City of Malibu

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January 13, 2022

Santa Monica-Malibu Unified School District
ATTN: Board of Education
1651 16th St., Santa Monica, CA

RE: FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MALIBU MIDDLE AND HIGH SCHOOL SPECIFIC PLAN

Dear Board of Education Members:

The City of Malibu respectfully requests the Board of Education to postpone certification of the Final Environmental Impact Report ("FEIR") until we've had an opportunity to thoroughly review Santa Monica-Malibu Unified School District's ("SMMUSD's") responses to our comments on the Draft Environmental Impact Report ("DEIR"). As evidenced in our attached comment letter dated November 29, 2021, the City identified several areas of the DEIR where the analysis was deficient. The City was made aware of the FEIR on January 10, 2022 and has not had sufficient time to assess the adequacy of the responses. However, after conducting a cursory review of SMMUSD's responses to our comments, most of concerns remain unresolved.

The Malibu Middle and High School Specific Plan and the required coastal development permit application for Phase 1 of the specific plan were submitted to the City of Malibu on December 17, 2021. As mentioned in our comment letter, the City intends to rely on the certified EIR to process the coastal development permits for each phase of the specific plan. Failure to address the City's comments before the FEIR is certified by the Board of Education will likely require preparation of a supplemental EIR at a later time which will incur delays and additional expenses for this project.

The City continues to look forward to working with SMMUSD to minimize significant impacts while streamlining the development and environmental review of this project.

Sincerely,

Digitally signed by
Richard Mollica
Date: 2022.01.13
17:53:22 -08'00'

Richard Mollica
Planning Director

cc: Steve McClary, Interim City Manager

Enclosure: City of Malibu Comments on the DEIR for the Malibu Middle and Hih School Specific Plan, dated November 29, 2021

From:	Raneika Brooks
To:	Upton, Carey (cupton@smmusd.org)
Cc:	Richard Mollica
Subject:	Malibu Middle and High School Draft EIR
Date:	Monday, November 29, 2021 4:49:16 PM
Attachments:	City of Malibu DEIR Comments - Malibu Middle and High School Specific Plan.pdf

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Good afternoon Carey,

Thank you for the opportunity to review the draft EIR for the Malibu Middle and High School Specific Plan. Attached are comments from the City of Malibu. Please do not hesitate to let me know if you have any questions or have difficulty accessing the attached document.

Best,

Raneika K. Brooks
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November 29, 2021

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.

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.

   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,

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.

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.

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.

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?

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:

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

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.

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.

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."

   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?

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.

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.

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.

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

measures for SMMUSD to implement to minimize aesthetic impacts. Given the nature of the impacts, these measures need to be mandatory.

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

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.

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.

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

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.

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.

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.

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

1.6.1 GEOLOGY AND SOILS

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.

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.

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.

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."

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.

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

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.

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).

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…"

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.

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

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.")

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.

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.

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

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.

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.*"

    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.

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.

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.

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.

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.

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,

Richard Mollica
Planning Director

cc: Steve McClary, Acting City Manager

From: Upton, Carey
To: Raneika Brooks
Subject: Read: Malibu Middle and High School Draft EIR
Date: Monday, November 29, 2021 4:55:36 PM

Your message
To: Upton, Carey
Subject: Malibu Middle and High School Draft EIR
Sent: Monday, November 29, 2021 4:47:55 PM (UTC-08:00) Pacific Time (US & Canada)
was read on Monday, November 29, 2021 4:54:55 PM (UTC-08:00) Pacific Time (US & Canada).