Canyon, known as "Serra Retreat", I wish to express my personal concerns, as well as those of neighbors of our quiet canyon. Our homes are within a "shouting distance" of the project being planned for the Civic Center near Cross Creek Road. I like many elements of the proposed project, such as the 1 story levels, small shop and local developer and architect . I attended the EIR preliminary hearing and have some specific concerns.

Traffic flow for the Civic Center needs to be addressed by the City of Malibu, as a whole, not just as one project. There needs to be a safe, specific and well-engineered traffic plan for the entire Civic Center area ! The entrance of the small shopping center is to be from Civic Center Way. There needs to be some consideration for the traffic to also exit on Civic Center Way. Cross Creek Road is the fire road exit for over 110 existing properties which have been evacuated numerous times over the 25 years which my family and I have lived in this rural setting. Traffic on Civic Center Way needs to be addressed, as there are currently large trucks which unload from the center road median, which is dangerous and causes cars, bikes, horses and pedestrians to circumvent the huge, view-blocking , commercial vehicles !

The hours of operation for all of the proposed commercial shops for this project need to be reasonable and reflect the same considerations which the Malibu Bay Company negotiated with the residents of Malibu Road before their project was approved. The

hours of businesses will affect the fragile area where the shops are proposed.

The adjacent residents of Serra Retreat and the residents of Malibu Knolls have serious concerns for the daylight operations, deliveries and unloading work sounds which come from the operation of a food market and other commercial stores. Sounds in the Civic Center are reverberated into the lower Malibu Canyon and echo over the Malibu Creek , affecting both the Serra Retreat residents, as well as the higher elevations of the Serra Road and the Malibu Knolls residents. Sounds in the Civic Center echo against the lovely hillsides which form the natural bowl of the area. A sound wall has ben provided for the horses nearby the new shops, but the people who live and love their calm canyons would like the same considerations !

Lighting options will also need to be addressed with respect for the adjacent residents and quiet homes which border the project.

The City's lead for energy-saving will assist in keeping the lumens , height and hours of varied lighting as a model for good neighborliness. At present, we residents can see stars most nights in the area near the existing Civic Center.

I have suggested that a meeting to discuss these and other resident concerns be planned with the developer and the architect. They seem to be cooperative and willing to work with their future customers and neighbors. Your willingness to discuss these concerns by phone is very much appreciated.

Please do enter these, specific concerns about the proposed project onto the record for the EIR study to take place. I further ask that residents of Cross Creek Road, Cross Creek Lane, Serra Road, Palm Canyon and all of the streets within the "Serra Retreat" be notified of any future hearings or public information about this project. Our Serra Canyon Property Owners' Association needs to

be notified as well.

Respectfully submitted,

Anne Payne, 3507 Cross Creek Lane
Malibu, CA 90265

310-456-3507 anne.payne@me.com

Steve Uhring
23722 Harbor Vista Drive
Malibu, Ca. 90265

RECEIVED
MAY 29 2012
PLANNING DEPT.

The Following comments are submitted in response to the EIR review for the proposed Whole Foods project in the Civic Center.

Traffic:

The impact of increased traffic from the proposed developments in the Civic Center needs to be carefully analyzed as part of this EIR

- Traffic studies should be based on current traffic counts, not a traffic study done in 2007 or 2008.
- A traffic study needs to consider the traffic patterns during the summer, during the workweek when Z traffic is at its peak and when Pepperdine is in session.
- A traffic study should use current technology (e.g. electronic traffic strips) to generate accurate traffic counts and not solely on individuals sitting in the hot sun counting cars.
- A traffic study needs to consider the major events at Pepperdine (graduation, nighttime TV broadcasts of athletic events) and the impact these crowds will have on Malibu Traffic.
- The traffic study needs to consider the fact that in the Final EIR for the Pepperdine expansion project they stated that they could not provide a definitive plan on how they would handle all the traffic for a major event.
- A traffic study needs to project the cumulative traffic impacts in the Civic Center and how that cumulative traffic will impact the emergency evacuation plans for the three schools in the Civic Center.
- An emergency evacuation study scenario for all the people working and shopping in the Civic Center should be reviewed to make sure it is adequate.
- The traffic study should study the foot traffic projected for the Proposed Whole Foods project. If a large amount of foot traffic is expected, the foot traffic moving across Cross Creek and Civic Center Way will further impede traffic.

Lighting;

- The Malibu Lagoon sits along the Pacific Flyway and is a stopoff and nesting location for migrating birds. The overall lighting for the commercial development in the Civic Center needs to be limited to insure that we do not impact the animals using the Pacific Flyway for migration.

Thanks in advance.

Steve Uhring