2.0 RESPONSES TO COMMENTS

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

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

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

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

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

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

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

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

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

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

TOPICAL RESPONSES

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

Topical Response 1 – Traffic

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

Summary of Traffic Impact Assessment Guidelines

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

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

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

Summary of Traffic Impact Analysis

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

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

Adequacy of Traffic Counts

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

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

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

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

Table 1(a) - Cross Creek Road/PCH - Weekday AM Peak Hour Counts

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

*Note: The exact traffic count dates were unavailable.

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

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

Table 1(b) - Cross Creek Road/PCH – Weekday PM Peak Hour Counts

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

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

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

Table 1(c) - Cross Creek Road/PCH - Weekend PM Peak Hour Counts

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

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

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

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

Table 2(a) - Malibu Canyon Road /PCH – Weekday AM Peak Hour Counts		
Project Name	*Date*	*AM Peak Hour Volume*
City Traffic Counts (Whole Foods)	Thurs., 7/12/2012	3009
La Paz Traffic Counts	Tues., 7/10/2012	3119
City CMP Traffic Counts	Tues., 3/17/2009	3281
City CMP Traffic Counts	Tues., 3/10/2009	3208
Pepperdine Traffic Counts	Fri., 3/28/2008	3170
City CMP Traffic Counts	Wed., 3/14/2007	3320
Papa Jack's Commercial Traffic Counts	Tues., 3/13/2007	3448
City CMP Traffic Counts	Wed., 4/9/2003	3346
City CMP Traffic Counts	Tues., 4/8/2003	3256
Hajian Office Bldg. Traffic Counts	4/2003*	2406
Malibu Bay Company Traffic Counts	7/2001*	3145
Malibu Bay Company Traffic Counts	Non-summer 1997*	3508
Rancho Malibu Traffic Counts	Wed., 8/21/1996	3057

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

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

Table 2(b) - Malibu Canyon Road /PCH -Weekday PM Peak Hour Counts		
Project Name	*Date*	*PM Peak Hour Volume*
City Traffic Counts (Whole Foods)	Thurs., 7/12/2012	3518
La Paz Traffic Counts	Tues., 7/10/2012	3597
City CMP Traffic Counts	Tues., 3/10/2009	3438
Pepperdine Traffic Counts	Fri., 3/28/2008	3469
City CMP Traffic Counts	Wed., 3/14/2007	3712
Papa Jack's Commercial Traffic Counts	Tues., 3/13/2007	3644
City CMP Traffic Counts	Wed., 4/9/2003	3589
City CMP Traffic Counts	Tues., 4/8/2003	3780
Hajian Office Bldg. Traffic Counts	4/2003*	3931
Malibu Bay Company Traffic Counts	7/2001*	3370
Malibu Bay Company Traffic Counts	non-summer 1997 *	3411
Rancho Malibu Traffic Counts	Wed., 8/21/1996	3402

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

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

Table 2(c) - Malibu Canyon Road /PCH -Weekend PM Peak Hour Counts		
Project Name	*Date*	*PM Peak Hour Volume*
City Traffic Counts (Whole Foods)	Sat., 07/14/12	3838
La Paz Traffic Counts	Sat., 06/30/12	3981
Papa Jack's Commercial Traffic Counts	Sat., 08/04/07	3870
Malibu Bay Company Traffic Counts	07/2001*	4005
Malibu Bay Company Traffic Counts	Summer 1997*	3972
Rancho Malibu Traffic Counts	Sat., 08/17/96	3918

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

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

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

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

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

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

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

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

Topical Response 2—Wildland Fire and Public Safety Concerns

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

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

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

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1 Los Angeles County Waterworks District 29 Participation Agreement Letter

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

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

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

Federal Regulations

Robert T. Stafford Disaster Relief and Emergency Assistance Act

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

Disaster Mitigation Act of 2000

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

State Regulations

Fire and Resource Assessment Program

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

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

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

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

Local Regulations

Los Angeles County Fire Department Fire Code

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

City of Malibu Fire Code

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

Ordinance No. 299 of the City of Malibu

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

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

City of Malibu General Plan

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

City of Malibu Local Coastal Program Land Use Plan

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

City of Malibu LCP Local Implementation Plan

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

Local Agency Disaster Preparation and Coordination

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

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

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

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

City of Malibu Standardized Emergency Management System

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

The mission of the EOP is to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT AND RESPONSES

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