January 2022 | Final Environmental Impact Report
State Clearinghouse No. 2020080350

MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN PROJECT

for Santa Monica-Malibu Unified School District

Prepared for:

Santa Monica-Malibu Unified School District
Contact: Carey Upton, Chief Operations Officer
1651 16th Street
Santa Monica, California 90404
310.450.8338

Prepared by:

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PLACEWORKS

Table of Contents

Table of Contents

List of Figures

Figure **Page**

1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code sections 21000 et seq.) and CEQA Guidelines (California Code of Regulations sections 15000 et seq.).

According to the CEQA Guidelines, section 15132, the FEIR shall consist of:

(a) The Draft Environmental Impact Report (DEIR) or a revision of the DEIR;

(b) Comments and recommendations received on the DEIR either verbatim or in summary;

(c) A list of persons, organizations, and public agencies that provided comments on the DEIR;

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process;

(e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the Malibu Middle and High School Campus Specific Plan Project (Proposed Project) during the public review period, which began October 15, 2021, and ended November 29, 2021. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of Santa Monica-Malibu Unified School District (SMMUSD or District), who is the Lead Agency for the Proposed Project. This document and the circulated DEIR make up the FEIR, in accordance with CEQA Guidelines section 15132.

1.2 FORMAT OF THE FEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this FEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR, copies of comment letters received during the public review period, and individual responses to written comments. This section also includes responses to written and verbal comments received at a public meeting held by the SMMUSD on November 2, 2021, regarding the DEIR. To facilitate review of the responses, each comment letter and verbal comment has been reproduced and assigned a number (A1 through A5 for letters received from agencies and organizations; and R1 through R3 for letters, emails, and verbal comments received from residents). Individual comments within each letter have been numbered and the letter is followed by responses with references to the corresponding comment number.

Section 3. Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the FEIR. District staff has reviewed this material and determined that none of it constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in CEQA Guidelines section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of DEIRs should be "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

CEQA Guidelines section 15204 (c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to section 15064, an effect shall not be considered significant in the absence of substantial evidence." Section 15204 (d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204 (e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

In accordance with CEQA, Public Resources Code section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the EIR. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency, SMMUSD, to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses to them.

This section provides all written responses received on the DEIR and SMMUSD's responses to each comment.

Comment letters/emails and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in double underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

Number Reference	Commenting Person/Agency	Comment Format	Date of Comment	Page No.
Agencies and Organizations				
A1	County of Los Angeles, Fire Department	Letter	November 4, 2021	2-3
A2	County of Los Angeles, Office of the Sheriff	Letter	November 18, 2021	2-11A2 A2 A2
A3	California Department of Fish and Wildlife	Letter	November 19, 2021	2-21
A4	County of Los Angeles, Public Works	Email	November 29, 2021	2-81
A5	City of Malibu	Letter	November 29, 2021	2-85A2 A2
Residents				
R1	Cynthia Goodman	Email	November 1, 2021	2-125A2 A2
R2	Terry Lucoff	Email	November 2, 2021	2-129A2 A2 A2
R3	Terry Lucoff (with attachments) • Judith and Dominick Guillemot • Danelle Rondberg • Robert Brinkmann • James Lippert • Samantha Binah • Alan Baron • Kelly Meyer • William Patterson • Alan and Thordis Carson • Carol Gable • Thomas and Anna Griskey	Email (with attachments)	November 9, 2021	2-133

2. Response to Comments

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Letter A1 - County of Los Angeles, Fire Department, Dated November 4, 2021 (4 Pages)

COUNTY OF LOS ANGELES
FIRE DEPARTMENT
1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401
www.fire.lacounty.gov

"Proud Protectors of Life, Property, and the Environment"

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

BOARD OF SUPERVISORS
HILDA L. SOLIS
FIRST DISTRICT
HOLLY J. MITCHELL
SECOND DISTRICT
SHEILA KUEHL
THIRD DISTRICT
JANICE HAHN
FOURTH DISTRICT
KATHRYN BARGER
FIFTH DISTRICT

A1

November 4, 2021

Carey Upton, Chief Operations Officer
Santa Monica-Malibu School District
FIP Department
1651 16th Street
Santa Monica, CA 90404

Dear Mr. Upton:

NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT, "MALIBU MIDDLE AND HIGH SCHOOL PROJECT," WOULD REDEVELOP AND MODERNIZE THE EXISTING MMHS CAMPUS AND FORMER JCES CAMPUS TO CREATE THREE DISTINCT AREAS MIDDLE SCHOOL CORE, HIGH SCHOOL CORE, AND SHARED FACILITIES, LOCATED AT 30215 MORNING VIEW DRIVE, MALIBU, FFER 2021010816

The Notice of Availability of Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

PLANNING DIVISION:

We have no comments. A1-1

For any questions regarding this response, please contact Kien Chin, Planning Analyst, at (323) 881-2404 or Kien.Chin@fire.lacounty.gov.

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

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

2. Response to Comments

Carey Upton, Chief Operations Officer
November 4, 2021
Page 2

LAND DEVELOPMENT UNIT:

ACCESS:

1. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.

2. All fire lanes shall be clear of all encroachments and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.

3. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1.

4. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 and 503.2.2.

5. Abrupt changes in grade shall not exceed the maximum angles of approach and departure for fire apparatus. The first 10 feet of any angle of approach or departure or break-over shall not exceed a 10 percent change or 5.7 degrees. Fire Code 503.2.8.

6. Indicate the various grade percentages and their lengths of the Fire Department access roadway on the site plan. Provide a road profile for proposed access roads with grades greater 15 percent. A1-2

7. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE." Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for Fire Apparatus Access Roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3.

8. Clearly identify firefighter walkway access routes on the site plan. Indicate the slope and walking surface material. Clearly show the required width.

9. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4.

10. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1.

Carey Upton, Chief Operations Officer
November 4, 2021
Page 3

11. When security gates are provided maintain a minimum access width of 20 feet. The security gate shall be provided with an approved means of emergency operation and shall be maintained operational at all times and replaced or repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6. A1-2 con't

12. All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.

WATER SYSTEM:

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze conforming to current AWWA standard C503 or approved equal and shall be installed in accordance with the County of Los Angeles Fire Department C105.1 CFC.

2. All required PUBLIC fire hydrants shall be installed, tested, and accepted prior to beginning construction. Fire Code 501.4. A1-3

3. The required fire flow for the PUBLIC fire hydrants for this project is 4,000 gpm at 20 pounds psi residual pressure for 4 hours. Three PUBLIC fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

4. Provide a Form 196 signed and completed by the local water purveyor.

5. Show all existing PUBLIC fire hydrants to within 300' of all property lines. Provide the distance dimensions and show the location of each hydrant on the site plan.

FUEL MODIFICATION:

This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone. A "Preliminary Fuel Modification Plan" shall be submitted and approved prior to public hearing. For details, please contact the Department's Fuel Modification Unit, which is located at Fire Station 32, 605 North Angeleno Avenue in the City of Azusa CA 91702-2904. They may be reached at (626) 969-5205. A1-4

Additional comments pending the information returned by the applicant for Fire Department plan check; presently all outstanding comments have been addressed via plan check.

For any questions regarding the report, please contact Joseph Youman at (323) 890-4243 or Joseph.Youman@fire.lacounty.gov.

2. Response to Comments

Carey Upton, Chief Operations Officer
November 4, 2021
Page 4

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed. A1-5

Under the Los Angeles County Oak tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage, or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

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

For any questions regarding this response, please contact Forestry Assistant, Nicholas Alegria at (818) 890-5719.

HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division (HHMD) of the Los Angeles County Fire Department acknowledges that HHMD is not overseeing the assessment or cleanup of known environmental impacts at the project site. The Cal-EPA Department of Toxic Substances Control is the current regulatory environmental oversight agency on record for the project. HHMD has no additional comments at this time. A1-6

Please contact HHMD senior typist-clerk, Perla Garcia at (323) 890-4035 or Perla.garcia@fire.lacounty.gov if you have any questions.

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

Very truly yours,

RONALD M. DURBIN, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

RMD:ac

A1. Response to Comments from Los Angeles County Fire Department (LACoFD)

A1-1 The Planning Division of the LACoFD has no comments on the DEIR. No response is required.

A1-2 This comment explains the responsibilities and statutory requirements set forth by the LACoFD, Land Development Unit, regarding emergency access to the Project Site. The comment states that the development of the Proposed Project must comply with all applicable code and ordinance requirements and identifies specific fire and emergency access requirements that may be applicable to the Proposed Project.

As stated in DEIR Section 5.12, *Public Services*, the District would provide notice of construction activities that would affect access to emergency facilities; however, any disruptions in access would be temporary and short term. As stated on page 3-68 of the DEIR, the construction contractor would prepare and implement a traffic control plan to ensure that public safety and emergency access are maintained during construction activities for each phase of the Proposed Project. Additionally, as stated on DEIR page 5.8-25, the Proposed Project would comply with all applicable codes and regulations adopted by the LACoFD regarding access roads and walkways, fire lanes, and emergency access points to the Project Site; thus, the Proposed Project would not affect the implementation of an emergency responder or evacuation plan.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A1-3 This comment explains the responsibilities and statutory requirements set forth by the LACoFD, Land Development Unit, regarding water systems within the Project Site. The comment states that the development of the Proposed Project must comply with all applicable code and ordinance requirements and identifies specific water system and public fire hydrant requirements that may be applicable to the Proposed Project.

As stated on page 5.8-26 of the DEIR, the Proposed Project would be required to comply with current California Fire Code (CFC) standards, which includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Additionally, prior to construction of the Proposed Project, the District would provide Form 196, signed and completed by a local water surveyor. Therefore, the Proposed Project would comply with all applicable codes and regulations adopted by the LACoFD regarding public fire hydrants within the Project Site and the surrounding area.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

2. Response to Comments

A1-4 This comment explains that the Project Site is within a Very High Fire Hazard Severity Zone, and states that a Preliminary Fuel Modification Plan shall be submitted and approved prior to public hearing.

As shown in DEIR Section 5.12, *Public Services*, and Section 5.16, *Wildfire*, potential construction and operational impacts regarding the Very High Fire Hazard Severity Zone have been considered and the Proposed Project includes the implementation of Mitigation Measure W-1, which would ensure that fire prevention requirements are in place during all phases of the Proposed Project. In addition, the Proposed Project would comply with the requirement set forth by the LACoFD, Land Development Unit, regarding the preparation of fuel modification plans for each phase of the Proposed Project, as stated on page 5.16-17 of the DEIR. Additionally, as stated on page 5.8-26 of the DEIR, the Proposed Project would be required to comply with current California Building Code standards, CFC standards, Title 5 regulations, and local fire code requirements, including fire protection features. These features include fuel modification requirements for landscape and highly ignition-resistant buildings to minimize the likelihood of exposing students, visitors, staff, and structures to a significant risk related to wildfires.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A1-5 This comment explains the responsibilities and statutory requirements of the LACoFD, Forestry Division, which include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archaeological and cultural resources, and the County Oak Tree Ordinance. The comment states that a permit is required to cut, destroy, remove, relocate, inflict damage, or encroach into the protected zone of the oak trees that may be present within the Project Site.

As stated in Section 5.3, *Biological Resources*, oak trees are present in the north portion of the Project Site; however, the Proposed Project would implement Mitigation Measure BIO-6, which requires adherence to the Malibu Local Coastal Program Native Tree Protection Ordinance prior to the commencement of each phase of construction, which would reduce any potentially significant impacts to any of the five protected native tree species within the Project Site, including (oak [*Quercus* sp.], California walnut [*Juglans californica*], western sycamore [*Platanus racemosa*], alder [*Alnus rhombifol*a], and toyon [*Heteromeles arbutifolia*]).

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A1-6 This comment states that LACoFD Health Hazardous Materials Division (HHMD) is not overseeing the assessment or cleanup of known environmental impacts at the Project Site, and the California Environmental Protection Agency (Cal-EPA) Department of Toxic Substances Control is the current regulatory environmental oversight agency on record for the Proposed Project. The LACoFD HHMD has no additional comments on the Proposed Project. No response is required.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

2. Response to Comments

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Letter A2 – County of Los Angeles, Office of the Sheriff, Dated November 18, 2021 (5 pages)

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES
HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

November 18, 2021

A2

Ms. Carey Upton, Chief Operations Officer
Santa Monica-Malibu Unified School District
FIP Department
1651 16th Street
Santa Monica, California 90404

Dear Ms. Upton:

REVIEW COMMENTS
NOTICE OF AVAILABILITY OF
DRAFT ENVIRONMENTAL IMPACT REPORT
MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN
PROJECT (SCH. NO. 2020080350)

Thank you for inviting the Los Angeles County Sheriff's Department (Department) to review and comment on the October 2021 Draft Environmental Impact Report (Draft EIR) for the Malibu Middle and High School Campus Specific Plan Project (Project). The proposed Project site includes the entirety of the Lead Agency's property that consists of the existing Malibu Equestrian Center in the eastern portion of the property, the existing Malibu Middle and High School (MMHS) campus in the center of the property located at 30215 Morning View Drive, and the former Juan Cabrillo Elementary School (JCES) campus in the western portion of the property, in the City of Malibu (City). The proposed Project would redevelop and modernize the existing MMHS campus and former JCES campus to create three distinct areas: Middle School Core, High School Core, and shared facilities. At full buildout, the proposed Project would result in 32 classrooms and 8 labs and a total of 173595 square feet of building space, providing the MMHS campus with a total of 51 classrooms and 12 labs and a total of 222,425 square feet of building space. The proposed Project would include relocation of the existing on-campus bus barn to a disturbed location on the adjacent District-owned Malibu Equestrian Park. The proposed Project would also include restoration within the adjacent Environmentally Sensitive Habitat Area.

A2-1

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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Since 1850

2. Response to Comments

The proposed Project is located within the service area of the Department's Malibu-Lost Hills Sheriff's Station (Station). The potential impacts of the proposed Project, as it is described in Section 5.12 Public Services on page 5.12-13 of the Draft EIR, would be less than significant on the current level of service provided by the Station. Accordingly, the Station reviewed the request and provided the attached responses (see correspondence dated November 15, 2021, from Captain Salvador Becerra).

A2-1 con't

Should you have any questions regarding this matter, please contact me, at (323) 526-5657, or your staff may contact Ms. Rochelle Campomanes, at (323) 526-5614.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Tracey Jue, Director
Facilities Planning Bureau

SH-AD 32A (8/17)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: November 15, 2021
FILE:

OFFICE CORRESPONDENCE

FROM: SALVADOR BECERRA, CAPTAIN
MALIBU/LOST HILLS STATION

TO: TRACEY JUE, DIRECTOR
FACILITIES PLANNING BUREAU

SUBJECT: REVIEW COMMENTS ON THE NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MALIBU MIDDLE AND HIGH SCHOOL SPECIFIC PLAN PROJECT

As requested by Facilities Planning Bureau (FPB), the Malibu-Lost Hills Station (Station) of the Los Angeles Sheriff's Department (Department) reviewed the Notice of Availability (NOA) of a Draft Environmental Impact Report (Draft EIR) for the Malibu Middle and High School Project (Project). The proposed Project site includes the entire property owned by the Santa Monica-Malibu Unified School District (District) that consists of the existing Malibu Equestrian Center in the eastern portion of the property, the existing Malibu Middle and High School (MMHS) campus in the center of the property located at 30215 Morning View Drive, and the former Juan Cabrillo Elementary School campus in the western portion of the property, in the city of Malibu (City). The proposed Project would redevelop and modernize the existing MMHS campus and former JCES campus to create three distinct areas: Middle School Core, High School Core, and shared facilities. At full build out, the proposed Project would result in 32 classrooms and 8 labs and a total of 173595 square feet of building space, providing the MMHS campus with a total of 51 classrooms and 12 labs and a total of 222,425 square feet of building space. The proposed Project would include relocation of the existing on-campus bus barn to a disturbed location on the adjacent District-owned Malibu Equestrian Park. The proposed Project would also include restoration within the adjacent Environmentally Sensitive Habitat Area.

A2-1 con't

Upon review of the Draft EIR, emergency access by the movement of the Department vehicles within and through the proposed Project would not be affected during the construction activities. Construction traffic would be scheduled in conjunction with the MMHS operations, ensuring that trucks are not moving in or out during drop-off or pick-up times. Additionally, designated construction staging areas would be implemented for stockpiling and storage of construction equipment, an all workers would be expected to park within the Project site limits. The District would provide notice of construction activities that

2. Response to Comments

would affect access to emergency facilities. For the proposed Project's operations, it would not adversely affect the Station's ability to provide adequate service since MMHS student and staff population are not anticipated to increase. Overall, the Draft EIR concluded that the impact of the proposed Project to the Station's resources and operations would be less than significant. A2-1 con't

The Station recommends that security measures including provisions for private security personnel and low-level security lighting be implemented to the construction sites, staging areas, and nearby buildings to discourage potential vandalism and/or theft during construction. A2-2

In addition, a Construction Traffic Management Plan should also be established as part of the proposed Project to address construction-related traffic congestion and emergency access issues. If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. Flag persons and/or detours should be provided as needed to ensure safe traffic operations, and construction signs should be posted to advise motorists of reduced construction zone speed limits. A2-3

Additionally, the Station is concerned about the potential impact of traffic and its related issues that may arise during construction. Provisions for hiring of deputy personnel to address traffic-related issues that could arise would incur additional costs. A2-4

For the safety and security of the students and school staff, the Station recommends security measures be implemented during the site and building layout design. These include providing lighting and security cameras in open areas and parking lots; providing visibility of doors and windows from the street and between buildings; and installation of illuminated building address or identification signs that are visible from the street for emergency responses. In addition, the Department generally prescribes to the principles of Crime Prevention Thru Environmental Design (CPTED). The goal of CPTED is to reduce opportunities for criminal activities by employing physical design features that discourage anti-social behavior, while encouraging the legitimate use of the site. The overall tenets of CPTED include defensible space, territoriality, surveillance, lighting, landscaping, and physical security. The Station recommends installation of security cameras to reduce opportunities for criminal activities. With advanced notice, Station personnel can be available to discuss CPTED with the Project developer. A2-5

The Station remains concerned that continued growth and intensification of multi-use land uses within the service area will ultimately contribute to significant cumulative impacts from this Project and other developments within the city on Department resources and operations. It is reasonable to expect that continued development will lead to a significant increase in the demand for law A2-6

enforcement services. Meeting such demands require additional resources, including patrol deputies, other sworn deputies, support personnel, and attendant assets, such as patrol vehicles, support vehicles, communications equipment, weaponry, office furnishings/equipment, etc. In order to mitigate the impact to a level of less than significant, the District and/or MMHS shall contact the Station in coordination with the city to discuss the needs and services required for additional law enforcement service requirements. A2-6 con't

At this time, the Station has no further comments on the proposed Project. However, the Station reserves the right to amend or supplement our assessment upon subsequent reviews of the proposed Project once additional information becomes available.

Thank you for including the Station in the review process for the proposed Project. Should you have any questions regarding this matter, please contact Rochelle Campomanes, Departmental Facilities Planner I, at (323) 526-5614, of our Facilities Planning Bureau.

SB:AT

2. Response to Comments

This page intentionally left blank.

A2. Response to Comments from Los Angeles County Sheriff's Department

A2-1 This comment contains introductory or general information. Please refer to responses to specific comments and recommendations below. The Sheriff's Department also concur with the conclusions presented in DEIR Section 5.12, *Public Services*, that impacts to current levels of service would be less-than-significant.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A2-2 This comment states that security measures, including provisions for private security personnel and low-level security lighting should be implemented to the construction sites, staging areas, and nearby buildings to discourage potential vandalism and/or theft during construction.

The contractor would have the responsibility to safeguard materials and prevent vandalism on the jobsite. To ensure the site is secure, the contractor would install a temporary fence around construction activities to create a continuous perimeter barrier with site security during the off-hours. The new fence would have gates in strategic locations to prevent unauthorized personnel from entering while providing emergency crews immediate access to the jobsite. At the end of each workday, the jobsite gates would be locked, safeguarding the jobsite, construction trailer, and buildings. Both the Project Site and perimeter fence will be adequately illuminated for security and safety.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A2-3 This comment states that the Construction Traffic Management Plan should also be established as part of the Proposed Project to address construction-related traffic congestion and emergency access issues.

As discussed in DEIR Section 5.14, *Transportation*, Mitigation Measure T-1 requires the District work with the City of Malibu Public Works Department to develop and implement a Construction Traffic Mitigation Plan during each phase of the Proposed Project, which would require coordination with responsible agency departments, including the City of Malibu Public Works and Planning Departments, and the Los Angeles County Sheriff's and Fire Departments no less than 10 days prior to the start of the work for each phase. Notification shall specify whether any temporary vehicle, pedestrian, or bicycle construction detours are needed, if construction work would encroach into the public right-of-way, or if temporary use of public streets surrounding the Project Site is needed.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A2-4 This comment states that Malibu/Lost Hills Station is concerned about the potential impact of traffic and its related issues that may arise during construction, which may require the addition of new personnel to the station address traffic-related issues.

As stated in Response A2-3, the Proposed Project would implement Mitigation Measure T-1 to reduce any potential traffic-related impacts during each phase of construction. Additionally, as stated in DEIR Section 5.12, *Public Services*, according to the Los Angeles Sheriff's Department's Facilities and Planning Bureau, the Malibu/Lost Hills Station would be able to serve the Proposed Project with existing facilities, and the station could meet the increased needs with the existing resources and personnel.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A2-5 This comment states that security measures should be implemented during the site and building layout design, including the provision of lighting and security cameras in open areas and parking lots; visibility of doors and windows from the street and between buildings; and installation of illuminated building address or identification signs that are visible from the street for emergency responses, and implementation of Crime Prevention Thru Environmental Design (CPTED) principles to reduce opportunities for criminal activities by employing physical design features that discourage anti-social behavior, while encouraging the legitimate use of the site.

As discussed in Response A2-2, the contractor would be responsible for safeguarding materials and preventing vandalism on the jobsite. To ensure the site is secure, the contractor would install a temporary fence around construction activities to create a continuous perimeter barrier with site security during the off-hours. The new fence would have gates in strategic locations to prevent unauthorized personnel from entering while providing emergency crews immediate access to the jobsite. At the end of each workday, the jobsite gates would be locked, safeguarding the jobsite, construction trailer, and buildings. Both the Project Site and perimeter fence would be adequately illuminated for security and safety. In addition, the Proposed Project would integrate electronic safety and security systems, including an access control system, video surveillance system, and building intrusion detection.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A2-6 This comment states that continued growth and intensification of multi-use land uses within the service area will ultimately contribute to significant cumulative impacts from the Proposed Project and other developments within the city on Department resources and operations.

As stated in Section 5.12, *Public Services*, the Proposed Project is intended the modernize the campus facilities and retain the existing capacity of 1,200 students (750 high school students and 450 middle school students). Cumulative impacts regarding police protection are discussed on page 5.12-14 of the DEIR. Although cumulative projects within Los Angeles County would require increased law enforcement services to serve new development, the Proposed Project does not include a residential component that would directly increase the residential population in the area, so the student and staff populations of the school are not anticipated to increase. According to the Los Angeles Sheriff's Department, although the Proposed Project would be open to community use in addition to the student population, which could pose the need for additional resources, the station could meet the increased needs with the existing resources and personnel (see DEIR Appendix L). Therefore, cumulative impacts associated with police services from implementation of the Proposed Project would be less than cumulatively significant.

However, the District will comply with the request set forth by the Los Angeles Sheriff's Department to contact the station in coordination with the City to discuss the needs and services required for additional law enforcement service requirements.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

2. Response to Comments

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Letter A3 – California Department of Fish and Wildlife, Dated November 19, 2021 (31 pages)

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

A3

Via Electronic Mail Only

November 19, 2021

Carey Upton
Santa Monica-Malibu Unified School District
1651 16th Street
Santa Monica, CA 90404
CUpton@smmusd.org

Subject: Draft Environmental Impact Report for the Malibu Middle and High School Campus Specific Plan, SCH #2020080350, Santa Monica-Malibu Unified School District, Los Angeles County

Dear Ms. Upton:

The California Department of Fish and Wildlife (CDFW) has reviewed a Draft Environmental Impact Report (DEIR) from the Santa Monica-Malibu Unified School District (District) for the Malibu Middle and High School Campus Specific Plan (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

A3-1

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

2. Response to Comments

Project Description and Summary

Objective: The Project is on 52.03 acres of District-owned property consisting of the existing Malibu Middle and High School and former Juan Cabrillo Elementary School campuses. A stream designated as an Environmentally Sensitive Habitat Area (ESHA) by the City of Malibu's Local Coastal Program is located on the western edge of the Malibu Middle and High School campus. The Project proposes to redevelop and modernize the campus to create three distinct areas: Middle School Core, High School Core, and shared facilities. The Project would also restore the ESHA. The Project proposes the following:

- **Development – Defined Areas:** The Project would demolish all seven buildings and nine portables on the Juan Cabrillo Elementary School campus. The Project would also demolish six buildings and associated amenities on the Malibu Middle and High School campus. The total area of demolition for the Project adds to 154,904 square feet. The existing 25-meter lighted, outdoor pool complex would be demolished and replaced with a new Olympic-sized 50-meter pool. The existing Building E and A/B would remain. All other structures would be removed. No changes to the existing main football/track sports field, baseball, or softball fields would be made except for minor improvements, which would include construction of new field houses and additional parking adjacent to the softball field. The Project would relocate the existing on-campus Bus Barn to a disturbed location on the adjacent District-owned Malibu Equestrian Park. All buildings would have a 100-foot setback from the ESHA. Except for access trails, fencing, and parking, all other improvements would be setback 50 feet from the ESHA.

A3-2

- **Development – Parking:** The Project would construct four new parking lots C through F for a total of 200 new parking spaces. Parking lots D and E would be located adjacent to the ESHA and provide approximately 129 and 32 parking spaces, respectively. Parking lot F would provide approximately 14 parking spaces and be located on undeveloped land along the northeastern boundary of the existing softball field with access from Clover Heights Avenue. All parking areas (excluding drive aisles) within the 100-foot ESHA buffer would be paved with permeable pavement to allow stormwater runoff to infiltrate into the soil below. Suspended paving systems would be constructed below the permeable paving to treat and slow stormwater runoff before it reaches the ESHA.

- **Development – Drainage Improvements:** The Project site would be divided into seven drainage management areas. Drainage Management Areas A, B, and E would drain to the existing ESHA. The Project would increase the overall imperviousness of the Project site and would continue to convey flows to existing outfall locations. Improvements would include water quality features to treat stormwater runoff generated within the phase development area and reduce runoff to match existing conditions.

- **Development – Additional Components:** The Project would include new and upgraded lighting around the campus, sports fields, and pool. The Project would also include installation of a ground-mount photovoltaic solar array system. The photovoltaic solar array would be installed on the sloping hillside to the south of existing Parking Lot A and main sports field, and to the north/northwest of the new Middle School Building E.

- **Restoration of the ESHA:** Approximately 0.50 acres of the existing developed campus

A3-2 con't

are within the 100-foot buffer of the ESHA. The Project would demolish these structures and remove of all hardscapes within the 100-foot buffer. The Project would construct a pedestrian path and elevated outdoor learning spaces overlooking the ESHA within the 100-foot buffer, but not closer than 50 feet of the ESHA boundary. The trail would be accessible to the public during non-school hours. In total, 2.03 acres of the ESHA would be restored, with the removal of approximately 0.50 acres of hardscape and structures. Restoration would include supplementing the native vegetation currently found within the ESHA with native seed and stock; weed abatement; establishing invasive plant controls; and implementing erosion prevention and bank stability improvements within District property.

The Project would be developed in four phases over approximately 10 years, with each phase being dependent on funding availability and passage of new bond measures.

- Phase 1 would consist of demolition of all seven buildings on the former Juan Cabrillo Elementary School campus and portables P6 and P7, and construction of Building C, Parking Lot C, Parking D, and the drop-off/pick-up area. Phase 1 is funded and is anticipated to begin in fall 2022 and be completed by summer 2024.

- Phase 2 would consist of construction of Building D and the Middle School Quad. Phase 2 is anticipated to begin in fall 2024 and be completed by fall 2026. The solar panel system would be installed as part of Phase 2. Phase 2 is anticipated to begin in fall 2024 and be completed by fall 2026.

- Phase 3 would consist of demolition of Malibu Middle and High School Buildings F and I, the existing Field House, and the portables adjacent to the existing pool, and construction of Buildings J, L, and M and Parking Lots E and F. Phase 3 is anticipated to begin in fall 2028 and be completed by fall 2030. A new bond is required before Phase 3 can move forward.

- Phase 4 would involve the demolition of Malibu Middle and High School Buildings K, J, and J1; the pool and pool building; the demolition and reconstruction of the Bus Barn; and the demolition and/or relocation of the Boys and Girls Club and construction of new Buildings H and I. This phase would also require the demolition of the existing Malibu Middle and High School Building H. Phase 4 is anticipated to begin in spring 2030 and be completed by summer 2031. A new bond is required before Phase 4 can move forward.

Restoration of the ESHA would be phased to meet the District's development schedule and funding constraints. Opportunities for restoration are present at upstream, middle, and downstream areas of the ESHA, as well as developed and undeveloped areas within the proposed 50-foot buffer of the ESHA boundary. Phase 1 would include the following: demolishing hardscape within the 100-foot buffer of the downstream area; implementing restoration within the entire stream area, which would include weed abatement, broadcasting native seed, and planting of native stock; implementing bank stability improvements and erosion control in the upstream and downstream areas; and constructing the pedestrian trail and new drive aisles. Demolition of hardscape within the 100-foot buffer of the upstream and middle stream area would occur during Phase 4, as the Bus Barn and other existing structures would

2. Response to Comments

remain operational until Phase 4 commences. Upon completion of Phase 4, the pedestrian trail would be completed and connect to existing trails on the campus.

Location: The Project site is situated on three of the nine parcels on District-owned property located at 30215 Morning View Drive in the City of Malibu, Los Angeles County. Assessor's Parcel Numbers associated with the Project site are 4469-017-900 (40.06 acres), 4469-018-900 (9.4 acres), and 4459-018-904 (2.57 acres). Most of the Project would be developed on the existing Malibu Middle and High School and former Juan Cabrillo Elementary School campuses. One Project component would be in the Malibu Equestrian Park. The Project site is approximately 0.25 miles northeast of the Pacific Coast Highway and Zuma Beach, and is bounded by Merritt Drive to the east, Via Cabrillo Street to the west, and Morning View Drive to the south, and single-family homes to the north.

A3-2 con't

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the District in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

A3-3

Specific Comments

Comment #1: Impacts on Monarch Butterfly

Issue: The Project could impact the monarch butterfly (*Danaus plexippus* population 1 – California overwintering population; monarch).

Specific impacts: Project construction and activities may cause overwintering monarchs to abandon a potential overwintering site on District property near the Project site. Negative effects on monarchs may include injury or mortality as well as reduced health, vigor, and likelihood of winter survival. This could potentially result in local population decline of monarchs.

A3-4

Why impacts would occur: According to page 5.3-71 in the DEIR, "eucalyptus groves within the Project boundary have the potential to support overwintering monarch butterflies." Based on a search of Western Monarch Count's Overwintering Site Map, the Project site is less than ½ mile from three monarch overwintering sites (Western Monarch Count 2021a). Given the presence of suitable overwintering habitat on District property and the Project site's proximity to overwintering sites, the eucalyptus grove could support overwintering monarchs.

The most vulnerable element of the monarch annual cycle may be the overwintering stage (Xerces Society 2017). Protection of overwintering habitat is critical to supporting the migratory phenomenon and conserving the species. Overwintering groves have specific microclimatic conditions that support monarch populations (Fisher et al. 2018). Project construction and activities (e.g., demolition, grading, paving, and excavating) occurring near the eucalyptus grove particularly during Phase 4, could alter microclimatic conditions at the overwintering site by increasing levels of human presence, noise, lighting, and dust accumulating on the surface of

the leaves of vegetation. Alteration of an overwintering site and surrounding areas could reduce the suitability of an overwintering site for monarchs (Weiss et al. 1991). Accordingly, the Project could potentially significantly impact monarchs by reducing overwintering habitat or altering habitat climatic conditions.

Evidence impact would be significant: The western migratory monarch population that overwinters along the California coast has declined by more than 99 percent from an estimated 4 million butterflies just twenty years ago (CDFW 2021a; Marcum and Darst 2021). Habitat loss and fragmentation, including grove senescence, are among the primary threats to the population (Thogmartin et al. 2017). Given the precipitous decline of monarch butterfly, the monarch butterfly is currently slated to be listed in 2024 under the Endangered Species Act (CDFW 2021a). The monarch butterfly is included on CDFW's Terrestrial and Vernal Pool Invertebrates of Conservation Priority list and identified as a Species of Greatest Conservation Need in California's State Wildlife Action Plan (CDFW 2017; CDFW 2015). Additionally, Fish and Game Code section 1002 prohibits the take or possession of wildlife for scientific research, education, or propagation purposes without a valid Scientific Collection Permit issued by CDFW. This applies to handling monarchs, removing them from the wild, or otherwise taking them for scientific or propagation purposes, including captive rearing. Fish and Game Code section 1021 directs CDFW to take feasible actions to conserve monarchs and the habitats they depend upon for successful migration. Lastly, Fish and Game Code section 1374 directs the Monarch Butterfly and Pollinator Rescue Program, administered by the Wildlife Conservation Board, to recover and sustain populations of monarchs. A3-4 con't

The monarch meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on the monarchs may require a mandatory finding of significance because the Project would have the potential to threaten to eliminate an animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). The reduction in the number of monarchs, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Monarch Overwintering Habitat Assessment – Given that suitable overwintering habitat is present, CDFW recommends the District retain a qualified biologist to conduct an overwintering habitat assessment prior to starting Phase 1. The qualified biologist should determine if the District's property and/or its immediate vicinity contains suitable overwintering habitat or if monarchs have been known to historically use habitat within and adjacent to the District's property. The qualified biologist should assess overwintering habitat following the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (Xerces Society 2017) or other protocols with prior approval by CDFW. A summary report should be submitted to the District and City of Malibu prior to starting Phase 1. A3-5

Mitigation Measure #2: Monarch Overwintering Habitat Avoidance – CDFW recommends the District consult with a qualified biologist to determine primary roosting trees and other A3-6

2. Response to Comments

structural components or flora integral to maintaining microclimate conditions at overwintering habitat. These plants should be marked prior to starting Phase 1. Overwintering habitat should be avoided for the duration of the Project. A qualified biologist should assess overwintering habitat and remark/delineate overwintering habitat as needed for the duration of the Project following the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (Xerces Society 2017). A3-6 con't

Mitigation Measure #3: Overwintering Monarch Survey – Prior to starting Project construction and activities during the overwintering period of September 15 through March 15[1], a qualified biologist should conduct multiple surveys for overwintering monarchs where overwintering habitat has been identified. Monitoring should be done as frequently as possible during the overwintering season to capture changing distributions through the season and in response to storm events. A3-7

Mitigation Measure #4: Monarch Impact Avoidance – If overwintering monarchs are present at the eucalyptus grove adjacent to the equestrian field, CDFW recommends the District avoid all Project construction and activities south of the equestrian field to the Bus Barn. Elsewhere where there is overwintering habitat and monarchs are present, the District should coordinate with a qualified biologist and CDFW to determine appropriate no-disturbance/no-work buffers prior to starting Project construction and activities. Project construction and activities may only start after all overwintering monarchs have departed the overwintering site as determined by a qualified biologist. A3-8

Mitigation Measure #5: Overwintering Habitat Preservation – Given that suitable overwintering habitat is present, CDFW recommends the District preserve overwintering habitat. If the District must remove overwintering habitat and other structural components or flora integral to maintaining microclimate conditions, the District should coordinate with CDFW prior to starting any activities that may impact overwintering habitat. A3-9

Recommendation #1: Overwintering Habitat Management – CDFW recommends avoiding or minimizing the cutting or trimming of trees and vegetation within core overwintering habitat except for specific grove management purposes, and/or human health and safety purposes. Any management activities in overwintering habitat should be conducted between March 16 and September 14[2] in coordination with a qualified biologist. CDFW recommends the District consider overwintering habitat management recommendation provided by the USFWS in Western Monarch Butterfly Conservation Recommendations (USFWS 2021). A3-10

Recommendation #2: Pesticide Use – CDFW recommends the District avoid or minimize the use of pesticides within one mile of overwintering groves, particularly when monarchs may be present. Non-chemical weed control techniques should be used when possible. If pesticides are used, applications should be conducted from March 16 through September 14, when possible. Whenever possible, targeted application herbicide methods should be used, large-scale broadcast applications should be avoided, and precautions should be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, should not be used any A3-11

[1] The overwintering period is the estimated timeframe when monarchs are likely present. The overwintering period could vary by location and should be determined in coordination with a qualified biologist.
[2] Outside of estimated timeframe when monarchs are likely present.

time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants should not be used. A3-11 con't

Recommendation #3: Planting Native Species – CDFW encourages landscaping using locally occurring native trees and shrubs to benefit native wildlife such as insect pollinators. Insect pollinators such as the monarch butterfly and native bees have declined drastically relative to 1980s levels and have had an especially drastic decline since 2018 (Goulson et al. 2015; Marcum and Darst 2021). Habitat loss may be a primary driver of monarch decline in the west (Crone et al. 2019). CDFW recommends planting native flowering species over non-native ornamental species where possible. Tropical milkweed (*Asclepias currasavica*) should never be included in landscaping. A3-12

Recommendation #4: CDFW recommends the following resources for information on monarchs and overwintering habitat:

- Western Monarch Butterfly Conservation Plan (WAFWA 2019);
- Overwintering Site Management and Protection (Western Monarch Count 2021);
- Protecting California's Butterfly Groves (Xerces Society 2017);
- Managing Monarch Habitat in the West (Xerces Society 2021a);
- Monarch Butterfly Nectar Plant Lists for Conservation Plantings (Xerces Society 2018);
- Tropical Milkweed (Wheeler 2018); and,
- CDFW's Monarch Butterfly webpage page (CDFW 2021a). A3-13

Recommendation #5: CDFW recommends the District contribute monarch and overwintering habitat data to databases such as the California Natural Diversity Database (see Additional Comment #5). Report milkweed and monarch observations from all life stages, including breeding butterflies, to the Monarch Milkweed Mapper or via the project portal in the iNaturalist smartphone app. A3-14

Comment #2: Impacts on Aquatic Resources

Issue: The Project would impact aquatic resources and associated vegetation.

Specific impacts: The Project as proposed would result in permanent impacts to "a total of 0.033 acre of waters under the jurisdiction of CDFW." A3-15

Why impact would occur: A feature called the Basin located east of Drainage 1 would be demolished during Phase 4A of the Project. Demolition of the Basin would result in 0.033 acre of impacts to waters and cattail marsh (*Typha* Herbaceous Alliance). The District is proposing mitigation measure BIO-5, which would require "creation of 0.033 acre of non-wetland jurisdictional waters." Mitigation measure BIO-5 as proposed may be insufficient because 1:1 may not mitigate for the temporal loss of habitat. BIO-5 would be implemented "upon completion of construction activities." Phase 4A is expected to take one year, and habitat creation may take upwards of five years to be successful. Habitat creation could take even longer during below average rainfall years, which could result in lower planting survivorship due to plant stress, desiccation, and attrition. The Project could result in prolonged temporal loss of habitat, potentially upwards of five years or more of habitat loss that could otherwise support wildlife such as birds, reptiles, and amphibians.

2. Response to Comments

Evidence impacts would be significant: The Project would demolish the Basin and impact "a total of 0.033 acre of waters under the jurisdiction of CDFW." CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated plant communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following: A3-15 con't

- Divert or obstruct the natural flow of any river, stream, or lake[3];
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources. The DEIR concludes that Project impacts to the Basin and plant community "would be significant and would require permitting." The Project could have a significant impact on fish and wildlife resources if the District does not notify and obtain an LSA Agreement from CDFW prior to starting Project construction and activities adversely affect fish and wildlife resources pursuant to Fish and Game Code section 1600 et seq.

Inadequate mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on fish and wildlife resources, including rivers, streams, or lakes and associated plant communities.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW concurs with mitigation measure BIO-5, which would require the District to acquire a Lake and Streambed Alteration (LSA) Agreement from CDFW. The District should acquire a LSA Agreement from CDFW prior to starting any Project construction and activities that could impact the Basin and associated vegetation, as well as any construction and activities for the duration of the Project that could result in one or more actions subject to notification under Fish and Game Code section 1602. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2021b). A3-16

Mitigation Measure #2: CDFW recommends the LSA Notification include the following information and analyses:

1) Linear feet and/or acreage of streams and associated plant communities that would be permanently and/or temporarily impacted by the Project. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation, second edition (Sawyer et al. 2009);
2) A discussion as to whether impacts to streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. A3-17

[3] "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed;

3) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100-, 50-, 25-, 10-, 5-, or 2-year frequency storm events) to evaluate water and sediment transport under existing and proposed conditions; and,
4) A discussion as to whether proposed structures/improvements within the 100-foot ESHA buffer would result in stream bank erosion or impair the bed, bank, and channel of the stream.

A3-17 con't

Mitigation Measure #3: To mitigate for 0.033 acre of impacts, CDFW recommends the District create no less than 0.07 acres of habitat on site or within the same watershed.

A3-18

Recommendation: CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the District for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends the District consider CDFW's comments and incorporate the mitigation measures and revisions recommended in this letter into the Project's final environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

A3-19

Comment #3: Impacts on Burrowing Owl

Issue: The Project may impact burrowing owl (*Athene cunicularia*), a California Species of Special Concern (SSC).

Specific impacts: Project construction and activities during the burrowing owl wintering and breeding seasons for the 10-year duration of the Project could cause local burrowing owl declines.

A3-20

Why impacts would occur: Wintering burrowing owls were observed at two separate burrows adjacent to the existing track and field. According to page 5.3-71 in the DEIR, implementation of Phases 2 and 4 may indirectly impact the burrowing owl. Project construction and activities would include building demolition, grading, trenching, and paving. These activities create elevated levels of noise, human activity, dust, ground vibrations, vegetation disturbance, and potentially ambient nighttime lighting. These activities occurring near potential wintering sites could flush burrowing owls, cause burrowing owls to abandon their burrow, and reduce the likelihood of winter survival. In addition, these activities occurring near potential nests could result in reduced reproductive capacity and cause burrowing owls to abandon their nests, resulting in the loss of fertile eggs or nestlings. Project-related impacts on burrowing owl during the wintering and breeding seasons over the course of 10 years could cause local burrowing

2. Response to Comments

owl declines because of increased burrowing owl mortalities due to increased stress (needless energy expenditure) and injury; reproductive suppression; and loss of young. A3-20 con't

The DEIR provides mitigation measure BIO-1 to mitigate for impacts on burrowing owl. Mitigation measure BIO-1 as proposed may be insufficient to reduce Project impacts on burrowing owl to less than significant. BIO-1 only requires pre-construction burrowing owl surveys prior to initiation of Phase 4. Pre-construction surveys are not proposed prior to Phases 1, 2, or 3. All phases of the Project may involve high disturbance activities including, but not limited to, building demolition, grading, trenching, and paving. Burrowing owls within 500 meters of those high disturbance activities could be impacted (burrowing owls were observed within 500 meters from the Project site). The Project could impact burrowing owls absent a burrowing owl survey prior to starting each Project phase. Moreover, the Project is estimated to occur over 10 years. Two years may elapse between the completion of Phase 2 and start of Phase 3. Burrowing owls may attempt to colonize or re-colonize impacted areas, especially if the Project is temporarily halted for a long period of time. Given the high site fidelity shown by burrowing owls, conducting surveys over the span of the Project may be necessary when Project activities are ongoing, occur annually, or start and stop seasonally (CDFG 2012). A3-21

BIO-1, as it is currently proposed, does not provide sufficient survey frequency or effort to detect and avoid impacts on burrowing owls occupying or returning to burrows on District property over the Project's estimated 10-year lifespan. The Project proceeding when burrowing owls are present could result in increased burrowing owl mortalities due to increased stress (needless energy expenditure) and injury; reproductive suppression; and loss of young. Local population decline could contribute to regional and State-wide declines of the species.

Evidence impacts would be significant: The burrowing owl is a SSC. A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2021c).

A3-22

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

In addition, nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Fish and Game Code section 3503 states, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird." Fish and Game code section 3503.5 prohibits the take, possession, or destruction of birds-of-prey and their nests or eggs. Also, take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918) is prohibited under Fish and Game Code section 3513. As such, impacts on nesting burrowing owl, either directly or indirectly through nest abandonment, reproductive suppression, or loss of occupied nesting habitat, would be a significant impact absent appropriate mitigation. A3-22 con't

Inadequate avoidance, minimization, and mitigation measures for impacts on burrowing owl will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the District revise mitigation measure BIO-1 by including the underlined language and removing the stricken language:

> "Pre-Construction Burrowing Owl Surveys and Avoidance: In the year prior to initiation of Proposed Project activities in Phase 1, Phase 2, Phase 3, and Phase 4, and before recommencing Proposed Project after construction and activities are suspended/delayed for six months or more, ~~the Proposed Project~~ a qualified biologist shall conduct pre-construction burrowing owl surveys in accordance with the 2012 CDFW Burrowing Owl Consortium Survey Protocols and Mitigation Guidelines (CDFW 2012). If wintering or breeding burrowing owl are observed adjacent to the impact area, mitigation shall be conducted in accordance with the CDFW guidelines (CDFW 2012). To avoid impacts and disturbances to burrowing owls, nests, or eggs, the Proposed Project shall avoid construction and activities during the nesting season from February 1 through August 31 to the extent feasible. Construction and activities would be restricted near nesting sites at a setback distance depending on the level of disturbance and time of year in accordance with CDFW guidelines. A qualified biologist shall monitor nests to ensure that burrowing owls are not detrimentally affected. Nests shall be protected and marked in accordance with BIO-1."

A3-23

Mitigation Measure #2: Use of rodenticides and second-generation anticoagulant rodenticides should be prohibited during and after the Project. Rodenticides and second-generation anticoagulant rodenticides have harmful effects on the ecosystem and wildlife. A3-24

Comment #4: Impacts on Species of Special Concern

Issue: The Project may impact coastal whiptail (*Aspidoscelis tigris stejnegeri*), a SSC.

Specific impacts: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality (trampling, crushing), reduced reproductive capacity, population declines, or local extirpation of a SSC. Also, loss of foraging, breeding, or nursery habitat for a SSC may occur. A3-25

2. Response to Comments

Why impacts would occur: According to Table 5.3-3 in the DEIR, coastal whiptail may occur in the Project impact area. Impacts to coastal whiptail could result from ground-disturbing activities and vegetation removal. Wildlife may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife. SSC could be injured or killed. Impacts on coastal whiptail are more likely to occur because this is a cryptic species that is less mobile during certain times of the day and seek refuge and hide under structures.

A3-25 con't

Evidence impacts would be significant: CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC (see Comment #3: Impacts on Burrowing Owl) which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The DEIR does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Biological Monitor – To avoid direct injury and mortality of SSC, CDFW recommends the District have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where a SSC is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist should advise workers to proceed with caution. A qualified biologist should be on site daily during initial ground and habitat disturbing activities as well as vegetation removal for each Project phase. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal to ensure that no wildlife is harmed.

A3-26

Mitigation Measure #2: Scientific Collecting Permit – CDFW recommends the District retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003).

A3-27

Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2021d). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid

harm or mortality in connection with Project construction and activities. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #2: Impacts on Aquatic Resources). A3-27 con't

Mitigation Measure #3: Wildlife Relocation Plan – Prior to starting Phase 1 ground and habitat disturbing activities and vegetation removal, CDFW recommends the District retain a qualified biologist to prepare a Wildlife Relocation Plan. The Wildlife Relocation Plan should describe all SSC that could occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan should include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The qualified biologist should submit a copy of a Wildlife Relocation Plan to the District and City of Malibu prior to initial ground and habitat disturbing activities and vegetation removal. No bird nests, eggs, or nestlings may be removed or relocated at any time. A3-28

Mitigation Measure #4: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW, District, and City of Malibu within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death. A3-29

Comment #5: Impacts on Bats

Issue: The Project may impact roosting bats, including bat species that are SSC.

Specific impacts: Project construction and activities may include removal or disturbance of trees that could provide roosting habitat for bats. Accordingly, the Project has the potential to injure, cause the mortality of, trap, and displace bats.

Why impacts would occur: According to page 5.3-24 in the DEIR, "the trees in the [Biological Study Area] BSA also provide potential roosting opportunities for the hoary bat (*Aeorestes cinereus*) or the western red bat (*Lasiurus frantzii*). Species that may occur include but are not limited to the Brazilian freetailed bat (*Tadarida brasiliensis*), big brown bat (*Eptesicus fuscus*), canyon bat (*Parastrellus hesperus*), and California myotis (*Myotis californicus*) may all occur in the BSA." The western red bat is a SSC. A3-30

The Project may result in direct impacts on bats (injury and mortality) by removing trees and demolishing structures that may provide roosting habitat. Indirect impacts on bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., demolition, grading, trenching, and paving), and vibrations caused by heavy equipment. Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Human disturbance can lead to a change in humidity, temperatures, or the approach to a roost that could force the

2. Response to Comments

animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004). A3-30 con't

Evidence impacts would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC (see Comment #3: Impacts on Burrowing Owl). CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Acoustic Surveys for Bats – CDFW recommends the District retain a qualified bat specialist to identify potential daytime, nighttime, wintering, and hibernation roost sites and conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify roosting bats and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. Surveys should be conducted prior to starting each Project phase and if construction and activities are suspended/delayed for one year or more. A3-31

Mitigation Measure #2: Survey Results and Bat Mitigation Plan – After Phase 1 surveys, a qualified biologist should prepare a summary report to be submitted to the District and City of Malibu. Depending on the survey results, the qualified biologist should also prepare a Bat Mitigation Plan that identifies robust location and roost-specific measures to avoid and minimize Project impacts on bats. The Bat Mitigation Plan should incorporate mitigation measures in accordance with California Bat Mitigation Measures (Johnston et al. 2004). A summary report and Bat Mitigation Plan should be submitted to the District and City of Malibu prior to starting Phase 1. Bat surveys should be submitted to the District and City of Malibu before starting each Project phase and if construction and activities are suspended/delayed for one year or more. The Bat Mitigation Plan should be updated (or developed) as needed following each survey. A3-32

Mitigation Measure #3: Roosting Bats/Tree Removal – If a bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape. A3-33

Mitigation Measure #4: Maternity Roosts – If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the A3-34

maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30). A3-34 con't

Mitigation Measure #5: Maternity Roosts – If maternity roosts are found and impacts are unavoidable, each tree identified as potentially supporting an active maternity roost should be closely inspected by a qualified bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before sunset and 30 minutes after sunrise. A3-35

Additional Recommendations

1) Mountain lion (*Puma concolor*). The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit of mountain lion in southern coastal California as threatened under CESA (CDFW 2020a). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. The Project is adjacent to the Santa Monica Mountains where mountain lion occurs. Impacts on mountain lion could result from increased human presence, traffic, noise, and artificial lighting. For example, as human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. To prevent human-wildlife conflicts on campus and to keep mountain lions wild, CDFW recommends the District consider the following as part of campus design and campus management and maintenance in perpetuity: A3-36

   - Never feed deer or other wildlife; it is illegal to feed deer and other big game in California and it will attract mountain lions;
   - Deer-proof campus landscaping by avoiding plants that deer like to eat;
   - Trim brush to reduce hiding places for mountain lions;
   - Install motion-sensitive lighting around the campus;
   - Increase site permeability through permeable fence designs to limit physical obstructions to wildlife movement; and,
   - Make a commitment to educate students, faculty, and staff about mountain lion.

   Please visit Keep Me Wild (CDFW 2021e) for additional information, as well as Preventing Conflicts with Mountain Lions (CDFW 2020b). For information wildlife friendly fences, please see A Landowner's Guide to Wildlife Friendly Fences (MFWP 2012).

2) Nesting Birds. CDFW concurs with the Project's proposed mitigation measure BIO-2 to avoid impacts on nesting birds and raptors. However, one or more years may elapse between phases over the Project's estimated 10-year construction period. Therefore, CDFW recommends revising BIO-2 to require the District to perform nesting bird surveys before recommencing construction and activities after a period of inactivity. CDFW recommends the District revise BIO-2 by incorporating the underlined language: A3-37

2. Response to Comments

"Pre-Construction Nesting Bird Surveys: To the extent possible, vegetation removal shall be conducted during the non-breeding season (i.e., September 1 to January 31) in order to minimize direct impacts on nesting birds and raptors. If construction activities would be initiated during the breeding season for nesting birds/raptors (i.e., February 1–August 31), a pre-construction survey will be conducted by a qualified Biologist within three days prior to the initiation of construction (including demolition of structures). If construction activities are delayed or suspended for more than 7 days during the breeding season, nesting bird surveys shall be repeated before activities can begin or restart. In addition, nesting bird surveys shall be conducted prior to starting phased Project construction and activities. The absence of nesting bird and raptors shall be considered valid only until the following breeding season […]"

A3-37 con't

3) Landscaping. According to Table 3-13 *MMHS Campus Plant Palette*, landscaping may include some potentially invasive species. For example, the plant palette includes Lantana (*Lantana camara*). Lantana is on Cal-IPC's 'Watch' list. In natural and semi-natural vegetation, Lantana may smother vegetation and increase fire intensity (due to an increase in dry biomass), thus displacing native plant communities. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, prevent native plant recruitment, and create monocultures.

CDFW strongly recommends avoiding non-native, invasive plants for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2021a). CDFW supports the use of native species found in naturally occurring vegetation communities within or adjacent to District property. In addition, CDFW supports planting species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage for southern California (Cal-IPC 2021b). The Audubon Society's Plants for Birds, California Native Plant Society's Gardening and Horticulture, and Xerces Society's Pollinator-Friendly Native Plant Lists webpages provide information on native plant species that invite insects, pollinators, and birds (Audubon Society; CNPS 2021; Xerces Society 2021b).

A3-38

4) Fencing. CDFW recommends that any fencing used during and after the Project be constructed with materials that are not harmful to wildlife. Prohibited materials should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Fences should not have any slack that may cause wildlife entanglement.

A3-39

5) Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any

A3-40

special status species detected by completing and submitting CNDDB Field Survey Forms (CDFW 2021f). To submit information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Releve Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2021g). The District should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The District should provide CDFW with confirmation of data submittal. A3-40 con't

6) Mitigation and Monitoring Reporting Plan. CDFW recommends the District update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the District in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The District is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the District with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A3-41

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Santa Monica-Malibu Unified School District and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). A3-42

Conclusion

We appreciate the opportunity to comment on the Project to assist the Santa Monica-Malibu Unified School District in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Santa Monica-Malibu Unified School District has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562) 619-2230. A3-43

Sincerely,

DocuSigned by:
B6E58CFE24724F5...

Erinn Wilson-Olgin
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South Coast Region

2. Response to Comments

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2. Response to Comments

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A3-44

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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Attachment A: Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1 Impacts on Monarch Butterfly - Monarch Overwintering Habitat Assessment	The District shall retain a qualified biologist to conduct an overwintering habitat assessment prior to starting Phase 1. The qualified biologist shall determine if the District's property and/or its immediate vicinity contains suitable overwintering habitat or if monarchs have been known to historically use habitat within and adjacent to the District's property. The qualified biologist shall assess overwintering habitat following the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat or other protocols with prior approval by CDFW. A summary report shall be submitted to the District and City of Malibu prior to starting Phase 1.	Prior to starting Phase 1	Santa Monica-Malibu Unified School District (District)
MM-BIO-2 Impacts on Monarch Butterfly - Monarch Overwintering Habitat Avoidance	The District shall consult with a qualified biologist to determine primary roosting trees and other structural components or flora integral to maintaining microclimate conditions. These plants shall be marked prior to starting Phase 1. Overwintering habitat shall be avoided for the duration of the Project. A qualified biologist shall assess overwintering habitat and remark/delineate overwintering habitat as needed for the duration of the Project following the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat.	Prior to Phase 1 For the duration of the Project	District
MM-BIO-3 Impacts on Monarch Butterfly - Monarch	Prior to starting Project construction and activities during the overwintering period of September 15 through March 15, a qualified biologist shall conduct multiple surveys for overwintering monarchs where overwintering habitat has been identified. Monitoring shall be done as frequently as possible during the	Prior to starting Project construction and activities	District

A3-45

2. Response to Comments

Overwintering Monarch Survey	overwintering season to capture changing distributions through the season and in response to storm events.	during the overwintering period of September 15 through March 15	
MM-BIO-4 Impacts on Monarch Butterfly - Monarch Impact Avoidance	If overwintering monarchs are present at the eucalyptus grove adjacent to the equestrian field, the District shall avoid all Project construction and activities south of the equestrian field to the Bus Barn. Elsewhere where there is overwintering habitat and monarchs are present, the District shall coordinate with a qualified biologist and CDFW to determine appropriate no-disturbance/no-work buffers prior to starting Project construction and activities. Project construction and activities may only start after all overwintering monarchs have departed the overwintering site as determined by a qualified biologist.	Prior to starting Project construction and activities	District
MM-BIO-5 Impacts on Monarch Butterfly - Overwintering Habitat Preservation	The District shall preserve overwintering habitat. If the District must remove overwintering habitat and other structural components or flora integral to maintaining microclimate conditions, the District shall coordinate with CDFW prior to starting any activities that may impact overwintering habitat.	Prior to starting any activities that may impact overwintering habitat	District
MM-BIO-6 Impacts on Aquatic Resources-LSA Agreement	The District shall acquire a Lake and Streambed Alteration (LSA) Agreement from CDFW prior to starting any Project construction and activities that could impact the Basin and associated vegetation, as well as any construction and activities for the duration of the Project that could result in one or more actions subject to notification under Fish and Game Code section 1602.	Prior to starting any Project construction and activities	District
MM-BIO-7 Impacts on Aquatic Resources-LSA Notification	The District's LSA Notification shall include the following information and analyses: 1) Linear feet and/or acreage of streams and associated plant communities that would be permanently and/or temporarily	LSA Notification Prior to starting any	District

A3-45

	impacted by the Project. Plant community names shall be provided based on vegetation association and/or alliance per the Manual of California Vegetation, second edition; 2) A discussion as to whether impacts to streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; 3) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation shall assess a sufficient range of storm events (e.g., 100-, 50-, 25-, 10-, 5-, or 2-year frequency storm events) to evaluate water and sediment transport under existing and proposed conditions; and, 4) A discussion as to whether proposed structures/improvements within the 100-foot ESHA buffer would result in stream bank erosion or impair the bed, bank, and channel of the stream.	Project construction and activities	
MM-BIO-8 Impacts on Aquatic Resources-Compensatory Mitigation	To mitigate for 0.033 acre of impacts, the District shall create no less than 0.07 acres of habitat on site or within the same watershed.	During/After Project Phase 4A	District
MM-BIO-9 Impacts on Burrowing Owl-Pre-Construction Burrowing Owl Surveys and Avoidance	In the year prior to initiation of Proposed Project activities in Phase 1, Phase 2, Phase 3, and Phase 4, and before recommencing Proposed Project after construction and activities are suspended/delayed for six months or more, a qualified biologist shall conduct pre-construction burrowing owl surveys in accordance with the 2012 CDFW Burrowing Owl Consortium Survey Protocols and Mitigation Guidelines (CDFW 2012). If wintering or breeding burrowing owl are observed adjacent to the	One year prior to initiation of Proposed Project phases	District

A3-45

2. Response to Comments

	impact area, mitigation shall be conducted in accordance with the CDFW guidelines (CDFW 2012). To avoid impacts and disturbances to burrowing owls, nests, or eggs, the Proposed Project shall avoid construction and activities during the nesting season from February 1 through August 31 to the extent feasible. Construction and activities would be restricted near nesting sites at a setback distance depending on the level of disturbance and time of year in accordance with CDFW guidelines. A qualified biologist shall monitor nests to ensure that burrowing owls are not detrimentally affected. Nests shall be protected and marked in accordance with BIO-1.	During Project construction and activities	
MM-BIO-10 Impacts on Burrowing Owl-Prohibiting Rodenticides	Use of rodenticides and second-generation anticoagulant rodenticides shall be prohibited during and after the Project.	During and after the Project	District
MM-BIO-11 Impacts on Species of Special Concern-Biological Monitor	To avoid direct injury and mortality of SSC, the District shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where a SSC is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution. A qualified biologist shall be on site daily during initial ground and habitat disturbing activities as well as vegetation removal for each Project phase. Then, the qualified biologist shall be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal to ensure that no wildlife is harmed.	Daily during initial ground and habitat disturbing activities and vegetation removal for each Project phase	District

A3-45

MM-BIO-12 Impacts on Species of Special Concern- Wildlife Relocation Plan	Prior to starting Phase 1 ground and habitat disturbing activities and vegetation removal, the District shall retain a qualified biologist to prepare a Wildlife Relocation Plan. The Wildlife Relocation Plan shall describe all SSC that could occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan shall include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The qualified biologist shall submit a copy of a Wildlife Relocation Plan to the District and City of Malibu prior to initial ground and habitat disturbing activities and vegetation removal. No bird nests, eggs, or nestlings may be removed or relocated at any time.	Prior to Phase 1 ground and habitat disturbing activities and vegetation removal	District
MM-BIO-13 Impacts on Species of Special Concern- Injured or Dead Wildlife	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW, District, and City of Malibu within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project construction and activities Prior to resuming work	District
MM-BIO-14 Impacts on Bats- Acoustic Surveys for Bats	The District shall retain a qualified bat specialist to identify potential daytime, nighttime, wintering, and hibernation roost sites and conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify roosting bats and any maternity roosts. Acoustic recognition technology shall be used to maximize detection of bats. Surveys shall be conducted prior to starting each Project phase and if construction and activities are suspended/delayed for one year or more.	Prior to starting each Project phase and if construction and activities suspended/ delayed for one year or more	District

2. Response to Comments

MM-BIO-15 Impacts on Bats- Survey Results and Bat Mitigation Plan	After Phase 1 surveys, a qualified biologist shall prepare a summary report to be submitted to the District and City of Malibu. Depending on the survey results, the qualified biologist shall also prepare a Bat Mitigation Plan that identifies robust location and roost-specific measures to avoid and minimize Project impacts on bats. The Bat Mitigation Plan shall incorporate mitigation measures in accordance with California Bat Mitigation Measures (Johnston et al. 2004). A summary report and Bat Mitigation Plan shall be submitted to the District and City of Malibu prior to starting Phase 1. Bat surveys shall be submitted to the District and City of Malibu before starting each Project phase and if construction and activities are suspended/delayed for one year or more. The Bat Mitigation Plan shall be updated (or developed) as needed following each survey.	Prior to starting Phase 1 Prior to starting each Project phase and if construction and activities suspended/ delayed for one year or more	District
MM-BIO-16 Impacts on Bats- Roosting Bats/Tree Removal	If a bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.	During tree removal	District
MM-BIO-17 Impacts on Bats- Maternity Roosts	If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).	Prior to Project construction and activities	District

A3-45

MM-BIO-18 Impacts on Bats- Maternity Roosts	If maternity roosts are found and impacts are unavoidable, each tree identified as potentially supporting an active maternity roost shall be closely inspected by a qualified bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost. Work shall also not occur between 30 minutes before sunset and 30 minutes after sunrise.	Prior to tree disturbance	District
REC-1- Monarch Overwintering Habitat Management	The District should avoid or minimize the cutting or trimming of trees and vegetation within core overwintering habitat except for specific grove management purposes, and/or human health and safety purposes. Any management activities in overwintering habitat should be conducted between March 16 and September 14 in coordination with a qualified biologist. The District should consider overwintering habitat management recommendation provided by the USFWS in Western Monarch Butterfly Conservation Recommendations.	Between March 16 and September 14	District
REC-2- Monarch Overwintering Habitat Management	The District should avoid or minimize the use of pesticides within one mile of overwintering groves, particularly when monarchs may be present. Non-chemical weed control techniques should be used when possible. If pesticides are used, applications should be conducted from March 16 through September 14, when possible. Whenever possible, targeted application herbicide methods should be used, large-scale broadcast applications should be avoided, and precautions should be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, should not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants should not be used.	Between March 16 and September 14	District

A3-45

2. Response to Comments

REC-3- Monarch Overwintering Habitat Management	The District should use locally occurring native trees and shrubs for landscaping to benefit native wildlife such as insect pollinators. The District should plant native flowering species over non-native ornamental species where possible. Tropical milkweed (*Asclepias currasavica*) should never be included in landscaping.	Prior to finalizing Project design and plan	District
REC-4- Monarch Resources	CDFW recommends the following resources for information on monarchs and overwintering habitat: • Western Monarch Butterfly Conservation Plan • Overwintering Site Management and Protection • Protecting California's Butterfly Groves • Managing Monarch Habitat in the West • Monarch Butterfly Nectar Plant Lists for Conservation Plantings • Tropical Milkweed • CDFW's Monarch Butterfly webpage page	Prior to finalizing Project design and plan	District
REC-5- Submitting Monarch Data	CDFW recommends the District contribute monarch and overwintering habitat data to databases such as the California Natural Diversity Database. Report milkweed and monarch observations from all life stages, including breeding butterflies, to the Monarch Milkweed Mapper or via the project portal in the iNaturalist smartphone app.		District
REC-6- LSA Notification and CEQA	CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the District for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends the District consider CDFW's comments and incorporate the mitigation measures and	Prior to finalizing Project CEQA document	District

A3-45

	revisions recommended in this letter into the Project's final environmental document.		
REC-7- Mountain Lion	To prevent human-wildlife conflicts on campus and to keep mountain lions wild, the District should consider the following as part of campus design and campus management and maintenance in perpetuity: • Never feed deer or other wildlife; it is illegal to feed deer and other big game in California and it will attract mountain lions; • Deer-proof campus landscaping by avoiding plants that deer like to eat; • Trim brush to reduce hiding places for mountain lions; • Install motion-sensitive lighting around the campus; • Increase site permeability through permeable fence designs to limit physical obstructions to wildlife movement; and, • Make a commitment to educate students, faculty, and staff about mountain lion. Please visit Keep Me Wild for additional information, as well as Preventing Conflicts with Mountain Lions. For information wildlife friendly fences, please see A Landowner's Guide to Wildlife Friendly Fences.	Prior to finalizing Project design and plan	District
REC-8- Nesting Birds	The District should consider revising BIO-2 by incorporating the underlined language: Pre-Construction Nesting Bird Surveys: To the extent possible, vegetation removal shall be conducted during the non-breeding season (i.e., September 1 to January 31) in order to minimize direct impacts on nesting birds and raptors. If construction	Within three days prior to the initiation of construction	District

A3-45

2. Response to Comments

	activities would be initiated during the breeding season for nesting birds/raptors (i.e., February 1–August 31), a pre-construction survey will be conducted by a qualified Biologist within three days prior to the initiation of construction (including demolition of structures). If construction activities are delayed or suspended for more than 7 days during the breeding season, nesting bird surveys shall be repeated before activities can begin or restart. In addition, nesting bird surveys shall be conducted prior to starting phased Project construction and activities. The absence of nesting bird and raptors shall be considered valid only until the following breeding season […]	Prior to starting phased Project construction and activities		
REC-9-Landscaping	The District should avoid using non-native, invasive plants for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council. The District should use native species found in naturally occurring vegetation communities within or adjacent to District property. In addition, the District should use species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage for southern California. The Audubon Society's Plants for Birds, California Native Plant Society's Gardening and Horticulture, and Xerces Society's Pollinator-Friendly Native Plant Lists webpages provide information on native plant species that invite insects, pollinators, and birds.	Prior to finalizing Project design and plan	District	A3-45
REC-10-Fencing	Any fencing used during and after the Project should be constructed with materials that are not harmful to wildlife. Prohibited materials should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. Metal fence stakes used on the Project site should	Prior to/During Project construction and activities	District	

	be plugged with bolts or other plugging materials to avoid this hazard. Fences should not have any slack that may cause wildlife entanglement.			
REC-11-Data	The District should ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database. To submit information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Releve Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program. The District should provide CDFW with confirmation of data submittal.	Prior to/after Notification pursuant to Fish and Game Code section 1600 et seq.	District	A3-45
REC-12-Mitigation and Monitoring Reporting Plan	The District should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter.	Prior to finalizing CEQA document	District	

2. Response to Comments

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A3. Response to Comments from California Department of Fish and Wildlife

A3-1 This comment provides introductory and general information regarding the role of California Department of Fish and Wildlife (CDFW) as a responsible agency under CEQA for the issuance of a Lake and Streambed Alteration Permit and, if necessary, a California Endangered Species Act Permit. The comment states that CDFW is California's Trustee Agency for fish and wildlife resources and has jurisdiction over the conservation; protection; and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.

As discussed on page 3-75 of the DEIR, the CDFW would serve as a "responsible agency," defined by CEQA Guidelines section 15381. This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue; no further response is required.

A3-2 This comment presents an accurate two-page summary of the details of the Proposed Project as described in Chapter 3, *Project Description,* of the DEIR.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue; no further response is required.

A3-3 This comment states that CDFW offers comments and recommendations to assist the District in adequately identifying, avoiding, and/or mitigating the Proposed Project's impacts on fish and wildlife (biological) resources. Please refer to responses to specific comments and recommendations that follow.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue; no further response is required.

A3-4 This comment suggests the Proposed Project could impact monarch butterfly *(Danaus plexippus*), which meets the definition of a rare, threatened, or endangered species. As stated on page 44 of the Biological Assessment (see Appendix F of the DEIR), one diminutive eucalyptus grove exists within the Project boundary has the very low potential to support overwintering monarch butterflies. No direct impacts to the eucalyptus grove would occur during Project implementation, and the grove is at enough distance (approximately 170 feet) that neither direct nor indirect impacts are expected. No impacts to monarch butterflies are anticipated; therefore, no mitigation would be required.

This conclusion was reached based on the following.

- Low habitat quality:

  Monarch butterflies are known to overwinter in groves of trees such as various Eucalyptus species (*Eucalyptus* sp.), Monterey Pine (*Pinus radiata*), and others, from approximately October through February. According to the Xerces Society,

overwintering monarch habitat is characterized by a specific microclimate that protects the monarchs from fluctuations in biotic factors, such as temperature, humidity, and wind, as well as the presence of nearby (within 0.25-mile) resources, such as nectar and freshwater – important for refueling prior to migration or should they become dislodged during overwintering. These narrow abiotic microclimate requirements are achieved through specific forest/grove structure and includes a combination of closed canopy and open areas for an escape route if needed, as well as (in most cases) understory, "ragged" edge vegetation, and low-lying branches for wind protection. Protection from predators is also an important feature of overwintering habitat and is mostly obtained through groundcover (e.g., shrubs) they can climb up should they fall and are unable to fly due to low air temperature (Xerces Society 1993, 2017).

There is a small cluster of six mature Eucalyptus trees on the Project Site that abuts two actively maintained equestrian fields, a paved access road, and a paved parking lot that are barren of vegetation. These barren areas, which comprise most of the groundcover adjacent to the six Eucalyptus trees, are lacking any vegetation, and hence lacking an important structural component (e.g., vegetated understory) for predator avoidance, as well as a nectar source needed by monarchs for their wintering roosts. In addition, the lower Eucalyptus limbs are removed and understory is kept clear as the trees are used for shade during equestrian activities, and three picnic tables occur beneath the trees. Wind protection, one of the most important components of overwintering monarch habitat, is not available from this small cluster of trees due to the low number of trees, their linear configuration, and absence of a windbreak. This area also is regularly exposed to existing level of human, vehicular, and equine disturbances immediately adjacent and beneath the trees. Important nectar and water sources are also lacking nearby. For these reasons, this habitat is considered low quality and therefore has low potential to be used by monarchs for overwintering.

- Monarch butterflies were not observed overwintering in the cluster of six eucalyptus trees as a result of numerous site visits over the course of multiple years by various biological consultants in support of the Malibu Middle and High School Campus Improvement Project (GLA 2009) and the Proposed Project. Specifically, biological surveys were conducted for the Malibu Middle and High School Campus Improvements Project during 2008 and 2009. Focused surveys for special-status and nesting raptors and owls at the cluster of six eucalyptus trees near the equestrian center were conducted in wintertime by GLA on October 16, November 21, December 3, 2008; and January 27, 28, 29, 30, 2009. As stated in Section 2.4 of the Biological Assessment for the Proposed Project, wintertime biological surveys were conducted at the eucalyptus grove near the equestrian park on December 9, 2019; January 8, and February 27, 2020; and February 1 and 2, 2021.

Monarch butterfly overwintering sites are not known to be located within the Study Area and there are no historical records of this area being used by monarchs (CDFW 2021a); however, monarch butterfly overwintering sites are known from the Project region in recent history and are presumed extant according to the California Natural Diversity Database (CNDDB; CDFW 2021b).

Monarchs have been shown to have high site fidelity (the tendency to repeatedly return to the same locations) to overwintering habitat (Xerces 1993; Slayback et al. 2007). Three historical overwintering monarch sites have been documented near the Project Site at distances of 0.3, 0.5, and 0.6 miles (CDFW 2021c; Western Monarch Count 2021a, 2021b). The closest overwintering site (no Xerces reference ID) supported hundreds (no specific count given) of monarchs in 2013, the last date data is available. The overwintering site 0.5 miles away (Xerces #2883) supported five individual monarchs in 2019, the last year a count is available. This site had supported thousands of overwintering monarch butterflies in previous years but declined due to tree trimming and removal. The overwintering site 0.6 miles away at Point Dume Orchid Farm (Xerces #2859 and 2860) supported just a single monarch butterfly in the 1993-1994 season, the last date data is available. This location had supported hundreds of butterflies previously but declined due to tree trimming and removal. Based on aerial views and descriptions provided in the CNDDB, the habitat structure and nearby resources of these three off-site overwintering sites differ significantly from the grouping of six eucalyptus trees on the Project site. These historical observed overwintering locations near the Project Site contain one more of the following habitat components: (1) more trees comprising the habitat; (2) unmanicured trees; (3) an understory and/or low-growing shrubs extending out from the grove trees; (4) topographical protection from wind; and (5) nectar and water sources nearby (e.g., large lots with citrus groves and gardens).

- No impact to eucalyptus trees:

  The nearest eucalyptus is located approximately 170 feet from the proposed site of the relocated bus barn, which would occur in Phases 3 and 4. Hardscape demolition of the parking lot would occur in Phase 3, and construction of the relocated bus barn would occur in Phase 4. In addition, there is no potential overwintering monarch habitat anywhere else on the Project Site that could be affected by Phases 1, 2, or 3.

- The Project Site is not expected to support high numbers, if any, of wintering monarch butterflies. Additionally, no eucalyptus trees near the equestrian center would be impacted during Project construction. As stated on page 5.3-71 of the DEIR, no impacts to monarch butterflies would occur during Project implementation, as discussed further in the response below. Dust from the adjacent existing equestrian areas is more likely to drift towards the eucalyptus tree area since the bus barn is slightly further away. Additionally, contractors are required to install

wind/dust screens as part of the dust control plan per South Coast Air Quality Management District (SCAQMD) Rule 403, which would limit any sort of offsite accumulation.

Although not expected based on low habitat quality, monarchs may stop over in the small eucalyptus grove near the equestrian center and proposed bus barn relocation site on their way to the historical overwintering sites and would likely number in the single digits. The presence of nearby historical monarch overwintering sites, and the lack of observations of overwintering monarchs on the Project Site demonstrate that the six eucalyptus trees do not meet the overwintering microclimate needs of the monarchs and are unlikely to be used for overwintering. Additionally, there is no evidence that indirect impacts such as noise and dust from construction 170 feet away, or construction-related traffic on the campus, would impact those monarchs. Further, disturbances listed in the Xerces Monarch Project's Conservation and Management Guidelines (1993) that would potentially impact overwintering monarchs, such as shaking branches and trampling from humans near the roost trees, would not occur through Project implementation as the trees are located outside disturbance areas.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-5 The comment suggests a Mitigation Measure (MM#1) requiring monarch habitat assessment prior to Phase 1. This suggested measure is not required since as stated on Page 44 of the Biological Assessment (see Appendix F of the DEIR), no direct impacts to the eucalyptus groves in the Study Area will occur during Project implementation, and the on-site grove is at enough distance (approximately 170 feet) that neither direct nor indirect impacts are expected. No impacts to monarch butterflies are anticipated; therefore, no mitigation would be required. Furthermore, a habitat assessment is not needed because, as outlined in Response A3-4, it has already been determined that:

- The six eucalyptus trees in the equestrian area consist of low-quality monarch overwintering habitat.
- The subject eucalyptus trees on the Project Site have not been documented as being an overwintering site for monarch butterflies.
- Documentation of the use of suitable habitat with microclimate requirements that are not present at the Project Site for overwintering monarchs has been documented in nearby areas.
- No overwintering monarch butterflies have been determined to be present as a result of multiple surveys of the subject trees over multiple years.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The suggested mitigation measure is not necessary since the Proposed Project would not cause a significant impact to monarch butterflies.

A3-6 The comment suggests a Mitigation Measure (MM#2) requiring overwintering habitat avoidance. This measure is not required since, as stated on page 44 of the Biological Assessment (see Appendix F of the DEIR), no direct impacts to the eucalyptus groves in the Study Area will occur during Project implementation, and the groves are at enough distance (approximately 170 feet) that indirect impacts are not expected. No impacts to monarch butterflies are anticipated; therefore, no mitigation would be required. Furthermore, no avoidance of overwintering habitat for the duration of the project is needed because, as outlined in Responses A3-4 and A3-5, a qualified biologist has already determined that:

- No overwintering monarch butterflies have been determined to be present as a result of multiple surveys of the subject trees over multiple years.
- The six eucalyptus trees located in the equestrian area consist of low-quality monarch overwintering habitat and do not qualify as primary roosts.
- Structural components or flora integral to maintaining microclimate conditions at overwintering habitat in nearby documented locations are not present at the Project Site.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The suggested mitigation measure is not necessary since the Proposed Project would not cause a significant impact to monarch butterflies.

A3-7 The comment suggests a Mitigation Measure (MM#3) requiring preconstruction surveys. MM#3 is not required since, as stated on page 44 of the Biological Assessment (see Appendix F of the DEIR), no direct impacts to the eucalyptus groves in the Study Area will occur during Project implementation, and the on-site grove is at enough distance (approximately 170 feet) that neither direct nor indirect impacts are expected. No impacts to monarch butterflies are anticipated; therefore, no mitigation would be required. Furthermore, multiple surveys during the overwintering period of September 15 through March 15 prior to project construction and monitoring done as frequently as possible during the overwintering season are not needed because, as outlined in Responses A3-4, A3-5, and A3-6, it has already been determined that:

- No overwintering monarch butterflies have been determined to be present as a result of multiple surveys of the subject trees over multiple years.

- The six eucalyptus trees in the equestrian area consist of low-quality monarch overwintering habitat.
- The subject eucalyptus trees on the Project Site have not been documented as being an overwintering site for monarch butterflies.
- Structural components or flora integral to maintaining microclimate conditions at overwintering habitat in nearby documented locations are not present at the Project Site.
- Documentation of the use of suitable habitat with microclimate requirements that are not present at the Project Site for overwintering monarchs has been documented in nearby areas.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The suggested mitigation measure is not necessary since the Proposed Project would not cause a significant impact to monarch butterflies.

A3-8 The comment suggests a Mitigation Measure (MM#4) requiring avoidance. MM#4 is not required since, as stated on page 44 of the Biological Assessment (see Appendix F of the DEIR), no direct impacts to the eucalyptus groves in the Study Area will occur during Project implementation, and the on-site grove is at enough distance (approximately 170 feet) that neither direct nor indirect impacts are expected. No impacts to monarch butterflies are anticipated; therefore, no mitigation would be required. Furthermore, avoidance measures are not required because, as discussed in Responses A3-4, A3-5, A3-6, and A3-7, it has already been determined that:

- No overwintering monarch butterflies have been determined to be present as a result of multiple surveys of the subject trees over multiple years.
- The six eucalyptus trees in the equestrian area consist of low-quality monarch overwintering habitat.
- The subject eucalyptus trees on the Project Site have not been documented as being an overwintering site for monarch butterflies.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The suggested mitigation measure is not necessary since the Proposed Project would not cause a significant impact to monarch butterflies.

A3-9 The comment suggests a Mitigation Measure (MM#5) requiring habitat preservation. Mitigation Measure #5 is not required since, as stated on page 44 of the Biological Assessment (see Appendix F of the DEIR), no direct impacts to the eucalyptus groves in

the Study Area will occur during Project implementation, and the on-site grove is at enough distance (approximately 170 feet) that neither direct nor indirect impacts are expected. No impacts to monarch butterflies are anticipated; therefore, no mitigation would be required. Furthermore, there is no need to preserve monarch overwintering habitat because, as outlined in Responses A3-4, A3-5, A3-6, A3-7, and A3-8, it has been determined that:

- No overwintering monarch butterflies have been determined to be present as a result of multiple surveys of the subject trees over multiple years.
- The six eucalyptus trees in the equestrian area consist of low-quality monarch overwintering habitat.
- The subject eucalyptus trees on the Project Site have not been documented as being an overwintering site for monarch butterflies.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The suggested mitigation measure is not necessary since the Proposed Project would not cause a significant impact to monarch butterflies.

A3-10 The comment suggests Recommendation #1 regarding habitat management. Recommendation #1 would not be needed because, as outlined in Responses A3-4 through A3-9, no core overwintering habitat for monarchs is present on site, thus there would be no need to avoid trimming or minimizing the cutting or trimming of trees and vegetation within core overwintering habitat.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The suggested mitigation measure is not necessary since the Proposed Project would not cause a significant impact to monarch butterflies.

A3-11 The comment suggests Recommendation #2 requiring pesticide use. Although this recommendation is already consistent with the District's policy pertaining to the use pesticides,[1] as outlined in Responses A3-4, A3-5, A3-6, A3-7, A3-8, A3-9, and A3-10, no overwintering monarch butterflies have been observed to date as a result of multiple surveys of the subject six eucalyptus trees over multiple years. Impacts to overwintering monarchs would not occur through Project implementation of Phases 1 through 4 and no mitigation would not be required.

[1] The District is required to comply with the City of Malibu's Local Coastal Program Amendment (LCPA) amending the Local Coastal Program (LCP) Land Use Plan (LUP) Policy 3.18 pertaining to a citywide prohibition of pesticides that was implemented September 8, 2021.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-12 The comment suggests Recommendation #3 regarding planting native species. Figure 10, Proposed Landscaping Plan, depicts the areas within the campus that would provide locally occurring native trees and shrubs to benefit wildlife. Specifically, two zones within the campus comprise native palettes:

- Hillside Zone would consist of a native palette with a mix of large and small canopy trees sited to shade and screen parking and service areas; low-growing understory with widely spaced shrub groupings and trees able to grow on slopes and a mix of grasses and shrubs.
- Low Coastal Zone would consist of a native palette with a mix of large and small canopy trees sited to frame views to the west; and includes low ground covers, grasses, flowering shrubs, and perennials to take advantage of the southern and western exposures.
- Landscape and Figures
    - Figures 3-11a, 3-11b, and 3-11c in the DEIR list the planting plans for the different zones of the Environmentally Sensitive Habitat Areas (ESHA) that also comprise native palettes with locally occurring trees and shrubs to benefit native wildlife.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The suggested mitigation measure is not necessary since the Proposed Project would not cause a significant impact to monarch butterflies or other insect pollinators.

A3-13 The commenter suggests a series of references to consult regarding monarch butterfly. Applicable recommended resources were used to develop responses to CDFW comments, as well as to cross-check other references used. Those references that were not cited here were reviewed and noted. While the recommended resources were not used specifically during the literature review, field surveys, or reporting on results in support of the Biological Assessment (see Appendix F of the DEIR), the biologists that contributed to this Proposed Project are highly qualified and experienced biologists with over 10 years of field survey experience each, well-versed in the use of scientific literature, field guides, the CNDDB, and other databases such as iNaturalist and hold federal recovery permits for multiple special-status species. These biologists are knowledgeable of the habitats within the Specific Plan area, as well as with the biology and habitats of the special-status species identified as having the potential to be present within the Specific Plan area and

its vicinity (please see the list of preparers) and have applied their skills to adequately contribute to this project.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The suggested mitigation measure is not necessary since the Proposed Project would not cause a significant impact to monarch butterflies or other insect pollinators.

A3-14 The commenter suggests contribution of data to the CNDDB. Upon encountering special-status species during field surveys, it is standard practice for the qualified biologists, including those who performed this work, to submit completed CNDDB field survey forms to the state. Had overwintering monarch butterflies been encountered during any of the surveys performed in support of this project, a CNDDB field survey form would have been completed and submitted to the CDFW.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue; no further response is required.

A3-15 The commenter states that the Proposed Project would impact aquatic resources and associated vegetation, specifically the Project as proposed would result in permanent impacts to "a total of 0.033 acre of waters under the jurisdiction of CDFW," and further states that the feature called the Basin would be demolished during Phase 4A of the Proposed Project resulting in 0.033 acre of impacts to waters and cattails marsh (*Typha* Herbaceous Alliance). The CDFW firstly comments that Mitigation Measure BIO-5 as proposed may be insufficient because 1:1 may not mitigate for the temporal loss of habitat since BIO-5 would be implemented upon completion of construction activities. Phase 4A is expected to take one year, and habitat creation may take upwards of five years to be successful. Secondly, the CDFW comments that habitat creation could take even longer due to below-average rainfall resulting in lower plant survivorship. Thirdly, the Project could result in prolonged temporal loss, upwards of five years or more that could otherwise support wildlife. And lastly, the CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

In response to the first comment pertaining to Mitigation Measure BIO-5 with a 1:1 replacement ratio as being insufficient to adequately mitigate temporal loss of habitat, any temporal loss of habitat would be offset during Phase 1 construction, since the Proposed Project includes a voluntary habitat restoration plan (not a mitigation requirement) within the riparian ESHA that occurs in the streambed adjacent to the on-site Basin. Please see Appendix 1 to this FEIR, which details the proposed Restoration Plan. As shown in that document, restoration includes a total of 0.68 acres of CDFW jurisdictional areas that include 0.063 acres of non-wetland jurisdictional waters of the state (see DEIR, Table

5.3-4 Summary of Jurisdictional Resources in the Study Area). ESHA restoration efforts to take place during Phase 1 construction include weed abatement along the entire 0.68 acres of degraded riparian habitat, seeding with a native riparian seed mix within 0.37 acre of the 0.68 acre of degraded riparian habitat and planting of 15 to 20 arroyo willow depending on the amount of large woody debris to be removed during weed abatement efforts. In addition, during Phase 1, the wetland area at the upstream ESHA would be planted with 100 seedlings each of native swamp sedge (*Carex senta*) and beardless wild rye (*Leymus triticoides*).

The ESHA restoration would enhance the biological characteristics of the site with the goal of returning the natural/historic functions of a currently degraded riparian resource during Phase 1 construction, approximately 10 years prior to impacts to the Basin. This would address any temporal loss of habitat associated with impacts to the basin and is in addition to the 1:1 mitigation ratio included as part of Mitigation Measure BIO-5. Details of the restoration components for the ESHA are provided in Figures 16, 17, and 18 of the Malibu Middle and High School Specific Plan (Appendix A of the DEIR).

With respect to the CDFW's second comment pertaining to the ultimate success of restoration, the District considers that, as stated in Mitigation Measure BIO-5, the detailed restoration program developed in coordination with CDFW would be comprehensive enough to include all the checks and balances to ensure that the 1:1 compensation ratio is achieved within the term limits of the permit (usually five years) despite having years of below-average rainfall. Mitigation Measure BIO-5 states:

- The detailed restoration program shall contain the following items: Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, specialists and maintenance personnel that would supervise and implement the plan will be specified.

- This statement is further clarified as follows: the qualifications of the personnel to implement and supervise the plan would include the demonstration of having successfully completed at least three mitigation projects of similar size and scope within the last five years, including the design and implementation of an irrigation system to ensure that the plantings and seeds are irrigated during periods of below-average rainfall. The specialists that would supervise and implement the plan would include habitat restoration specialists, wildlife biologists, arborists, botanists, landscape contractor, and irrigation specialists.

The District commits to 100% success of the 1:1 habitat mitigation.

With respect to the third comment pertaining to the prolonged temporal loss of habitat, again, there will be no temporal habitat loss but rather a significant habitat improvement since Phase 1 restoration of the ESHA would not only restore the degraded riparian habitat that currently directly abuts developed portions of the campus, including a parking

lot, but will also create 1.35 acres of upland coastal sage scrub habitat within the ESHA's 50-foot buffer providing for a natural interface between the riparian and upland areas that is currently absent from the site (see Restoration Plan in Appendix 1 of this FEIR). The added diversity of flowering plants would result in an increase in wildlife that will be able to colonize the site and move freely between these naturally intergrading habitats.

Lastly, the Lead Agency concurs that Project impacts to the on-site Basin would require a LSA Agreement as the project activity may substantially adversely affect fish and wildlife resources, as stated within Mitigation Measure BIO-5. Project impacts to CDFW waters (i.e., basin hardscape demo) would occur during Phase 4, which is the final phase of the Campus Specific Plan Project (anticipated Spring 2030, as stated on page 3-63 of the DEIR). At this time, only Phase 1 of the Plan is designed and funded for construction. While it is anticipated that Phase 4 would be implemented, the ultimate design of this phase is not known at this time and could ultimately be designed to avoid modification of CDFW waters. If needed, and based on final design of Phase 4, an LSA would be prior to impacts to the on-site Basin. Any potential impacts to the basin would not occur for another 10 years or more and thus the LSA notification would take place closer to that planned impact and not 10 years prior to the impact. Also see Response A3-18. Obtaining and implementing the legally required LSA would reduce significant impacts concerning the removal of the Basin. As a result, obtaining an LSA is not a mitigation measure, but is instead compliance with law. Thus, the comment does not identify a potentially new or exacerbated significant impact.

A3-16 The commenter concurs that Mitigation Measure BIO-5 requiring the LSA Notification, if required as a result of Project impacts to jurisdictional waters in Phase 4, would be required, and provides a discussion of the requested items.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue; no further response is required.

A3-17 The commenter suggests specific information analyses to be contained within an LSA. The Lead Agency has made careful consideration of CDFW's comments and has provided adequate responses in Response A3-15 regarding the need for an LSA.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required.

A3-18 The commenter recommends the District create no less than 0.07 acre of habitat on site or within the same watershed to mitigate for the 0.033 acre of Project impacts. Compensatory mitigation may take multiple forms: establishment (i.e., creation), restoration (including re-establishment and rehabilitation), enhancement, and protection/maintenance (i.e., preservation). CDFW typically adheres to a "no-net-loss" basis of the acreage of wetlands and other waters of the U.S. and waters of the State that will be removed and/or degraded and specifies that wetland habitat will be restored,

enhanced, and/or replaced at an acreage and location and by methods agreeable to the U.S. Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB), as appropriate, depending on agency jurisdiction. The replacement of waters or wetlands must be equivalent to the nature of the habitat lost and will be provided at a suitable ratio to ensure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat will be set aside in perpetuity for habitat use.[2,3]

The Project includes restoration of a total of 0.68 acres of CDFW jurisdictional areas that include 0.063 acres of non-wetland jurisdictional waters of the state within the ESHA. In addition, Mitigation Measure BIO-5 requires the creation of a minimum of 0.033 acre of habitat to mitigate for the loss of the on-site basin, which is at a 1:1 ratio of impact to creation. This compensatory mitigation would take place in Phase 4 pursuant to the LSA that would be obtained for impacts to the on-site Basin. As stated in Mitigation Measure BIO-5, a detailed restoration program will be developed in coordination with CDFW that will include designation of responsible entities, site selection, site preparation and planting implementation, an appropriate schedule, maintenance plan/guidance, monitoring plan, long-term preservation, and development of appropriate performance standards. Mitigation Measure BIO-5 has been revised in consideration of the comments provided by CDFW, as shown below:

BIO-5 **RWQCB and CDFW Jurisdiction Areas:** Upon completion of construction activities, impacts to approximately 0.033-acre of non-wetland USACE and CDFW jurisdictional waters will be mitigated within the Proposed Project boundaries at a minimum ratio (i.e., no less than) 1:1 through the creation of 0.033-acre of non-wetland jurisdictional waters. Acquisition of a § 1602 "lake or streambed alteration" agreement from the CDFW and waste discharge requirements from the RWQCB would be required.

Prior to the final submittal of a Report of Waste Discharge from the RWQCB, and/or CDFW notification of lake or streambed alteration, the District will develop a mitigation plan for the RWQCB, CDFW, and City of Malibu. The objective of the mitigation is to ensure no net loss of habitat values as a result of the Proposed Project. The detailed restoration program shall contain the following items:

- *Responsibilities and qualifications of the personnel to implement and supervise the plan.* The responsibilities of the landowner, specialists and maintenance personnel that would supervise and implement the plan will be specified and shall include the demonstration of having successfully completed at least 3 mitigation projects of similar size and scope within the last 5 years including the design and implementation of an irrigation system to ensure that the plantings and seeds are irrigated during periods of below average rainfall. The specialists that would supervise and implement the plan would include habitat restoration specialists,

[2] https://wildlife.ca.gov/Search Results?q=mitigation%20ratios#gsc.tab=0&gsc.q=mitigation%20ratios&gsc.page=2]

[3] § 332.3(f)(2) [§ 230.93(f)(2)]

wildlife biologists, arborists, botanists, landscape contractor, and irrigation specialists.

- *Site selection*. The site(s) for the mitigation will be determined in coordination with the Project Applicant and resource agencies. The site will be located in a dedicated open space area and will be contiguous with other natural open space.

- *Site preparation and planting implementation*. The site preparation will include: 1) protection of existing native species, 2) trash and weed removal, 3) native species salvage and reuse (i.e., duff), 4) soil treatments (i.e., imprinting, decompacting), 5) temporary irrigation installation, 6) erosion control measures (i.e., rice or willow wattles), 7) native seed mix application, and 8) native container species.

- *Schedule*. A schedule will be developed which includes planting and seeding to occur in late fall and early winter, between October 1 and January 30 in order to optimize the successful establishment and germination of native plants and seeds.

- *Maintenance plan/guidelines*. The maintenance plan will include: 1) weed control, 2) herbivory control, 3) trash removal, 4) irrigation system maintenance, 5) maintenance training, and 6) replacement planting.

- Monitoring Plan. The monitoring plan will include: 1) qualitative monitoring (i.e., photographs and general observations), 2) quantitative monitoring (i.e., randomly placed transects), 3) performance criteria as approved by the resource agencies, 4) monthly reports for the first year and bimonthly reports thereafter, and 5) annual reports which will be submitted to the resource agencies for three to five years. Coordination will take place on a regular basis between the biological monitor, landscape contractor and irrigation specialist with regard to non-native species targeted for removal as well as irrigation schedule to ensure that the restoration in on track for achievement of performance criteria. In addition, remedial as well as contingency measures shall also be specified should the site not meet specified performance standards. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas; however, if there is successful coverage prior to five years, the District may request from USACE and CDFW to be released from monitoring requirements.

- *Long-Term Preservation*. Long-term preservation of the site will be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development.

- Performance standards will be identified and will apply for the restoration of riparian habitat. Revegetation will be considered successful at three years if the percent cover and species diversity of the restored and/or created habitat areas are similar to percent cover and species diversity of adjacent existing habitats, as determined by quantitative testing of existing and restored and/or created habitat areas. The qualifications of the personnel to implement and supervise

> the plan would include the demonstration of having successfully completed at least 3 mitigation projects of similar size and scope within the last 5 years including the design and implementation of an irrigation system to ensure that the plantings and seeds are irrigated during periods of below average rainfall. The specialists that would supervise and implement the plan would include habitat restoration specialists, wildlife biologists, arborists, botanists, landscape contractor, and irrigation specialists.

Mitigation Measure BIO-5 has been revised to clarify that impacts are under the regulatory purview of the RWQCB and CDFW and will be mitigated through creation of non-wetland jurisdictional waters.

ESHA restoration as part of the Proposed Project and implementation of Mitigation Measure BIO-5, as revised above, would continue to sufficiently mitigate the loss of the 0.03-acre basin area to less than significant.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project alternative or Mitigation Measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A3-19 The CDFW recommends the District to consider CDFW's comments and incorporate the mitigation measures and revisions recommended in their letter into the Project's final environmental documents. The District has made careful consideration of CDFW's comments and has provided adequate responses (see ResponsesA3-15 through A3-18) without the need for further mitigation measures.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue, no further response is required.

A3-20 This comment states that the Proposed Project may impact the burrowing owl (*Athene cunicularia*). The comment specifically states that Project activities during the burrowing owl wintering and breeding seasons for the 10-year plus duration of the Proposed Project could cause local burrowing owl declines through indirect effects such as increased noise, human activity, ground vibrations, etc.

In Los Angeles County, the burrowing owl is an uncommon resident with nesting entirely restricted to the Antelope Valley. There is an influx of transient and wintering birds, including the burrowing owl, from September to April that may occupy coastal locations and other sites away from the few breeding areas (Allen et al. 2016). It has been nearly extirpated as a breeding species from coastal southern California. Last known breeding coastal location in Los Angeles County occurred in 1981 at Ballona Wetlands Ecological Reserve, which is south of the community of Marina Del Rey. The Proposed Project

activities would occur in areas well outside the current known breeding range of burrowing owl, and the species is not expected to occur on or adjacent to the Biological Site Assessment (BSA) during the breeding season. Therefore, no direct or indirect impacts are expected to occur during the breeding season.

Between 2019 and 2021, 10 surveys were conducted onsite throughout the winter, spring, and summer months to specifically document avian activity (Appendix F of the DEIR). Two burrowing owls were observed once in December 2019. Burrowing owls are known to disperse in the winter/non-breeding months. Breeding pairs stay near a dedicated nesting burrow, while wintering owls may move around and may even roost in tufts of vegetation rather than in burrows (Cornell 2021). No burrowing owls were observed during their breeding season, which occurs February 1–August 31. As stated in the DEIR (see page 5.3-71 and Figure 5.3-3), the wintering burrowing owls were observed at two separate burrows adjacent to the existing track and field; however, these locations are outside of the impact area. Furthermore, these burrows occur in locations where daily sport and school activities subject resident wildlife (including the wintering burrowing owls observed) to elevated levels of noise, human activity, dust, ground vibrations, and ambient nighttime lighting. These activities have been ongoing, and the wintertime use of the burrows occurred despite the elevated levels of disturbance. Additionally, biologists observed natural potential predators (i.e., common raven and coyote) in the area. The existing disturbances and evidence of predator activity at the burrow locations suggest the wintering burrowing owls observed in the BSA are disturbance-tolerant and potential Project-related disturbances have a low likelihood of indirectly affecting the owls over the long-term.

No direct impacts to burrowing owl are expected outside of the breeding season, but indirect impacts have potential to occur. Implementation of Mitigation Measure BIO-1 would reduce any potential indirect impacts on burrowing owl to less than significant.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-21 This comment provides detail explaining how Mitigation Measure BIO-1, as it is currently proposed, does not provide sufficient survey frequency or effort to detect and avoid impacts on burrowing owls occupying or returning to burrows on District property over the Proposed Project's estimated 10-year-plus lifespan. Per suggestions on comment A3-23, the following text will be incorporated into Mitigation Measure BIO-1:

BIO-1 **Pre-Construction Burrowing Owl Surveys** and Avoidance: In the year prior to initiation of Proposed Project Activities in Phase 4, and/or before recommencing construction activities if suspended/delayed for six months or more, ~~the Proposed Project~~ a qualified biologist shall conduct pre-construction burrowing owl surveys in accordance with the 2021 CDFW

2. Response to Comments

> Burrowing Owl Consortium Survey Protocols and Mitigation Guidelines (CDFW 2021). If wintering or breeding burrowing owl are observed adjacent to the impact area, mitigation shall be conducted in accordance with the CDFW guidelines (CDFW 2012).

This response strengthens the otherwise effective Mitigation Measure BIO-1. The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project alternative or Mitigation Measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A3-22 This comment is titled "Evidence impacts would be significant:"; however, it is a statement of California Fish and Game Code, it does not provide "evidence" that the Proposed Project would significantly impact burrowing owl.

This comment is not a direct comment on the content or adequacy of the DEIR and does not raise a specific environmental issue; no further response is required.

A3-23 This comment suggests revisions to Mitigation Measure BIO-1 that would require avoidance of construction activity through the nesting season (February 1 through August 31).

See Response A3-21 for the text that will be incorporated into Mitigation Measure BIO-1. The burrowing owl is not expected to occur during the breeding season and no direct impacts are expected to occur (see Response to CDFW A3-20). The District cannot avoid conducting Project activities during the nesting season (February 1 through August 31) as it would reduce the number of months available for work activities from about 12 months to about 4 months each year, quadrupling the overall construction time that would be needed to complete Project activities. Mitigation Measure BIO-1 already includes measures to avoid and minimize impacts to burrowing owls; therefore, no additional changes are needed to the Mitigation Measure.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response strengthens the otherwise effective Mitigation Measure BIO-1.

A3-24 This comment states that the use of rodenticides and second-generation anticoagulant rodenticides should be prohibited during and after the Proposed Project, which is consistent with the District policy of not using rodenticides following the city's September 2021 ban of rodenticides (https://www.malibucity.org/1015/Pesticide-Ban).

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-25 The comment states that the Proposed Project may result in direct impacts to the coastal whiptail (*Aspidoscelis tigris stejnegeri*). However, as stated in Table 5.3-3 of the DEIR (page 5.3-40), the coastal whiptail would only very rarely be expected to occur within the Project impact area due to the presence of limited suitable habitat. The only potential area for occurrence includes California sagebrush scrub (0.04 acres), coyote brush – California sagebrush scrub/upland mustards (0.24 acres), and riparian herb (0.03 acres), which totals 0.31 acre, as specified on Table 10, *Impacts to Vegetation Types and Other Areas in the Study Area of the Biological Assessment* (see Appendix F of the DEIR). This conclusion was reached based on the following:

- No coastal whiptails were observed as a result of surveys in support of the Malibu Middle and High School Campus Improvement Project (GLA 2009).
- No coastal whiptail individuals were observed during plant community mapping and general habitat assessments (May 21 and May 23, 2019; April 15, 2021) jurisdictional assessments (November 12, 2019 and January 16, 2020), plant surveys (May 4 and June 11, 2020), and avian surveys (December 9, 2019; January 8, March 26, April 23, June 3, and May 21, 2020) conducted in support of the Proposed Project, as described in Section 2, *Survey Methods,* of the Biological Assessment (see Appendix F of the DEIR).
- These limited suitable habitat areas within the impact area are fragmented and isolated patches of habitat with no access open areas with sparse foliage as they are surrounded by developed portions of the Proposed Project where campus activities take place on a regular basis.
- The 0.03 acres of riparian herb community is located in and largely surrounded by a parking lot.
- Of the total 0.72 acres of California sagebrush scrub within the Specific Plan, 94 percent of the area (0.72 acres – 0.04 acres/0.72 acres x 100 = 0.68 acres) is located outside of the impact area at the equestrian center on the eastern portion of the campus and approximately 30 feet away from the proposed relocation site for the bus barns.
- Of the 21.12 acres of coyote brush – California sagebrush scrub/upland mustards, approximately 99 percent of the area (21.12 acres – 0.24 acres/21.12 acres x 100 = 20.88 acers) is also on the eastern portion of the Specific Plan area with approximately 175 liner feet of this plant community adjoining the bus barn relocation area but would not be impacted.

- Given that 22.6 acres made up of 94 and 99 percent of the habitat types used by the coastal whiptail are outside the impact area, the coastal whiptail would only very rarely be expected to occur within limited and fragmented habitat of the impact area of approximately 1 percent of the habitat available to the species.

Thus, any loss to a small number of coastal whiptail individuals would be considered adverse but not substantial enough to cause regional populations to drop below self-sustaining numbers. Therefore, these impacts are considered less than significant, and no mitigation would be required.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-26 The comment recommends Mitigation Measure #1, Biological Monitor. To avoid direct injury and mortality of Species of Special Concern (SSC) and specifically to the coastal whiptail, CDFW recommends that District have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed.

No biological monitor would be needed because as substantiated in Response A3-25 and as stated in Table 5.3-3 of the DEIR (page 5.3-40), the coastal whiptail that may occur within the project impact area and would only very rarely be expected to occur within the project impact area due to the presence of limited suitable habitat that include California sagebrush scrub (0.04 acres), coyote brush – California sagebrush scrub/upland mustards (0.24 acres), and riparian herb (0.03 acres) that total 0.31 acre as specified in Table 10, *Impacts to Vegetation Types and Other Areas in the Study Area of the Biological Assessment* (see Appendix F of the DEIR). Moreover, these areas are located as disjunct, fragmented patches of habitat within the developed campus complex where the construction would occur. Where construction would take place in more open disturbed areas of marginally suitable habitat, these areas comprise approximately 1 percent of the habitat available to the species.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-27 The comment recommends Mitigation Measure #2, Scientific Collecting Permit. CDFW recommends that the District retain a qualified biologist with appropriate handling permits as applicable to the coastal whiptail, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connections with Project construction and activities.

No biological monitor with appropriate handling permits would be needed because, as substantiated in Responses A3-25 and A3-26 and as stated in Table 5.3-3 of the DEIR

(page 5.3-40), the coastal whiptail that may occur within the Project impact area and would only very rarely be expected to occur within the Project impact area due to the presence of limited suitable habitat that include California sagebrush scrub (0.04 acres), coyote brush – California sagebrush scrub/upland mustards (0.24 acres), and riparian herb (0.03 acres) that total 0.31 acre as specified in Table 10, *Impacts to Vegetation Types and Other Areas in the Study Area of the Biological Assessment* (see Appendix F of the DEIR). Moreover, these areas are located as disjunct, fragmented patches of habitat within the developed campus complex where the construction would occur. Where construction would take place in more open disturbed areas of marginally suitable habitat, these areas comprise approximately 1 percent of the habitat available to the species.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-28 The comment recommends Mitigation Measure #3, Wildlife Relocation Plan. Prior to starting Phase 1 ground and habitat-disturbing activities and vegetation removal, CDFW recommends the District retain a qualified biologist to prepare a Wildlife Relocation Plan (WRP) as it relates to coastal whiptail.

A WRP would not be needed because, as substantiated in Responses A3-25, A3-26, and A3-27 and as stated in Table 5.3-3 of the DEIR (page 5.3-40), the coastal whiptail that may occur within the Project impact area and would only very rarely be expected to occur within the Project impact area due to the presence of limited suitable habitat that include California sagebrush scrub (0.04 acres), coyote brush – California sagebrush scrub/upland mustards (0.24 acres), and riparian herb (0.03 acres) that total 0.31 acre as specified on Table 10, *Impacts to Vegetation Types and Other Areas in the Study Area of the Biological Assessment* (see Appendix F of the DEIR). Moreover, these areas are located as disjunct, fragmented patches of habitat within the developed campus complex where the construction would occur. Where construction would take place in more open disturbed areas of marginally suitable habitat, these areas comprise approximately 1 percent of the habitat available to the species.

Mitigation Measure BIO-2, as stated on page 1-9 of the DEIR, would ensure that no bird nests, eggs, or nestlings would be removed or relocated at any time because:

- Nesting bird pre-construction surveys would be conducted during the nesting bird season (February 1-August 31) within the work area and include a 300-foot buffer for nesting birds and a 500-foot buffer for nesting raptors.
- Any active nesting birds that would be present would be identified by the biologist and an appropriate species-specific protective buffer would be established by the biologist.

- The active nest would be protected within the designated buffer until a biologist has determined that the nesting activities have ended and the nest is no longer active.
- Active protective buffers would be mapped on the Construction Plans as "Designated Sensitive Areas."
- If construction activities are delayed or suspended for more than seven days during the breeding season, nesting bird surveys shall be repeated before construction activities can begin or restart.
- Nesting bird surveys shall be conducted prior to starting phased Project construction and activities.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the Draft EIR.

A3-29 The comment recommends Mitigation Measure #4, Dead or Injured Wildlife. If any SSC and specifically coastal whiptail, are harmed during relocation of a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and the dead or injured wildlife documented immediately. A formal report should be sent to CDFW, District, and City of Malibu within three calendar days of the incident or finding and include specifics related to the incident. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

No SSC including coastal whiptail are expected to be harmed during relocation or a dead or injured animal encountered as a result of Project construction and activities because, as substantiated in Responses A3-25, A3-26, A3-27, and A3-28 and as stated in Table 5.3-3 of the DEIR (page 5.3-40), the coastal whiptail that may occur within the Project impact area and would only very rarely be expected to occur within the Project impact area due to the presence of limited suitable habitat that include California sagebrush scrub (0.04 acres), coyote brush – California sagebrush scrub/upland mustards (0.24 acres), and riparian herb (0.03 acres) that total 0.31 acre as specified on Table 10, *Impacts to Vegetation Types and Other Areas in the Study Area of the Biological Assessment* (see Appendix F of the DEIR). Moreover, these areas are located as disjunct, fragmented patches of habitat within the developed campus complex where the construction would occur. Where construction would take place in more open disturbed areas of marginally suitable habitat, these areas comprise approximately 1 percent of the habitat available to the species.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-30 The discussion on page 5.3-24 on the DEIR regarding potential for common bat species (including Brazilian fee-tailed bat [*Tadarida brasiliensis*], big brown bat [*Eptesicus fuscus*], canyon bat [*Parastrellus hesperus*], and California myotis [*Myotis californicus*]) to occur in the BSA is specific to foraging activities and not for day or maternity roosting activities. These common species of bats are not tree roosting species, but prefer rock crevices, caves, or structures for day/night roosts. The existing buildings have clean construction lines with no ornamentation, attics, or baffles that could provide day roosting habitat for bats. The common bat species listed are known to occur in the nearby Santa Monica Mountains National Recreation Area, which contains abundant, naturally occurring roosting habitat. The proximity of these occurrences to the Project Site and the large foraging range associated with these species makes it likely for the species to forage in the BSA. No direct impacts to common bat species during foraging activities are anticipated to occur as a result of the Proposed Project. Potential indirect impacts would be less-than-significant due to the abundance of suitable foraging habitat in the greater vicinity of the Project and the limited area of suitable foraging habitat proposed for removal.

Western red bat (*Lasiurus blossevillii*), a California SSC, has a low potential to occur in the BSA based on the limited amount of poor-quality roosting habitat observed onsite. As such, any roosting that may occur in the habitat on or adjacent to the BSA, would likely be a transitory roost, such as a night roost, and the BSA is not anticipated to support maternity or other significant roosting activities. Any impact to these roosts or roosting activities, if present onsite, is not expected to cause regional populations to drop below self-sustaining numbers. Therefore, any potential impact to roosting western red bats would be less-than-significant.

The qualification of the potential roosting habitat onsite as "low-quality" is based on western red bat habitat characteristics described in the literature. Pierson et al. (2006) conducted a review of the biology of the red bat in California and provided the following details on the life history of the western red bat.

- This species migrates between summer and winter territories.
- Summer territories are inland and winter territories are along the coast of California.
- No summer maternity colonies have been recorded along the Pacific Coast. If present in the Project area, the winter months are the most likely time. Therefore, no maternity colonies would be present in the Project area.
- The western red bat prefers large stands of mature riparian habitat with a minimal width of 50 meters for foraging and most likely day roosting.
- Pierson et al. (2006) observed significantly more western red bat activity at the most intact riparian sites characterized by width of 50 meters dominated by mature cottonwoods and sycamores, and significantly less activity in other habitats. These

other habitats consisted of less mature riparian growth, secondary growth, and had more open canopies. They observed little to no western red bat activity over denuded riverbanks (grass slopes or rip-rapped levees).

- The western red bat roosts in trees with dense canopies and prefers native riparian trees as roost sites.

Andersen and Gelso (2018) also found that western red bats selected roosts based on foliage density. Preferred roost trees had a foliage density equal or greater than 75-percent shade. Western red bats avoided trees with sparse foliage, which was measured as less than 50-percent shade.

The trees on the campus have sparse canopies, that are not of the density typically associated with western red bats. The riparian vegetation in the vicinity of the Proposed Project impact area is degraded and ephemeral consisting primarily of scrubby riparian vegetation lacking the width and dense canopy associated with western red bats.

In addition, the District's designated wildlife biologists have conducted breeding bird surveys in support of the recently completed Malibu Middle and High School Campus Improvement Project on a regular basis for the past three years and have not observed signs of bats roosting on the buildings (Psomas 2021a-c, 2020a-f, and 2019).

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-31 The comment recommends Mitigation Measure #1, Acoustic Surveys for Bats, prior to the start of each construction phase.

As discussed in Response A5-30, because of the lack of suitable habitat on the Project Site; no observations of bat species on the Project Site over years of surveys; and the proximity of the Project Site to the Santa Monica Mountains National Recreation Area, which contains abundant, naturally occurring roosting habitat; no direct impacts to common bat species during foraging activities are anticipated to occur as a result of the Proposed Project. Potential indirect impacts would be less-than-significant due to the abundance of suitable foraging habitat in the greater vicinity of the Project and the limited area of suitable foraging habitat proposed for removal. Therefore, no mitigation measures regarding preconstruction surveys are warranted.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-32 The comment recommends Mitigation Measure #2 for the preparation of a survey report prior to the start of each construction phase.

As discussed in Response A5-30, because the lack of suitable habitat on the Project Site, no observations of bat species on the Project Site over years of surveys, and the proximity of the Project Site to the Santa Monica Mountains National Recreation Area, which contains abundant, naturally occurring roosting habitat, no direct impacts to common bat species during foraging activities are anticipated to occur as a result of the Proposed Project. Potential indirect impacts would be less-than-significant because of the abundance of suitable foraging habitat in the greater vicinity of the Project and the limited area of suitable foraging habitat proposed for removal. Therefore, no mitigation measures regarding preconstruction surveys or a report are warranted.

A3-33 The comment recommends Mitigation Measure #3 regarding tree removals.

As discussed in Response A5-30, because of the lack of suitable habitat on the Project Site; no observations of bat species on the Project Site over years of surveys; and the proximity of the Project Site to the Santa Monica Mountains National Recreation Area, which contains abundant, naturally occurring roosting habitat, no direct impacts to common bat species during foraging activities are anticipated to occur as a result of the proposed project. Potential indirect impacts would be less-than-significant due to the abundance of suitable foraging habitat in the greater vicinity of the Project and the limited area of suitable foraging habitat proposed for removal. Therefore, no mitigation measures regarding tree removals are warranted.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-34 The comment recommends Mitigation Measure #4 regarding maternity roosts.

As discussed in Response A5-30, because the lack of suitable habitat on the Project Site; no observations of bat species, including maternity roosts, on the Project Site over years of surveys; and the proximity of the Project Site to the Santa Monica Mountains National Recreation Area, which contains abundant, naturally occurring roosting habitat; no direct impacts to common bat species during foraging activities are anticipated to occur as a result of the Proposed Project. Potential indirect impacts would be less-than-significant because of the abundance of suitable foraging habitat in the greater vicinity of the Project and the limited area of suitable foraging habitat proposed for removal. Therefore, no mitigation measures regarding maternity roosts are warranted.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-35 The comment recommends Mitigation Measure #5 regarding maternity roosts.

As discussed in Response A5-30, because the lack of suitable habitat on the Project Site; no observations of bat species, including maternity roosts, on the Project Site over years of surveys; and the proximity of the Project Site to the Santa Monica Mountains National Recreation Area, which contains abundant, naturally occurring roosting habitat; no direct impacts to common bat species during foraging activities are anticipated to occur as a result of the Proposed Project. Potential indirect impacts would be less-than-significant because of the abundance of suitable foraging habitat in the greater vicinity of the Project and the limited area of suitable foraging habitat proposed for removal. Therefore, no mitigation measures regarding maternity roosts are warranted.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-36 The comment suggests a number of safety measures to minimize mountain lion (*Puma concolor*) encounters and attacks. Mountain lions are solitary, elusive animals and sightings are extremely rare. Based on more than 250,000 Global Positioning System (GPS) locations collected by the National Park Service, since 2002, it is clear that mountain lions prefer natural areas and attempt to avoid coming in contact with humans (NPS 2021). While there is a safety risk of mountain lion encounters in the area, no mountain lions have been observed on the campus, and that the comments do not identify anything either in the construction or operations of the Specific Plan that would exacerbate that risk. Thus, the recommended safety measures would not be mitigation measures to reduce a potentially significant environment impact and are beyond the purview of this EIR.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-37 The commenter requests revisions to Mitigation Measure BIO-2 regarding preconstruction nesting surveys. Mitigation Measure BIO-2 already includes performing nesting bird surveys within 3 days prior to the initiation of construction. However, the following revisions have been made in the FEIR to clarify this requirement in Mitigation Measure BIO-2:

BIO-2 **Pre-Construction Nesting Bird Surveys:** To the extent possible, vegetation removal shall be conducted during the non-breeding season (i.e., September 1 to January 31) in order to minimize direct impacts on nesting birds and raptors. If construction activities would be initiated during the breeding season for nesting birds/raptors (i.e., February 1–August 31), a pre-construction survey will be conducted by a qualified Biologist within three days prior to the initiation of construction (including demolition of structures). <u>If construction activities are delayed or suspended for more than 7 days during the breeding season, nesting bird surveys shall be repeated before construction activities can begin or restart. In</u>

addition, nesting bird surveys shall be conducted prior to starting phased Project construction and activities. The absence of nesting birds and raptors shall be considered valid only until the following breeding season.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A3-38 The commenter recommends avoiding non-native invasive plants in landscaping and restoration and suggests Table 3-13 of the DEIR includes such species. The District has reviewed Table 3-13, *MMHS Campus Plant Palette,* and determined that the plant palette did not contain plants listed as "Moderate" or "High" by the California Invasive Plant Council (Cal-IPC 2021a); however, one plant listed as "Limited," and one plant listed with a "Watch" designation were removed from the list, as described below.

- Olive (*Olea Europa*): Cal-IPC designation: Limited. This species was removed from the list due to the proximity of the ESHA to the campus improvements and because even though the ecological amplitude and distribution are generally limited, these species may be locally persistent and problematic.

- Lantana (*Lantana camara*): Cal-IPC designation: Watch. This species was removed from the list due to the proximity of the ESHA to the campus improvements and because this species has been assessed as posing a high risk of becoming invasive in the future in California.

As listed in Figures 16, 17, and 18 of the Specific Plan (see Appendix A of the DEIR), none of the plants listed in the plant palette for the ESHA restoration have a designation with Cal-IPC.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-39 The commenter suggests fencing types to limit impacts to wildlife impacts. The ESHA restoration specifies revegetation with upland coastal sage scrub species that would adjoin the trail beyond the 50-foot buffer. There would be no fencing along this portion of the property. The only fencing would be along the perimeter of the campus entryways and possibly around the new buildings. Wildlife access to the overall campus would not change

as a result of the Project. The recommended measures that can be taken when installing posts and pipes would be included in any design specifications for campus fencing.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-40 The commenter requests information used in preparing the EIR be provided into the CNDDB database. The District's designated biologists report all special-status species encountered during general and focused surveys to the CNDDB and make it a practice to include the completed and submitted CNDDB field survey forms as attachments to reports that document survey results.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-41 The commenter attached a revised Mitigation and Monitoring Reporting Plan (MMRP) (Attachment A), which summarizes changes and recommendations to mitigation measures as presented throughout their comment letter. The Lead Agency has adequately clarified that the concerns of the CDFW raised are not indicative of a new or exacerbated significant environmental impact. The MMRP's Mitigation Measures BIO-1, BIO-2, and BIO-5 have been revised to clarify and amplify their original intent and to increase or expand these mitigation measures.

A3-42 This comment states that the Proposed Project would have an impact on fish and/or wildlife; thus, assessment of filing fees is necessary.

The comment is acknowledged, and the Lead Agency will pay all CEQA filing fees accordingly. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-43 This comment requests that CDFW be given an opportunity to review and comment on any response that the District has to their comments, and to receive notification of any forthcoming hearing date.

The Lead Agency will provide CDFW an opportunity to review the comment responses, and CDFW will be notified of the upcoming hearing date when it is set. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A3-44 CDFW provided a set of references and citations used throughout their letter. Most of these references were used in the preparation for the Biological Assessment and DEIR, as well as prepare responses to comments provided. No additional response is necessary.

A3-45 The table provided in Attachment A, *Draft Mitigation and Monitoring Reporting Plan*, summarizes the CDFW's recommended revisions to the DEIR's mitigation measures and additional recommendations for the implementation of the Proposed Project MMRP. These recommendations have been considered and implemented in the preceding comment responses. No additional response is necessary.

2. Response to Comments

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Letter A4 - County of Los Angeles, Public Works, Dated November 29, 2021 (1 Page)

A4

From: Toan Duong [mailto:TDUONG@dpw.lacounty.gov]
Sent: Monday, November 29, 2021 1:27 PM
To: Upton, Carey <cupton@smmusd.org>
Cc: Christopher Sheppard <CSHEPPARD@dpw.lacounty.gov>; Gerald Ley <GLEY@dpw.lacounty.gov>; Nilda Gemeniano <NGEMENIA@dpw.lacounty.gov>; Aracely Lasso <ALASSO@dpw.lacounty.gov>; Daniel Keyribaryan <DKeyribaryan@dpw.lacounty.gov>
Subject: Malibu Middle and High School Campus Specific Plan Project DEIR SMMUSD

Thank you for the opportunity to review the Draft Environmental Impact Report for the subject project. Public Works has the following comments for your consideration:

- The environmental document states on page 3-10, in Section 3.3.1 Proposed Project Development, that this project proposes the demolition of approximately 154,904 square feet of existing building structures. The environmental document should identify solid waste generated from demolition and construction activities identified for disposal and recycling. The environmental document should also identify potential waste processing sites to accept or process the various types of wastes. This may include the need for safe handling and disposal of hazardous materials such as lead and asbestos containing materials. A4-1

- The environmental document states on page 3-34, in Section 3.3.11 Solid Waste Disposal, that the project does not anticipate a change in student population capacity, however environmental documents should identify what measures will be implemented to mitigate the impact of on-site solid waste generation. Mitigation measures may include waste reduction and recycling programs and development of infrastructure in the project to facilitate recycling. A4-2

If you have any questions regarding the above comments, please contact Nilda Gemeniano at (626) 418-1550, or ngemenia@pw.lacounty.gov.

Regards,

Toan Duong

Civil Engineer
Los Angeles County Public Works
Office: (626) 458-4921

Public Works
LOS ANGELES COUNTY

Public Works reopened its offices to the public. Our HQ office hours are Monday through Thursday, 7 a.m. – 5 p.m. ***Masks and distancing will be required*** *of all visitors and staff. You can avoid waiting in line by scheduling a virtual appointment now. Click* ***here*** *to schedule yours!*

2. Response to Comments

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A4. Response to Comments from County of Los Angeles, Public Works

A4-1 This comment states that the DEIR should identify solid waste generated from demolition and construction activities identified for disposal and recycling and should also identify potential waste processing sites to accept or process the various types of wastes.

As discussed in Appendix B, *Initial Study (IS)/Notice of Preparation (NOP)*, of the DEIR, solid waste generated in the City of Malibu is disposed of at the Calabasas Landfill. Demolition of the existing buildings would generate demolition debris. The District currently complies with federal, state, and local statutes and regulations related to solid waste, and would continue this practice, including CALGreen Section 5.408, Construction Waste Reduction, Disposal, and Recycling, of the California Green Building Standards Code (CALGreen section 5.408.1.1), which requires that at least 65 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse.

The quantitative air quality, greenhouse gas, noise, and transportation construction analyses in the DEIR include an assumption of a total of 154,904 square feet of demolition debris would be removed from the Project Site, and the related truck trips associated with the removal of that material are evaluated.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A4-2 This comment states that the DEIR should identify what measures will be implemented to mitigate the impact of on-site solid waste generation.

As discussed in Appendix A, *Malibu Middle and High School Campus Specific Plan*, of the DEIR, solid waste is gathered daily from each of the school buildings by custodial staff and taken to a central location for pickup. Other than small trash cans that are placed throughout the campus to discourage littering, trash facilities are screened from public view and accessible only to authorized employees. While the location of some of the small trash cans may vary, the centralized collection points are not anticipated to change with the Proposed Project. In addition, as discussed in Appendix B, *Initial Study (IS)/Notice of Preparation (NOP)*, of the DEIR, the Proposed Project would not increase student capacity or introduce a new demand to the region, rather it would continue to serve the existing and future student population at the Project Site. The Proposed Project would not increase solid waste generation in the District and would not adversely impact landfill capacity or impair attainment of solid waste reduction goals. Therefore, impacts related to solid waste generation would be less-than-significant and no mitigation measures are required.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

Letter A5 – City of Malibu, Public Works, Dated November 29, 2021 (8 Pages)

City of Malibu
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

November 29, 2021

A5

Santa Monica-Malibu Unified School District
ATTN: Carey Upton - FIP Department
1651 6th Street
Santa Monica, California 90404

Sent via email: cupton@smmusd.org

RE: CITY OF MALIBU COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE MALIBU MIDDLE AND HIGH SCHOOL SPECIFIC PLAN

Dear Mr. Upton:

Thank you for the opportunity to provide comments on the recently published Draft Environmental Impact Report ("DEIR") for the Malibu Middle and High School Specific Plan, which analyzed the phased redevelopment of the Malibu Middle and High School site located at 30215 Morning View Drive. The phased improvements include the demolition of the former Juan Cabrillo Elementary School ("JCES") campus and the creation of a new middle school core, high school core, and shared facilities. A5-1

The City acknowledges the Santa Monica – Malibu Unified School District's ("SMMUSD") role in preparing and adopting the DEIR as the lead agency. The City intends to rely on the adopted EIR to process the coastal development permits for each phase of the project. Accordingly, the City has the following comments to ensure the adequate assessment and mitigation of potential impacts anticipated by the project:

3.3 PROJECT CHARACTERISTICS

1. In September 2015, the Malibu City Council adopted Resolution No. 15-60 which authorized the transmission of the petition for the unification of a Malibu Unified School District ("Malibu USD") to the Los Angeles County Superintendent of Schools. Over the last six years, the City has made significant progress with this effort, with the most recent being a public meeting before the Los Angeles County Office of Education's County Committee on School District Organization, which occurred on November 10, 2021. A5-2

   Should the unification of the Malibu USD take place, foreseeable development impacts may occur as the result of expected changes to traffic and circulation patterns and the need to provide additional support facilities such as district administrative offices,

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2. Response to Comments

maintenance/operations/transportation facilities, and a central kitchen. Pursuant to Sections 15060 and 15130 of the CEQA Guidelines, the DEIR should evaluate the foreseeing unification of the Malibu USD in the cumulative impact analysis. A5-2 con't

2. The DEIR indicates the bus barn may remain in its current location within the 100-foot ESHA setback. The DEIR needs to discuss potential ESHA impacts to and the effectiveness of the proposed ESHA restoration if the bus barn remains in its current location. A5-3

3. Section 3.6.2 of the DEIR (Specific Plan and Phase 1 Approvals) references the required discretionary and legislative decisions by the Malibu City Council. Please note that the California Coastal Commission has the final review authority for the discretionary and legislative requests. A5-4

4. Parking Lot F was identified as an area of controversy, but the DEIR does not include any operational details such as proposed lighting, hours of operation, gates, etc. Does this parking lot only serve the existing sports fields on the north side of the campus and why is lighting required? Please include an analysis of potential impacts to noise, lighting, and traffic/circulation related to the use of parking Lot F. Also, please clarify if there are lights on the sports fields that allow nighttime use? A5-5

5. The project scope includes a request to exceed the maximum 1,000 cubic yards of grading per acre within the institutional zone but does not quantify the amount of grading requested. Accordingly, the DEIR does not adequately assess potential impacts from excessive grading, nor does it justify the extensive earth disturbance on the site that has existing building pads. Please provide additional grading analysis and include project alternatives. Also, please format the proposed grading using the table below to allow stakeholders the ability to assess the nature of the changes: A5-6

LCP Grading Conformance						
	Exempt**			Non-Exempt	Remedial	Total
	*R&R**	*Understructure*	*Safety****			
Cut	0	0	0	0	0	0
Fill	0	0	0	0	0	0
Total	**0**	**0**	**0**	**0**	**0**	**0**
Import	0	0	0	0	0	0
Export	0	0	0	0	0	0

All quantities listed in cubic yards unless otherwise noted
*R&R= Removal and Re-compaction
**Exempt grading includes all R&R, understructure and safety grading.
***Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds and any other increases in driveway width above 15 feet required by the LACFD).

5.1 AESTHETICS A5-7

2

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1. The DEIR includes the General Plan Scenic Resources Map as Table 5.1-3 to illustrate the location of scenic resources in the City. Please include the LCP Parklands Map as the other reference document for identifying pubic viewing areas where there are scenic views. A5-7 con't

2. The LCP Parklands Map identifies the Zuma Ridge Trail as a pubic viewing area in the vicinity of the project site. Please include a visual analysis from this trail to assess potential impacts to public views of scenic areas. A5-8

3. The DEIR indicates that pool lighting would be installed to meet the requirements of a Class II facility as identified by the Illuminating Engineering Society of North America (IESNA) (10th ed.), where the lighting should be a minimum of 30 foot-candles over the pool and 20 foot-candles over the deck, as measured at the water level. Consistent with IESNA recommendations, lighting would also be provided within the pool basin, with the recommended luminance of 15 candelas per square foot (161 candelas per square meter). By meeting these standards, the pool lighting would also meet the requirements of California Building Code § 3115B.1." A5-9

   The California Building Code § 3115B.1 does not establish minimum footcandles. Please provide the appropriate building code section that regulates Class II facility lighting.

4. Table 1-1 Impact 5.1-4 indicates the proposed footcandles are for safety and competitive water polo. What is the difference between safety for regular nighttime use and for use for competitive water polo – in other words is that level of footcandles needed solely to allow competitive water polo? A5-10

5. Table 3-12 indicates pool lighting would be from 6:15 p.m. to 8:45 p.m. but Section 3.3.3 indicates there will be community and civic use of the "aquatic center" as early at 5:30 a.m. Please confirm if lights will be needed at 5:30 am. A5-11

6. The DEIR fails to analyze the proposed marquee sign's compliance with the City of Malibu Dark Sky Ordinance. Please provide additional details regarding the marquee sign's maximum color temperature (Kelvin) as warmer temperatures reduce brightness and glare. A5-12

7. Please expand the discussion of sign lighting to include an analysis of kelvins and footcandles to reduce the brightness and glare especially since lighting (mainly from the pool) is a significant unavoidable impact. A5-13

8. Impact No 5.1-4 addresses the significant and unavoidable light/glare impacts and the project's inconsistency with City's Dark Sky Ordinance and includes a list of optional A5-14

3

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2. Response to Comments

measures for SMMUSD to implement to minimize aesthetic impacts. Given the nature of the impacts, these measures need to be mandatory. A5-14 con't

9. The project must include a maximum number of days when nighttime lighting beyond 10:00 pm can occur. A5-15

10. The specific plan proposes a height increase up to 36 feet for some buildings and up to 45 feet for others where the City's current threshold for height is 28 feet. In order to maintain low profile buildings throughout the City, building heights are currently measured from natural or finished grade, whichever results in a lower building height. However, the specific plan proposes building heights to be measured from finished grade with little to no discussion about how this would affect the overall bulk and massing of structures on the site without considering the natural grade as a baseline. A5-16

11. A visual analysis comparing the existing and proposed bulk and massing of structures would help not only to establish a baseline for aesthetics but will also allow stakeholders to assess the nature of changes from the proposed height increases. A5-17

5.3 BIOLOGICAL RESOURCES

1. The DEIR indicates all buildings shall have a 100-foot setback from the ESHA, except for access trails and fencing, and parking, all other improvements which will maintain a 50-foot ESHA setback. In the request to reduce the ESHA setback from 100 feet to 50 feet for certain improvements, these improvements need to be clearly specified A5-18

2. Impact 5.3-1 indicates an offsite revegetation ratio was agreed upon with the City of Malibu, but staff is unaware of any agreement. Unless amended by the specific plan, the mitigation ratios are established in LIP Section 4.8. A5-19

3. A complete Habitat Mitigation and Monitoring Plan with complete restoration monitoring reports will be required. A majority of the proposed landscaping must be container stock. A5-20

4. The DEIR indicates there is no regional wildlife path through the area but local wildlife utilize the site. Please clarify if there is an unobstructed pathway that would allow wildlife to move north/south and east/west to access the ESHA and, if new fencing is proposed, where that fencing will be located (perhaps an exhibit) and what, if any, impact that might have. A5-21

5. Impact 5.3-3 does not list the level of significance before or after the implementation of mitigation measures. A5-22

1.6.1 GEOLOGY AND SOILS A5-23

4

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1. Both the Fault Rupture Hazard Investigation and the Geotechnical Investigation Report for the proposed project appear to meet the requirements of the City of Malibu Local Coastal Program-LIP with respect to geologic and geotechnical hazard characterization, as well as the California Building Code as adopted in the Malibu Municipal Code. We anticipate that these documents will also be submitted to the State Division of Architect for review with respect to DSA requirements. There are a few editorial or technical corrections to the Geotechnical Investigation report (Leighton 2021a) that should be made:

    - The range of depth of borings on page 3 is incorrect. The deepest boring is 46.5 feet (2020 LB-6), not 31.5 feet.
    - The referenced weight of concrete should be checked throughout the report, it is noted as 50 pcf, but generally the weight of concrete is taken as 150 pcf.
    - The identification of S1 (moderate) Exposure Class and "negligible to moderate" sulfate exposure to buried concrete is not consistent with corrosivity test results which yielded water-soluble sulfate (SO_4) contents of 0.148 (moderate) and 0.235 (severe) percent by weight. A classification of moderate to severe would appear to be more appropriate.

A5-23 con't

2. Reference to the geotechnical studies being contained in Appendix G (Impact 5.6-3, GEO-1 on Page 5.6-22 should be corrected. The studies are in Appendix H of the DEIR.

A5-24

3. Page 5.6-6 under City of Malibu Municipal Code: Reference is made to Title 16 (Building and Construction) of the Malibu Municipal Code; however, that code section is Title 15.

A5-25

4. Page 5.6-7: The section discussing the City's Geotechnical Guidelines references the old 2002 Guidelines instead of the updated 2013 Guidelines. This is a problem endemic with the language in the LCP-LIP referencing the guidelines. This section should remove references to years or dates and instead reference the "current version of the Guidelines for Geotechnical reports in effect at the time the reports were completed."

A5-26

5. Page 5.6-9, Faults section – This section should also include discussion of the previously unmapped fault discovered farther to the north than the various mapped fault traces of the Escondido Fault. All faults were demonstrated to be Pleistocene in age and are at least 200,000 years old and probably more than 300,000 years old.

A5-27

6. Page 5.6-13 under Liquefaction and Lateral Spreading – the conclusion that the potential for liquefaction on the site is low was not made on the basis of state maps alone, but also site-specific seismic settlement analysis presented in the Geotechnical Investigation. Page 5.6-13 - The concluding paragraph for the Debris and Mud Flow

A5-28

5

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2. Response to Comments

section does not adequately reflect the conclusion that Leighton reached on page 18 of their report that "Based on the relatively gentle slope inclination (±5 degrees) and long depositional zone (1,100 feet), which has a defined flow path, it is our opinion the occurrence of a debris flow emanating from the (identified) source area to cause significant structural damage to the MMHS campus is low." Although this conclusion is presented later on and discussed under Impact Analysis, it should be included in this section as the reader is left with the sense that they did not evaluate the risk adequately. The debris flow that was described was due to the denudation of the watershed above the site by fire, and the risk for debris flows for this site is principally related to slopes denuded by fire. According to the USGS, the site itself is in a moderate hazard zone for post-fire debris flow. This was evaluated specifically for the site by Leighton. According to the USGS and the National Weather Services (NWS), post fire debris flow risk remains until vegetation in the drainage basin (source area) is restored, up to five years after the fire. A5-28 con't

Leighton should reference the following site-specific Debris Flow Risk studies and discuss them in their report when submitting to the City for Planning and Building & Safety department review.

- NWS 2015, Post Wildfire Flash Flood and Debris Flow Guide, August 2015 at https://www.wrh.noaa.gov/lox/hydrology/files/DebrisFlowSurvivalGuide.pdf
- Post-Fire Debris-Flow Hazards, Woolsey Fire, USGS https://landslides.usgs.gov/hazards/postfire_debrisflow/detail.php?objectid=239

7. Page 5.6-14—Corrosive Soils section: The discussion should be expanded to include buried concrete corrosion impacts due to water soluble sulfate exposure. The exposure classification is identified as negligible to moderate; however, this should be revised to moderate to severe based on recent test results of Leighton (1/15/21). A5-29

8. Page 5.6-16 last paragraph: The sentence beginning with "These active faults…" follows discussion of the Escondido Thrust fault and is misleading (implying the Escondido Thrust fault is active) and should be revised to say: "The active Malibu Coast Fault and Anacapa Fault…" A5-30

9. Page 5.6-17 Paragraph 2 – When discussing site specific geotechnical investigations, this paragraph is written as if the required studies are going to be performed in the future when in fact the bulk of these studies have already been performed for the site and the specific Phase 1 project, and site-specific hazard evaluations and preliminary design recommendations have already been provided. A5-31

10. Page 5.6-20 – Expansive Soils: This section left out one very important mitigation measure that is often an afterthought – landscaping and irrigation. The most significant A5-32

mitigation measure for addressing expansive soil post-construction is the prohibition of irrigation laterally within 10 feet of the building. Introduction of water will cause soils to swell, and irrigation systems are often poorly controlled and prone to leaks. (Leighton 2021a, page 24, "Irrigation should not be allowed for at least 10-feet-horizontally around structures supported on shallow spread footings and/or with slabs-on-grade.") A5-32 con't

11. Page 5.6-22 first paragraph: Sulfate exposure classification should be revised to "moderate" to "severe" based upon the recent test results. Revised recommendations for cement type may be needed from Leighton for this sulfate exposure classification. Additional testing will be performed at or near the conclusion of site grading to determine final requirements. Impacts are therefore anticipated to remain less than significant. A5-33

5.8.1 HYDROLOGY AND SOILS

1. Finished grades should have a minimum of 2% slope for every 5 feet away from the building footprints. A5-34

2. Drainage should not be concentrated flow over any slopes adjacent to the structures unless contained in approved drainage pipes or infrastructure. A5-35

3. In multiple sections of the DEIR, it is stated that, "*the Proposed Project would remove septic systems 6 through 11 and would include the addition of five septic systems that would be developed under the Proposed Project.*" Note that if the existing wastewater systems are modified and expanded, then a Coastal Development Permit must be obtained. If such modification and expansion of the wastewater systems involves construction of new seepage pits, Malibu policy for implementation of the Local Coastal Program (LCP) and Malibu Municipal Code (MMC) requires the installation of an advanced wastewater treatment process. In addition, the wastewater systems upgrades must adhere to minimum required setbacks from the OWTS components to buildings, structures, groundwater, ESHA, blue line streams, landscaping, and all site features listed per Table 15.42.030(E) in MMC Chapter 15.42. Please note that an upgrade to treatment systems could be necessitated by LCP and MMC requirements even if the California Regional Water Quality Board does not require the upgrades. A5-36

4. On page 5.9-35 of the DEIR it is stated that, "*the OWTSs do not meet the total coliforms criteria. Compliance with the fecal coliforms, sulfate, and pH WDR criteria is unknown.*" A5-37

    a. Please clarify whether the DEIR will be reviewed and approved by the California Department of Toxic Substances Control (DTSC), including review of the findings presented above.

2. Response to Comments

b. Please provide a discussion regarding how compliance with fecal coliforms, sulfate, and pH will be determined during the design phase of the wastewater systems. A5-38

5.11 NOISE

1. There is no mention of the Malibu Equestrian Park operational hours and whether there could be a potential conflict because of noise or circulation impacts. If the bus barn is relocated to the Malibu Equestrian Park, the noise study needs to be expanded to assess potential noise impacts to the Malibu Equestrian Park and the surrounding residences from buses leaving and arriving at the bus barn. A5-39

5.14 TRANSPORTATION

1. Traffic counts are still being projected for 1,000 students even though the maximum enrollment is considered to be 1,200. The study needs to analyze potential traffic impacts based on project buildout. A5-40

2. Level of service (LOS) and queueing issues at three intersections (Morning view/PCH, Morning View/Merritt, and Guernsey/PCH) have not been addressed. The report states that LOS and queuing issues currently exist indicating that the project may not have to address it. However, as discussed in our meeting, LOS and queuing includes and is a result of school traffic in existing conditions and LOS/queening is projected to get worse in the future. Mitigation measures should be identified to improve LOS and queuing. A5-41

Thank you again for the opportunity to provide comments on the environmental and community impacts of the proposed project. We look forward to working with you and your team at your earliest convenience to work together to avoid significant impacts.

Sincerely,

Digitally signed by Richard Mollica
Date: 2021.11.29 16:43:00 -08'00'

Richard Mollica
Planning Director

cc: Steve McClary, Acting City Manager

8

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A5. Response to Comments from City of Malibu

A5-1 This comment provides introductory and general information regarding the role of the District, the City of Malibu and their intent to rely on the adopted EIR to process the coastal development permits for each phase of the Proposed Project.

As discussed on page 3-75 of the DEIR, the City would serve as a "responsible agency," defined by CEQA Guidelines section 15381, and would approve the Specific Plan (see Appendix A of the DEIR) and Coastal Development Permits for the Proposed Project. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-2 This comment describes the Malibu City Council adopted Resolution No. 15-60, which authorized the transmission of the petition for the unification of the Malibu Unified School District (Malibu USD) to the Los Angeles County Superintendent of Schools. The comment states that the DEIR should evaluate foreseeable development impacts may occur as the result of expected changes to traffic and circulation patterns and the need to provide additional support facilities, in the cumulative impact analysis, pursuant to sections 15060 and 15130 of the CEQA Guidelines.

The potential unification of the Malibu USD by the Los Angeles County Committee on School District Organization is speculative at this time and the physical environmental impacts associated with a potential future unification are unknown. Therefore, cumulative impacts that may occur as a result of the unification of the Malibu USD should not yet be analyzed in this DEIR. When the Los Angeles County Committee of School District Organization approves the unification of a Malibu USD, a CEQA process will be required to identify the impacts of the formation of the Malibu USD, including those concerns raised by the City of Malibu.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-3 This comment states that the DEIR indicates that the bus barn may remain in its current location within the 100-foot ESHA setback and thus the DEIR should discuss potential ESHA impacts and the effectiveness of the proposed ESHA restoration if the bus barn remains in its current location.

To clarify, the Proposed Project would include the relocation of the existing bus barn during Phase 3. The preferred location of the bus barn would be located on District-owned property within the Equestrian Center, and impacts associated with the construction and operation of the bus barn in this location are appropriately addressed throughout the DEIR. However, given the final design of later Phases 2 through 4 are not

available, the exact location of the bus barn is not known. It could be relocated to another location somewhere within the campus area, which would operate the same as existing conditions. Regardless of the ultimate location, the bus barn would still be removed from its current location within 100 feet from the ESHA. Although the permanent location would not yet be known, the potential environmental impacts associated with the relocation of the bus barn would be consistent with those discussed in the DEIR. In response to comment, the following text on page 3-9 of the DEIR has been revised as follows:

> As part of the Proposed Project, ~~the District would consider relocating~~ the existing Bus Barn would be relocated. If determined necessary based on final design of the various phases, the Bus Barn could be moved from its current location to another location on campus or to a District-owned location within the boundaries of the Malibu Equestrian Center. It would not remain in its current location within 100 feet of the ESHA.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-4 This comment states that Section 3.6.2, *Specific Plan and Phase 1 Approvals*, of the DEIR references the required discretionary and legislative decisions by the Malibu City Council; however, clarifies that the California Coastal Commission has the final review authority for the discretionary and legislative requests. In response to the comment, the following text on page 3-69 of the DEIR has been revised as follows:

> **3.6.2 Specific Plan and Phase 1 Approvals**
>
> The Specific Plan is proposed to regulate the Proposed Project. Phase 1 has been fully designed. Adopting the Specific Plan and deciding to carry out Phase 1 are discretionary, legislative, decisions that must be made by the City of Malibu's City Council with final review authority by the California Coastal Commission. Development standards established for the Specific Plan include the building specifications such as heights, setbacks, design standards for signs, and landscaping.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-5 This comment states that Parking Lot F was identified as an area of controversy, but the DEIR does not include any operational details such as proposed lighting, hours of operation, gates, etc. The comment states that an analysis of potential impacts to noise, lighting, and traffic/circulation related to the use of Parking Lot F should be included, as well as clarification if there are lights on the sports fields that allow nighttime use.

As discussed on page 3-23 of the DEIR, Parking Lot F would provide accessible parking to the upper fields. The 14-space parking lot would be for sports use only, with a controlled access gate that is locked during school hours. This provides limited access to the upper fields (baseball and soccer). Lot F is intended to serve athletic programs for school and non-school youth sports. The parking lot would be primarily required to provide ADA parking spaces for access to the upper fields and field house and would link to accessible paths. Other spaces in Parking Lot F would be provided for parking during athletic events and would prevent cars from parking in the cul-de-sac, which is an emergency turn-around. While it will be determined during the final design of this phase, no lighting is planned for Parking Lot F, given the types of uses it is intended to serve (however, the Draft EIR assumed lighting as a conservative evaluation).

The proposed parking lot would be accessed by sports field users primarily via Morning View Drive, Merritt Drive, Busch Drive, and Harvester Drive. However, as demonstrated in the DEIR, all roadways that would access this lot would continue to operate at an acceptable Level of Service (LOS) of A and B, well below their capacity. Additionally, this parking lot would not result in any increase to vehicle miles traveled (VMT), which is the threshold under which impacts and mitigation would be required. No significant transportation impacts would occur from this Project feature. The DEIR evaluates impacts associated with Parking Lot F in all other topical areas of the EIR and does not identify significant environmental effects associated with this Project component (aesthetics/lighting, noise, etc.).

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-6 The comment states the DEIR does not adequately assess impacts from grading, requests additional analysis including alternatives, and requests the proposed grading use the City's table format.

In response to this comment, Table 3-16a of the DEIR (and Table 11a of the Specific Plan) has been added for Phase 1 of the Project, which is consistent with the Coastal Development Permit (CDP) that has been submitted to the City for review. Table 3-16 (and Table 11 of the Specific Plan) has also been revised to remove Phase 1. Phases 2 through 4 of the Project are entirely conceptual at this time and therefore exact grading quantities are not known; therefore, no changes to Phases 2 through 4 are proposed. Table

3-16 provides maximum volume estimates (inclusive of all grading categories without distinction between exempt, nonexempt, and remedial grading) that would be specified during later design of each phase and the impact analyses presented in the DEIR reflect these maximum estimates.

Table 3-16a Phase I Grading

	Exempt			Non-Exempt	Remedial	Total
	R&R	Understructure	Safety			
Cut	9,300	9,800	4,700	11,300	100	35,200
Fill	9,300	0	300	800		10,400
Total	18,600	9,800	5,000	12,100	100	45,600
Import	0	0	0	0	0	0
Export	0	9,800	4,400	10,500	100	24,800

All quantities indicated shall be in cubic yards only.
R&R = Removal and Recompaction – R&R must be balanced.
Safety Grading is required grading for L.A. County Fire Department access approval beyond the 15 foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening.
Remedial grading is grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot.
Imported means soil that is brought on to the site. Exported means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

Table 3-16 Proposed Project Cut/Fill ~~by~~ for Phases 2, 3, and 4

Phase	Cut (cy)	Fill (cy)	Project Phase Total (cy)
~~1~~	~~35,190~~	~~10,530~~	~~24,660 cut~~
2	5,175	-	5,175 ~~cut~~
3	25,300	14,000	~~11,300 cut~~ 39,300
4	10,000	33,350	~~23,350 fill~~ 43,350
Total	40,475 ~~75,665~~	47,350 ~~57,880~~	~~6,875 fill~~ 87,825

Source: LPA 2019

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project Alternative or Mitigation Measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-7 This comment states that the DEIR includes the General Plan Scenic Resources Map as Table 5.1-3 to illustrate the location of scenic resources in the city and requests the EIR also include the LCP Parklands Map as a reference document for identifying public viewing areas where there are scenic views.

In response to the comment, this figure has been added to Chapter 3, *Revisions to the Draft EIR*, of this FEIR and the following text on DEIR page 5.1-17 has been revised as follows:

> The City of Malibu's General Plan Conservation Element identifies 22 scenic resources and 5 designated vista points in the city and surrounding area. Figure 5.1-3, General Plan Scenic Resources, identifies the locations of these scenic resources. Designated scenic resources visible from the Project Site are limited to intermittent background views of the vegetated slopes of the Santa Monica Mountains and the Pacific Ocean, which is also visible from a number of vantage points both on and in the vicinity of the Project Site. No identified scenic resources, as defined by the City of Malibu's General Plan Conservation Element, are located within or adjacent to the Project Site, as shown in Figure 5.1-3. No designated vista points in the city provide views of the Project Site. However, the City of Malibu's LCP considers places along, within, or visible from public scenic roads, trails, beaches, parklands, and state waters that offer scenic vistas of the beach and ocean, coastline, mountains, canyons, and other unique natural features as scenic areas (see Figure 5.1-3(B), *Local Coastal Program Park Lands Map*). As the Project Site is visible from a number of public vantage points that offers views of the ocean and mountains, the Project Site is considered to be within a scenic area.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-8 This comment states that the LCP Parklands Map identifies the Zuma Ridge Trail as a public viewing area in the vicinity of the Project Site and requests a visual analysis from this trail to assess potential impacts to public views of scenic areas.

As a result of the City's request for a visual analysis from the Zuma Ridge Trail, the District has evaluated potential impact to public views from this scenic area as part of this FEIR. Zuma Ridge Trail is more than 0.5 mile north of the Project Site, as shown in the revised Figure 5.1-4, *Daytime and Nighttime Public Viewing Point Locations*, (see specifically new view locations A through D from Zuma Ridge Trail). As shown in Figure 5.1-5f, *Daytime Public Viewing Points A-D*, the existing school structures within the Project Site are partially visible from the viewing points at Zuma Ridge Trail; however, the existing development on the Project Site is at a lower elevation than Public Viewing Points A-D, and the Proposed Project would not introduce structures that would reach heights that could obstruct background views of the Pacific Ocean. While new Project buildings would be taller than existing structures on campus (specifically up to 45-feet tall for Building J) and visible to varying degrees, due to the distance of the Zuma Ridge Trail from the Project Site, the intervening hilly and varied topography, the existing development and structures, the

abundance of existing mature trees and vegetation, and the dominance of the Pacific Ocean as the key focal point, changes associated with the Project would not affect overall scenic quality from Zuma Ridge Trail and impacts would be less-than-significant, consistent with the findings in the DEIR.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-9 This comment summarizes information contained in the DEIR regarding the proposed pool lighting requirements and states that the California Building Code Section 3115B.1 does not establish minimum footcandles.

The Lead Agency concurs that the California Building Code does not provide quantitative minimum illumination requirements for public pools, nor does the DEIR state that it does. As stated on page 3-34 of the DEIR, California Building Code Section 3115B.1 establishes general requirements for public pools, including underwater and deck lighting. The DEIR accurately references the IESNA pool lighting requirements for the Class II facility, which is proposed by the Proposed Project. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-10 This comment states that Table 1-1 Impact 5.1-4 indicates the proposed footcandles are for safety and competitive water polo. The comment requests clarification of the difference between safety for regular nighttime use and for use for competitive water polo.

Upon further review of lighting requirements at other high school pool facilities, it is determined that modifications regarding the required lighting levels are necessary. Per RP6-20, of the Illuminating Engineering Society (IES), 50 foot candles at the pool surface (as opposed to 30 foot candles as identified in the DEIR), and 20 foot candles on the pool deck (no change from DEIR), are the lighting recommendations for a pool with the intended uses of water polo (known as a Class II facility). The Proposed Project would be consistent with IESNA recommendations, and lighting would also be provided within the pool basin, with the recommended luminance of 15 candelas per square foot (161 candelas per square meter). These requirements for high school use of the aquatics facility are to insure a safe environment while attempting to remain compliant with the Dark Sky Ordinance, which includes an exemption for lighting required by Federal or State law under Malibu Municipal Code section 17.41.090, Conflict with Other Laws. The requirements are recommended for high school use of the aquatics facility to insure a safe environment while meeting these recommended light levels. When the pool is not in use,

the State building code requires any accessible path, which would include along the pool deck be provided with a minimum of 2 foot candles.

As such, the following changes are made on DEIR pages 3-34, 5.1-74, and page 58 of the Specific Plan:

> Pool lighting would meet the established standards set forth in the Lighting Handbook: Reference and Application (Illuminating Engineering Society of North America (IESNA), 10th Edition). As stated by IESNA, pool illuminance levels must serve the needs of swimmers, divers, lifeguards, instructors, and spectators. Lighting recommendations for a pool with the intended uses of water polo (known as a Class II facility) are that lighting is a minimum of ~~30~~ 50 foot candles over the pool and 20 foot candles over the deck, as measured at the water level (IESNA 2011). This is less than other reference documents such as the National Federation of State High School Associations (NFHS), which recommends 100 foot candles minimum (NFHS 2018). Consistent with IESNA recommendations, lighting would also be provided within the pool basin, with the recommended luminance of 15 candelas per square foot (161 candelas per square meter). When the pool is not in use, accessible paths, including along the pool deck, would be with a minimum of 2 foot candles until lights are turned off campus-wide. By meeting the standards of the IESNA, the pool lighting would also meet the requirements of the California Building Code (CBC) § 3115B.1, which requires a pool have underwater and deck lighting such that lifeguards or other persons may observe, without interference of glare, every part of the underwater area, pool surface, and any diving appurtenances.

The corresponding following changes are made on DEIR pages 3-41, 5.10-16, and corresponding page 38 of the Specific Plan):

> c. Pool and pool deck lighting shall be installed consistent with the IESNA standards for a Class II pool facility. Lighting shall be a minimum of ~~30~~ 50 foot candles over the pool and 20 foot candles over the deck, as measured at the water level. for improved safety. Consistent with IESNA recommendations, lighting shall also be provided within the pool basin, with the recommended luminance of 15 candelas per square foot (161 candelas per square meter). When the pool is not in use, accessible paths, including along the pool deck, would be with a minimum of 2 foot candles until lights are turned off campus-wide. All pool lighting shall also be consistent with the California Building Code and § 3115B.1, where the pool must have underwater and deck lighting such that lifeguards or other persons may observe, without interference from direct and reflected glare from the lighting sources, every part of the underwater area and pool surface, all diving boards or other pool appurtenances.

The corresponding following changes are made on DEIR page 3-72, 5.10-12, and corresponding page 35 of the Specific Plan:

Lighting	Nighttime pool lighting would be installed.	§ 3.9.A1d of the LIP and § 17.40.110 A.1.d. of MC:	Lighting would be installed to meet the requirements of a Class II facility as identified by the Illuminating Engineering

		Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP §§ 4.6.2 and 6.5.G.	Society of North America (IESNA) (10th ed.), where lighting should be a minimum of ~~30~~ 50 foot-candles over the pool and 20 foot-candles over the deck, as measured at the water level. Consistent with IESNA recommendations, lighting would also be provided within the pool basin, with the recommended luminance of 15 candelas per square foot (161 candelas per square meter). When the pool is not in use, accessible paths, including along the pool deck, would be with a minimum of 2 foot candles until lights are turned off campus-wide. By meeting these standards, the pool lighting would also meet the requirements of California Building Code § 3115B.1.

The following change on DEIR pages 1-8 and 5.1-78 would be made as follows:

AES-5 The pool lighting shall be designed to meet safety requirements of ~~30~~ 50 foot candles over the pool and 20 foot candles over the deck as measured at the water level, while also minimizing light spill, glare, and skyglow to the extent feasible to ensure proper lighting levels necessary for competitive water polo play. Pool lighting shall be turned off within ½ hour of aquatic use, and the 2-foot candle safety perimeter lighting shall be turned off with all other automatic campus lighting.

The DEIR concludes significant and unavoidable impacts regarding pool lighting and consistency with the City of Malibu Dark Sky Ordinance. While the advances in lighting technology and directionality could potentially result in pool lighting (even at 50 foot candles) to meet Dark Sky Ordinance requirements, the DEIR's conservative conclusion of significant and unavoidable after implementation of Mitigation Measures AES-1 and AES-2, is still appropriate. The District will comply will all City lighting requirements to the extent feasible and will work closely with the City during the CDP process for this particular phase to design all pool lighting to the maximum extent possible in compliance with the Dark Sky Ordinance, which includes an exemption for Federal and State lighting requirements that may otherwise not comply with the Dark Sky Ordinance's standard provisions. Additionally, to respond to the City's request regarding required lighting levels for pools that serve different uses (no water polo), regardless of the ultimate uses, the 50 foot candle requirement is standard for all new high school pool facilities to ensure proper safety standards. Therefore, there is no reduced lighting level that is appropriate for comparable purposes.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project Alternative or Mitigation Measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-11 The commenter asks for clarification on the lighting of the pool during morning hours, pointing to a discrepancy in Table 3-12 and Section 3.3.3. In response to the comment, clarification has been provided to describe the current lighting conditions in the morning hours. The morning needs for lighting with the Proposed Project would be the same as the existing condition. The text on DEIR page 3-34 has been revised as follows:

> As with existing use and operation, the pool would be lit for an annual total of 524 hours during evening hours, as detailed below in Table 3-12, *Pool Lighting*. In addition, pool lights are currently used during morning hours three days a week (Tuesday, Thursday, and Saturday) for two hours (5:30 a.m. to 7:30 a.m.), for a total of 310 hours. This results in a total lighting time of 834 hours in current condition, which would continue in the same manner under the Proposed Project.

Table 3-12 Pool Lighting

Months	Days Lit	Times
Annually in morning hours	Tuesdays, Thursdays, Fridays	5:30am – 7:30am (310 hours)
July 1 – August 18	No Lights	-
August 19 – November 6	Monday – Friday (53 school days)	6:15pm – 8:45pm (132.5 hours total over this time period)
November 7 – March 12	Monday – Friday (74 school days)	5:15pm – 8:45pm (259 hours total over this time period)
March 13 – June 10	Monday – Friday (53 school days)	6:15pm – 8:45pm (132.5 hours total over this time period)
June 11 – June 30	No Lights	-

Source: SMMUSD 2021

Revisions on DEIR page 5.1-74 are as follows:

> The Project also includes replacement and upgrading of the existing 25-meter pool with a new Olympic-sized 50-meter pool. Consistent with the existing use, the pool would be lit an annual total of 524 hours in the evening hours and 310 hours in the morning hours for a total of 834 hours as detailed below in Table 5.1-1, *Pool Lighting*.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project Alternative or Mitigation Measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-12 The commenter states the DEIR fails to analyze the proposed marquee sign's compliance with the City of Malibu Dark Sky Ordinance and requests additional details regarding the proposed signage. The proposed marquee signs are currently being designed for Phase 1 of the Project. Their exact details and specifications are therefore not known at this time. However, Mitigation Measures AES-1, AES-2, and AES-3 would be required for these future Project elements; therefore, marquee lighting must be designed to meet the requirements of the Dark Sky Ordinance. This is a requirement and is not optional. The

details of the marquees would be provided in future phase design and related CDPs, which would be reviewed by the City to ensure compliance.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-13 The comment requests additional discussion of sign lighting and quantified analysis given the significant and unavoidable impacts. The lighting details and photometric study for Phase 1 have been included as part of this FEIR (which is part of the District's CDP that is with the City for review) (see Appendix 2 of this FEIR). The photometric study demonstrates that illumination levels associated with Phase 1 of the Proposed Project, would comply with the Dark Sky Ordinance. The City will review the photometric plan as part of the CDP process, and will ensure that the Proposed Project is in compliance with the Dark Sky Ordinance. Mitigation Measures AES-1, 2, and 3 would be required for Phase 1 and the future Phases 2 through 4. These future phases are not designed (including the pool) and therefore no quantitative analysis can be performed (photometric studies are based on final project detail). No additional sign lighting is proposed beyond the marquee signs. The EIR must only evaluate impacts based on the level of information available.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-14 This comment states that Impact 5.1-4 of the DEIR addresses the potentially significant impacts regarding light and glare, the Proposed Project's inconsistency with City's Dark Sky Ordinance, and includes a list of optional measures for SMMUSD to implement to minimize aesthetic impacts; however, given the nature of the impacts, these measures need to be mandatory.

As discussed on DEIR page 5.1-77, the Proposed Project would require implementation of Mitigation Measures AES-1 and AES-2, which impose a series of design and lighting requirements to reduce lighting impacts. These measures are not described as optional, as stated by the commenter, and use terms such as "shall" and "will" regarding their implementation. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-15 Nighttime lighting at the Project Site would remain the same as existing conditions (except for the pool lighting). As stated in the DEIR, MMHS lighting is currently controlled by separate automatic timers consisting of "security" lighting and "nighttime" lighting. Security lighting includes minimal interior and exterior building lights that are programmed on from dusk to dawn to discourage intruders and provide security for

students and staff using the campus for authorized off-hour activities. The nighttime lighting includes parking lot, driveway, and pedestrian lighting not essential to building security and is currently programmed off at 11:00 p.m. During periods of the year when school is in session, lighting levels are higher because school building interiors are commonly illuminated, and exterior lights mounted to the school building and parking areas are lit. Field lighting operations are specified in CDP No. 12-024 and Conditional Use Permit No. 12-001.

The Proposed Project would not increase the use of nighttime lighting beyond the existing conditions at the campus. The Athletic Field would continue to be in use until 10:30 p.m., no more than 16 nights per year per the conditions of CDP 12-024. Pool lighting would remain as shown in DEIR Table 5.1-1, *Pool Lighting*, as clarified in this FEIR (see Response A5-11), and would be turned off at 8:45 p.m. August 19 through March 12. Additionally, all new building and pathway lighting would be designed to be compliant with the City's Dark Sky Ordinance.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-16 This comment states that building heights in the City of Malibu are measured from natural or finished grade, whichever results in a lower building height, stating that the proposed building heights are measure from the finished grade, however, there is little to no discussion of how the overall bulk and massing of structures would affect the natural grade.

As shown in Figures 3-9a and 3-9b, *Proposed Elevations*, the proposed elevation of Building C as part of Phase 1 would not exceed 36 feet as measured from the existing natural grade. Additionally, antennas and vents would not exceed 4 feet-1 inch beyond the 36-foot high roof line. The building heights are measured from the more conservative ("worst case") location (finished grade), consistent with City approach, and analysis of bulk and massing was conducted appropriately. The City will review heights upon design review for the later Phases 2 through 4 (which are not known at this time), consistent with this approach. Updated elevations for Building C, which is part of the Phase 1 CDP process being reviewed by the City, have been included as part of this FEIR (see Figures 3-9a and 3-9b).

In response to this comment, the following clarifying text on pages 3-40 and 5.10-14 of the DEIR and page 39 of the Specific Plan has been revised as follows:

> The following summarizes the development standards for the Proposed Project in a format similar to that of the City of Malibu Municipal Code (City of Malibu 2021):
>
> A. The Proposed Project would be subject to the following development standards:

2. Response to Comments

> 1. **Height.** Except as allowed in this section structures shall not exceed eighteen (18) feet above finished or natural grade, which ever results in lower building height, except for chimneys, rooftop antenna, and light standards.

Additionally, the following text on page 3-67 of the DEIR and pages 34 and 35 of the Specific Plan have been revised as follows:

> Previous construction and grading at the Project Site have created a series of near-level building pads for existing structures and paved parking lots. The majority of the Project Site, including all areas with current development, is situated on slopes between 0 and 20 percent, at a minimum of 80 feet above mean sea level (amsl). Around the perimeter of the Project Site, surrounding the football field, and between building pads, slopes increase to between 40 to 100 percent, reaching up to 170 feet amsl. For the most part, proposed new construction would take place on the flat, previously developed areas of campus, and existing slope conditions would remain. Because of the topography of the site, and the need to create large terraces for student safety and access, and the overall size of individual school buildings which are larger than most homes require the ability to cut/fill more than 1,000 cubic yards. Table 3-16, *Proposed Project Cut/Fill by Phase*, details the total amount of soil to be graded for Phase 1 and estimates the cut and fill for subsequent phases. Building heights shall be measured from natural or finished grade, whichever produces the lowest building height.

To minimize grading, each building would have its own site-specific geotechnical report that determines individual needs. Because of the topography of the site, and the need to create large terraces, some of the buildings (Building C for example) would serve as a retaining wall and may be over 12 feet in height at certain locations. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-17 This comment states that the DEIR should provide visual analysis comparing the existing and proposed structures to establish a baseline for aesthetics, which would allow stakeholders to assess the nature of changes from the proposed height increases.

The DEIR includes the visual analysis that the commenter is suggesting. Because the final design is not available for the later phases of the Proposed Project, the DEIR includes a series of before (existing) and after (with proposed massing) simulations to visually portray the proposed changes in massing. See Figures 5.1-7a through 5.1-7e of the DEIR for this information. As concluded in the analysis in DEIR Threshold 5.1-1, impacts related to the change in scenic vistas as it relates to changed massing on the Project Site would be less than significant.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-18 This comment states that all improvements that would have a 50-foot ESHA setback, instead of the 100-foot setback, should be clearly specified, including access trails, fencing, and parking. The project descriptions in the Specific Plan and the Draft EIR set forth only those improvement types that would be authorized in the 50-foot ESHA setback.

As stated on page 46 of the Biological Assessment Report (Appendix F of the DEIR): "During the early stages of the specific planning process, among other Project objectives, the District recognized that the ESHA offered opportunities to enhance their educational goals of providing for outdoor learning spaces and interpretive opportunities; as well as providing an opportunity to restore the natural environment and improve campus connectivity through the development of the proposed pedestrian pathways. The District recognized that the existing conditions included incompatible development into the edge of the ESHA bank as well as the degraded nature of the ESHA itself. In discussions with the CCC the District decided that it could restore the degraded drainage comprised of approximately 0.7 acres as well as 1.35 acres of upland areas within the ESHA's 50-ft buffer, and still meet the educational and design goals for the campus. In addition, within the remaining 100 feet beyond the 50-foot ESHA buffer, the Proposed Project would include land uses compatible with the natural habitat that would not incur in significant impacts to the natural habitat, including a looping trail, and interpretive stations overlooking the ESHA."

Specifically, in this regard, improvements to the 50-foot buffer immediately adjacent to the ESHA are described on pages 3-48 and 3-49 of the DEIR and are summarized here:

- Restoration activities that would occur within the entire reach include weed abatement, broadcast of native seed and planting of native stock and invasive plant controls.

- Weed abatement along the entire length of the ESHA: this would improve the habitat by clearing out medium and large-sized woody debris from the drainage to allow for the unimpeded flow of water, reduce erosion and open up currently obstructed areas for colonization with native herbs and woody species (see Figures 3-11a and 3-11b in the DEIR).

- Bank stability improvements and erosion control would occur in the upstream and downstream portions of the ESHA during Phase 1 of the Proposed Project, which would include the proposed pedestrian trail and new drive.

- Approximately 0.50 acres of the existing developed campus, specifically the JCES play yard, the bus barn, and portions of Existing Parking Lot A are within the 100-foot buffer of the ESHA. The Proposed Project would result in demolition of these structures within this buffer area as stated on page 3-49 of the DEIR (see Figures 3-11a and 3-11b). The removed structures and paved areas would give way to upland coastal sage scrub habitat as per the ESHA restoration plan (see Figures 16, 17, and

18 of the Specific Plan) providing for a natural interface between the riparian and upland areas that is currently absent from the site. The added diversity of plants would result in a concomitant diversity of wildlife that would be able to colonize the site.

- Upon completion of Phase 4, the pedestrian trail would be completed and connect to existing trails on the campus. Each phase of the Proposed Project would add to the overall reclamation/restoration plan.
- The restoration effort would focus on supplementing the native vegetation currently found within the ESHA with native seed and stock and utilizing contouring and natural features such as the existing mature native trees to enhance and stabilize the bank.
- The proposed trail and teaching platforms within the 100-foot buffer would connect the existing Equestrian Trail along the northeastern portion of the campus to the western portion of the campus and provide the community with additional pedestrian access to Morning View Drive.
- The teaching platforms would be utilized by the MMHS students, as well as community groups. In total, 2.03 acres of the ESHA would be restored, with the removal of approximately 0.50 acres of hardscape and structures (see DEIR Figures 3-11a and 3-11b).
- As depicted in Figures 3-10 of the DEIR (Proposed Phase I Landscaping Plan) and the corresponding Figure 15 of the Specific Plan, beyond the 50-foot buffer immediately adjacent to the ESHA as part of Phase 1 there would be plantings of native large and small canopy trees combined with an understory of low ground covers, grasses and flowering shrubs that would interface with the restoration upland areas. The large and small canopy tree would serve to further buffer the ESHA from the small clusters of parking spaces and the access road as well as provide shade and buffer noise coming from the High School Academic Building located beyond the 100-foot ESHA buffer (see Figure 8 of the DEIR and Figures 3-12a and Figure 3-12b).

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-19 This comment states that mitigation ratios for off-site vegetation are established in LIP Section 4.8, rather than what is indicated in Impact 5.3-1.

Mitigation ratios provided in Section 4.8 of the LIP specify mitigation ratios for impacts to ESHA. The Proposed Project would not impact an ESHA. Impact 5.3-3 pertains to a proposed mitigation ratio of 1 to 1 for impacts to a human-made artificial basin to treat

sheet flow from the existing student parking lot. Impacts to the subject artificial basin would take place during Phase 4 of the Proposed Project and would require permits from the California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board (RWQCB). As part of the permitting process, the mitigation ratio for the loss of the subject basin would be determined in coordination with the regulatory agencies at the time of the permit application.

As indicated in Response A3-18: The text of Mitigation Measure BIO-5 will be revised as follows:

BIO-5 **RWQCB and CDFW Jurisdiction Areas:** Upon completion of construction activities, impacts to approximately 0.033 acre of non-wetland RWQCB and CDFW jurisdictional waters will be mitigated within the Proposed Project boundaries at a minimum ratio (i.e., no less than) of 1:1 through the creation of 0.033 acre of non-wetland jurisdictional waters). Acquisition of a § 1602 "lake or streambed alteration" agreement from the CDFW and waste discharge requirements from the RWQCB would be required.

Prior to the final submittal of a Report of Waste Discharge from the RWQCB, and/or CDFW notification of lake or streambed alteration, the District will develop a mitigation plan for the RWQCB, CDFW, and City of Malibu. The objective of the mitigation is to ensure no net loss of habitat values as a result of the Proposed Project.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project Alternative or Mitigation Measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-20 This comment states that a complete Habitat Mitigation and Monitoring Plan with complete restoration monitoring reports will be required.

Maps that provide details of the ESHA Restoration Plan can be found in Appendix A (Specific Plan) of the DEIR (please see Figures 16, 17, and 18), and the Restoration Plan is Appendix 1 to this FEIR. The final ESHA Restoration Plan, prepared by Psomas and dated September 29, 2021, will be provided to the City. The Plan describes the Project Location, Project Description, Regulatory Framework, Existing Conditions, Responsible Entities, and includes a comprehensive Implementation Plan that addresses site preparation, plant and seed palettes, maintenance/monitoring plans, and specifies performance criteria as well as associated reporting. The proposed landscaping calls for over 600 perennial plants from container stock to supplement the existing native vegetation and specifies seeding to provide a diversity of native herbaceous plants

currently absent from the site. Annual herbs are typically applied in seed form and not planted from stock because of their delicate rooting structures.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-21 This comment requests clarification on if there is an unobstructed pathway that would allow wildlife to move north/south and east/west to access the ESHA and, if new fencing is proposed, where that fencing will be located and what, if any, impact that might have.

As observed in Figures 5.3-9 and 5.3-10 of the DEIR, the ESHA is along the western perimeter of the campus and extends approximately 1,000 feet in length with widths that range from a few feet in the upstream portion of the ESHA to approximately 50 feet wide towards the downstream portions of the ESHA. It is surrounded by development consisting of roadways, residential housing, and the school campus itself. As such, it is not accessible to wildlife moving through the area, as stated on page 5.3-80 of the DEIR:

"The Project Site does not represent an area of important regional movement. The existing structures and paved parking lots, adjacent Pacific Coast Highway, and surrounding residential streets and structures present a barrier to movement for wildlife moving through the area. Wildlife looking to move through the foothills would likely utilize canyons in the open space north of the Project Site. Proposed Project activities would not impact these open space areas."

However, the ESHA is accessible to local wildlife that reside along the alignment of the narrow and incised drainage finding pockets for shelter among the medium-sized and large woody debris resulting from the 2018 Woolsey fire. Seasonal vegetation cover would also provide additional areas for shelter as well as for forage. Resident wildlife likely includes rodents, small mammals, birds, and herpetofauna. Their ability to move along north/south alignment of the ESHA is unimpeded within District property and only confined along the east/west by the natural narrowness of the drainage and the existing fence lines along the property lines. The ESHA restoration specifies revegetation with upland coastal sage scrub species that will adjoin the trail beyond the 50-foot buffer and therefore, there will be no fence along this portion of the property. The only fencing would be along the perimeter of the campus entryways and possibly around the new buildings. Wildlife access to the overall campus would not change as a result of the Proposed Project.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-22 This comment states that Impact 5.3-3 does not list the level of significance before or after the implementation of mitigation measures.

The purpose of the Native Tree Protection Ordinance is to (1) recognize the importance of native oak, walnut, sycamore, alder and toyon trees in preventing the erosion of hillsides and stream banks, moderating water temperatures in streams through shading, contributing nutrients to streams, supporting a wide variety of wildlife species through the provision of food, nesting, and roosting cover, and contributing to the scenic quality of the community; and (2) to provide for the protection and preservation of these native trees. Thus, by complying with the Native Tree Protection Ordinance, any significant impact to native trees would be mitigated to less than significant.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-23 This comment states that both the Fault Rupture Hazard Investigation and the Geotechnical Investigation Report meet the requirements of the City of Malibu Local Coastal Program-LIP with respect to geologic and geotechnical hazard characterization, as well as the California Building Code as adopted in the Malibu Municipal Code, and will be submitted to the State Division of Architect (DSA) for review with respect to DSA requirements. However, the following editorial or technical corrections to the Geotechnical Investigation Report have been made:

- The range of depth of borings on page 3 is incorrect. The deepest boring is 46.5 feet (2020 LB-6), not 31.5 feet.
- The referenced weight of concrete should be checked throughout the report, it is noted as 50 pcf, but generally the weight of concrete is taken as 150 pcf.
- The identification of S1 (moderate) Exposure Class and "negligible to moderate" sulfate exposure to buried concrete is not consistent with corrosivity test results, which yielded water-soluble sulfate (SO_4) contents of 0.148 (moderate) and 0.235 (severe) percent by weight. A classification of moderate to severe would appear to be more appropriate.

These revisions have been made to the Geotechnical Investigation Report (Appendix H of the DEIR). The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it (See Appendix 4, *Revised Geotechnical Investigation Report*).

A5-24 The comment states that reference to the geotechnical studies being contained in Appendix G, on page 5.6-22, should be corrected to Appendix H.

2. Response to Comments

In response to this comment, the following text on page 5.6-22 of the DEIR has been revised as follows:

Impact 5.6-3

GEO-1 Design recommendations listed in the Geotechnical Report prepared for the Proposed Project shall be followed. These include, but are not limited to, seismic design parameters, foundation design, retaining wall, grading, trenching, etc. Details of these recommendations are included in ~~Appendix G~~ Appendix H.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-25 This comment states that reference to Title 16 (Building and Construction) of the Malibu Municipal Code should be revised to Title 15 on page 5.6-6 of the DEIR.

In response to this comment, the following text on page 5.6-6 of the DEIR has been revised as follows:

City of Malibu Municipal Code

Site development in the City of Malibu is required to comply with ~~Title 16~~ Title 15 (Building and Construction) of the Malibu Municipal Code, and all state requirements pertaining to geologic, soil, and seismic hazards. The City of Malibu has adopted Title 26 (Building Code) of the Los Angeles County Code, as amended in 2010, which is based on Title 24 of the CBC.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a Project Alternative or Mitigation Measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-26 This comment states that the section discussing the City's Geotechnical Guidelines, on page 5.6-7 of the DEIR, should remove references to years or dates and instead reference the "current version of the Guidelines for Geotechnical reports in effect at the time the reports were completed."

In response to this comment, the following text on page 5.6-7 of the DEIR has been revised as follows:

> *City of Malibu's Guidelines for the Preparation of Engineering Geologic and Geotechnical Engineering Reports and Procedures for Report Submittal*
>
> The City of Malibu adopted the Guidelines for the Preparation of Engineering Geologic and Geotechnical Engineering Reports and Procedures for Report Submittal (Guidelines for Geotechnical Reports) in ~~February 2002~~ the current version of the Guidelines for Geotechnical Reports in effect at the time the reports were completed. These guidelines provide the minimum standards and recommended format for engineering geologic and geotechnical engineering reports submitted to the City of Malibu. The guidelines do not specify the engineering methods or scope of study for individual development projects. The guidelines provide specific requirements that impact the scope and, in some cases, the engineering methods that are required to meet minimum standards for acceptance. The Guidelines for Geotechnical Reports do not supplant the engineering judgment of the project professionals. In addition, these guidelines explain the procedures for submitting the project to the City of Malibu for review both in the planning and building and safety stages.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-27 This comment states that the Faults section, on page 5.6-9 of the DEIR, should also include discussion of the previously unmapped fault discovered farther to the north than the various mapped fault traces of the Escondido Fault.

In response to this comment, the following text on page 5.6-9 of the DEIR has been revised as follows:

> **Geologic and Seismic Hazards**
>
> ***Faults***
>
> Faults showing evidence of surface displacement within the last 11,000 years are classified as active by the CGS. The Project Site is not in an Alquist-Priolo Earthquake Fault Zone, and no evidence of active faulting was identified during the Fault Rupture Hazard Investigation (Leighton Consulting, Inc. 2021b). The potential for fault rupture at the Project Site is considered low during the life of the school, and the student risk factor is therefore also considered low. The nearest active faults to the Project Site are the Malibu Coast Fault and

> Anacapa Fault, approximately 1 mile north and 5 miles south, respectively. Though not currently mapped as an active zoned fault by the State of California, the Escondido Thrust Fault is a potentially active fault that is mapped as traversing the Project Site (also known as the Malibu Coast Fault, Paradise Cove Fault, Rodriguez Canyon Fault, Ramirez Fault, and Escondido Thrust). It is likely more than 300,000 years old and poses no planning constraints to the Proposed Project (Leighton 2021b). See Figure 5.6-1, Location of the Escondido Thrust Fault. The Escondido Thrust Fault has been mapped in different locations (±200 feet) by several geologists since the 1970s and with differing movement; however, all have shown the fault trending roughly east-west through the campus of MMHS. Additionally, mapping of a cut slope adjacent to and west of the trench encountered an unmapped fault zone in bedrock that is located farther north of the Project Site than the other mapped faults; however, this fault terminates at a lower and previously undocumented terrace sequence that likely correlates to MIS Stage 9, or over 300,000 years old.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-28 This comment states that the conclusion that the potential for liquefaction on the site is low, on page 5.6-13 of the DEIR, should reference the site-specific seismic settlement analysis presented in the Geotechnical Investigation Report. Additionally, the comment states that the concluding paragraph for the Debris and Mud Flow section, on page 5.6-13 should be revised to be consistent with the language in the Geotechnical Investigation Report.

In response to this comment, the following text on page 5.6-16 of the DEIR has been revised as follows:

> *Liquefaction and Lateral Spreading*
>
> Liquefaction is the loss of soil strength due to a buildup of excess pore-water pressure during strong and long-duration ground shaking. Liquefaction is associated primarily with loose (low-density), saturated, relatively uniform fine- to medium-grained, clean, cohesionless soils. As shaking action of an earthquake progresses, soil granules are rearranged, and the soil densifies within a short period. This rapid densification of soil results in a buildup of pore-water pressure. When the pore-water pressure approaches the total overburden pressure, soil shear strength reduces abruptly and temporarily behaves similar to a fluid. For liquefaction to occur, there must be loose, clean, granular soils; shallow groundwater; and strong, long-duration ground shaking.
>
> As stated in the Geotechnical Investigation Report prepared for the Proposed Project, according to the State of California Seismic Hazard Zones Map, the Project Site is not located within an area that has been identified as being potentially susceptible to liquefaction.

Additionally, due to the near-surface presence of stiff/hard, clay impacted terrace deposits and relatively shallow bedrock, the potential for liquefaction at this site is low. Since the potential for liquefaction is considered low, the potential for lateral spreading to occur at the site is also considered low (Leighton Consulting, Inc. 2021a).

Debris/Mud Flows

Geologic reconnaissance was performed near the Project Site to visually evaluate the areas impacted by mud and debris flow and erosion after the Woolsey Fire and during the November and December 2018 rain events at MMHS. During the rain events, a 48-inch-diameter storm drain at the cul-de-sac on Clover Heights Avenue was plugged with debris, and debris flows overtopped the inlet structure, spilling onto the campus.

Based on the relatively gentle slope inclination (±5 degrees) and long depositional zone (1,100 feet), which has a defined flow path, it is our opinion the occurrence of a debris flow emanating from the (identified) source area to cause significant structural damage to the MMHS campus is low.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-29 This comment states that the discussion on page 5.6-14 of the DEIR should be expanded to include buried concrete corrosion impacts due to water soluble sulfate exposure. The exposure classification is identified as negligible to moderate; however, this should be revised to moderate to severe based on recent test results of Leighton.

In response to this comment, the following text on page 5.6-14 of the DEIR has been revised as follows:

Corrosive Soils

Corrosive soils can lead to deterioration of buried structures, such as underground utilities. ~~Based on corrosivity test results of the on-site soils from recent and prior investigations, the on-site soil is considered severely corrosive to ferrous metals.~~ Results of the Geotechnical Investigation (Leighton 2021a) indicated that the near-surface soils are considered severely corrosive to ferrous metals (metals that contain mostly iron) and moderate sulfate attack of concrete. Water-soluble sulfates in soil can react adversely with concrete.

Additionally, in response to this comment, the following text on page 5.6-22 of the DEIR has been revised as follows:

Corrosive Soils

2. Response to Comments

> Results of the Geotechnical Investigation (Leighton 2021a) indicated that the near-surface soils are considered severely corrosive to ferrous metals (metals that contain mostly iron) and moderate sulfate attack of concrete. Water-soluble sulfates in soil can react adversely with concrete. As referenced in the 2019 CBC, Section 1904A, concrete subject to exposure to sulfates shall comply with requirements in American Concrete Institute (ACI) 318. Based on testing results of the on-site soils from recent and prior investigations, concrete structures in contact with the on-site soil would likely have ~~"negligible"~~ "moderate" to ~~"moderate"~~ "severe" exposure to water-soluble sulfates in the soil. Therefore, common Type II Portland cement may be used for concrete construction in contact with site soils. Consistent with the recommendations of the Geotechnical Investigation, subgrade soil should be tested for water-soluble sulfate content prior to final design of the concrete structures once grading is complete. Import fill soil should be geotechnically tested for corrosivity and sulfate attack before import to the site. Further testing of import soils should include analytical testing for chemicals of concern prior to import and acceptance (Leighton 2021a).

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-30 This comment states that the sentence beginning with "These active faults…", on page 5.6-16 of the DEIR, follows discussion of the Escondido Thrust fault and is misleading (implying the Escondido Thrust fault is active) and should be revised to say: "The active Malibu Coast Fault and Anacapa Fault…"

In response to this comment, the following text on page 5.6-16 of the DEIR has been revised as follows:

> As noted previously, the Malibu Coast Fault and Anacapa Fault are approximately 1 mile north and 5 miles south of the Project Site. While not currently mapped as active zoned faults by the State of California, the Escondido Thrust Fault is a potentially active fault that is mapped as traversing the Project Site (also known as the Malibu Coast Fault, Paradise Cove Fault, Rodriguez Canyon Fault, Ramirez Fault, and Escondido Thrust). It is likely more than 300,000 years old and poses no planning constraints to the Proposed Project (Leighton 2021b). See Figure 5.6-1, Location of the Escondido Thrust Fault. The Escondido Thrust Fault has been mapped in different locations (±200 feet) by several geologists since the 1970s, with differing movement; however, all have shown the fault trending roughly east-west through the High School campus area of MMHS. ~~These active faults,~~ <u>The active Malibu Coast Fault and Anacapa Fault (</u>as well as others in the region including the San Andreas fault), are considered capable of producing strong shaking at the Project Site, thereby exposing people or structures on-site to potential substantial adverse effects, including the risk of loss, injury, or death. Earthquakes along active faults are generally capable of generating ground shaking of engineering significance to the Project Site. The intensity of ground shaking on the Project

> Site would depend on the magnitude of the earthquake, distance to the epicenter, and the geology of the area between the epicenter and the Project Site.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-31 This comment states that the second paragraph on page 5.6-17 of the DEIR discussed site-specific geotechnical investigations as if the required studies are going to be performed in the future the bulk of these studies have already been performed for the site and the specific Phase 1 project.

In response to this comment, the following text on page 5.6-17 of the DEIR has been revised as follows:

> Furthermore, requirements for geotechnical investigations are included in CBC Appendix J (Grading), Section J104.3 (Geotechnical Reports). ~~Future development accommodated by the Proposed Project would be required to have site-specific geotechnical investigation reports prepared by the project applicant's/developer's geotechnical consultant, in accordance with the CBC. The geotechnical investigations would determine seismic design parameters for the site and the proposed building type per CBC requirements. For example, geotechnical testing of samples from subsurface investigations (such as from borings or test pits) would be undertaken as a part of the geotechnical investigation. The soil samples would be analyzed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, expansiveness, and other characteristics and factors. Also, CBC § 1705.6 establishes requirements for inspection and observation during and after grading. Compliance with the design parameters and recommendations of the geotechnical investigation reports and the provisions of the CBC would be required as a condition of a grading permit and would be ensured by the City's Planning Department during the development review and building plan check process.~~ Phase 1 of the Proposed Project has been analyzed in a site-specific geotechnical investigation report, in accordance with the CBC. The geotechnical investigation determined seismic design parameters for the Project Site and the proposed building types per CBC requirements. Geotechnical testing of samples from subsurface investigations (such as from borings or test pits) have been undertaken as a part of the geotechnical investigation. The soil samples were analyzed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, expansiveness, and other characteristics and factors. Compliance with the design parameters and recommendations of the geotechnical investigation reports and the provisions of the CBC are required as a condition of a grading permit and would be ensured by the City's Planning Department during the development review and building plan check process. All school plans would be required to comply with the Field Act, and the Division of the State Architect's review would ensure that all seismic

requirements under Title 24 of the California Building Code for school buildings are met. Additionally, the City would require geotechnical studies within the Project Site, in compliance with Title 24.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-32 This comment states that the Expansive Soils discussion on page 5.6-20 of the DEIR left out a mitigation measure regarding landscaping and irrigation, and states that the most significant mitigation measure for addressing expansive soil post-construction is the prohibition of irrigation laterally within 10 feet of the building. The comment also states that introduction of water will cause soils to swell, and irrigation systems are often poorly controlled and prone to leaks; therefore, a mitigation measure from the Geotechnical Investigation Report addressing irrigation and expansive soils should be added.

In response to the comment, the following text on page 5.6-20 of the DEIR has been revised as follows:

Expansive Soils

The composition of on-site materials is in the high to very high expansion range with an Expansion Index (EI) of 116 to 134. Additional testing is recommended during the design stage or at completion of grading. For purposes of design, it is recommended to use an EI greater than 130. Upon completion of mass grading of the site, additional expansion testing would be performed to quantify EI values and ensure recommendations of the geotechnical report (Leighton 2021a) are applicable or require revision. The Proposed Project would implement Mitigation Measure GEO-1, which would follow design recommendations listed in the geotechnical report prepared for the Proposed Project. These include, but are not limited to, seismic design parameters, foundation design, retaining wall, grading, use of nonexpansive soils, etc. Additionally, implementation of standard engineering and earthwork construction practices, such as proper foundation design and proper moisture conditioning of earthen fills, would reduce the effects associated with expansive soils. In addition, the Proposed Project would implement Mitigation Measure GEO-2 to prevent irrigation from being at least 10 feet horizontally around structures supported on shallow spread footings and/or with slabs-on-grade. Therefore, with the implementation of Mitigation Measures GEO-1 and GEO-2, impacts would be less than significant.

Additionally, in response to the comment, the following text on page 5.6-23 of the DEIR has been added as follows:

5.6.4 Mitigation Measures

Impact 5.6-3

GEO-1 Design recommendations listed in the Geotechnical Report prepared for the Proposed Project shall be followed. These include, but are not limited to, seismic design parameters, foundation design, retaining wall, grading, trenching, etc. Details of these recommendations are included in ~~Appendix G~~ Appendix H.

GEO-2 Design recommendations regarding future irrigation systems identified in the Geotechnical Report shall be followed to ensure that irrigation shall not be allowed within at least 10 feet horizontally around structures supported on shallow spread footings and/or with slabs-on-grade. Details of these recommendations are included in Appendix H.

5.6.5 Level of Significance After Mitigation

Mitigation Measures GEO-1, GEO-2, and CUL-1 would reduce potential impacts to geology and soils to a level that is less than significant. Therefore, no significant unavoidable adverse impacts to geology and soils have been identified.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-33 The comment suggests changing sulfate exposure classification from "moderate" to "severe." See Response to Comment A5-29 and the revised Geotechnical Report.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-34 This comment states that finished grades should have a minimum of 2% slope for every 5 feet away from the building footprints.

The final design for all phases of the Proposed Project will be submitted to the City for review and approval as part of the CDP process, and will ensure that slope requirements are met. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-35 This comment states that drainage should not be concentrated flow over any slopes adjacent to the structures unless contained in approved drainage pipes or infrastructure.

The final design for all phases of the Proposed Project will be submitted to the City for review and approval as part of the CDP process and will ensure that onsite drainage requirements are met. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-36 This comment states that, although the Proposed Project did not include treatment systems as part of the upgraded onsite wastewater treatment system (OWTS) consistent with direction from the Los Angeles Regional Water Quality Control Board (RWQCB), an upgrade to treatment systems could be necessitated by LCP and Municipal Code requirements. The comment also states that the wastewater systems upgrades must adhere to minimum required setbacks from the OWTS components to buildings, structures, groundwater, ESHA, blue line streams, landscaping, and all site features listed per Table 15.42.030(E) in MMC Chapter 15.42.

Supplemental treatment beyond a septic system is not necessary to avoid or reduce a significant impact to water quality. The City of Malibu Wastewater Program's mission is to ensure the proper siting, design, installation, operation, maintenance, and monitoring of OWTS to reduce water quality impacts and protect coastal water and resources within the city. The septic systems at MMHS and the former JCES have a multi-decade track record demonstrating general compliance with the Waste Discharge Requirements (WDRs) issued by the LARWQCB that provides protection of water quality and coastal waters. The wastewater discharges from this facility are generally consistent with the rules and regulations contained in the California Water Code and the California Water Resources Control Board Basin Plan. Protection of water quality is demonstrated through quarterly sampling, testing, and monitoring, as required by the waste discharge requirements granted by the water board for this facility to protect water quality. Thus, the City of Malibu's requirement for supplemental treatment under MMC section 15.42.030 is not an environmental mitigation measure, but rather a condition for Project approval.

Section 15.42.030 only requires supplemental treatment when a septic system is replaced or made new; however, there would be no expansion or intensification of use of the existing septic systems because the Proposed Project is maintaining existing capacity at a historical 1,200 student enrollment. The existing septic systems would only undergo certain component relocations to make way for the Proposed Project's new buildings and structures.

Nevertheless, the District will continue to coordinate closely with the City regarding the need to integrate treatment systems as part of the OWTS as necessary. Therefore, the DEIR on page 3-31 has been revised as follows to include the potential for development of onsite supplemental treatment.

> The Proposed Project would reconfigure the existing septic system. As shown in Figure 3-7, *Wastewater Phasing Plan*, the Proposed Project would result in 7 total septic systems.

The Proposed Project would remove septic systems 6 through 11 and would add five septic systems that would be developed under the Proposed Project in the ~~following~~ locations listed below.~~:~~ Additionally, the District would work closely with the City and the Los Angeles Regional Water Quality Control Board to determine the need for additional onsite treatment. If additional onsite treatment were required, a new wastewater treatment plant designed for secondary treatment capabilities would be installed at an appropriate location within the Project Site (likely in a parking lot location), adhering to setback requirements identified Table 15.42.030 in Malibu Municipal Code Chapter 15.42.030 (E). This treatment plant would be a relatively small structure internal to the campus and screened from views.

The following change would be made on DEIR page 5.15-20:

The Proposed Project would include adequate infrastructure to serve the Project Site, including the reconfiguration of existing septic systems. The Project Site currently has 10 onsite waste treatment systems on the former JCES and MMHS campuses. As shown in Figure 5.15-1, *Wastewater Phasing Plan*, the Proposed Project would result in 7 total septic systems. The Proposed Project would remove septic systems 6 through 11 and would add five septic systems that would be developed under the Proposed Project in the ~~following~~ locations listed below.~~:~~ Additionally, the District would work closely with the City and the Los Angeles Regional Water Quality Control Board to determine the need for additional onsite treatment. If additional onsite treatment were required, a new wastewater treatment plant designed for secondary treatment capabilities would be installed at an appropriate location within the Project Site (likely in a parking lot location), adhering to setback requirements identified Table 15.42.030 in Malibu Municipal Code Chapter 15.42.030 (E).

Septic System 1.1 would be under the proposed Parking Lot B (currently Parking Lot D). The tank and seepage pits would remain as is but total flow to this system would be modified.

Septic System 2.1 would be near Building D and serve Building D. The tank and seepage pits would be new and would replace the old system 5.0, which would be removed.

Septic System 3.1 would be to the west of Building A/B. The tank and seepage pits would remain as is but total flow to this system would be modified.

Septic System 4.1 would be under Parking Lot C and serve the Theatre and Performing Arts Buildings. The tank and seepage pits would be new and would replace old system 4.0, which would be removed.

Septic System 5.1 would be adjacent to the Malibu Equestrian Park and would serve the bus barn. The tank and seepage pits would be new and would replace old system 11.0, which would be removed.

Septic System 6.1 would be near the Malibu Middle School Hard Courts and serve Buildings J, L, and M. The tank and seepage pits would be new and would replace the old system 6.0, which would be removed.

> **Septic System 7.1** would be east of the Malibu High School Building (building C) and serve Malibu High School. The tank and seepage pits would be new and would replace old systems 7.0, 8.0, 9.0, and 10.0, which would be removed.
>
> Proposed septic systems would include an appropriately sized, two-compartment, fiberglass septic tank. The location of the septic tanks ~~and~~ associated leach fields, and potential treatment plant, would be reviewed as part of each phase. However, the proposed septic systems would be designed and sited to avoid impacts to the ESHA, and all septic systems would be more than 100 feet from the ESHA.
>
> Decommissioning and modifications of the existing septic systems and the addition of the replacement infrastructure would not be anticipated to disrupt service on the Project Site. Modifications to the wastewater and drainage system would have the capacity to adequately serve the Project Site during all phases of the Proposed Project, and Project-generated wastewater would be adequately treated. Therefore, impacts would be **less than significant**.

The development of this treatment plant, should it be required, would be within the environmental impact evaluations conducted as part of the DEIR. It would require no additional ground disturbance or physical impacts beyond what is evaluated for the redevelopment of the campus as a whole, and all applicable mitigation measures included in the EIR would apply to the installation of this feature. Therefore, no new physical environmental impacts would be associated with this change in the DEIR.

The proposed text change does not require recirculation of the EIR because it does not provide significant new information that would give rise to a new significant environmental impact; a substantial increase in the severity of an environmental impact; or suggest a project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Proposed Project, but the Project proponents decline to adopt it.

A5-37 This comment asks for clarification whether the DEIR will be reviewed and approved by the California Department of Toxic Substances Control (DTSC), including review of water quality findings presented in the DEIR.

DTSC is appropriately not identified as a responsible agency for the Proposed Project for review of water quality related to the OWTS. The LARWQCB has been reviewing water quality results based on effluent limits set by the same agency for decades, as described above without incident, and will continue to do so in the future. This includes annual reporting as required by WDR Order No. 97-10-DWQ to the LARWQCB (latest report dated January 2021); therefore, DTSC would not be responsible for reviewing and approving the DEIR. Minor revisions shown in Chapter 3 of this FEIR below have been made to Section 5.9, *Hydrology and Water Quality*, to reflect WDR criteria for the facility as determined by LARWQCB.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-38 This comment asks that a discussion be provided regarding how compliance with fecal coliforms, sulfate, and pH will be determined during the design phase of the wastewater systems.

Please see response to comment A5-36 and A5-37 above. The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-39 This comment states that there is no mention of the Malibu Equestrian Park operational hours and whether there could be a potential conflict because of noise or circulation impacts. Additionally, the comment states that if the bus barn is relocated to the Malibu Equestrian Park, the noise study needs to be expanded to assess potential noise impacts to the Malibu Equestrian Park and the surrounding residences from buses leaving and arriving at the bus barn.

The proposed bus barn is approximately 325 feet south of the Malibu Equestrian Park recreational facilities. As discussed on page 5.11-21 of the DEIR, a 10-minute noise measurement of bus testing—including horn, idling, back-up beeps, and air brake discharge—resulted in a noise level of 64 dBA L_{eq} at a distance of 30 feet. At a distance of 325 feet, bus barn noise would attenuate to approximately 43 dBA L_{eq}, which would not exceed the noise standard of 65 dBA L_{eq} for Institutional zoned uses between the hours of 7:00 a.m. and 7:00 p.m. Consistent with current operations, bus testing would begin at 6:00 a.m. during school days, which is before the Malibu Equestrian Park opens at 8:00 a.m. Therefore, noise impacts from operation of the proposed bus barn would be less than significant at the Malibu Equestrian Park. Noise impacts to nearby residences are already addressed in the DEIR and were found to be less than significant with mitigation.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-40 This comment states that traffic counts are still being projected for 1,000 students even though the maximum enrollment is considered to be 1,200. The study needs to analyze potential traffic impacts based on Project buildout.

The DEIR's transportation assessment (see page 5.14-14 of the DEIR) includes a detailed explanation of the rationale regarding the use of an enrollment capacity of 1,000 in the transportation analysis. The existing MMHS campus has the capacity to seat approximately 1,200 students, as evidenced by the 2006 enrollment; however, enrollment

levels have been significantly below this number for many years with current (2021) enrollment of 784 students. Enrollment is expected to further decrease over the coming decade, with a projected enrollment of 533 in 2025 (Decision Insite 2021). Based on enrollment projections by Decision Insite LLC, the District anticipates a total enrollment of approximately 150 middle school students and 225 high school students, for a total of 375 students by 2030, which would be a 12-percent reduction in student population compared to 2017 (Decision Insite 2021). Therefore, even using an enrollment estimate of 1,000 for baseline and future student population is considered conservative for analytical purposes.

Regardless of whether 1,000 or 1,200 are used, the Proposed Project does not involve increasing overall capacity or change attendance boundaries – both of which are necessary to result in a change in trip generation or vehicle miles traveled (VMT). However, as part of the FEIR, the District has prepared a Supplemental Transportation Analysis (see Appendix 3 of this FEIR) that responds to the City's request to conduct a transportation analysis for 1,200 student capacity.

The total trip generation for a school with an enrollment of 1,000 students is 10,280 miles (DEIR page 5.14-24). As shown in Appendix 3 of this FEIR, the total trip generation for the school for an enrollment of 1,200 students is 12,336 miles. The Proposed Project would not increase the student or employment population at MMHS under either a 1,000 or 1,200 baseline capacity, and the attendance boundaries of the school would not change; the Proposed Project would not result in more vehicle trips to and from the school during operation of the Proposed Project when compared to existing conditions. In addition, the Proposed Project would not modify primary site access locations and traffic patterns, which could potentially result in an increase in the average trip lengths. Because total VMT is a function of the total number of trips multiplied by the average trip lengths, the Proposed Project would not result in a VMT increase for either 1,000 or 1,200, as the Project does not change school enrollment capacity. Public schools normally have an effect of reducing overall VMT, as students would have to travel further if a local school was not present. Because the campus contains the only public middle and high schools in Malibu, it is considered a local-serving school that has the effect of reducing overall VMT. Therefore, impacts related to VMT associated with full buildout of the Proposed Project, whether using a 1,000 or 1,200 enrollment estimate, would be considered less than significant.

Level of Service (LOS) is no longer used as a threshold from which to determine significant transportation impacts under CEQA, but it is still used by the City of Malibu in the City's Traffic Impact Analysis Guidelines (City of Malibu, December 2019) to describe the operating conditions experienced by motorists and is often used to determine whether circulation improvements are necessary as a condition of approval for a proposed project. As shown in Appendix 3 of this FEIR, changing the baseline from 1,000 to 1,200 students results in unacceptable LOS at study Intersection 1 (Morning View Drive at

PCH), Intersection 2 (Morning View Drive at Meritt Drive), and Intersection 4 (Guernsey Avenue at PCH). Three potential traffic improvements were identified at these locations and fair share has been calculated.

None of these improvements are required to mitigate a significant environmental effect under CEQA, and all three of the improvements are outside of the jurisdiction of the District to implement. Improvements at Intersection 1 (Morning View Drive at PCH) are under Caltrans' jurisdiction. Notably, Caltrans did not provide a comment letter or raise concerns about conditions at this location. Intersections 2 and 3 are within the jurisdiction of the City of Malibu. Again, while these improvements are not necessary to reduce identified significant environmental effects under CEQA, the District is committed to continuing conversations with the City through the CDP process for individual phases of the Project.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

A5-41 This comment states that LOS and queueing issues at three intersections (Morning View/PCH, Morning View/Merritt, and Guernsey/PCH) have not been addressed. The comment also states that the mitigation measures should be identified to improve LOS and queuing if existing conditions are projected to get worse.

As discussed above, Level of Service (LOS) is no longer used as a threshold from which to determine significant transportation impacts under CEQA, but it is still used by the City of Malibu in the City's Traffic Impact Analysis Guidelines (City of Malibu, December 2019) to describe the operating conditions experienced by motorists and is often used to determine whether circulation improvements are necessary as a condition of approval for a proposed project. As shown in Appendix 3 of this FEIR, changing the baseline from 1,000 to 1,200 students results in unacceptable LOS at study Intersection 1 (Morning View Drive at PCH), Intersection 2 (Morning View Drive at Meritt Drive), and Intersection 4 (Guernsey Avenue at PCH). Three potential traffic improvements were identified at these locations and fair share has been calculated.

None of these improvements are required to mitigate a significant environmental effect under CEQA, and all three of the improvements are outside of the jurisdiction of the District to implement. Improvements at Intersection 1 (Morning View Drive at PCH) are under Caltrans' jurisdiction. Notably, Caltrans did not provide a comment letter or raise concerns about conditions at this location. Intersections 2 and 3 are within the jurisdiction of the City of Malibu. Again, while these improvements are not necessary to reduce identified significant environmental effects under CEQA, the District is committed to continuing conversations with the City through the CDP process for individual phases of the Project.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential or exacerbated significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

Letter R1 - Cynthia Goodman, Dated November 1, 2021 (1 Page)

R1

From: cynthia goodman <cynthiaanngoodman@gmail.com>
Sent: Monday, November 1, 2021 3:48 PM
To: Upton, Carey <cupton@smmusd.org>
Subject: Malibu Middle and High School Specific Plan Project

Dear Mr. Upton:

I note that the plan provides that phases 1 and 2 are funded and will result in construction through fall of 2026. By that time, construction will have been ongoing on both campuses for approximately the prior ten years. Per the presentation, the remaining phases require additional bond approval and will not be complete until the summer of 2031. Assuming that a new bond is not approved, would a student going to the middle and high school in the fall of 2026 be going to a campus that has the look and feel of a completed campus? R1-1

Regards,

Cynthia Kesselman

2. Response to Comments

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R1. Response to Comments from Cynthia Goodman

R1-1 This comment states that funding for Phases 1 and 2 of the Proposed Project have been secured, which will result in construction through fall of 2026, and the remaining phases require additional bond approval and will not be complete until the summer of 2031. Furthermore, the commenter asks if a new bond is not approved, would a student going to the middle and high school in the fall of 2026 be going to a campus that has the look and feel of a completed campus.

As stated in Appendix A, *Malibu Middle and High School Campus Specific Plan*, of the DEIR construction of the Proposed Project would be funded by a General Obligation Bond, entitled Measure M, passed in 2018. Prior to the election in 2018, the District created a Malibu-only School Facilities Improvement District (SFID). The result of the SFID is that bond dollars generated by Measure M can only be used in Malibu (not in Santa Monica) for school facility improvement needs. Phase 1 does not anticipate the receipt of additional funding from the state or other sources. It is anticipated that the proceeds from bond sales under Measure M will adequately fund Phase 1 of the Malibu Campus Plan. It is further anticipated that future phases will require additional funding, most likely in the form of a future general obligation bond for the Malibu SFID.

As funding is secured, each phase of the Proposed Project would be constructed to its fullest extent. The District would ensure that the school is always ready to be open, including during construction, and the beginning and ending of every Project phase. If for any reason, Phases 2 through 4 of the Proposed Project do not occur, the District would ensure that the school is still fully operational, and that the students are provided all the necessary amenities required to operate the Middle and High School campuses, including adequate classrooms, learning spaces, and indoor/outdoor facilities. There would be no disruption to the provision of adequate and safe educational services during the phased redevelopment.

Once Phase 1 is complete, the schools will be at complete campuses because the existing school buildings would remain until their respective phases; however, the full benefits of the Proposed Project will not be realized until the completion of Phase 4.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

2. Response to Comments

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Letter R2 – Terry Lucoff, Dated November 2, 2021 (1 Page)

R2

From: malibure@aol.com <malibure@aol.com>
Sent: Tuesday, November 2, 2021 9:41 AM
To: Upton, Carey <cupton@smmusd.org>
Subject: from terry lucoff

hi mr. upton---

looks like the parking off clover heights is not included in tonights discussion and there is not an application for permits on this

R2-1

am i correct

thank you for a response. i support the new high school but would be there to oppose andy parking off clover heights

R2-2

BEST REGARDS
TERRY LUCOFF
Senior Estates Director
Coldwell Banker Realty
Malibu California

310 924 1045 field contact
Dept of Real Estate #01112504

2. Response to Comments

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R2. Response to Comments from Terry Lucoff

R2-1 This comment states that a description of the proposed Parking Lot F was not included in the community meeting discussion that took place on November 2, 2021. However, Parking Lot F was discussed during the community meeting presentation and portrayed onsite plan maps included in the presentation materials. The materials and a recording of the community meeting presentation can be found at the link below: https://www.smmusd.org/Page/5601. Additionally, the proposed Parking Lot F is included in the DEIR (see for example Figure 3-4, *Proposed Site Plan,* in the DEIR) and evaluated appropriately throughout the DEIR. As discussed on page 5.14-21 of the DEIR, the Proposed Project would include a new Parking Lot F in the northern part of the campus, accessible from Clover Heights Road, that would provide needed access on a limited basis for the community to access the existing community-use athletic fields (it would be restricted access and not used for school purposes). The proposed parking lot would include 14 parking spaces, which would be accessed by field users primarily via Morning View Drive, Merritt Drive, Busch Drive, and Harvester Drive. However, all roads would continue to operate at acceptable Level of Service (LOS) A and B, well below their capacity, and no improvements would be required from a roadway capacity standpoint.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R2-2 This comment states that the commenter supports the Proposed Project, but would oppose the addition of the proposed Parking Lot F.

The comment is acknowledged. The SMMUSD Board of Education will consider all comments prior to deciding on the Proposed Project.

The comment neither identifies a deficiency in the EIR's analysis nor a new potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

2. Response to Comments

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Letter R3 – Terry Lucoff, Dated November 9, 2021 (30 pages)

R3

From: malibure@aol.com <malibure@aol.com>
Sent: Tuesday, November 9, 2021 11:56 AM
To: Upton, Carey <cupton@smmusd.org>; rbrooks@malibucity.org; eshavelson@malibucity.org
Cc: Foster, Craig <cfoster@smmusd.org>; steve.uhring@gmail.com; bsilverstein@malibucity.org; mpierson@malibucity.org; res02igz@verizon.net; kfarrer@malibucity.org
Subject: Malibu High School DEIR Specific Plan Project

Dear Mr. Upton

I have attached a small number of responses from neighbors of the Malibu High School with objections to
the proposed parking lot off Clover Heights behind the softball field. The neighbors are united in their
opposition to the parking proposal when other solutions exist. R3-1

As you know at every opportunity the neighbors have proposed the School explore different
alternatives like a driveway extending behind the upper lot to the side of the field.

As the school has gone through this process they have refused to make any changes to any of their
plans no matter whatever public input is on the project. The meetings are nothing more than R3-2
School information sessions without exploring any other alternatives.

Be aware that the residents will come together to oppose the lot behind the high school increasing
traffic on dangerous roads without sidewalks and speed bumps or proper lighting R3-3

Thank you for looking at alternative solutions and keeping traffic on controlled high school property

BEST REGARDS
TERRY LUCOFF

2. Response to Comments

NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT

One tap mobile
+16699006833,,88435659261#,,,,*797355# US (San Jose)
+13462487799,,88435659261#,,,,*797355# US (Houston)

Dial by your location
+1 669 900 6833 US (San Jose)
+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 884 3565 9261
Passcode: 797355
Find your local number: https://smmk12.zoom.us/u/kdqeGG1NtV

PROJECT LOCATION: The Project Site is at 30215 Morning View Drive at the former Juan Cabrillo Elementary School (JCES) and Malibu Middle and High School (MMHS) campuses on three of nine District-owned parcels, in the city of Malibu, Los Angeles County, California. The Project Site is approximately 0.25 miles northeast of both Pacific Coast Highway (PCH) and Zuma Beach, and bounded by Merritt Drive to the east, Via Cabrillo Street to the west, and Morning View Drive to the south. Single-family rural homes border the Project Site to the north and west. The District-owned Malibu Equestrian Center is located to the east.

PROJECT DESCRIPTION: The Proposed Project would redevelop and modernize the existing MMHS campus and former JCES campus to create three distinct areas: Middle School Core, High School Core, and shared facilities. Implementation of the Proposed Project would occur over four phases resulting in demolition of all 7 buildings and 9 portables on the former JCES campus and 6 buildings and associated amenities on the MMHS campus, totaling 154,904 square feet of demolition. The existing Building E and Buildings A/B at the MMHS campus would remain, with all other structures removed. No changes to the existing main football/track sports field, baseball, or softball fields would occur with the exception of minor improvements, including the development of new field houses and additional parking adjacent to the softball field. At full buildout, the Proposed Project would result in 32 classrooms and 8 labs and a total of 173,595 square feet of building space, providing the MMHS campus with a total of 51 classrooms and 12 labs and a total of 222,425 square feet of building space. The Proposed Project would include relocation of the existing on-campus bus barn to a disturbed location on the adjacent District-owned Malibu Equestrian Park. The Proposed Project would also include restoration within the adjacent Environmentally Sensitive Habitat Area (ESHA).

ENVIRONMENTAL DETERMINATION: The Proposed Project would result in no impacts to Recreation. Impacts related to Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Public Services, and Utilities and System Services were determined to be less than significant with no mitigation required. Impacts related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Transportation, and Wildfire were determined to be less than significant after implementation of mitigation measures. The DEIR analysis determined that the Proposed Project would result in significant unavoidable adverse impacts related to Aesthetics, specifically Light and Glare, and Noise. Per CEQA Guidelines section 15087(c)(6), the Project Site is not on state and federal hazardous materials sites enumerated under Government Code section 65962.5, except for having a former release from a UST, but that case was granted closure.

DOCUMENT AVAILABILITY: The DEIR and all associated technical appendices is available for public review at the following locations:

- Santa Monica–Malibu Unified School District, 1651 16th Street, Santa Monica, CA 90404
- Malibu Middle and High School Administration Offices "Lobby", 30215 Morning View Drive, Malibu, CA 90265
- City of Malibu Planning Counter, 23825 Stuart Ranch Road, Malibu, CA 90265
- City of Malibu Public Library, 23555 West Civic Center Way, Malibu, CA 90265

In addition, the DEIR is available online at the following website:

https://www.smmusd.org/cms/lib/CA50000164/Centricity/Domain/4188/Malibu-HS/DEIR0921.pdf

If you require additional information, please contact Carey Upton at 310-450-8338 x79383.

FORM LETTER 1
(R3-4 through R3-11)

To All Participants of the Proposed Santa Monica Malibu Unified School District Plan and Local Coast Plan Amendment Project

September 1, 2020

I am a resident of Malibu Park and live at 5938 Tilden Ho

I am opposed to a parking lot behind the softball fields at the end of Clover Heights for the following reasons. I request the School Board to delete the parking lot from the Proposed Malibu Middle and High School Campus Specific Plan and Local Coastal Amendment Project.

1. A parking lot at the back of Malibu High School will bring additional traffic to many Malibu Park streets. This will impact traffic on Merritt, Busch, Harvester and Clover Heights. The Harvester roadway between Busch has a dangerous turn where cars often go over the non existent center yellow line and the roadway has heavy vegetation. There are no sidewalks and walkers, horses and dogs are often in the Roadway. R3-4

2. The high school has an access gate on Clover Heights for Students walking to school. There are no sidewalks on Clover Heights and for years children have walked in groups down the center of the road. to school. With additional motor vehicle traffic on Clover Heights it would not be safe for the students to walk to school without sidewalks.

3. The parking lot is in violation of the Coastal Commission permit for the school fields in 1990. The school has diverted the topography of a marked blue line stream to the West side of the school property and the Coastal Commission passed specific landscaping protocol which the school has ignored. The blue line stream was to be maintained and the property was to remain unaltered and planted in native wildflower vegetation. The school graded and altered water flow which has resulted in flooding on Clover Heights, the proposed parking area and the flooding of the school grounds The temporary mitigation by k rail on Clover Heights and around the school fields should only be considered an emergency measure to mitigate the poorly designed school drainage. R3-5

4. The building of a parking lot would need to meet state school regulations and be lighted. The school would be lighted up from the front on Morning View to Clover Heights and this extensive lighting on the school campus would be observable throughout Malibu Park at night. This kind of lighting would be in conflict with the intent of the Malibu Dark Skies ordinance R3-6

5. There is a riding trail from the Equestrian Center in the back of the school to Clover Heights and the Malibu Park neighborhood uses Clover Heights to access this trail to and from R3-7

https://mail.aol.com/webmail-std/en-us/PrintMessage 1/2

2. Response to Comments

8/24/2020 Proposed Malibu School Campus Plan for Parking in Malibu Park

the Equestrian Center. A parking lot in this location on Clover Heights would make the path to the trail much more dangerous for local Malibu Park Horse people to access the Equestrian Center R3-7 con't

7. There is no parking on Clover Heights to facilitate emergency equipment to the back of the high school for serious injuries on the sports fields. The field itself is used to airlift sever injuries to the hospital. Clover Heights has also been used for open area emergency access to the field when Malibu Park residents have suffered a heart attack or other serious injury to Valley or UCLA medical facilities. Adding traffic and parking in this area would impact local Malibu first responder emergency services. R3-8

8. A parking lot on Clover Heights would make it necessary for the School to provide additional security in an location the school does not currently have security personnel and not currently regularly monitored by limited High School Security. In the past the area behind the school has been an area of graffiti on the drain walls, trash not collected and the use of alcohol. A parking lot that is not monitored by security cameras and trash pick up would be problematic for all of our area residents. The school has never gone off campus to monitored traffic from their school events or pick up trash in neighborhoods surrounding the campus. R3-9

9. Limiting the parking to 17 or 20 cars is not a valid solution for any kind of traffic mitigation, Malibu Residents have all seen what has happened with the overflow parking at our local pocketbeaches. When the lot is full the cars just park anywhere they can find a space. Limited parking spots does not control either the amount of cars parking at the back of the school or the traffic in Malibu Park. The assertion that the space will be limited doesn't limit the parking at the rear of the school at all. We cant expect people who have driven to that location and find the parking lot full to then turn around and try and find parking at the bigger parking lots elsewhere by the front of the school. It is reasonable to assume people will park where they can and the sheriffs will have to be used to monitor parking. R3-10

10 Clover Heights is a down slope street to the cul de sac behind the school and traffic drives extremely fast on this street making it very dangerous to walkers and traffic coming from the circle at the end. Additional traffic on Clover Heights would need speed bumps and extensive monitoring. It a irresponsible and dangerous decision for the school to put a parking area behind the school R3-11

For these reasons I oppose the construction of a parking lot behind the school on Clover Heights

NAME Tim Wolff

ADDRESS 3938 Clover Hts

EMAIL Malibuz@AOL.COM

FORM LETTER 2
(R3-12 through R3-20)

PETITION TO STOP PROPOSED CONSTRUCTION OF SANTA MONICA MALIBU HIGH SCHOOL PARKING LOT IN MALIBU PARK

We are long time residents of Malibu Park. Our address is 5940 Clover Heights Avenue.,we are the last property adjacent to the athletic fields at Malibu High at the end of the cul de sac.

We are writing to express our strong opposition to the proposed Parking Lot F - directly across the street from our house. For the following reasons, we believe the School Board should take off Lot F as a proposed additional parking area in their Campus Specific Plan and Local Coastal Amendment Project. R3-12

Ecologically, Malibu Park is only now finally showing some kinds of recovery since the Woolsey Fire. The hawks and the owls have found their way back to our neighborhood. One owl has even established her night quarters in the eucalyptus trees along Clover Heights adjacent to the property Lot F. Along with the coyotes these hawks and owls are helping to eradicate the rodents (gophers, rats, mice, rabbits, squirrels who have invaded since the fire. We are desperate to have this natural and healthy equilibrium back to our area. The natural habitat is finding its balance. Increased traffic, noise and lighting will suffocate this recovery. R3-13

Safety wise, increased traffic of people loitering around the parking area will increase crime and trash. Already in the last number of years Malibu Park has suffered from a surge of thefts. Our street alone had two attempted break ins this month. As well, we often have to pick up trash and alcohol bottles left behind. R3-14

Malibu Park has suffered enough. Overdevelopment of an unattended parking lot creates a liability for Malibu High as well as for the safety of the surrounding neighbors. There are approximately 40 street parking spaces available for use on the street as it is now for the days of the sporting events which is most likely no more than 50 days per year. It makes no sense. The proposed parking lot of 14 spaces which would require lights and maintenance etc makes no sense when there are already approximately 40 spots available on the street as is currently. R3-15

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2. Response to Comments

Every day people, kids come down Clover Heights Ave. with their horses, on their skateboards, on foot, on bikes, with their dogs. This is a quiet, safe and narrow street. The addition of increased traffic will create a very unsafe environment for the pedestrians and neighborhood. Everyday there are kids walking to and from school up and down the street. There are no sidewalks and the street is very narrow on a downhill grade. This parking lot does not make sense for the neighborhood. Also the street regularly floods even in a mild rain. R3-16

Furthermore, it is our understanding that the population of Malibu High is drastically declining. Why then is there a need to build more parking in a residential area for a declining school population? Isn't there a more urgent need elsewhere to spend the funds allocated? R3-17

Additionally, Malibu Park already lost the battle with the football lights which were installed in the field a number of years ago. These are now defunct as there is more more football games at Malibu High. . Millions of dollars were spent and now it exists solely as an eyesore for the entire neighborhood. Additional night time lighting in a residential neighborhood would be a travesty and in conflict of the the intent of the Malibu Dark Sky ordinance. R3-18

Lastly, as autonomous vehicles will be commonplace in only a matter of years, urban planners are already considering the ways in which they are remaking cities. Parking lots for example will be reduced in size. Less people will be parking and for the cars that are self driving, they will require less space than traditional lots (cars can park closer together). In Boston, a recent study by the World Economic Forum has found that self driving vehicles will require about half the city's current parking. The future for all of our cities will be similar. Less cars and less parking lots. Malibu needs to modernize and this requires foresight and research and most importantly protection of our neighborhoods which are the heart of Malibu. R3-19

Following through with the construction of this superfluous additional parking lot - "Parking Lot F " is a dated and financially irresponsible, it is a danger to the ecosystem, and a severe safety hazard., as well as a liability for Malibu High School and headache for the Malibu Park neighborhood. R3-20

PLEASE DO WHAT IS RIGHT FOR THE COMMUNITY OF MALIBU PARK AND DO NOT BUILD THIS PARKING LOT.

Thank you for considering the voices of the community.

Respectfully yours,

Judith and Dominick Guillemot
Dominick Photography
dg@dominickphoto.com
dominickguillemot@icloud.com
www.dominickphoto.com
310.576.3033 tel
310.990.3033 mobile
Studio Manager: Danelle Rondberg
danelle@dominickphoto.com

9/10/2020 PETITION TO STOP PROPOSE CONSTRUCTION OF PARKING LOT F

From: danellerondberg@mac.com,
To: Cupton@smmusd.org, PMiller@smmusd.org,
Cc: malibure@aol.com,
Subject: PETITION TO STOP PROPOSE CONSTRUCTION OF PARKING LOT F
Date: Tue, Sep 8, 2020 5:04 pm

SEE FORM LETTER 2

To Whom it may Concern:

My name is Danelle Rondberg and I am a Santa Monica resident who works in Malibu and spends a lot of time in Malibu Park. I often walk the trails adjacent to Malibu High School.
When I heard about the ridiculous proposal to create a parking lot at the end of Clover Heights Avenue, where I have spent a lot of time, I wanted to expressly share my opposition to the proposed PARKING LOT F

I believe the school board should delete the proposal to add PARKING LOT F to its agenda. My reasons include the following points:

Ecologically, Malibu Park is only now finally showing some kinds of recovery since the Woolsey Fire. The hawks and the owls have found their way back to our neighborhood. One owl has even established her night quarters in the eucalyptus trees along Clover Heights adjacent to the property Lot F. Along with the coyotes these hawks and owls are helping to eradicate the rodents (gophers, rats, mice, rabbits, squirrels) who have invaded since the fire. We are desperate to have this natural and healthy equilibrium back to our area. The natural habitat is finding its balance. Increased traffic, noise and lighting will suffocate this recovery.

Safety wise, increased traffic of people loitering around the parking area will increase crime and trash. Already in the last number of years Malibu Park has suffered from a surge of thefts. Our street alone had two attempted break ins this month. As well, we often have to pick up trash and alcohol bottles left behind.

Malibu Park has suffered enough. Overdevelopment of an unattended parking lot creates a liability for Malibu High as well as for the safety of the surrounding neighbors. There are approximately 40 street parking spaces available for use on the street as it is now for the days of the sporting events which is most likely no more than 50 days per year. It makes no sense. The proposed parking lot of 14 spaces which would require lights and maintenance etc makes no sense when there are already approximately 40 spots available on the street as is currently.

Clover Heights Ave is a quiet and safe street. It is narrow, and on a downgrade and there are no sidewalks.
Every day neighbors and kids come down Clover Heights Ave. with their horses, on their skateboards, on foot, on bikes, with their dogs. As well, kids are walking to and from school up and down the street.
The addition of increased traffic will create a very unsafe environment for the pedestrians and neighborhood. As well, the street regularly floods even in a mild rain. More incoming and outgoing traffic does not make sense.

Furthermore, it is our understanding that the population of Malibu High is drastically declining. Why then is there a need to build more parking in a residential area for a declining school population? Isn't there a more urgent need elsewhere to spend the funds allocated?

Additionally, Malibu Park already lost the battle with the football lights which were installed in the field a number of years ago. These are now defunct as there are no more football games at Malibu High. Millions of dollars were spent and now it exists solely as an eyesore for the entire neighborhood. Additional night time lighting in a residential neighborhood would be a travesty and in conflict of the the intent of the Malibu Dark Sky ordinance.

Lastly, as autonomous vehicles will be commonplace in only a matter of years, urban planners are already considering the ways in which they are remaking cities. Parking lots for example will be reduced in size. Less people will be parking and for the cars that are self driving, they will require less space than traditional lots (cars can park closer together). In Boston, a recent study by the World Economic Forum has found that self driving vehicles will require about half the city's current parking. The future for all of our cities will be similar. Less cars and less parking lots. Malibu needs to modernize and this requires foresight and research and most importantly protection of our neighborhoods which are the heart of Malibu.

Following through with the construction of this superfluous additional parking lot - "Parking Lot F " is a dated and financially irresponsible, it is a danger to the ecosystem, and a severe safety hazard., as well as a liability for Malibu High School and headache for the Malibu Park neighborhood.

PLEASE DO WHAT IS RIGHT FOR THE COMMUNITY OF MALIBU PARK AND DO NOT BUILD THIS PARKING LOT.

Thank you for considering the voices of the community.

Danelle Rondberg
danellerondberg@mac.com

https://mail.aol.com/webmail-std/en-us/PrintMessage 1/2

2. Response to Comments

9/10/2020

PETITION TO STOP PROPOSE CONSTRUCTION OF PARKING LOT F

2035 4th Street #301C
Santa Monica, CA 90405

9/10/2020 Please don't pave over paradise...

From: brinkco@gmail.com,
To: Pmiller@smmusd.org,
Cc: CUpton@smmusd.org,
Subject: Please don't pave over paradise...
Date: Wed, Sep 9, 2020 1:12 pm
Attachments:

Dear Mr. Miller and Mr. Upton,

I am writing to you as a neighbor of Malibu High, who is opposed to the proposed new parking lot on Clover Heights. Though our property is on Filaree Heights, it abuts the field between Clover and Filaree where the parking lot would be built. My concern is, that a dedicated parking lot would increase the traffic through an otherwise isolated residential neighborhood. In fact, the parking lot "destination" would alter the character of Clover Heights from a cul-de-sac to more of a regular traffic street, something I imagine the Clover Heights residents can't be happy about.

It is not only Clover Heights resident, however, who will be affected. Our property overlooks Clover Heights and the field where the parking lot would be built, so the traffic would also affect us. The lighting, fencing and other infrastructure necessary to integrate the parking lot into the school property would severely impact the views and rural character of the area and place our yard in view of the parking lot and the parking lot in full view of our yard. (Have you ever heard of or seen a "beautiful" parking lot?)

R3-21

We have no issue sharing our beautiful neighborhood with the school - in fact, we moved there because of it - however, our goal is a harmonious co-existence in which both neighbors and school give up a little to allow the other enjoyment of their property. I don't think a parking lot would alleviate the parking, which is already happening on Clover Heights. Quite the opposite, it would formalize the idea of parking there and lead to more parking in the new spaces and on the street. The walkways, lights, trash cans and fences would destroy the natural beauty of the area - literally paving paradise and putting up a parking lot as the song lyrics suggest.

I sincerely hope that you will reconsider your plans and accommodate the community you not only share your space with but also serve. I consider myself a supporter of the school but also of the increasingly rare rural character of our community.

Sincerely,

Robert Brinkmann
5940 Filaree Heights
Malibu

ROBERT BRINKMANN

Director of Photography
http://robertbrinkmann.com/
+1 (213) 718-5555

https://mail.aol.com/webmail-std/en-us/PrintMessage 1/2

2. Response to Comments

SEE FORM LETTER 1

To All Participants of the Proposed Santa Monica Malibu Unified School District Plan and Local Coast Plan Amendment Project

September 1, 2020

I am a resident of Malibu Park and live at 5901 Clover Heights

I am opposed to a parking lot behind the softball fields at the end of Clover Heights for the following reasons. I request the School Board to delete the parking lot from the Proposed Malibu Middle and High School Campus Specific Plan and Local Coastal Amendment Project.

1. A parking lot at the back of Malibu High School will bring additional traffic to many Malibu Park streets. This will impact traffic on Merritt, Busch, Harvester and Clover Heights. The Harvester roadway between Busch has a dangerous turn where cars often go over the non existent center yellow line and the roadway has heavy vegetation. There are no sidewalks and walkers, horses and dogs are often in the Roadway.

2. The high school has an access gate on Clover Heights for Students walking to school. There are no sidewalks on Clover Heights and for years children have walked in groups down the center of the road. to school. With additional motor vehicle traffic on Clover Heights it would not be safe for the students to walk to school without sidewalks.

3. The parking lot is in violation of the Coastal Commission permit for the school fields in 1990. The school has diverted the topography of a marked blue line stream to the West side of the school property and the Coastal Commission passed specific landscaping protocol which the school has ignored. The blue line stream was to be maintained and the property was to remain unaltered and planted in native wildflower vegetation. The school graded and altered water flow which has resulted in flooding on Clover Heights, the proposed parking area and the flooding of the school grounds The temporary mitigation by k rail on Clover Heights and around the school fields should only be considered an emergency measure to mitigate the poorly designed school drainage.

4. The building of a parking lot would need to meet state school regulations and be lighted. The school would be lighted up from the front on Morning View to Clover Heights and this extensive lighting on the school campus would be observable throughout Malibu Park at night. This kind of lighting would be in conflict with the intent of the Malibu Dark Skies ordinance

5. There is a riding trail from the Equestrian Center in the back of the school to Clover Heights and the Malibu Park neighborhood uses Clover Heights to access this trail to and from

https://mail.aol.com/webmail-std/en-us/PrintMessage 1/2

8/24/2020 Proposed Malibu School Campus Plan for Parking in Malibu Park

the Equestrian Center. A parking lot in this location on Clover Heights would make the path to the trail much more dangerous for local Malibu Park Horse people to access the Equestrian Center

7. There is no parking on Clover Heights to facilitate emergency equipment to the back of the high school for serious injuries on the sports fields. The field itself is used to airlift sever injuries to the hospital. Clover Heights has also been used for open area emergency access to the field when Malibu Park residents have suffered a heart attack or other serious injury to Valley or UCLA medical facilities. Adding traffic and parking in this area would impact local Malibu first responder
emergency services.

8. A parking lot on Clover Heights would make it necessary for the School to provide additional security in an location the school does not currently have security personnel and not currently regularly monitored by limited High School Security. In the past the area behind the school has been an area of graffiti on the drain walls, trash not collected and the use of alcohol. A parking lot that is not monitored by security cameras and trash pick up would be problematic for all of our area residents. The school has never gone off campus to monitored traffic
from their school events or pick up trash in neighborhoods surrounding the campus.

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Park. The assertion that the space will be limited doesn't limit the parking at the rear of the school at all. We cant expect people who have driven to that location and find the parking lot full to then turn around
and try and find parking at the bigger parking lots elsewhere by the front of the school. It is reasonable to assume people will park where they can and the sheriffs will have to be used to monitor parking.

10 Clover Heights is a down slope street to the cul de sac behind the school and traffic drives extremely fast on this street making it very dangerous to walkers and traffic coming from the circle at the end. Additional traffic on Clover Heights would need speed bumps and extensive monitoring. It a irresponsible and dangerous decision for the school to put a parking area behind the school

For these reasons I oppose the construction of a parking lot behind the school on Clover Heights

NAME JAMES LIPPERT

ADDRESS 5901 CLOVER HEIGHTS MALIBU 90265

EMAIL CLUBCOLLECTORGOLF@YAHOO.COM

2. Response to Comments

SEE FORM LETTER 1

To All Participants of the Proposed Santa Monica Malibu Unified School District Plan and Local Coast Plan Amendment Project

September 1, 2020

I am a resident of Malibu Park and live at 29711 Harvester Rd

I am opposed to a parking lot behind the softball fields at the end of Clover Heights for the following reasons. I request the School Board to delete the parking lot from the Proposed Malibu Middle and High School Campus Specific Plan and Local Coastal Amendment Project.

1. A parking lot at the back of Malibu High School will bring additional traffic to many Malibu Park streets. This will impact traffic on Merritt, Busch, Harvester and Clover Heights. The Harvester roadway between Busch has a dangerous turn where cars often go over the non existent center yellow line and the roadway has heavy vegetation. There are no sidewalks and walkers, horses and dogs are often in the Roadway.

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from their school events or pick up trash in neighborhoods surrounding the campus.

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and try and find parking at the bigger parking lots elsewhere by the front of the school. It is reasonable to assume people will park where they can and the sheriffs will have to be used to monitor parking.

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For these reasons I oppose the construction of a parking lot behind the school on Clover Heights

NAME Samantha Binah

ADDRESS 29711 Harvester Rd, Malibu CA 90265

EMAIL sbinah@gmail.com

2. Response to Comments

SEE FORM LETTER 1

To All Participants of the Proposed Santa Monica Malibu Unified School District Plan and Local Coast Plan Amendment Project

September 1, 2020

I am a resident of Malibu Park and live at 29711 Harvester Rd

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https://mail.aol.com/webmail-std/en-us/PrintMessage 1/2

8/24/2020 Proposed Malibu School Campus Plan for Parking in Malibu Park

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NAME Alan Baron

ADDRESS 29711 Harvester Rd. Malibu, 90265

EMAIL aljoe@mac.com

2. Response to Comments

SEE FORM LETTER 1

From: Kelly@meyerhome.info,
To: CUpton@smmusd.org, Pmiller@smmusd.org, Malibure@aol.com,
Cc: SPeak@malibucity.org, MPierson@malibucity.org, JWagner@malibucity.org, KFarrer@malibucity.org, RMullen@malibucity.org,
Subject: Malibu High-school Parking Lot -
Date: Wed, Sep 2, 2020 3:58 pm

To All Participants of the Proposed Santa Monica Malibu Unified School District Plan and Local Coast Plan Amendment Project.

September 1, 2020

I am a resident of Malibu Park and live at 5920 Clover Heights Ave.

I am opposed to a parking lot behind the softball fields at the end of Clover Heights for the following reasons and concerns. I request the School Board to delete the parking lot from the Proposed Malibu Middle and High School Campus Specific Plan and Local Coastal Amendment Project.

1. A parking lot at the back of Malibu High School will bring additional traffic to many Malibu Park streets. This will impact traffic on Merrit, Busch, Harvester and Clover Heights. The Harvester roadway between Busch has a dangerous turn where cars often go over the non-existent center yellow line and the roadway has heavy vegetation. There are no sidewalks and walker, horses and dogs are often in the Roadway.

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5. There is a riding trail from the Equestrian Center in the back of the school to Clover Heights and the Malibu Park neighborhood uses Clover Heights to access this trail to and from the Equestrian Center. A parking lot in this

location on Clover Heights would make the path to the trail much more dangerous for local Malibu Park Horse people to access the Equestrian Center.

6. There is no parking on Clover Heights to facilitate emergency equipment to the back of the high school for serious injuries on the sports fields. The field itself is used to airlift sever injuries to the hospital. Clover Heights has also been used for open emergency access to the field when Malibu Park residents have suffered a heart attack or other serious injury to Valley or UCLA medical facilities. Adding traffic and parking in this area would impact local Malibu first responder emergency services.

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For these reason I oppose the construction of a parking lot behind the school on Clover Heights.

Kelly Meyer
5920 Clover Heights Ave
Malibu CA 90265

Kelly@meyerhome.info

2. Response to Comments

9/5/2020 parking structure on Clover Heights

From: billpcce@yahoo.com,
To: cupton@smmusd.org, pmiller@smmusd.org, malibure@aol.com, bdillingham@manatt.com, philippe@maisondartistela.com, sahagii@aol.com,
Subject: parking structure on Clover Heights
Date: Wed, Sep 2, 2020 12:35 pm

Hello,

It has been brought to our attention that SMMHS is planning on building a parking structure at the end of Clover Heights.

As 25 year+ residents of Malibu Park we are very familiar with the school (our daughter is a graduate) and the neighborhood.

The school would not think of ever closing off the sidewalks on Morning view in front of the school. Nor would it consider narrowing Morning view. Yet that is what you are proposing for our neighborhood behind the school since we have neither sidewalks or wide roads like the ingress to Morning View off the PCH.

Do you understand we have no sidewalks on Busch , Harvester, or any of the side streets like Clover Heights? You understand people still ride and walk horses down the middle of the road every day? The neighborhood is rural and just the lack of sidewalks and street lights makes this an extremely poor idea.

We, along with many of our neighbors also walk our dogs every day on Harvester and are already at risk for being hit by cars. The only place for any pedestrian to be is literally in the road! To add more traffic and especially kids and parents hurrying to and from school will create accidents and injuries and create more stress in our already stressed (thank you Woolsey) neighborhood. R3-22

The two blind curves on Harvester are today extremely dangerous. Busch is also a dangerous and narrow road. Often experienced drivers can barely negotiate them safely.

This will have the opposite effect of its intention and create a constant threat to the safety of the children, parents and neighbors of Malibu park. Please stop considering this very poorly thought out idea.

Happy to quote the Joni Mitchell song about "Paving Paradise and Putting up a Parking Lot", but instead If you don't believe me I invite you to walk down Harvester and Busch at peak traffic now and feel the fear of a construction worker on a rebuild hurrying home in his truck. You will be terrified.

Thank You

William Patterson
5877bDeerhead Road.

https://mail.aol.com/webmail-std/en-us/PrintMessage 1/1

SEE FORM LETTER 1

To All Participants of the Proposed Santa Monica Malibu Unified School District Plan and Local Coast Plan Amendment Project

September 1, 2020

I am a resident of Malibu Park and live at 5845 Clover Heights

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For these reasons I oppose the construction of a parking lot behind the school on Clover Heights

NAME Alan & Mordis Carson

ADDRESS 5845 Clover Heights

EMAIL Mordis@earthlink.net

From: thordis@earthlink.net,
To: CUpton@smmusd.org, Pmiller@smmusd.org,
Cc: Malibure@aol.com,
Subject: Proposed parking in Malibu Park (back of Malibu High School)
Date: Thu, Sep 3, 2020 11:03 am
Attachments: Thordis Carson Letter of Opposition to school parking.pdf (1853K)

Cary Upton and Patrick Miller,

Attached is a letter originally drafted by Terry Lucoff as a sign of solidarity in this matter. We are vehemently opposed to this project. We have owned this property and lived here since 1956. We are not only the oldest (in age), but also in residency on this street. We have watched this area grow and develop and for that reason, know probably better than most, the impact that this parking lot will have on our neighborhood and our street. The proposed parking area behind the high school is ridiculous for many reasons.

1 Street will not handle increased traffic.

2. Overflow parking will cause people to park on the street, which cannot handle it. R3-23

3. General Malibu Park traffic will increase and impose additional traffic problems in our whole area.

4. Pedestrian traffic will increase causing potential accidents.

5. Residence will have a difficult time with ingress and ingress from their driveways from increased traffic, both from pedestrian and auto traffic. Street is not wide enough to safely pull out of driveways to see approaching traffic.

6. Lighting on the property will interfere with our property and neighborhood. R3-24

7. The school currently has plenty of land in which to configure additional land for parking, if needed.

8. Equestrians often use this street to access the Equestrian Park. Additional traffic will cause problems for them and the drivers. R3-25

Why not use this property as an agricultural area for the children to learn how to manage and grow crops. This would fit in with the environmental message that is being espoused to our children today and would teach them respect for the land and how much we depend on it. R3-26

PLEASE, PLEASE, PLEASE, DO NOT MAKE THIS PROPERTY INTO A PARKING LOT!!!

Respectfully submitted,

Alan and Thordis Carson
5845 Clover Heights Avenue
Malibu, Ca 90265

2. Response to Comments

Mr. Cary Upton
School Facilities Manager
CUpton@smmusd.org

Re: Parking lot on Clover Heights

September 4, 2020

I live at 29840 Harvester Road, Malibu, California. I have been a resident of Malibu Park for
twenty years. We lost our home and most of the homes in our neighborhood in the Woolsey Fire. Residents have started to rebuild but it will take time regain what was lost.
Please don't allow our neighborhood to lose its character by building another parking lot.

I am **OPPOSED** to putting in a parking lot behind the softball fields at the end of Clover Heights
for the following reasons: R3-27

- **SAFETY** A parking lot will bring additional traffic to many Malibu Park streets near the school. There are presently no sidewalks and having more cars in the neighborhood, especially on Clover Heights will make it more dangerous for children and adults walking to and from school. Clover Heights is a down slope street to the cul de sac behind the school and I have witnessed drivers going very fast downhill at this location.

- **LIGHTS-** A parking lot would need to be lighted to meet state school regulations and this lighting would be in conflict with the Malibu Dark Skies Ordinance. (Three lighted parking lots above Morning View were built right before the fire and the lighting from all of these parking lots will change the character of the neighborhood). R3-28

- **EQUESTRIAN USE OF TRAIL AT END OF CLOVER HEIGHTS-**
There is a riding trail at the end of Clover Heights and putting in a parking lot at this location would make the path more dangerous for local Malibu Park horse people to access the Equestrian Center on their horses. R3-29

- **LIMITING SPACES**- just because there are a few spaces doesn't mean that parking will be limited. When the available spaces are gone in the parking lot, people will park
wherever they can; in front of people's houses, on the street and in the cul de R3-30

1

sac.

- **VIOLATION OF COASTAL COMMISSION PERMIT-** this parking lot is in violation of the 1990 Coastal Commission permit for the school field. . The school has diverted the topography of a marked blue line stream to the West side of the school property and the school has ignored landscaping protocol which was specifically passed by the Coastal Commission. The school graded and altered water flow which resulted in flooding on Clover Heights, the proposed parking area and the flooding of school grounds. The temporary mitigation by k rail on Clover Heights should only be considered an emergency measure to mitigate the poorly designed school drainage. R3-31

Carol Gable
29840 Harvester Road
Malibu, California

2. Response to Comments

From: t.griskey@verizon.net,
To: brd@smmusd.org,
Cc: malibure@aol.com, cupton@smmusd.org, pmiller@smmusd.org, debracole50@verizon.net,
Subject: Parking Lot on Clover Heights Avenue
Date: Mon, Aug 31, 2020 11:17 am

SMMUSD Representative

We have been living on Clover Heights Avenue since 1972 and we are very familiar with the neighborhood and the traffic on our street.

Clover Heights has no sidewalks and connects with the equestrian trail as well as the schools. It is common to see pedestrian foot traffic on the street such as joggers, bicyclists, dog walkers, equestrians, school children and the school's cross country runners along with families and groups of people enjoying a stroll in the neighborhood.

It has come to our attention that SMMUSD is planning on adding a parking lot on Clover Heights, which would increase automobile traffic. More automobile traffic and pedestrian traffic don't go well together. R3-32

Walking in a relatively pollution free environment has health benefits with little or no impact on the environment. Adding a parking lot will add vehicle traffic to the street and would discourage pedestrians from using it. It will be detrimental to the local environment, will expose pedestrians to automobile emissions and potential pedestrian/vehicle accidents. Driving students may use this parking lot and have very little experience in driving which may put pedestrians in danger.

Also, Clover Heights is a drainage channel for water and debris, which makes it unusable and dangerous during heavy rains. R3-33

The student enrollment has dropped considerably, so we question the need for an additional parking lot.

In summary we recommend that the proposed parking lot on Clover Heights Avenue be deleted from SMMUSD plans. R3-34

Thomas & Anne Griskey
5840 Clover Heights Avenue
Malibu, Ca. 90265

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September 1, 2020

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ADDRESS 29711 Harvester Rd. Malibu, 90265

EMAIL aljoe@mac.com

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7. There is no parking on Clover Heights to facilitate emergency equipment to the back of the high school for serious injuries on the sports fields. The field itself is used to airlift sever injuries to the hospital. Clover Heights has also been used for open area emergency access to the field when Malibu Park residents have suffered a heart attack or other serious injury to Valley or UCLA medical facilities. Adding traffic and parking in this area would impact local Malibu first responder
emergency services.

8. A parking lot on Clover Heights would make it necessary for the School to provide additional security in an location the school does not currently have security personnel and not currently regularly monitored by limited High School Security. In the past the area behind the school has been an area of graffiti on the drain walls, trash not collected and the use of alcohol. A parking lot that is not monitored by security cameras and trash pick up would be problematic for all of our area residents. The school has never gone off campus to monitored traffic
from their school events or pick up trash in neighborhoods surrounding the campus.

9. Limiting the parking to 17 or 20 cars is not a valid solution for any kind of traffic mitigation. Malibu Residents have all seen what has happened with the overflow parking at our local pocketbeaches. When the lot is full the cars just park anywhere they can find a space. Limited parking spots does not control either the amount of cars parking at the back of the school or the traffic in Malibu
Park. The assertion that the space will be limited doesn't limit the parking at the rear of the school at all. We cant expect people who have driven to that location and find the parking lot full to then turn around
and try and find parking at the bigger parking lots elsewhere by the front of the school. It is reasonable to assume people will park where they can and the sheriffs will have to be used to monitor parking.

10 Clover Heights is a down slope street to the cul de sac behind the school and traffic drives extremely fast on this street making it very dangerous to walkers and traffic coming from the circle at the end. Additional traffic on Clover Heights would need speed bumps and extensive monitoring. It a irresponsible and dangerous decision for the school to put a parking area behind the school

For these reasons I oppose the construction of a parking lot behind the school on Clover Heights

NAME Samantha Binah

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SEE FORM LETTER 1

To All Participants of the Proposed Santa Monica Malibu Unified School District Plan and Local Coast Plan Amendment Project

September 1, 2020

I am a resident of Malibu Park and live at 5901 Clover Heights

I am opposed to a parking lot behind the softball fields at the end of Clover Heights for the following reasons. I request the School Board to delete the parking lot from the Proposed Malibu Middle and High School Campus Specific Plan and Local Coastal Amendment Project.

1. A parking lot at the back of Malibu High School will bring additional traffic to many Malibu Park streets. This will impact traffic on Merritt, Busch, Harvester and Clover Heights. The Harvester roadway between Busch has a dangerous turn where cars often go over the non existent center yellow line and the roadway has heavy vegetation. There are no sidewalks and walkers, horses and dogs are often in the Roadway.

2. The high school has an access gate on Clover Heights for Students walking to school. There are no sidewalks on Clover Heights and for years children have walked in groups down the center of the road. to school. With additional motor vehicle traffic on Clover Heights it would not be safe for the students to walk to school without sidewalks.

3. The parking lot is in violation of the Coastal Commission permit for the school fields in 1990. The school has diverted the topography of a marked blue line stream to the West side of the school property and the Coastal Commission passed specific landscaping protocol which the school has ignored. The blue line stream was to be maintained and the property was to remain unaltered and planted in native wildflower vegetation. The school graded and altered water flow which has resulted in flooding on Clover Heights, the proposed parking area and the flooding of the school grounds The temporary mitigation by k rail on Clover Heights and around the school fields should only be considered an emergency measure to mitigate the poorly designed school drainage.

4. The building of a parking lot would need to meet state school regulations and be lighted. The school would be lighted up from the front on Morning View to Clover Heights and this extensive lighting on the school campus would be observable throughout Malibu Park at night. This kind of lighting would be in conflict with the intent of the Malibu Dark Skies ordinance

5. There is a riding trail from the Equestrian Center in the back of the school to Clover Heights and the Malibu Park neighborhood uses Clover Heights to access this trail to and from

https://mail.aol.com/webmail-std/en-us/PrintMessage 1/2

2. Response to Comments

the Equestrian Center. A parking lot in this location on Clover Heights would make the path to the trail much more dangerous for local Malibu Park Horse people to access the Equestrian Center

7. There is no parking on Clover Heights to facilitate emergency equipment to the back of the high school for serious injuries on the sports fields. The field itself is used to airlift sever injuries to the hospital. Clover Heights has also been used for open area emergency access to the field when Malibu Park residents have suffered a heart attack or other serious injury to Valley or UCLA medical facilities. Adding traffic and parking in this area would impact local Malibu first responder
emergency services.

8. A parking lot on Clover Heights would make it necessary for the School to provide additional security in an location the school does not currently have security personnel and not currently regularly monitored by limited High School Security. In the past the area behind the school has been an area of graffiti on the drain walls, trash not collected and the use of alcohol. A parking lot that is not monitored by security cameras and trash pick up would be problematic for all of our area residents. The school has never gone off campus to monitored traffic
from their school events or pick up trash in neighborhoods surrounding the campus.

9. Limiting the parking to 17 or 20 cars is not a valid solution for any kind of traffic mitigation, Malibu Residents have all seen what has happened with the overflow parking at our local pocketbeaches. When the lot is full the cars just park anywhere they can find a space. Limited parking spots does not control either the amount of cars parking at the back of the school or the traffic in Malibu
Park. The assertion that the space will be limited doesn't limit the parking at the rear of the school at all. We cant expect people who have driven to that location and find the parking lot full to then turn around
and try and find parking at the bigger parking lots elsewhere by the front of the school. It is reasonable to assume people will park where they can and the sheriffs will have to be used to monitor parking.

10 Clover Heights is a down slope street to the cul de sac behind the school and traffic drives extremely fast on this street making it very dangerous to walkers and traffic coming from the circle at the end. Additional traffic on Clover Heights would need speed bumps and extensive monitoring. It a irresponsible and dangerous decision for the school to put a parking area behind the school

For these reasons I oppose the construction of a parking lot behind the school on Clover Heights

NAME JAMES LIPPERT

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R3. Response to Comments from Terry Lucoff

R3-1 This comment states that the commenter and their neighbors oppose Parking Lot F that is included as part of the Proposed Project and recommend that the District explore different alternatives to the proposed parking lot, including a driveway extending behind the upper lot to the side of the field. The commenter attached 30 pages of comments, including two form letters that were previously sent to the District during the 30-day scoping period between August 20, 2020, and September 21, 2020.

As discussed in the DEIR Project Description on page 3-23, Parking Lot F would provide accessible parking to the upper fields. The 14-space parking lot would be for sports use only, with a controlled access gate that is locked during school hours. This provides limited access to the upper fields (baseball and soccer). Parking Lot F is intended to serve athletic programs for school and non-school youth sports. The parking lot would be primarily required to provide ADA parking spaces for access to the upper fields and field house and would link to accessible paths. Other parking spaces in Parking Lot F would be provided for parking during athletic events and would prevent cars from parking in the cul-de-sac, which is an emergency turn-around.

The proposed parking lot would be accessed by sports field users primarily via Morning View Drive, Merritt Drive, Busch Drive, and Harvester Drive. However, as demonstrated in the DEIR, all roadways that would access this lot would continue to operate at acceptable Level of Service (LOS) A and B, well below their capacity, and no improvements would be required from a roadway capacity standpoint. Additionally, the Proposed Project, including Parking Lot F, would not result in any increase to vehicle miles traveled (VMT), which is the threshold under which impacts and mitigation would be required. No significant transportation impacts would occur from this Project feature. The DEIR evaluates impacts associated with Lot F in all other topical areas of the EIR and does not identify significant environmental effects associated with this Project component (aesthetics/lighting, noise, biological resources, hydrology, etc.).

The commenter suggests an alternative to Parking Lot F as "a driveway extending behind the upper lot to the side of the field." Project alternatives under CEQA are intended to reduce identified significant environmental effects, which, as described above and as shown throughout the DEIR, would not occur as a result of Parking Lot F. Additionally, the DEIR includes Alternative 3, *Elimination of Parking Lot F*, which addresses the commenter's concern. Therefore, no further changes to the DEIR are necessary.

The comment letters that were attached by the commenter were submitted during the public scoping period in August and September 2020. These comment letters were included in Appendix C to the DEIR. Given each of these letters were provided to the District in advance of preparation of the DEIR, they were taken into consideration during preparation of the DEIR. While the letters do not address the content, conclusions,

mitigation measures, or alternatives that are provided in the DEIR, they have been responded to below as part of this FEIR.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-2 This comment states that the District has refused to make any changes to the Proposed Project despite the input provided by the neighboring residents, and the meetings are nothing more than school information sessions without exploring any other alternatives.

As discussed in page 7-17 of the DEIR, the DEIR includes an alternative in which the Proposed Project would still be developed as described with the exception of Parking Lot F on the north end of the MMHS campus. This alternative results in 14 fewer vehicle parking spaces compared to the Proposed Project. Overall ground disturbance of approximately 5,600 square feet associated with Parking Lot F would be eliminated. Parking to serve the existing sports fields on the north side of the campus, especially for after-school programmed activities, would be from Lots D and E, and they would be accessed similar as in existing conditions. Clover Heights Avenue would continue to remain limited only to pedestrian access with locked gates during school hours. Operational use of the fields would be the same during the Proposed Project and existing conditions. Section 7.7, *Alternative 3: Elimination of Parking Lot F*, describes how the elimination of the proposed parking lot would potentially change environmental impacts of the Proposed Project for each environmental topic discussed in the DEIR. The Lead Agency will consider this alternative when considering certification of the EIR and approval of the Proposed Project.

R3-3 This comment states that the residents will come together to oppose the parking lot because it will increase traffic on dangerous roads without sidewalks and speed bumps or proper lighting.

As discussed in Appendix M, *Transportation Impact Analysis*, of the DEIR, the proposed parking lot F that would be accessed via Clover Heights Avenue is intended to serve athletic programs for school and non-school related youth sports during after-school hours. In addition, some school pick-ups and drop-offs would occur on Clover Heights Avenue as well. The parking lot may result in more trips to the neighborhood areas near Clover Heights Avenue due to the availability of the new 14 parking spaces. Access to this parking lot would occur during off-peak hours and after school periods on days that the upper fields were in use. The Transportation Impact Assessment (TIA) concluded that no improvements would be required from a roadway capacity standpoint. Additionally, according to the Transportation Injury Mapping System (TIMS) crash database maintained UC Berkely, there is no pedestrian, bicycle and auto accident history in the last five years on Clover Heights Avenue, Merritt Drive, Busch Drive, and Harvester Drive.

The Proposed Project would not modify roadways or add an incompatible use. The resulting traffic would be consistent with residential traffic and would not result in congestion or traffic and pedestrian activity not compatible with residential uses. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The SMMUSD Board of Education will consider all comments prior to deciding on the Proposed Project.

R3-4 This comment states that the commenter is opposed to the proposed Parking Lot F, and requests that the school board remove the parking lot from the Proposed Project because it would introduce additional traffic to Malibu Park streets. Additionally, the additional traffic would make it unsafe for students to walk to school.

As discussed in Response R3-1, the proposed parking lot would be accessed by field users primarily via Morning View Drive, Merritt Drive, Busch Drive, and Harvester Drive. However, all roads would continue to operate at acceptable LOS A and B, well below their capacity, and no improvements would be required from a roadway capacity standpoint. Additionally, the Proposed Project, including Parking Lot F, would not result in any increase to vehicle miles traveled (VMT), which is the threshold under which impacts and mitigation would be required. In addition, as discussed on page 5.14-22 of the DEIR, pedestrian access to the campus would remain along Morning View Drive with access at the new drop-off area, and Clover Heights Avenue, with access to the athletic fields, and the Proposed Project would comply with Policy 1.2.4 of the Circulation and Infrastructure Element of the Malibu General Plan, to develop pedestrian walkways and equestrian paths in areas that can safely accommodate them. As discussed previously, according to historic accident data, there is no pedestrian, bicycle and auto accident history in the last five years on Clover Heights Avenue, Merritt Drive, Busch Drive, and Harvester Drive. The Proposed Project would not modify roadways or add an incompatible use.

Parking Lot F would serve usage of the upper playfields. Since use of the upper playfields does not coincide with students walking to or from school, the use of Parking Lot F would not create a hazard to pedestrian students despite there not being any sidewalks. The TIA concluded that no improvements would be required from a roadway capacity standpoint (see Appendix M of the DEIR).

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-5 This comment states that the parking lot would be in violation of the Coastal Commission permit for school fields because the school has diverted the topography of a marked blue line stream to the west side of the school property and the Coastal Commission

landscaping protocol has been ignored. The blue line stream was to be maintained and the property was to remain unaltered and planted in native wildfire vegetation.

The comment is in regard to development that occurred prior to the incorporation of the City of Malibu. Current operations of the school, including the existing ball fields, are controlled by Coastal Development Permit (CDP) No. A-MAL-13-030, under which the ball fields are a permitted use. The DEIR evaluated the potential impacts to the ESHA, including the development of Parking Lot F and found the impacts to be less than significant. The District's landscaping plan for both the campus and the ESHA are described in the Specific Plan. The design of Parking Lot F would be required to include a stormwater collection system that must follow all City and Regional Water Quality Control Board requirements regarding flood prevention. All permits required for restoration of the ESHA and development of Parking Lot F will be applied for, and all requirements of the granting agencies will be followed. The Proposed Project would not violate any existing Coastal Commission permit.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-6 This comment states that building the proposed parking lot would need to meet the state school regulation, and contain lights, which would be in conflict with the intent of the Malibu Dark Sky Ordinance.

To provide a conservative analysis, the DEIR assumes lighting on Parking Lot F; however, determination of whether lighting would be included on Parking Lot F would occur during design of this later phase, and would be reviewed by the City of Malibu to ensure compliance with the Dark Sky Ordinance if necessary. As stated on page 5.1-75 of the DEIR, the Proposed Project would require implementation of Mitigation Measures AES-1 and AES-2, which impose a series of design and lighting requirements to reduce lighting impacts, and implementation of AES-3 would ensure that night lighting not required for security is restricted to 10:00 p.m. on school nights and would not be operated when school is not in session. Additionally, as stated on page 5.1-72 of the DEIR, consistent with existing conditions, on the limited number of occasions when school activities are scheduled to extend past 10:00 p.m., such as an MMHS sports team returning to campus following an "away" game, or when a SMMUSD School Board meeting is held on campus, the programmed lights off time would be overridden to accommodate such authorized uses. In addition, all new parking lot light fixtures would have a maximum height of 18 feet and would also be City of Malibu Dark Sky Ordinance compliant, and control features would be available on the light sources to reduce sky glow and glare from nighttime lighting. These control features direct light downward, thereby reducing the spill of light that causes sky glow and reducing glare. Therefore, all parking lot lighting would

be directed towards the interior of the parking lot, pointing downwards toward the ground and would adhere to the City of Malibu Dark Sky Ordinance.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-7 This comment states that the residents of the Malibu Park neighborhood use Clover Heights to access the riding trail that leads to the Malibu Equestrian Center, thus a parking lot at Clover Heights would make the path to the trail dangerous for local horse riders to access the Equestrian Center.

As stated on page 5.13-9 of the DEIR, the Proposed Project would extend pedestrian trails throughout the campus that would start along the ESHA on the west and connect to a larger system of existing walking trails around the Equestrian Park and surrounding hills to improve pedestrian circulation and connect to the larger existing pedestrian trail network on District property. Consistent with existing conditions, the trails would be accessible to the public during non-school hours, and no changes to equestrian uses or trails would occur as a result of the Proposed Project. As discussed in response to comment R3-3 above, the Project would not generate a significant amount of traffic and modify roadways or add an incompatible use.

The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-8 This comment states that the proposed parking lot would add traffic to the area, which would affect first responder emergency access, which has previously been used to airlift people with severe illness or injuries to the hospital.

As stated on page 5.8-25 of the DEIR, the Proposed Project would comply with all applicable codes and regulations adopted by the Los Angeles County Fire Department (LACoFD) regarding access roads and walkways, fire lanes, and emergency access points to the Project Site. The ability of the site to be used for emergency airlift purposes would not be changed by the Project. Conversely, the provision of a designated, controlled access parking lot would benefit first responder access. Additionally, the LACoFD and Los Angeles Sheriff's Department (see Letters A1 and A2) have reviewed the Proposed Project and raised no comments or issues regarding the Proposed Project's impacts to emergency access. Thus, the Proposed Project would not affect the implementation of an emergency responder or evacuation plan. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

2. Response to Comments

R3-9 This comment states that a parking lot on Clover Heights would require the District to provide additional security in a location where the school does not currently have security personnel, and if the parking is not monitored, graffiti, accumulation of trash, and other unwanted activities would become an issue for the residents.

As discussed in Response R3-1, Parking Lot F would be for sports use only, with a controlled access gate that is locked during school hours. This provides limited access to the upper fields (baseball and soccer). Lot F is intended to serve athletic programs for school and non-school youth sports.

R3-10 This comment states that limiting parking to 17 or 20 cars is not a valid solution for any kind of traffic mitigation, and the overflow of parking in the area would potentially impact traffic in the Malibu Park neighborhood.

As discussed previously in Response R2-1 and on page 5.14-21 of the DEIR, the proposed 14-space Parking Lot F in the northern part of the campus would provide needed access for the community to access the existing community-use athletic fields. Use of the existing athletic fields for community recreation use (i.e., soccer) are uses that occur under current conditions and operational changes would not occur as part of the Proposed Project. Therefore, the number of vehicles who access the athletic fields would not change from existing conditions. The proposed parking lot would be restricted access and not used for school purposes. The Proposed Project would comply with Objective 1.3 of the Malibu General Plan and LUP 2.25, to provide off-street parking sufficient to serve the approved use to minimize impacts to public street parking. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. Based on a review of the field usage, access locations, and number of spaces, the TIA concluded that no improvements would be required (see Appendix M of the DEIR).

R3-11 This comment states that Clover Heights is a dangerous street for pedestrians, and additional traffic would require speed and extensive monitoring; thus, the commenter opposed the implementation of the proposed Parking Lot F.

As discussed on page 5.14-32 of the DEIR, implementation of Mitigation Measure T-4 would be required to ensure Proposed Project facilities sufficiently address pedestrian safety needs. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-12 This comment states the commenter's opposition to the proposed Parking Lot F, directly across the street from their house.

The comment is acknowledged. The SMMUSD Board of Education will consider all comments prior to deciding on the Proposed Project.

R3-13 This comment states that Malibu Park is now finally recovering from the Woolsey Fire. Animals including hawks, owls, and coyotes have returned to the neighborhood, and increased traffic, noise, and lighting would impair this recovery.

The DEIR includes a comprehensive assessment of impacts to biological resources, as presented in Section 5.3, *Biological Resources,* and the supporting detailed Biological Technical Reports found in Appendix F to the DEIR. All species mentioned, as well as direct and indirect impacts associated with the Proposed Project, were thoroughly addressed in the DEIR. Implementation of Mitigation Measure BIO-1 (as revised in this FEIR), which requires adherence to the California Department of Fish and Wildlife's (CDFW's) Burrowing Owl Mitigation Guidelines, would reduce potential impacts to less than significant. Additionally, several common bird and raptor species may nest in the Survey Area. The Migratory Bird Treaty Act (MBTA) protects migratory birds, their nests, and eggs. If construction is initiated during nesting season for passerines and raptors (i.e., February 1–August 31), it could impact nesting birds protected by the MBTA and California Fish and Game Code Sections 3503, 3503.5, and 3513. Implementation of Mitigation Measure BIO-2 (as revised in this FEIR) requiring nesting bird surveys and protection would reduce this impact to a less-than-significant level. This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of biological resources. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-14 This comment states that the proposed parking lot would increase safety concerns in the Malibu Park area.

Pedestrian safety is addressed in detail on page 5.14-22 of the DEIR. Additionally, as discussed in Response R3-1, Parking Lot F would be for sports use only, with a controlled access gate that is locked during school hours. This provides limited access to the upper fields (baseball and soccer). Lot F is intended to serve athletic programs for school and non-school youth sports.

This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of transportation/safety. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-15 This comment states that the proposed parking lot would increase safety concerns to the Malibu Park neighborhood and would not be necessary because there is currently sufficient street parking, which is used for sporting events.

2. Response to Comments

Please refer to Response R3-14 regarding the safety concern in the Malibu Park neighborhood. Additionally, as discussed in Response R3-1, Parking Lot F would provide accessible parking to the upper fields for non-school use. The 14-space parking lot would be for sports use only, with a controlled access gate that is locked during school hours. This provides limited access to the upper fields (baseball and soccer). Lot F is intended to serve athletic programs for school and non-school youth sports. Other parking spaces in Parking Lot F would be provided for parking during athletic events and would prevent cars from parking in the cul-de-sac, which is an emergency turn-around. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-16 This comment states that increased traffic would create an unsafe environment for pedestrians and the neighborhood. The commenter also states that the street regularly floods even in a mild rain.

As discussed in Response R3-11, implementation of Mitigation Measure T-4 would be required to ensure relocated facilities sufficiently address pedestrian safety needs.

Additionally, as discussed on page 5.9-43 of the DEIR, stormwater from the Proposed Project would either drain to the existing ESHA via Clover Heights Avenue and the on-site drainage channel or to Morning View Drive, similar to existing conditions. During certain rain events in existing conditions, debris and mud flows emanate from the main and tributary canyon upslope of the Project Site approximately 2,400 feet north of the Project Site and transported down gradient. As discussed on page 5.9-18 of the DEIR, the District installed emergency drainage improvements on the campus following the mudflow events, including earthen berm, gravel bag barriers, concrete channel with side walls, and debris rack cage. Additionally, the District will install K-rails on Clover Heights Avenue prior to any forecast of a significant rain event.

This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of pedestrian safety or hydrology. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-17 This comment states the student population of MMHS is declining, thus a parking lot in a residential area should not be necessary.

As mentioned in Response R3-1, the parking is not for the school, but for the community use of athletic fields. The SMMUSD Board of Education will consider all comments prior to deciding on the Proposed Project.

R3-18 This comment states that the lighting for the proposed Parking Lot F would conflict with the Malibu Dark Sky Ordinance.

To provide a conservative analysis, the DEIR assumes lighting on Parking Lot F; however, determination of whether lighting would be included on Parking Lot F would occur during design of this later phase, and would be reviewed by the City of Malibu to ensure compliance with the Dark Sky Ordinance if necessary. As stated on page 5.1-75 of the DEIR, the Proposed Project would require implementation of Mitigation Measures AES-1 and AES-2, which impose a series of design and lighting requirements to reduce lighting impacts, and implementation of AES-3 would ensure that night lighting not required for security is restricted to 10:00 p.m. on school nights and would not be operated when school is not in session. Additionally, as discussed in Response R3-6, consistent with existing conditions, on the limited number of occasions when school activities are scheduled to extend past 10:00 p.m., such as an MMHS sports teams returning to campus following an "away" game, or when a SMMUSD School Board meeting is held on campus, the programmed lights off time would be overridden to accommodate such authorized uses. In addition, all new parking lot light fixtures would have a maximum height of 18 feet and would also be City of Malibu Dark Sky Ordinance compliant, and control features would be available on the light sources to reduce sky glow and glare from nighttime lighting. These control features direct light downward, thereby reducing the spill of light that causes sky glow and reducing glare. Therefore, all parking lot lighting would be directed towards the interior of the parking lot, pointing downwards toward the ground and would adhere to the City of Malibu Dark Sky Ordinance.

This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of biological resources. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-19 This comment states that future use of autonomous vehicles will reduce the need for parking lots.

As this is not a direct comment on the content or adequacy of the DEIR, and does not raise a specific environmental issue, no further response is required.

R3-20 This comment states that the implementation of the proposed Parking Lot F would be financially irresponsible, dangerous to the ecosystem, and a severe safety hazard. The commenter states their opposition for the implementation of the proposed parking lot.

Please refer to Response R3-13 regarding potential impact to the ecological system, and please refer to Responses R3-8 and R3-9 regarding safety concerns in the area. This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of biological resources. The comment neither

identifies a deficiency in the EIR's analysis nor a new potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR. The SMMUSD Board of Education will consider all comments prior to deciding on the Proposed Project.

R3-21 This comment states their opposition to the proposed Parking Lot F, because the new parking lot would increase traffic, lighting, and other infrastructure would affect their views and rural character of the area, and the proposed parking lot would lead to more on-street parking in the neighborhood.

Parking lot F is intended to serve athletic programs for school and non-school related youth sports during after-school hours and would provide accessible parking to the upper fields (baseball and soccer). The parking lot would be primarily required to provide ADA parking spaces for access to the upper fields and field house, and would link to accessible paths. In addition, other parking spaces in Parking Lot F would be provided for parking during athletic events and would prevent cars from parking in the cul-de-sac, which is an emergency turn-around.

As discussed in Response R3-1, the proposed parking lot would be accessed by field users primarily via Morning View Drive, Merritt Drive, Busch Drive, and Harvester Drive. However, all roads would continue to operate at acceptable Level of Service (LOS) A and B, well below their capacity, and no improvements would be required from a roadway capacity standpoint. Additionally, as discussed in Response R3-10, the proposed Parking Lot F would be restricted access and not used for school purposes. The Proposed Project would comply with Objective 1.3 of the Malibu General Plan and LUP 2.25, to provide off-street parking sufficient to serve the approved use to minimize impacts to public street parking.

As stated in Response R3-6, control features would be available on the light sources to reduce sky glow and glare from nighttime lighting. These control features direct light downward, thereby reducing the spill of light that causes sky glow and reducing glare. Therefore, all parking lot lighting would be directed towards the interior of the parking lot, pointing downwards toward the ground.

This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of environmental impacts. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-22 This comment states that the Proposed Project would close off sidewalks and narrow the street in the Malibu Park neighborhood. Since people ride their horses and walk their dogs in the area, so the potential increase of traffic would be dangerous.

As discussed in response to comment R3-3 above, the Proposed Project would not generate a significant amount of traffic and modify roadways or add an incompatible use. The Proposed Project does not propose the closure of any sidewalks or narrowing of streets. It would result in no long-term change regarding student enrollment or staffing and therefore no increase in traffic, as asserted by the commenter. As discussed in Response R3-11, implementation of Mitigation Measure T-4 would be required to ensure relocated facilities sufficiently address pedestrian safety needs. The District would coordinate with the City of Malibu Public Works Department to relocate crosswalks and school-area signage in relation to the proposed access driveways according to City of Malibu and applicable state criteria. This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of environmental impacts. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-23 This comment states their opposition towards the Proposed Project because the street will not handle increased traffic, overflow parking will cause people to park on the street, general Malibu Park traffic will increase, pedestrian traffic will increase causing potential accidents, residents will have a difficult time accessing their driveways due to increased traffic, both from pedestrians and auto traffic.

Please refer to Response R3-1 regarding potential traffic impacts of the proposed parking lot; please refer to Response R3-10 regarding overflow parking in the area and anticipated uses of the proposed parking lot; and please refer to Response R3-11 regarding pedestrian safety. This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of biological resources. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-24 The commenter states that lighting from the Proposed Project will interfere with their property and neighborhood.

To provide a conservative analysis, the DEIR assumes lighting on Parking Lot F; however, determination of whether lighting would be included on Parking Lot F would occur during design of this later phase, and would be reviewed by the City of Malibu to ensure compliance with the Dark Sky Ordinance if necessary. As stated in Response R3-6, control features would be available on the light sources to reduce sky glow and glare from nighttime lighting. These control features direct light downward, thereby reducing the spill of light that causes sky glow and reducing glare. Therefore, all parking lot lighting would be directed towards the interior of the parking lot, pointing downwards toward the ground. This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of biological resources. The

comment neither identifies a deficiency in the EIR's analysis nor a new potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-25 This comment states that the school currently has other land that can be used for parking space, if necessary. Additionally, the proposed Parking Lot F would cause problems for riders trying to access the Equestrian Park.

As discussed in Response R3-7, the Proposed Project would extend pedestrian trails throughout the campus that would start along the ESHA on the west and connect to a larger system of existing walking trails around the Equestrian Park and surrounding hills to improve pedestrian circulation and connect to the larger existing pedestrian trail network on District property. Consistent with existing conditions, the trails would be accessible to the public during non-school hours, and no changes to equestrian uses or trails would occur as a result of the Proposed Project.

This comment is general in nature and does not point to inadequacies, flaws, or insufficient mitigation regarding the DEIR's assessment of recreational resources. The comment neither identifies a deficiency in the EIR's analysis nor a new or exacerbated potential significant environmental impact. This response merely amplifies or clarifies the analysis in the DEIR.

R3-26 This comment states that the property should be used as an agricultural area for the children to learn how to manage and grow crops, and the commenter states their opposition to the proposed Parking Lot F.

The comment is acknowledged. The SMMUSD Board of Education will consider all comments prior to deciding on the Proposed Project.

R3-27 This comment states their opposition to the proposed Parking Lot F because the parking lot will bring additional traffic to many Malibu Park streets near the school.

Please refer to Response R3-1 regarding potential traffic impacts of the proposed parking lot; please refer to Response R3-11 regarding pedestrian safety.

R3-28 This comment states that the parking lot would need to be lighted to meet state school regulations, which would be in conflict with the Malibu Dark Sky Ordinance.

Please refer to Response R3-6 regarding the Proposed Project's compliance with the City of Malibu Dark Sky Ordinance.

R3-29 This comment states that there is a riding trail at the end of Clover Heights and putting in a parking lot at this location would make the path more dangerous for local Malibu Park horse people to access the Equestrian Center on their horses.

Please refer to Response R3-7 regarding access to the pedestrian and equestrian trails in the areas surrounding the Proposed Project.

R3-30 This comment states that the limited parking spaces in the proposed Parking Lot F would result in increased street parking in the neighborhood and cul-de-sac.

As discussed in Response R3-1, Parking Lot F would provide accessible parking to the upper fields. The 14-space parking lot would be for sports use only, with a controlled access gate that is locked during school hours. This provides limited access to the upper fields (baseball and soccer). Lot F is intended to serve athletic programs for school and non-school youth sports. The parking lot would be primarily required to provide ADA parking spaces for access to the upper fields and field house and would link accessible paths. Other parking spaces in Parking Lot F would be provided for parking during athletic events and would prevent cars from parking in the cul-de-sac, which is an emergency turn-around.

R3-31 This comment states that the parking lot is in violation of the 1990 Coastal Commission permit for the school field because the school has diverted the topography of a marked blue line stream to the west side of the school property and the Coastal Commission landscaping protocol has been ignored. The blue line stream was to be maintained and the property was to remain unaltered and planted in native wildfire vegetation.

Please refer to Response R3-5 regarding potential alterations of waters under the jurisdiction of CDFW.

R3-32 This comment states that the proposed Parking Lot F would increase automobile traffic in the area, which will be detrimental to the local environment, will expose pedestrians to automobile emissions, and potentially increase pedestrian/vehicle accidents.

As discussed in Response R3-1, Parking Lot F would provide accessible parking to the upper fields. The 14-space parking lot would be for sports use only, with a controlled access gate that is locked during school hours. This provides limited access to the upper fields (baseball and soccer). Lot F is intended to serve athletic programs for school and non-school youth sports. The parking lot would be primarily required to provide ADA parking spaces for access to the upper fields and field house and would link accessible paths. Other parking spaces in Parking Lot F would be provided for parking during athletic events and would prevent cars from parking in the cul-de-sac, which is an emergency turn-around. The Proposed Project, including Parking Lot F, would not result in any increase to VMT, which is the threshold under which impacts and mitigation would be required. The proposed parking lot would be accessed by field users primarily via Morning View Drive, Merritt Drive, Busch Drive, and Harvester Drive. However, all roads would continue to operate at acceptable LOS A and B, well below their capacity. No significant transportation impacts would occur from this Proposed Project feature. Additionally, as discussed on page 5.2-36 of the DEIR, operation of the Proposed Project would not

generate substantial quantities of emissions from onsite, stationary sources and implementation of the Proposed Project would not have the potential to substantially increase carbon monoxide (CO) hotspots at intersections in the vicinity of the Project Site.

R3-33 This comment states that Clover Heights is a drainage channel for water and debris, which makes it unusable and dangerous during heavy rains.

As discussed on page 5.9-43 of the DEIR, stormwater from the Proposed Project would either drain to the existing ESHA via Clover Heights Avenue and the onsite drainage channel or to Morning View Drive, similar to existing conditions. During certain rain events in existing conditions, debris and mud flows emanate from the main and tributary canyon upslope of the Project Site approximately 2,400 feet north of the Project Site and transported down gradient. As discussed on page 5.9-18, the District installed emergency drainage improvements on the campus following the mudflow events, including earthen berm, gravel bag barriers, concrete channel with side walls, and debris rack cage. Additionally, the District will install K-rails on Clover Heights Avenue prior to any forecast significant rain event.

R3-34 This comment states their opposition to the proposed Parking Lot F. Since the student enrollment at MMHS has dropped considerably, the commenter states that an additional parking lot is not necessary.

The comment is acknowledged. The SMMUSD Board of Education will consider all comments prior to deciding on the Proposed Project.

3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based on (1) additional or revised information required to prepare a response to a specific comment, (2) applicable updated information that was not available at the time of DEIR publication, and/or (3) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements in the DEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the DEIR. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in double underlined text to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

Page 1-7, Table 1-1, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, and page 5.1-78, Section 5.3.4, *Mitigation Measures*, are hereby modified based on comments received.

AES-5 The pool lighting shall be designed to meet safety requirements of ~~30~~ 50 foot candles over the pool and 20 foot candles over the deck as measured at the water level, while also minimizing light spill, glare, and skyglow to the extent feasible to ensure proper lighting levels necessary for competitive water polo play. Pool lighting shall be turned off within ½ hour of aquatic use, and the 2-foot candle safety perimeter lighting shall be turned off with all other automatic campus lighting.

Page 1-7, Table 1-1, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, and page 5.3-81, Section 5.3.4, *Mitigation Measures*, are hereby modified based on comments received.

BIO-1 Pre-Construction Burrowing Owl Surveys and Avoidance: In the year prior to initiation of Proposed Project Activities in Phase 4, and/or before recommencing construction activities if suspended/delayed for six months or more, ~~the Proposed Project~~ a qualified biologist shall conduct pre-construction burrowing owl surveys in accordance with the 2021 CDFW Burrowing Owl Consortium Survey Protocols and Mitigation Guidelines (CDFW 2021). If wintering or breeding burrowing owl are observed adjacent to the impact area, mitigation shall be conducted in accordance with the CDFW guidelines (CDFW 2012).

3. Revisions to the Draft EIR

Page 1-7, Table 1-1, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, and page 5.3-81, Section 5.3.4, *Mitigation Measures*, is hereby modified based on comments received.

BIO-2 **Pre-Construction Nesting Bird Surveys:** To the extent possible, vegetation removal shall be conducted during the non-breeding season (i.e., September 1 to January 31) in order to minimize direct impacts on nesting birds and raptors. If construction activities would be initiated during the breeding season for nesting birds/raptors (i.e., February 1–August 31), a pre-construction survey will be conducted by a qualified Biologist within three days prior to the initiation of construction (including demolition of structures). If construction activities are delayed or suspended for more than 7 days during the breeding season, nesting bird surveys shall be repeated before construction activities can begin or restart. In addition, nesting bird surveys shall be conducted prior to starting phased Project construction and activities. The absence of nesting birds and raptors shall be considered valid only until the following breeding season.

Page 1-7, Table 1-1, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, and page 5.3-84, Section 5.3.4, *Mitigation Measures*, is hereby modified based on comments received.

BIO-5 RWQCB and CDFW Jurisdiction Areas: Upon completion of construction activities, impacts to approximately 0.033 acre of non-wetland RWQCB and CDFW jurisdictional waters will be mitigated within the Proposed Project boundaries at a minimum ratio (i.e., no less than) of 1:1) through the creation of 0.033 acre of non-wetland jurisdictional waters. Acquisition of a section 1602 "lake or streambed alteration" agreement from the CDFW and waste discharge requirements from the RWQCB would be required.

Prior to the final submittal of a Report of Waste Discharge from the RWQCB, and/or CDFW notification of lake or streambed alteration, the District will develop a mitigation plan for the RWQCB, CDFW, and City of Malibu. The objective of the mitigation is to ensure no net loss of habitat values as a result of the Proposed Project. The detailed restoration program shall contain the following items:

- *Responsibilities and qualifications of the personnel to implement and supervise the plan.* The responsibilities of the landowner, specialists and maintenance personnel that would supervise and implement the plan will be specified and shall include the demonstration of having successfully completed at least 3 mitigation projects of similar size and scope within the last 5 years including the design and implementation of an irrigation system to ensure that the plantings and seeds are irrigated during periods of below average rainfall. The specialists that would supervise and implement the plan would include habitat restoration specialists, wildlife biologists, arborists, botanists, landscape contractor, and irrigation specialists.

- *Site selection.* The site(s) for the mitigation will be determined in coordination with the Project Applicant and resource agencies. The site will be located in a dedicated open space area and will be contiguous with other natural open space.
- *Site preparation and planting implementation.* The site preparation will include: 1) protection of existing native species, 2) trash and weed removal, 3) native species salvage and reuse (i.e., duff), 4) soil treatments (i.e., imprinting, decompacting), 5) temporary irrigation installation, 6) erosion control measures (i.e., rice or willow wattles), 7) native seed mix application, and 8) native container species.
- *Schedule.* A schedule will be developed which includes planting and seeding to occur in late fall and early winter, between October 1 and January 30 in order to optimize the successful establishment and germination of native plants and seeds.
- *Maintenance plan/guidelines.* The maintenance plan will include: 1) weed control, 2) herbivory control, 3) trash removal, 4) irrigation system maintenance, 5) maintenance training, and 6) replacement planting.
- Monitoring Plan. The monitoring plan will include the following: 1) qualitative monitoring (i.e., photographs and general observations), 2) quantitative monitoring (i.e., randomly placed transects), 3) performance criteria as approved by the resource agencies, 4) monthly reports for the first year and bimonthly reports thereafter, and 5) annual reports which will be submitted to the resource agencies for three to five years. Coordination will take place on a regular basis between the biological monitor, landscape contractor and irrigation specialist with regard to non-native species targeted for removal as well as irrigation schedule to ensure that the restoration in on track for achievement of performance criteria. In addition, remedial as well as contingency measures shall also be specified should the site not meet specified performance standards. The site will be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas; however, if there is successful coverage prior to five years, the District may request from RWQCB and CDFW to be released from monitoring requirements.
- *Long-Term Preservation.* Long-term preservation of the site will be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development.
- Performance standards will be identified and will apply for the restoration of riparian habitat. Revegetation will be considered successful at three years if the percent cover and species diversity of the restored and/or created habitat areas are similar to percent cover and species diversity of adjacent existing habitats, as determined by quantitative testing of existing and restored and/or created habitat areas. The qualifications of the personnel to implement and supervise the plan would include the demonstration of having successfully completed at least 3 mitigation projects of similar size and scope within the last 5 years including the design and implementation of an irrigation system to ensure that the

plantings and seeds are irrigated during periods of below average rainfall. The specialists that would supervise and implement the plan would include habitat restoration specialists, wildlife biologists, arborists, botanists, landscape contractor, and irrigation specialists.

Page 1-7, Table 1-1, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*, and Page 5.6-23, Section 5.6.4, *Mitigation Measures*, is hereby modified based on comments received.

Impact 5.6-3

GEO-1 Design recommendations listed in the Geotechnical Report prepared for the Proposed Project shall be followed. These include, but are not limited to, seismic design parameters, foundation design, retaining wall, grading, trenching, etc. Details of these recommendations are included in ~~Appendix G~~ Appendix H.

Page 3-24, Section 3.3.5, *Bus Barn Relocation*, is hereby modified based on comments received.

As part of the Proposed Project, ~~the District would consider relocating~~ the existing Bus Barn would be relocated. If determined necessary based on final design of the various phases, the Bus Barn could be moved from its current location to another location on campus or to a District-owned location within the boundaries of the Malibu Equestrian Center. It would not remain in its current location within 100 feet of the ESHA.

Page 3-31, Section 3.3.8.1, *Wastewater Systems*, is hereby modified based on comments received.

The Proposed Project would reconfigure the existing septic system. As shown in Figure 3-7, *Wastewater Phasing Plan*, the Proposed Project would result in 7 total septic systems. The Proposed Project would remove septic systems 6 through 11 and would add five septic systems that would be developed under the Proposed Project in the ~~following~~ locations listed below. Additionally, the District would work closely with the City and the Los Angeles Regional Water Quality Control Board to determine the need for additional onsite treatment. If additional onsite treatment were required, a new wastewater treatment plant designed for secondary treatment capabilities would be installed at an appropriate location within the Project Site (likely in a parking lot location), adhering to setback requirements identified Table 15.42.030 in Malibu Municipal Code Chapter 15.42.030 (E). This treatment plant would be a relatively small structure internal to the campus and screened from views.

Page 3-34, Section 3.3.9.2, *Pool Lighting*, is hereby modified based on comments received.

As with existing use and operation, the pool would be lit for an annual total of 524 hours during evening hours, as detailed below in Table 3-12, *Pool Lighting*. In addition, pool lights are currently used during morning hours three days a week (Tuesday, Thursday, and Saturday) for two hours (5:30 a.m. to 7:30 a.m.), for a total of 310 hours. This results in a total lighting time of 834 hours in current condition, which would continue in the same manner under the Proposed Project.

Table 3-12 Pool Lighting

Months	Days Lit	Times
Annually in morning hours	Tuesdays, Thursdays, Fridays	5:30am – 7:30am (310 hours)
July 1 – August 18	No Lights	-
August 19 – November 6	Monday – Friday (53 school days)	6:15pm – 8:45pm (132.5 hours total over this time period)
November 7 – March 12	Monday – Friday (74 school days)	5:15pm – 8:45pm (259 hours total over this time period)
March 13 – June 10	Monday – Friday (53 school days)	6:15pm – 8:45pm (132.5 hours total over this time period)
June 11 – June 30	No Lights	-

Source: SMMUSD 2021

Page 3-34, Section 3.3.9.2 *Pool Lighting*, Page 5.1-74, Impact 5.1-4, and Page 58 of the Specific Plan (Appendix A of the DEIR) is hereby modified based on comments received.

Pool lighting would meet the established standards set forth in the Lighting Handbook: Reference and Application (Illuminating Engineering Society of North America (IESNA), 10th Edition). As stated by IESNA, pool illuminance levels must serve the needs of swimmers, divers, lifeguards, instructors, and spectators. Lighting recommendations for a pool with the intended uses of water polo (known as a Class II facility) are that lighting is a minimum of ~~30~~ 50 foot candles over the pool and 20 foot candles over the deck, as measured at the water level (IESNA 2011). This is less than other reference documents such as the National Federation of State High School Associations (NFHS), which recommends 100 foot candles minimum (NFHS 2018). Consistent with IESNA recommendations, lighting would also be provided within the pool basin, with the recommended luminance of 15 candelas per square foot (161 candelas per square meter). When the pool is not in use, accessible paths, including along the pool deck, would be with a minimum of 2 foot candles until lights are turned off campus-wide. By meeting the standards of the IESNA, the pool lighting would also meet the requirements of the California Building Code (CBC) § 3115B.1, which requires a pool have underwater and deck lighting such that lifeguards or other persons may observe, without interference of glare, every part of the underwater area, pool surface, and any diving appurtenances.

Page 3-40, Section 3.4.1, *Heights and Setbacks*, and Page 5.10-14, Impact 5.10-1 is hereby modified based on comments received.

The following summarizes the development standards for the Proposed Project in a format similar to that of the City of Malibu Municipal Code (City of Malibu 2021):

B. The Proposed Project would be subject to the following development standards:

1. **Height.** Except as allowed in this section structures shall not exceed eighteen (18) feet above finished or natural grade, which ever results in lower building height, except for chimneys, rooftop antenna, and light standards.

3. Revisions to the Draft EIR

Page 3-41, Section 3.4.1 *Heights and Setbacks*, Page 5.10-16, Impact 5.10-1, and Page 38 of the Specific Plan (Appendix A of the DEIR) is hereby modified based on comments received.

c. Pool and pool deck lighting shall be installed consistent with the IESNA standards for a Class II pool facility. Lighting shall be a minimum of ~~30~~ 50 foot candles over the pool and 20 foot candles over the deck, as measured at the water level. for improved safety. Consistent with IESNA recommendations, lighting shall also be provided within the pool basin, with the recommended luminance of 15 candelas per square foot (161 candelas per square meter). When the pool is not in use, accessible paths, including along the pool deck, would be with a minimum of 2 foot candles until lights are turned off campus-wide. All pool lighting shall also be consistent with the California Building Code and § 3115B.1, where the pool must have underwater and deck lighting such that lifeguards or other persons may observe, without interference from direct and reflected glare from the lighting sources, every part of the underwater area and pool surface, all diving boards or other pool appurtenances.

Page 3-67, Section 3.5.2, *Grading*, is hereby modified based on comments received.

Previous construction and grading at the Project Site have created a series of near-level building pads for existing structures and paved parking lots. The majority of the Project Site, including all areas with current development, is situated on slopes between 0 and 20 percent, at a minimum of 80 feet above mean sea level (amsl). Around the perimeter of the Project Site, surrounding the football field, and between building pads, slopes increase to between 40 to 100 percent, reaching up to 170 feet amsl. For the most part, proposed new construction would take place on the flat, previously developed areas of campus, and existing slope conditions would remain. Because of the topography of the site, and the need to create large terraces for student safety and access, and the overall size of individual school buildings which are larger than most homes require the ability to cut/fill more than 1,000 cubic yards. Table 3-16, *Proposed Project Cut/Fill by Phase*, details the total amount of soil to be graded for Phase 1 and estimates the cut and fill for subsequent phases. Building heights shall be measured from natural or finished grade, whichever produces the lowest building height.

Page 3-68, Section 3.5.2, *Grading*, is hereby modified based on comments received.

Table 3-16a Phase I Grading

	Exempt			Non-Exempt	Remedial	Total
	R&R	Understructure	Safety			
Cut	9,300	9,800	4,700	11,300	100	35,200
Fill	9,300	0	300	800		10,400
Total	18,600	9,800	5,000	12,100	100	45,600
Import	0	0	0	0	0	0
Export	0	9,800	4,400	10,500	100	24,800

All quantities indicated shall be in cubic yards only.
R&R = Removal and Recompaction – R&R must be balanced.
Safety Grading is required grading for L.A. County Fire Department access approval beyond the 15 foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening.
Remedial grading is grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot.

Imported means soil that is brought on to the site. Exported means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

Table 3-16 Proposed Project Cut/Fill ~~by~~ for Phases 2, 3, and 4

Phase	Cut (cy)	Fill (cy)	Project Phase Total (cy)
~~1~~	~~35,190~~	~~10,530~~	~~24,660 cut~~
2	5,175	-	5,175 cut
3	25,300	14,000	11,300 cut
4	10,000	33,350	23,350 fill
Total	40,475 ~~75,665~~	47,350 ~~57,880~~	6,875 fill~~17,~~785 cut

Source: LPA 2019

Page 3-69, Section 3.6.2, *Specific Plan and Phase 1 Approvals*, is hereby modified based on comments received.

3.6.2 Specific Plan and Phase 1 Approvals

The Specific Plan is proposed to regulate the Proposed Project. Phase 1 has been fully designed. Adopting the Specific Plan and deciding to carry out Phase 1 are discretionary, legislative, decisions that must be made by the City of Malibu's City Council with final review authority by the California Coastal Commission. Development standards established for the Specific Plan include the building specifications such as heights, setbacks, design standards for signs, and landscaping.

Page 3-72, Section 3.6.2.1 *Malibu Local Coastal Program*, Page 5.10-12, Impact 5.10-1, and Page 35 of the Specific Plan (Appendix A of the DEIR) is hereby modified based on comments received.

Lighting	Nighttime pool lighting would be installed.	§ 3.9.A1d of the LIP and § 17.40.110 A.1.d. of MC: Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP §§ 4.6.2 and 6.5.G.	Lighting would be installed to meet the requirements of a Class II facility as identified by the Illuminating Engineering Society of North America (IESNA) (10th ed.), where lighting should be a minimum of ~~30~~ 50 foot-candles over the pool and 20 foot-candles over the deck, as measured at the water level. Consistent with IESNA recommendations, lighting would also be provided within the pool basin, with the recommended luminance of 15 candelas per square foot (161 candelas per square meter). When the pool is not in use, accessible paths, including along the pool deck, would be with a minimum of 2 foot candles until lights are turned off campus-wide. By meeting these standards, the pool lighting would also meet the requirements of California Building Code § 3115B.1.

3. Revisions to the Draft EIR

Page 5.1-17, *Scenic Vistas and Visual Resources*, is hereby modified based on comments received.

The City of Malibu's General Plan Conservation Element identifies 22 scenic resources and 5 designated vista points in the city and surrounding area. Figure 5.1-3, General Plan Scenic Resources, identifies the locations of these scenic resources. Designated scenic resources visible from the Project Site are limited to intermittent background views of the vegetated slopes of the Santa Monica Mountains and the Pacific Ocean, which is also visible from a number of vantage points both on and in the vicinity of the Project Site. No identified scenic resources, as defined by the City of Malibu's General Plan Conservation Element, are located within or adjacent to the Project Site, as shown in Figure 5.1-3. No designated vista points in the city provide views of the Project Site. However, the City of Malibu's LCP considers places along, within, or visible from public scenic roads, trails, beaches, parklands, and state waters that offer scenic vistas of the beach and ocean, coastline, mountains, canyons, and other unique natural features as scenic areas (see Figure 5.1-3(B), *Local Coastal Program Park Lands Map*). As the Project Site is visible from a number of public vantage points that offers views of the ocean and mountains, the Project Site is considered to be within a scenic area.

Page 5.1-74, Impact 5.1-4, is hereby modified based on comments received.

The Project also includes replacement and upgrading of the existing 25-meter pool with a new Olympic-sized 50-meter pool. Consistent with the existing use, the pool would be lit an annual total of 524 hours in the evening hours and 310 hours in the morning hours for a total of 834 hours as detailed below in Table 5.1-1, *Pool Lighting*.

Table 5.1-1 Pool Lighting

Months	Days Lit	Times
Annually in morning hours	Tuesdays, Thursdays, Fridays	5:30am – 7:30am (310 hours)
July 1 – August 18	No Lights	-
August 19 – November 6	Monday – Friday (53 school days)	6:15pm – 8:45pm (132.5 hours total over this time period)
November 7 – March 12	Monday – Friday (74 school days)	5:15pm – 8:45pm (259 hours total over this time period)
March 13 – June 10	Monday – Friday (53 school days)	6:15pm – 8:45pm (132.5 hours total over this time period)
June 11 – June 30	No Lights	-

Source: SMMUSD 2021

Page 5.6-6, Section 5.6.1.1, *Regulatory Background*, is hereby modified based on comments received.

City of Malibu Municipal Code

Site development in the City of Malibu is required to comply with ~~Title 16~~ Title 15 (Building and Construction) of the Malibu Municipal Code, and all state requirements pertaining to geologic, soil, and seismic hazards. The City of Malibu has adopted Title 26 (Building Code) of the Los Angeles County Code, as amended in 2010, which is based on Title 24 of the CBC.

Page 5.6-7, Section 5.6.1.1, *Regulatory Background*, is hereby modified based on comments received.

City of Malibu's Guidelines for the Preparation of Engineering Geologic and Geotechnical Engineering Reports and Procedures for Report Submittal

The City of Malibu adopted the Guidelines for the Preparation of Engineering Geologic and Geotechnical Engineering Reports and Procedures for Report Submittal (Guidelines for Geotechnical Reports) in ~~February 2002~~ the current version of the Guidelines for Geotechnical reports in effect at the time the reports were completed. These guidelines provide the minimum standards and recommended format for engineering geologic and geotechnical engineering reports submitted to the City of Malibu. The guidelines do not specify the engineering methods or scope of study for individual development projects. The guidelines provide specific requirements that impact the scope and, in some cases, the engineering methods that are required to meet minimum standards for acceptance. The Guidelines for Geotechnical Reports do not supplant the engineering judgment of the project professionals. In addition, these guidelines explain the procedures for submitting the project to the City of Malibu for review both in the planning and building and safety stages.

Page 5.6-9, Section 5.6.1.2, *Existing Conditions*, is hereby modified based on comments received.

Geologic and Seismic Hazards

Faults

Faults showing evidence of surface displacement within the last 11,000 years are classified as active by the CGS. The Project Site is not in an Alquist-Priolo Earthquake Fault Zone, and no evidence of active faulting was identified during the Fault Rupture Hazard Investigation (Leighton Consulting, Inc. 2021b). The potential for fault rupture at the Project Site is considered low during the life of the school, and the student risk factor is therefore also considered low. The nearest active faults to the Project Site are the Malibu Coast Fault and Anacapa Fault, approximately 1 mile north and 5 miles south, respectively. Though not currently mapped as an active zoned fault by the State of California, the Escondido Thrust Fault is a potentially active fault that is mapped as traversing the Project Site (also known as the Malibu Coast Fault, Paradise Cove Fault, Rodriguez Canyon Fault, Ramirez Fault, and Escondido Thrust). It is likely more than 300,000 years old and poses no planning constraints to the Proposed Project (Leighton 2021b). See Figure 5.6-1, Location of the Escondido Thrust Fault. The Escondido Thrust Fault has been mapped in different locations (±200 feet) by several geologists since the 1970s and with differing movement; however, all have shown the fault trending roughly east-west through the campus of MMHS. Additionally, mapping of a cut slope adjacent to and west of the trench encountered an unmapped fault zone in bedrock that is located farther north of the Project Site than the other mapped faults; however, this fault terminates at a lower and previously undocumented terrace sequence that likely correlates to MIS Stage 9, or over 300,000 years old.

3. Revisions to the Draft EIR

Page 5.6-13, Section 5.6.1.2, *Existing Conditions*, is hereby modified based on comments received.

Liquefaction and Lateral Spreading

Liquefaction is the loss of soil strength due to a buildup of excess pore-water pressure during strong and long-duration ground shaking. Liquefaction is associated primarily with loose (low-density), saturated, relatively uniform fine- to medium-grained, clean, cohesionless soils. As shaking action of an earthquake progresses, soil granules are rearranged, and the soil densifies within a short period. This rapid densification of soil results in a buildup of pore-water pressure. When the pore-water pressure approaches the total overburden pressure, soil shear strength reduces abruptly and temporarily behaves similar to a fluid. For liquefaction to occur, there must be loose, clean, granular soils; shallow groundwater; and strong, long-duration ground shaking.

As stated in the Geotechnical Investigation Report prepared for the Proposed Project, according to the State of California Seismic Hazard Zones Map, the Project Site is not located within an area that has been identified as being potentially susceptible to liquefaction. Additionally, due to the near-surface presence of stiff/hard, clay impacted terrace deposits and relatively shallow bedrock, the potential for liquefaction at this site is low. Since the potential for liquefaction is considered low, the potential for lateral spreading to occur at the site is also considered low (Leighton Consulting, Inc. 2021a).

Debris/Mud Flows

Geologic reconnaissance was performed near the Project Site to visually evaluate the areas impacted by mud and debris flow and erosion after the Woolsey Fire and during the November and December 2018 rain events at MMHS. During the rain events, a 48-inch-diameter storm drain at the cul-de-sac on Clover Heights Avenue was plugged with debris, and debris flows overtopped the inlet structure, spilling onto the campus.

Based on the relatively gentle slope inclination (±5 degrees) and long depositional zone (1,100 feet), which has a defined flow path, it is our opinion the occurrence of a debris flow emanating from the (identified) source area to cause significant structural damage to the MMHS campus is low.

Page 5.6-14, Section 5.6.1.2, *Existing Conditions*, is hereby modified based on comments received.

Corrosive Soils

Corrosive soils can lead to deterioration of buried structures, such as underground utilities. ~~Based on corrosivity test results of the on-site soils from recent and prior investigations, the on-site soil is considered severely corrosive to ferrous metals.~~ Results of the Geotechnical Investigation (Leighton 2021a) indicated that the near-surface soils are considered severely corrosive to ferrous metals (metals that contain mostly iron) and moderate sulfate attack of concrete. Water-soluble sulfates in soil can react adversely with concrete.

Additionally, in response to this comment, the following text on Page 5.6-22 has been revised as follows:

Corrosive Soils

Results of the Geotechnical Investigation (Leighton 2021a) indicated that the near-surface soils are considered severely corrosive to ferrous metals (metals that contain mostly iron) and moderate sulfate attack of concrete. Water-soluble sulfates in soil can react adversely with concrete. As referenced in the 2019 CBC, Section 1904A, concrete subject to exposure to sulfates shall comply with requirements in American Concrete Institute (ACI) 318. Based on testing results of the on-site soils from recent and prior investigations, concrete structures in contact with the on-site soil would likely have ~~"negligible"~~ "moderate" to ~~"moderate"~~ "severe" exposure to water-soluble sulfates in the soil. Therefore, common Type II Portland cement may be used for concrete construction in contact with site soils. Consistent with the recommendations of the Geotechnical Investigation, subgrade soil should be tested for water-soluble sulfate content prior to final design of the concrete structures once grading is complete. Import fill soil should be geotechnically tested for corrosivity and sulfate attack before import to the site. Further testing of import soils should include analytical testing for chemicals of concern prior to import and acceptance (Leighton 2021a).

Page 5.6-16, Impact 5.6-1, is hereby modified based on comments received.

As noted previously, the Malibu Coast Fault and Anacapa Fault are approximately 1 mile north and 5 miles south of the Project Site. While not currently mapped as active zoned faults by the State of California, the Escondido Thrust Fault is a potentially active fault that is mapped as traversing the Project Site (also known as the Malibu Coast Fault, Paradise Cove Fault, Rodriguez Canyon Fault, Ramirez Fault, and Escondido Thrust). It is likely more than 300,000 years old and poses no planning constraints to the Proposed Project (Leighton 2021b). See Figure 5.6-1, Location of the Escondido Thrust Fault. The Escondido Thrust Fault has been mapped in different locations (±200 feet) by several geologists since the 1970s, with differing movement; however, all have shown the fault trending roughly east-west through the High School campus area of MMHS. ~~These active faults,~~ The active Malibu Coast Fault and Anacapa Fault (as well as others in the region including the San Andreas fault), are considered capable of producing strong shaking at the Project Site, thereby exposing people or structures on-site to potential substantial adverse effects, including the risk of loss, injury, or death. Earthquakes along active faults are generally capable of generating ground shaking of engineering significance to the Project Site. The intensity of ground shaking on the Project Site would depend on the magnitude of the earthquake, distance to the epicenter, and the geology of the area between the epicenter and the Project Site.

Page 5.6-17, Impact 5.6-1, is hereby modified based on comments received.

Furthermore, requirements for geotechnical investigations are included in CBC Appendix J (Grading), Section J104.3 (Geotechnical Reports). ~~Future development accommodated by the Proposed Project would be required to have site-specific geotechnical investigation reports prepared by the project applicant's/developer's geotechnical consultant, in accordance with the CBC. The geotechnical investigations would determine seismic design parameters for the site and the proposed building type per CBC requirements. For example, geotechnical testing of samples from subsurface investigations (such as from borings or test pits) would be undertaken as a part of the geotechnical investigation. The soil samples would be analyzed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity,~~

~~compressibility, liquefaction, differential settlement, expansiveness, and other characteristics and factors. Also, CBC § 1705.6 establishes requirements for inspection and observation during and after grading. Compliance with the design parameters and recommendations of the geotechnical investigation reports and the provisions of the CBC would be required as a condition of a grading permit and would be ensured by the City's Planning Department during the development review and building plan check process.~~ Phase 1 of the Proposed Project has been analyzed in a site-specific geotechnical investigation report, in accordance with the CBC. The geotechnical investigation determined seismic design parameters for the Project Site and the proposed building types per CBC requirements. Geotechnical testing of samples from subsurface investigations (such as from borings or test pits) have been undertaken as a part of the geotechnical investigation. The soil samples were analyzed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, expansiveness, and other characteristics and factors. Compliance with the design parameters and recommendations of the geotechnical investigation reports and the provisions of the CBC are required as a condition of a grading permit and would be ensured by the City's Planning Department during the development review and building plan check process. All school plans would be required to comply with the Field Act, and the Division of the State Architect's review would ensure that all seismic requirements under Title 24 of the California Building Code for school buildings are met. Additionally, the City would require geotechnical studies within the Project Site, in compliance with Title 24.

Page 5.6-20, *Impact 5.6-3*, is hereby modified based on comments received.

Expansive Soils

The composition of on-site materials is in the high to very high expansion range with an Expansion Index (EI) of 116 to 134. Additional testing is recommended during the design stage or at completion of grading. For purposes of design, it is recommended to use an EI greater than 130. Upon completion of mass grading of the site, additional expansion testing would be performed to quantify EI values and ensure recommendations of the geotechnical report (Leighton 2021a) are applicable or require revision. The Proposed Project would implement Mitigation Measure GEO-1, which would follow design recommendations listed in the geotechnical report prepared for the Proposed Project. These include, but are not limited to, seismic design parameters, foundation design, retaining wall, grading, use of nonexpansive soils, etc. Additionally, implementation of standard engineering and earthwork construction practices, such as proper foundation design and proper moisture conditioning of earthen fills, would reduce the effects associated with expansive soils. In addition, the Proposed Project would implement Mitigation Measure GEO-2, to prevent irrigation from being at least 10-feet-horizontally around structures supported on shallow spread footings and/or with slabs-on-grade. Therefore, with the implementation of Mitigation Measures GEO-1 and GEO-2, impacts would be less than significant.

Page 5.6-23, Section 5.6.4, *Mitigation Measures*, is hereby modified based on comments received.

5.6.4 Mitigation Measures

Impact 5.6-3

GEO-1 Design recommendations listed in the Geotechnical Report prepared for the Proposed Project shall be followed. These include, but are not limited to, seismic design parameters, foundation design, retaining wall, grading, trenching, etc. Details of these recommendations are included in ~~Appendix G~~ Appendix H.

GEO-2 Design recommendations regarding future irrigation systems identified in the Geotechnical Report shall be followed to ensure that irrigation shall not be allowed within at least 10-feet-horizontally around structures supported on shallow spread footings and/or with slabs-on-grade. Details of these recommendations are included in Appendix H.

Page 5.6-23, Section 5.6.5, *Level of Significance After Mitigation*, is hereby modified based on comments received.

5.6.5 Level of Significance After Mitigation

Mitigation Measures GEO-1, GEO-2, and CUL-1 would reduce potential impacts to geology and soils to a level that is less than significant. Therefore, no significant unavoidable adverse impacts to geology and soils have been identified.

Page 5.9-13, Section 5.9.1.1, *Regulatory Background*, is hereby modified based on comments received.

LUP Policy 3.140. ~~New septic systems~~ OWTS shall be sited and designed to ensure that impacts to ESHA, including those impacts from grading and site disturbance and the introduction of increased amounts of groundwater, are minimized. Adequate setbacks and/or buffers shall be required to protect ESHA and other surface waters from lateral seepage from the sewage effluent dispersal systems.

Page 5.9-34, Section 5.9.1.2, *Existing Conditions*, is hereby modified based on comments received.

Groundwater Quality

Ten on-site wastewater treatment systems exist on the Project Site. Each of these systems service different areas and facilities on the campuses. These wastewater systems consist of septic tanks, distribution boxes, leach fields, and/or seepage pits. A typical septic system consists of one septic tank connected to several seepage pits. According to the 2011 Campus Improvement Project Draft EIR ("CIP Draft EIR") prepared for the Malibu Middle School and High School campus, the average wastewater flow while the school ~~is~~ was in session was estimated to average about 15,000 gallons per day (gpd), with a maximum flow rate of 20,000 gpd. These systems are composed of pipelines to convey wastewater to tanks that discharge to seepage pits. A survey of

existing pits showed several deficiencies and identified remediation. As a result of the survey, several of the existing seepage pits had their bottoms "raised" by filling in the lower reaches of the pits with a backfill of slurry concrete to meet the requirements for at least 10 feet of separation between the bottom of the seepage pits and depth to groundwater (depth of separation). ~~The percolation rate for seepage pits was measured to range from 37 to 15,670 gpd (SMMUSD 2011).~~

In late 2012, the Los Angeles Regional Water Quality Control Board reviewed the existing wastewater system and issued Water Quality Order No. 97-10-DWQ for the discharge of waste to land at Malibu High School, Malibu Middle School, and Juan Cabrillo Elementary School (JCES). (File No. 08-168, Order no 97-10-DWQ, Series No. 053, CI 9744). This is a general WDR that is used for projects that discharge to land less than 20,000 gallons per day. This WDR remains in effect today.

The OWTSs have historically shown an ability to adequately accept and treat the wastewater flows and protect water quality. This ability to adequately treat the wastewater in the subsurface is demonstrated in the groundwater testing quarterly and annual monitoring reports. These monitoring reports have been submitted pursuant to the ongoing groundwater monitoring program specified in the WDR with the Regional Water Quality Control Board. Below is a list of effluent limits for this facility:

pH : 6.5 to 8.5 pH units

Total Coliform: The median total coliform density shall not exceed 70 per 100 ml, and not more than 10 percent of the samples shall exceed 230 per 100 mi.

Fecal Coliform Limits: For 30-day geometric mean, fecal coliform density shall not exceed 200 per 100 mi. For single sample maximum, fecal coliform density shall not exceed 400 per 100 mi.

Enterococcus Limits: For 30-day geometric mean, enterococcus density shall not exceed 35per 100 mi. For single sample maximum, enterococcus density shall not exceed 104 per 100 mi.

Ammonia-N Limits: Daily maximum ammonia-N shall not exceed 2.4 milligrams per liter (mg/L).

~~Effluent concentrations for seven tanks were measured and ammonia was 32.5 to 118 mg/L.~~ The annual report for 2020 is available and shows general compliance with the waste discharge requirements issued by the Waterboard to protect water quality. There have been some upgradient and down gradient high-test results but overall the trend shows compliance with the effluent limits given to protect the water quality of the state. No untreated chemicals from science labs, water softener regeneration brines, excessive cleaning chemicals or other nonstandard school operations are discharged to the OWTSs. ~~Groundwater sampling was conducted in 2009 as part of the CIP Draft EIR. Results of the monitoring studies did not show any definite trends of wastewater effluent on groundwater quality. However, because the OWTSs have been in operation over 30 years and the total coliforms measurements ranged from 70 to 1,200 colonies per 100 milliliters, contamination of the shallow groundwater by the existing OWTSs cannot be eliminated.~~

In accordance with the State Water Resources Control Board (SWRCB) Resolution No. 88-63 (Sources of Drinking Water) followed by LARWQCB Resolution No. 89-03 (Incorporation of Sources of Drinking Water

Policy into the Water Quality Control Plans (Basin Plans), all surface and ground waters of the state are considered suitable, or potentially suitable, for municipal or domestic water supply. Concentrations of barium, chromium, lead, and selenium exceeded the drinking water standard in one well; cadmium and nickel in two wells; and molybdenum in all eleven wells. Wells with the highest concentrations of metals and nitrogen compounds were located just up-gradient and down-gradient of OWTS number 4-. If groundwater flow is not from the northeast to the southwest and/or the fault zone affects groundwater flow across the Project Site, monitoring wells would not capture true effects of the OWTSs on groundwater quality. Additionally, some up-gradient monitoring wells were located very close to the OWTSs and could have been affected by effluent, thereby limiting their use in determining OWTS effects on groundwater quality.

~~The receiving water limitations include less than 1.1 MPN/100 mL total coliforms, fecal coliforms, and enterococcus; no more than 10 mg/L total- and nitrate-nitrogen; more than 250 mg/L sulfate; and pH 6.5 to 8.5. The receiving water for these criteria is the groundwater within 50 feet of the furthest extent of the disposal area or the property boundary, whichever is less. Currently, the OWTSs do not meet the total coliforms criteria. Compliance with the fecal coliforms, sulfate, and pH WDR criteria is unknown. Existing systems comply with the nitrate-nitrogen criteria (SMMUSD 2011).~~

Page 5.9-36, Section 5.9.1.2, *Existing Conditions*, is hereby modified based on comments received.

Infiltration

A percolation test was conducted as part of the Geotechnical Exploration Report (contained in Appendix H to this DEIR), which found that measured infiltration rate to be 0.01 inch per hour tested at 10 to 15 feet below ground surface. Based on the results of the percolation test performed and the low permeability clay soil that underlies the site, infiltration is not considered feasible according to County requirements.

Leighton Consulting Inc performed seepage pit percolation testing and prepared a percolation testing report dated October 1st, 2021. Based on the results of the seepage pit percolation test performed at depth, infiltration is considered feasible according to County requirements to be used as seepage pits.

Dense sand found in several borings are cemented with iron oxide which decreases pore space between particles. As with other areas on this campus these sand zones have been determined to be limited in area representing channelization into the sediments as sea levels lowered over time. Infiltration into these channels may result in seepage downslope and off-site. The Project Site is predominately underlain by expansive clay (lean and fat), infiltration of stormwater may mound due to shallow bedrock and laterally migrate along clay beds or along bedrock contact activating expansive clay (Leighton 2021).

3. Revisions to the Draft EIR

Page 5.9-41, Impact 5.9-1, is hereby modified based on comments received.

Septic Upgrades

The Proposed Project would require decommissioning of existing septic systems and sizing and replacement with new ~~septic system infrastructure~~ OWTS. The decommissioning and installation of new ~~septic systems~~ OWTS would comply with all applicable state and local guidelines, including the Los Angeles County Department of Public Health and MMC. Chapter 15.40 of the MMC establishes standards for the siting, design, installation, operation, and maintenance of OWTS, which are adopted in compliance with the City's LCP and LIP to protect the overall quality of coastal waters and resources in the City and consistent with California Water Resources Control Board OWTS Policy and Los Angeles Regional Water Quality Control Board's Basin Plan. These standards apply to all existing, new, or replacement OWTS in the City. Additionally, plans for the on-site wastewater system would be submitted for review and approval by the County Department of Public Health (LADPH 2018). Compliance with regulatory requirements would ensure that no potential sewage or related contaminants are released from this activity.

The Proposed Project would include adequate infrastructure to serve the Project Site, including the reconfiguration of existing ~~septic systems~~ OWTS. The Project Site currently has 10 on-site waste treatment systems on the former JCES and MMHS campuses. As described in Section 5.15, *Utilities and Services Systems*, of this DEIR, the Proposed Project would ~~remove septic systems 6 through 11 and would include the addition of five septic~~ remove and/or replace several OWTS ~~systems~~ that would be developed under the Proposed Project. Each proposed ~~septic~~ OWTS ~~system~~ would include an appropriately ~~sized two compartment fiberglass septic tank~~ treatment tank directed to disposal. The location of the ~~septic tanks~~ OWTS and associated ~~leach field~~ disposal would be reviewed as part of each phase. However, ~~the Proposed Project~~ each OWTS would be designed and sited to avoid impacts to the ESHA, as all ~~septic systems~~ OWTS would be located more than 100 feet from the ESHA.

Decommissioning and modifications of the existing septic systems, and the addition of the replacement infrastructure would not be anticipated to disrupt service on the Project Site. Modifications to the wastewater and drainage system would have the capacity to adequately serve the Project Site during all phases of the Proposed Project, and Project-generated wastewater would be adequately treated. Therefore, the ~~septic system~~ OWTS upgrades would not violate any water quality standard or waste discharge requirements and would not substantially degrade surface or ground water quality; a **less than significant impact** would occur.

Page 5.9-46, Impact 5.9-5, is hereby modified based on comments received.

Operation

The Proposed Project would increase impervious surfaces on the Project Site compared to existing conditions and would implement a stormwater system on-site that would alter the existing drainage pattern on the Project Site. As discussed under Impact 5.9-3, the Proposed Project would have a stormwater drainage system on-site, which would include stormwater retention basins that would be developed to infiltrate and treat runoff from the Proposed Project consistent with MCC § 13.04.120 requirement of either an 85 percentile 24-hour runoff

event or the volume of runoff produced from a three-quarter inch, 24-hour rain event, whichever is greater. The Proposed Project would adhere to a WQMP and SWPPP prepared for the operation of the Proposed Project, which would incorporate best management practices. As such, stormwater entering the ESHA and storm drains on Morning View Drive would be treated. Each phase of the Proposed Project would be required to comply with the standards and requirements of MCC § 13.04.120 for all of its phases by designing a system to satisfy the standards and requirement for the entire site during the first phase and implementing these standards and requirement for each phase of development or redevelopment of the site during the first phase or prior to commencement of construction of a later phase to the extent necessary to treat the stormwater from such later phase. Additionally, in compliance with SUSMP requirements, the Proposed Project's on-site stormwater drainage system would be designed to adequately store and convey stormwater runoff from the Project Site and there would be no net increase in stormwater runoff to the off-site storm drain system.

Further, the Proposed Project is a school project and would include potential sources of pollution typical of school uses, such as chemicals used for educational purposes; oils, gasoline, chlorine, paints, and solvents for ongoing maintenance of the campus and buses, and pesticides and fertilizers landscaping on-site. These potential materials would be stored and handling in accordance with manufacturer specifications and is not expected to generate substantial new sources of pollution (see Chapter 5.8, *Hazards and Hazardous Materials*).

Additionally, the operation and use of the new ~~septic systems~~ OWTS on-site would comply with the City and County's requirements and procedures for septic systems and OWTS. Compliance with local and state requirements would ensure that on-site ~~septic systems~~ OWTS would not generate pollution which could enter stormwater runoff.

Therefore, compliance with federal, state, and local regulations and implementation of best management practices would ensure that the Proposed Project would not alter existing drainage patterns in a manner that would result in substantial additional sources of polluted runoff during operation. A **less than significant impact** related to substantial additional sources of polluted runoff would occur during the operation of the Proposed Project.

Page 5.15-20, Impact 5.15-3, is hereby modified based on comments received.

The Proposed Project would include adequate infrastructure to serve the Project Site, including the reconfiguration of existing septic systems. The Project Site currently has 10 onsite waste treatment systems on the former JCES and MMHS campuses. As shown in Figure 5.15-1, *Wastewater Phasing Plan*, the Proposed Project would result in 7 total septic systems. The Proposed Project would remove septic systems 6 through 11 and would add five septic systems that would be developed under the Proposed Project in the ~~following~~ locations listed below. Additionally, the District would work closely with the City and the Los Angeles Regional Water Quality Control Board to determine the need for additional onsite treatment. If additional onsite treatment were required, a new wastewater treatment plant designed for secondary treatment capabilities would be installed at an appropriate location within the Project Site (likely in a parking lot location), adhering to setback requirements identified Table 15.42.030 in Malibu Municipal Code Chapter 15.42.030 (E).

Septic System 1.1 would be under the proposed Parking Lot B (currently Parking Lot D). The tank and seepage pits would remain as is but total flow to this system would be modified.

Septic System 2.1 would be near Building D and serve Building D. The tank and seepage pits would be new and would replace the old system 5.0, which would be removed.

Septic System 3.1 would be to the west of Building A/B. The tank and seepage pits would remain as is but total flow to this system would be modified.

Septic System 4.1 would be under Parking Lot C and serve the Theatre and Performing Arts Buildings. The tank and seepage pits would be new and would replace old system 4.0, which would be removed.

Septic System 5.1 would be adjacent to the Malibu Equestrian Park and would serve the bus barn. The tank and seepage pits would be new and would replace old system 11.0, which would be removed.

Septic System 6.1 would be near the Malibu Middle School Hard Courts and serve Buildings J, L, and M. The tank and seepage pits would be new and would replace the old system 6.0, which would be removed.

Septic System 7.1 would be east of the Malibu High School Building (building C) and serve Malibu High School. The tank and seepage pits would be new and would replace old systems 7.0, 8.0, 9.0, and 10.0, which would be removed.

Proposed septic systems would include an appropriately sized, two-compartment, fiberglass septic tank. The location of the septic tanks ~~and~~ associated leach fields, and potential treatment plant, would be reviewed as part of each phase. However, the proposed septic systems would be designed and sited to avoid impacts to the ESHA, and all septic systems would be more than 100 feet from the ESHA.

Decommissioning and modifications of the existing septic systems and the addition of the replacement infrastructure would not be anticipated to disrupt service on the Project Site. Modifications to the wastewater and drainage system would have the capacity to adequately serve the Project Site during all phases of the Proposed Project, and Project-generated wastewater would be adequately treated. Therefore, impacts would be **less than significant**.

Page 5.15-21, Impact 5.15-3, is hereby modified based on comments received.

It is anticipated that these items above will meet City of Malibu and Waterboard Requirements. If it is determined during permitting phase that higher level of treatment is required, the site could accommodate treatment that would meet the treatment required by City of Malibu or the Waterboard.

Proposed septic systems would include an appropriately sized, two-compartment, fiberglass septic tank. The location of the septic tanks and associated leach fields would be reviewed as part of each phase. However, the proposed septic systems would be designed and sited to avoid impacts to the ESHA, and all septic systems would be more than 100 feet from the ESHA.

Decommissioning and modifications of the existing septic systems and the addition of the replacement infrastructure would not be anticipated to disrupt service on the Project Site. Modifications to the wastewater and drainage system would have the capacity to adequately serve the Project Site during all phases of the Proposed Project, and Project-generated wastewater would be adequately treated. Therefore, impacts would be **less than significant**.

3.2 FIGURE CHANGES

The following appendices were revised or added after publication of the Draft EIR and are included below:

Figure 3-9 (a). Proposed Elevations **[New]**

Figure 3-9 (b). Proposed Elevations **[New]**

Figure 5.1-3 (b). Local Coastal Program Park Lands Map **[New]**

Figure 5.1-4. Daytime and Nighttime Public Viewing Point Locations **[Revised]**

Figure 5.1.5f. Daytime Public Viewing Points A-D **[New]**

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3. Revisions to the Draft EIR

Figure 3-9(a). Proposed Elevations [New]

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3. Revisions to the Draft EIR

Figure 3-9(b). Proposed Elevations [New]

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3. Revisions to the Draft EIR

Figure 5.1-3(b). Local Coastal Program Park Lands Map [New]

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3. Revisions to the Draft EIR

Figure 5.1-4. Daytime and Nighttime Public Viewing Point Locations [Revised]

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3. Revisions to the Draft EIR

Figure 5.1.5f. Daytime Public Viewing Points A-D [New]

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3.3 APPENDIX CHANGES

The following Draft EIR appendices have been revised or are new:

APPENDIX 1 ESHA Restoration Plan **[New]**

APPENDIX 2 Phase 1 Photometric Study **[New]**

APPENDIX 3 Supplemental Transportation Analysis **[Revised]**

APPENDIX 4 Revised Geotechnical Investigation Report **[Revised]**

APPENDIX 5 Revised Biological Resources Assessment **[Revised]**

APPENDIX 6 Revised Malibu Middle and High School Campus Specific Plan **[Revised]**

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4. References

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Appendix 1 ESHA Restoration Plan

Appendices

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Appendix 2 Phase 1 Photometric Study

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Appendix 3 Supplemental Transportation Analysis

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Appendix 4 Revised Geotechnical Investigation Report

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Appendix 5 Revised Biological Resources Assessment

Appendices

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Appendix 6 Revised Malibu Middle and High School Campus Specific Plan

Appendices

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