

**CEQA FINDINGS OF FACT  
REGARDING THE  
FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE  
MALIBU MIDDLE AND HIGH SCHOOL CAMPUS SPECIFIC PLAN PROJECT  
STATE CLEARINGHOUSE NO. 2020080350**

**Exhibit A**

**I. BACKGROUND**

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to sections 15091 and 15093 of the CEQA Guidelines and section 21081 of the Public Resources Code. This document provides the findings required by CEQA and the specific reasons for considering the project acceptable even though the project has significant impacts that are infeasible to mitigate.

The lead agency is responsible for the adequacy and objectivity of the EIR. The Santa Monica-Malibu Unified School District (SMMUSD or District), as lead agency, has subjected the Draft EIR (DEIR) and Final EIR (FEIR) to the agency's own independent review and analysis.

**A. PROJECT LOCATION**

The District's property is located at 30215 Morning View Drive (Assessor's Parcel Map Numbers (APN) 4469-017-900, 4469-018-900, 4469-018-901, 4469-018-902, 4469-018-903, 4469-018-904, 4469-019-900, 4469-019-901, 4469-019-902) in the city of Malibu, Los Angeles County, California. The SMMUSD property consists of approximately 87 acres over nine parcels that includes the existing Malibu Equestrian Park in the eastern part of the property, the existing Malibu Middle and High School (MMHS) campus in the center, and the former Juan Cabrillo Elementary School (JCES) campus in the west (Project Site). The Project Site is situated on three of nine parcels: APN 4469-017-900 (40.06 acres), 4469-018-900 (9.4 acres), and 4459-018-904 (2.57 acres). The total acreage of the Project Site is 52.03 acres. The majority of the MMHS Campus Specific Plan Project (Proposed Project) would be developed within the existing MMHS campus and the former JCES campus, with one component of the Proposed Project in the Malibu Equestrian Park. The Project Site is set amid rolling hills, and its buildings and athletic fields are terraced into the hillside setting. The Project Site is in the City of Malibu Institutional (I) Zoning District that authorizes public educational institutions with a conditional use permit.

The Project Site is approximately 0.25-mile northeast of the Pacific Coast Highway (PCH) 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. Single-family homes border the Project Site to the north.

**B. PROJECT SUMMARY**

The Proposed Project would redevelop and modernize the existing MMHS campus and former JCES campus to create generally three separate and distinct areas: Middle School Core, High School Core, and shared facilities. Implementation of the Proposed Project would result 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 25-meter lighted, outdoor pool complex would be demolished, and new 50-meter lighted, outdoor pool complex would be developed. The existing Building E and Buildings A/B at the Project Site would remain, and all other structures would be removed (see Figure 3-4, *Proposed Site Plan*). No changes to the existing main football/track sports field, baseball, or softball fields would be made with the exception of minor improvements, including the development of new field houses and additional parking adjacent to the softball field. The Proposed Project would relocate the existing on-campus Bus Barn to a disturbed location on the adjacent, District-owned Malibu Equestrian Park. It would also include restoration in the campus-adjacent Environmentally Sensitive Habitat Area (ESHA) and establishment of a new trail along the ESHA that would connect to the existing, larger trail network around the campus. As shown in Table 3-2, *Summary of Total Development*, the Proposed Project would result in 32 classrooms, 8 labs and maker spaces, and support spaces—a total of 173,595 square feet of building space, providing the middle/high school campus with a total of 51 classrooms and 12 labs and a total of 222,425 square feet of building space.

### **C. ENVIRONMENTAL REVIEW PROCESS**

In conformance with CEQA and the CEQA Guidelines, the District conducted an extensive environmental review of the Proposed Project. The environmental review process has included:

- Completion of an Initial Study (IS)/Notice of Preparation (NOP) on August 20, 2020. The public review period extended from August 20, 2020 to September 21, 2020. Copies of the IS were made available for public review at the Santa Monica-Malibu Unified School District Office and MMHS.
- Completion of the scoping process where the public was invited by the District to participate in a scoping meeting held virtually on September 9, 2020, due to current orders and guidance to minimize the spread of COVID-19. The notice of a public scoping meeting was included in the NOP.
- Preparation of a DEIR and supporting technical appendices, which was made available for a 45-day public review period beginning October 15, 2021 and ending September 29, 2021. The scope of the DEIR was determined based on the IS/NOP, comments received in response to the NOP, and comments received at the scoping meeting conducted by the SMMUSD. Section 2.3, *Scope of this DEIR*, of the DEIR describes the issues identified for analysis in the DEIR. In compliance with sections 15085(a) and 15087(a)(1) of the CEQA Guidelines, the SMMUSD, serving as the Lead Agency, has published a Notice of Completion (NOC) and Notice of Availability (NOA) of the DEIR, which indicates that the DEIR and all associated technical appendices can be viewed at the following locations:
  - Santa Monica–Malibu Unified School District, 1651 16th Street, Santa Monica, CA 90404
  - Malibu Middle and High School Administrative 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 SMMUSD website <https://www.smmusd.org/cms/lib/CA50000164/Centricity/Domain/4188/Malibu-HS/DEIR0921.pdf> and the City of Malibu website ([www.malibucity.org](http://www.malibucity.org)).

The NOC and NOA were transmitted to the State Clearinghouse and County Clerk and were distributed to all property owners within 500 feet of the Project Site and/or those who have previously requested such notice.

- A public informational meeting was held on November 2, 2021 to present an overview of the CEQA process, the project description, and the conclusions in the DEIR. The meeting was conducted in-person at the Former JCES Campus Multipurpose Room and virtually due to COVID-19. Attendees were given the option to present verbal and written comments during the meeting.
- Preparation of a Final EIR (FEIR), including the Responses to Comments to the DEIR, the Findings of Fact, Mitigation Monitoring and Reporting Plan (MMRP), and the Statement of Overriding Considerations. The FEIR/Response to Comments contains comments on the DEIR and responses to those comments.
- The FEIR was posted to the SMMUSD website on December 28, 2021 (INSERT LINK). A 10-day notification of the FEIR was sent to commenting agencies electronically on that same day.
- A public hearing on the Proposed Project and the FEIR was held before the Santa Monica-Malibu Unified School District Board of Education on January 13, 2022.

#### **D. RECORD OF PROCEEDINGS**

For purposes of CEQA and these Findings, the Record of Proceedings the Proposed Project includes, but is not limited to, the following documents and other evidence:

- The NOP, NOA, and all other public notices issued by the District in conjunction with the Proposed Project.
- The DEIR and FEIR for the Proposed Project.
- All timely written comments submitted by agencies or members of the public during the public review comment period on the DEIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR.
- All timely written and verbal public testimony presented during a noticed public hearing for the Proposed Project.
- The Mitigation Monitoring and Reporting Program.
- The reports and technical memoranda included or referenced in the DEIR and FEIR.

- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and FEIR.
- The Resolutions adopted by the District’s Board of Education in connection with the Proposed Project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the District, including but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings.
- The District’s file for the Proposed Project.

**E. CUSTODIAN AND LOCATION OF RECORDS**

The documents and other materials that constitute the administrative record for the District's actions related to the Proposed Project are at the following locations:

- Santa Monica–Malibu Unified School District, 1651 16th Street, Santa Monica, CA 90404
- Malibu Middle and High School Administration Offices, 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

The District is the custodian of the administrative record for the Proposed Project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the District.

Santa Monica-Malibu Unified School District  
 Attn: Carey Upton - FIP Department  
 1651 16th Street  
 Santa Monica, California 90404  
 cupton@smmusd.org

This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

**II. FINDINGS AND FACTS AND OVERRIDING CONSIDERATIONS**

The District, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the DEIR and FEIR.

Specifically, regarding findings, CEQA Guidelines section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings

for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
  2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in section 15091(a)(1) may include a wide variety of measures or actions as set forth in CEQA Guidelines section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

## **A. FORMAT**

This section summarizes the significant environmental impacts of the Proposed Project, describes how these impacts are to be mitigated, and discusses various alternatives to the Proposed Project, which were developed in an effort to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

The remainder of this section is divided into the following subsections:

**Section B, Summary of Environmental Impacts**, presents the summary of impacts of the Proposed Project.

**Section C, Findings on Impacts Determined to Be Less Than Significant**, presents the impacts of the Proposed Project that were determined in the DEIR to be less than significant without the addition of mitigation measures and presents the rationales for these determinations.

**Section D, Findings on Impacts Mitigated to Less Than Significant**, presents significant impacts of the Proposed Project that were identified in the FEIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.

**Section E, Findings on Significant Unavoidable Impacts**, presents significant impacts of the Proposed Project that were identified in the FEIR, the mitigation measures identified in the Mitigation Monitoring Program, the findings for significant impacts, and the rationales for the findings.

**Section F, Findings on Project Alternatives**, presents alternatives to the Proposed Project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.

## **B. SUMMARY OF ENVIRONMENTAL IMPACTS**

The following is a summary of the environmental topics considered in the Initial Study to have no impact, a less than significant impact, a less than significant impact with incorporation of mitigation measures, and a significant and unavoidable impact.

It should be noted that topics identified as significant and unavoidable contain individual impacts that would be less than significant or less than significant with mitigation.

### **Less than Significant Impact (Before Mitigation) or No Impact**

- Aesthetics)
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Recreation
- Transportation
- Utilities and Service System
- Wildfire

### **Less Than Significant Impact with Mitigation Incorporated**

- Air Quality
  - Construction-related pollutants
- Biological Resources
  - Impact to sensitive species
  - Loss of sensitive habitat types
  - Impact approximately 0.033 acres of USACE, RWQCB and CDFW Jurisdiction
  - Require compliance with the local tree ordinance
- Cultural Resources
  - Impacts on archaeological resources
- Geology and Soils
  - Hazards arising from off-site landslide, lateral spreading, subsidence, collapsible soils, or expansive soils
  - Impact to paleontological resources or unique geologic feature
- Noise
  - Permanent operation-related noise
- Transportation
  - Potentially hazardous conditions and potential conflicting uses
- Wildfire
  - Exacerbate wildfire risks
  - Exposure to risks, including downslope or downstream flooding or landslides

## **Significant and Unavoidable Impact**

- Aesthetics
  - Additional light and Glare
- Noise
  - Construction-generated noise

### **C. FINDINGS ON IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT**

#### **Initial Study**

An IS was prepared by the District to identify the potential significant effects of the Proposed Project. The Initial Study was completed and distributed with the NOP for the Proposed Project, dated August 20, 2020. The IS determined that the Proposed Project would have no impact or less than significant impacts to the following topics: Agriculture and Forestry Resources, Population and Housing, Mineral Resources, and Tribal Cultural Resources. All other topical areas of evaluation included in the Environmental Checklist were determined to require further assessment in an EIR.

#### **DEIR**

It was determined that several potential environmental effects would not result from the Proposed Project or would result but would not have a significant impact on the environment. This determination was made based on the findings of the DEIR prepared for the Proposed Project. The following summary briefly describes those environmental topics that were found not to be significant with implementation of existing regulations, as detailed in each respective topical section of Chapter 5 of the DEIR.

#### **1. Aesthetics**

##### **Impact 5.1-1: The Proposed Project would not have a substantial adverse effect on a scenic vista.**

Support for this environmental impact conclusion is fully discussed starting on page 5.1-57 of Section 5.1, *Aesthetics* of the DEIR and contained within Responses to Comment Letters A5 (see A5-7 and A5-8).

The Project Site is not located in the viewshed of a designated vista point. The nearest vista point recognized in the City of Malibu's General Plan Conservation Element is the Point Dume Vista Point, which does not afford views of the Project Site or surrounding neighborhood. Other protected scenic vistas in the City of Malibu include views of the Pacific Ocean and other scenic areas from public viewing areas, which include public roads, trails, parklands, and beaches, considered to be public viewing areas. Public viewing areas in the vicinity of the Project Site include nearby roads and trails, including Morning View Drive (also a designated trail), Merritt Drive, Busch Drive and Pathway (a roadway and designated trail), Clover Heights Avenue, and nearby trails including the Equestrian School Trail (located on the Project Site), and Busch Pathway.

Views afforded from public viewing areas, located in elevations equal to or greater than the Project Site and to the north and east, which excludes Morning View Drive (because it is at the base of the slope and bound by development), consists mostly of rolling hills, ridgelines, vegetation, structures, and panoramic views of the Pacific Ocean and the Santa Monica Mountains, in the horizon. Distant ridgelines, mountains, and the Pacific Ocean typically dominate views. Partial views of the developed campus on the Project Site are available from a number of public viewing areas to the north of the Project Site that offer scenic vistas of the Pacific Ocean and mountains.

Views of the Pacific Ocean, mountains, and other scenic features such as ridges, hillsides, and vegetation would continue to be widely available from all selected public viewing points, consistent with section 30251 of the CCA, which requires that all new development be sited to preserve views of scenic resources.

The Proposed Project would adhere to design standards of the MMHS Campus Site Design Guidelines to incorporate colors and exterior materials that are compatible with the surrounding landscape. For instance, furnishings and fixtures would be incorporate natural tones and features such as seating terraced into the hillside, built-in wooden benches, boulder-shaped seating; hardscape materials would include accent paving, natural tones; walls and fencing would include materials that relate to the architectural form of the proposed Campus; signage would use topography, materials, and form to adapt to the conditions on the Project Site; landscape design would incorporate native or locally adapted drought-tolerant species to play a functional role such as framing views. With compliance to applicable policies of the LUP, development of the Proposed Project would not degrade or obstruct scenic vistas available from public viewing areas. In addition, construction of the Proposed Project would not significantly obstruct or otherwise degrade scenic vistas, that consist of views of scenic resources, including the ocean, mountains, ridges, hills, and vegetation from public viewing areas.

### **Finding:**

Impacts to scenic vista would be less than significant and no mitigation measures are necessary.

### **Impact 5.1-2: The Proposed Project would not alter scenic resources within a state scenic highway.**

Support for this environmental impact conclusion is fully discussed starting on page 5.1-71 of Section 5.1, *Aesthetics* of the DEIR.

The Project Site is not within the viewshed or corridor of a state-designated scenic highway. The only road in Malibu that has been officially designated as an eligible scenic highway by Caltrans is PCH, located 0.25-mile southwest of the Project Site. Although primary access to Morning View Drive is from PCH, no views of the developed portions of the Project Site are available from PCH because of the presence of low bluffs and hillsides that screen views into the canyon. Signage for the school is positioned on Morning View Drive at PCH and would remain with implementation of the Proposed Project. Morning View Drive has been designated by the City of Malibu as a neighborhood trail but has not been classified as a scenic highway and is not subject to regulations and policies relating to scenic highways.

No scenic resources, as defined by the City of Malibu's General Plan Conservation Element, are located on or near to the Project Site. As such, the Proposed Project does not have the potential to substantially

damage a scenic resource within the viewshed of a State-designated scenic highway, or any other identified scenic resource.

**Finding:**

No impacts to scenic resources within a state scenic highway would occur and no mitigation measures are necessary.

**Impact 5.1-3: The Proposed Project would not substantially degrade the existing visual character or quality of public views of the Project Site and its surroundings.**

Support for this environmental impact conclusion is fully discussed starting on page 5.1-71 of Section 5.1, *Aesthetics* of the DEIR and contained within Responses to Comment Letter A5 (see A5-7 and A5-8).

The existing visual character of the Project Site is of a school campus in a rural residential neighborhood. Existing development on campus is on several split-level building pads in order to retain the natural topography of the area. The distribution of existing development along the hillside and complementary design elements, such as brick façades and blue trims and accents, coupled with the abundance of vegetation both native and non-native, and the scenic resources on the Project Site and surrounding areas contribute to a high visual quality on and around the Project Site. Development on campus is most visible from Morning View Drive, where the main entrance to campus is located. As such, changes in the visual character of the campus would be most evident from the perspective of Morning View Drive. Views of the campus from other nearby vantage points consist primarily of building outlines and rooftops.

As the Project Site is already developed with campus uses along Morning View Drive, the redevelopment of existing buildings and parking lots with new buildings of similar use in approximately the same location would not result in a substantial change in the visual character of the area. While the building heights would exceed the maximum permitted height of 28 feet above grade, the new buildings would conform to the slopes and would be terraced like the existing topography, in order to integrate the buildings with the landscape.

Development of the Proposed Project would be subject to the policies contained in the City of Malibu's LUP. Compliance with these policies, as listed above, would ensure that implementation of the Proposed Project would not result in the significant degradation of the visual character and quality of the Project Site and surrounding area.

**Finding:**

Impacts to the existing visual character or quality of public views of the Project Site and its surroundings would be less than significant and no mitigation measures are necessary.

## 2. Air Quality

### **Impact 5.2-1: The Proposed Project would be consistent with the applicable air quality management plan.**

Support for this environmental impact conclusion is fully discussed starting on page 5.2-27 of Section 5.2, *Air Quality* of the DEIR.

Changes in population, housing, or employment growth projections have the potential to affect SCAG's demographic projections and therefore the assumptions in South Coast AQMD's AQMP. Based on the scope and nature of the Proposed Project in that student capacity, staffing, and community event use would not increase, the Proposed Project would not substantially affect housing, employment, or population projections within the region. Finally, the long-term emissions generated by the Proposed Project would not produce criteria air pollutants that exceed the South Coast AQMD significance thresholds for Proposed Project operations (see Impact 5.2-3). South Coast AQMD's significance thresholds identify whether a project has the potential to cumulatively contribute to the SoCAB's nonattainment designations. Because the Proposed Project would not exceed the South Coast AQMD's regional significance thresholds (see Impact 5.2-2 and Impact 5.2-3) and growth is consistent with regional growth projections, the Proposed Project would not interfere with South Coast AQMD's ability to achieve the long-term air quality goals identified in the AQMP. Therefore, the Proposed Project would be consistent with the AQMP, and impacts would be less than significant.

#### **Finding:**

Impacts to applicable air quality management plans would be less than significant and no mitigation measures are necessary.

### **Impact 5.2-2: Construction activities associated with the Proposed Project would not generate short-term emissions in exceedance of South Coast AQMD's threshold criteria.**

Support for this environmental impact conclusion is fully discussed starting on page 5.2-28 of Section 5.2, *Air Quality* of the DEIR.

Construction of the Proposed Project would generate criteria air pollutants associated with construction equipment exhaust and fugitive dust from demolition and debris haul, grading and soil haul, utilities trenching, building construction, architectural coating, pavement of asphalt and non-asphalt surfaces, and finishing and landscaping of the site. Air pollutant emissions from construction activities on-site would vary daily as construction activity levels change.

The SoCAB is designated nonattainment for O<sub>3</sub> and PM<sub>2.5</sub> under the California and National AAQS, nonattainment for PM<sub>10</sub> under the California AAQS, and nonattainment for lead (Los Angeles County only) under the National AAQS. According to South Coast AQMD methodology, any project that does not exceed or can be mitigated to less than the daily threshold values would not add significantly to a cumulative impact (South Coast AQMD 1993). The maximum daily emissions for VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from construction-related activities for Phase 1 and Phases 2 through 4 would be less than their respective South Coast AQMD regional significance threshold values.

Therefore, short-term air quality impacts from Proposed Project-related construction activities would be less than significant.

**Finding:**

Short-term construction-related impacts to air quality would be less than significant and no mitigation measures are necessary.

**Impact 5.2-3: Long-term operation of the Proposed Project would not generate additional vehicle trips and associated emissions in exceedance of South Coast AQMD's threshold criteria.**

Support for this environmental impact conclusion is fully discussed starting on page 5.2-30 of Section 5.2, *Air Quality* of the DEIR.

Following full buildout of the four phases of the Proposed Project, operation would generate a net increase in criteria air pollutant emissions from area sources (e.g., landscaping equipment, architectural coating) and energy (i.e., natural gas used for heating and cooking). The maximum daily operation emissions would be less than their respective South Coast AQMD regional significance threshold values. Projects that do not exceed the South Coast AQMD regional significance thresholds would not result in an incremental increase in health impacts in the SoCAB from Project-related increases in criteria air pollutants. Therefore, impacts to the regional air quality associated with operation of the Proposed Project would be less than significant.

**Finding:**

Long-term construction-related impacts to air quality would be less than significant and no mitigation measures are necessary.

**Impact 5.2-5: The Proposed Project would not expose sensitive receptors to substantial pollutant concentrations during operation.**

Support for this environmental impact conclusion is fully discussed starting on page 5.2-35 of Section 5.2, *Air Quality* of the DEIR.

**Operational Phase LSTs**

Operation of the Proposed Project would not generate substantial quantities of emissions from on-site, stationary sources. Land uses that have the potential to generate substantial stationary sources of emissions require a permit from South Coast AQMD, such as chemical processing or warehousing operations where substantial truck idling could occur on-site. Emissions from uses such as chemistry labs would be minimal and would not be greater than emissions from current uses on-site. Overall, the Proposed Project does not fall within these categories of uses. Therefore, net localized air quality impacts from Proposed Project-related operations would be less than significant.

**Operational Health Risk – Bus Barn**

A potential source of TACs from operation of the Proposed Project would be from school buses associated with the relocated bus barn. As noted in MATES V previously, regional DPM emissions represent approximately 72 percent of the potential health risk from air toxics. However, the District

bus fleet is not diesel fueled, but consists of 8 compressed natural gas (CNG) buses and 17 gasoline buses. In general, the TACs emitted from CNG and gasoline-fueled vehicle produce much lower health risks than diesel-fueled vehicles despite that gasoline vehicles account for over 95 percent of the vehicle population in Los Angeles County (CARB 2021c). In addition, the Proposed Project would not increase the amount of bus activity occurring at the relocated bus barn. Therefore, the Proposed Project would not expose sensitive receptors to substantial concentrations of TACs during operation. Impacts would be less than significant.

### **Carbon Monoxide Hotspots**

Areas of vehicle congestion have the potential to create pockets of CO called hotspots. These pockets have the potential to exceed the state one-hour standard of 20 ppm or the eight-hour standard of 9.0 ppm. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to AAQS is typically demonstrated through an analysis of localized CO concentrations. Hot spots are typically produced at intersections, where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds. The SoCAB has been designated in attainment of both the National and California AAQS for CO. Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—to generate a significant CO impact (BAAQMD 2017). The Proposed Project would generate a net increase of 651 AM peak-hour trips, which is substantially below the incremental increase in peak-hour vehicle trips needed to generate a significant CO impact. Implementation of the Proposed Project would not have the potential to substantially increase CO hotspots at intersections in the vicinity of the Project Site, therefore, impacts would be less than significant.

### **Finding:**

Impacts to sensitive receptors from substantial pollutant concentrations would be less than significant and no mitigation measures are necessary.

## **3. Biological Resources**

### **Impact 5.3-4: The Proposed Project would not affect wildlife movement.**

Support for this environmental impact conclusion is fully discussed starting on page 5.2-27 of Section 5.3, *Biological Resources*, of the DEIR and contained within Responses to Comment Letter A3 (see A3-39) and A5 (see A5-21).

### **Wildlife Movement and Habitat Fragmentation**

The Project Site does not represent an area of important regional movement. The existing structures and paved parking lots, adjacent PCH, 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. The adjacent canyons would continue to be available for movement; thus, regional wildlife movement would not be disrupted, and impacts on regional wildlife movement would be considered less than significant.

Construction activities would create dust and noise within and adjacent to the impact area; however, dust control required by SCAQMD Rule 403 would be implemented. During active construction, wildlife movement may be deterred by noise and human activity; however, most wildlife movement would occur at night while construction activities would occur during the day. Should any temporary fencing be needed during construction, it would meet the requirements of the LCP and LUP, and would be wildlife permeable. Proposed Project implementation would not isolate any native habitats or create any bottle necks for wildlife movement because small amounts of native vegetation, on the edges of disturbance or development, would be impacted. Therefore, construction impacts on local wildlife movement would be considered adverse, but less than significant.

**Finding:**

Impacts to wildlife movement would be less than significant and no mitigation measures are necessary.

#### **4. Cultural Resources**

**Impact 5.4-1: There are no historical resources in the Project Site; development pursuant to the Proposed Project would not result in an impact on identified historic resources.**

Support for this environmental impact conclusion is fully discussed starting on page 5.4-14 of Section 5.4, *Cultural Resources* of the DEIR.

There are currently no locally, state-, or federal- designated historic resources in the Project Site. Additionally, the Project Site was not listed in any of the following state or federal resources: NRHP, CRHR, California Points of Historical Interest, California Historical Landmarks, National Historic Landmarks, Los Angeles Conservancy, and Los Angeles Historic Resources Inventory.

However, there are historic-period buildings located within both MMHS and former JCES Campuses. Therefore, all historic-era buildings within the Project Site were evaluated, both as individual resources and as a historic complex, using CRHR eligibility criteria. However, due to lack of associated significance, none of the historic buildings and structures within the Project Site are recommended as eligible for listing at the local, state, or national level and are not considered historically significant. The buildings are not associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States and, therefore, not recommended as eligible for listing under Criterion 1. They are not associated with the lives of persons important to local, California, or national history and, therefore, not recommended as eligible for listing under Criterion 2. They do not embody the distinctive characteristics of a type, period, region, or method of construction or represent the work of a master or possess high artistic values and therefore, not recommended as eligible for listing under Criterion 3. Lastly, they have not yielded, nor have the potential to yield, information important to the prehistory or history of the local area, California, or the nation and therefore are not recommended as eligible for listing under Criterion 4. Therefore, impacts to historic resources as a result of implementation the Proposed Project, including demolition and removal of structures, are considered less than significant.

**Finding:**

Impacts to historical resources would be less than significant and no mitigation measures are necessary.

## 5. Energy

### **Impact 5.5-1: The Proposed Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.**

Support for this environmental impact conclusion is fully discussed starting on page 5.5-8 of Section 5.5, *Energy* of the DEIR.

#### **Short-Term Construction Impacts**

During each of the four phases of construction of the Proposed Project, there would be temporary increased demands for electricity and vehicle fuels compared to existing conditions and would result in short-term transportation-related energy use.

##### *Electrical Energy*

Construction of the Proposed Project would not require electricity to power most construction equipment. Electricity use during construction would vary during different phases of construction. The majority of construction equipment during demolition and grading would be gas- or diesel-powered, and the later construction phases would require electricity-powered equipment for interior construction and architectural coatings. Overall, the use of electricity would be temporary and would fluctuate according to the phase of construction. Additionally, it is anticipated that the majority of electric-powered construction equipment would be hand tools (e.g., power drills, table saws, compressors) and lighting, which would result in minimal electricity usage during construction activities. Therefore, Project-related construction activities would not result in wasteful or unnecessary electricity demands, and impacts would be less than significant.

##### *Natural Gas Energy*

It is not anticipated that construction equipment used for the Proposed Project would be powered by natural gas, and no natural gas demand is anticipated during construction. Therefore, impacts would be less than significant with respect to natural gas usage.

##### *Transportation Energy*

Energy consumption for each of the four phases of construction was calculated using the CalEEMod (Version 2020.4) computer model and data from the EMFAC2017 (Version 1.0.3) and OFFROAD2017 (Version 1.0.1) databases. The use of energy resources by construction vehicles would fluctuate according to the phase of construction and would be temporary. It is anticipated that the majority of off-road construction equipment, such as those used during demolition and grading, would be gas or diesel powered. In addition, all construction equipment would cease operating onsite upon completion of Project construction. Thus, impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure. Furthermore, to limit wasteful and unnecessary energy consumption, the construction contractors are anticipated to minimize nonessential idling of construction equipment during construction, in accordance with section 2449 of CCR, Title 13, Article 4.8, Chapter 9, which limits nonessential idling of diesel-powered off-road equipment to 5 minutes or less.

The Proposed Project would not result in wasteful, inefficient, or unnecessary use of energy during construction. It is anticipated that the construction equipment would be well maintained and meet the appropriate tier ratings per US EPA emissions standards, so that adequate energy-efficiency level is achieved. Construction trips would not result in unnecessary use of energy since the Project Site is centrally located and is served by numerous regional circulation systems that provide the most direct routes from various areas of the region. Thus, energy use during construction of the Proposed Project would not be considered inefficient, wasteful, or unnecessary. Impacts would be less than significant.

### **Long-Term Impacts During Operation**

Operation of the Proposed Project would generate additional demand for electricity and natural gas on the Project Site beyond current uses. The Project Site currently contains 203,734 total square feet of buildings that use energy. Following buildout of the Project, there would be a total of 222,425 square feet of building space. Operational use of energy would include heating, cooling, and ventilation of buildings; water heating; operation of electrical systems; use of on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting.

#### *Electrical Energy*

As with the existing school facilities, operation of the Proposed Project would consume electricity for various purposes, including, but not limited to, heating, cooling, and ventilation of buildings, water heating, operation of electrical systems, lighting, and use of on-site equipment and appliances. Electrical service to the Proposed Project would continue to be provided by SCE through connections to existing off-site electrical lines and new on-site infrastructure as needed for each phase. For all existing buildings to remain following Phase 1 buildout and full buildout of the Proposed Project, energy use from electricity were based on historical electricity consumption default data from CalEEMod 2020.4. Electricity use from new buildings were based on CalEEMod 2020.4 non-historical electricity default data.

While the Proposed Project would generate new electricity demand on-site, it would be required to comply with the current Building Energy-Efficiency Standards and CALGreen. In addition, the new buildings to be constructed would be more energy efficient than the existing school buildings energy to be replaced. Furthermore, the proposed and existing photovoltaic (PV) systems would further reduce electricity consumption on the Project Site. Therefore, the Proposed Project would not result in wasteful or unnecessary electricity demands and would result in a less-than-significant impact related to electricity.

#### *Natural Gas Energy*

The Proposed Project would generate an average natural gas demand of 2,306,942 kilo British thermal units per year (kBTU/year) following Phase 1 buildout and 2,820,413 kBTU/year following full buildout of the Proposed Project. This would result in a net increase of 231,224 kBTU/year following Phase 1 and 744,695 kBTU/year after full buildout of the Proposed Project as compared to existing conditions. While the Proposed Project would generate new natural gas demand on-site, it would be required to comply with the current Building Energy Efficiency Standards and CALGreen. In addition, the new buildings to be constructed would be more energy efficient than the existing school buildings energy to be replaced. Therefore, the Proposed Project would not result in wasteful or unnecessary

natural gas demands. Operation of the Proposed Project would result in less-than-significant impacts with respect to natural gas usage.

#### *Transportation Energy*

The Proposed Project would consume transportation energy during operations from the use of motor vehicles. The efficiency of these motor vehicles is unknown, such as the average mpg. Estimates of transportation energy use are based on the overall VMT and its associated transportation energy use. The Project-related VMT would primarily come from students and staff. However, because student capacity and staffing levels would not increase, the Proposed Project would not result in additional trips or an increase in VMT. Therefore, there would be no impact with respect to operation-related fuel usage.

#### **Finding:**

Impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation would be less than significant and no mitigation measures are necessary.

#### **Impact 5.5-2: The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.**

Support for this environmental impact conclusion is fully discussed starting on page 5.5-13 of Section 5.5, *Energy* of the DEIR.

#### **California Renewables Portfolio Standard**

The statewide RPS goal is not directly applicable to individual development projects, but to utilities and energy providers, such as SCE, which is the utility that would provide all of the electricity needs for the Proposed Project. Compliance of SCE in meeting the RPS goals would ensure the State in meeting its objective in transitioning to renewable energy. The Proposed Project also would be subject to the Building Energy-Efficiency Standards and CALGreen. Because the new school buildings associated with the Proposed Project would comply with the latest 2019 energy standards, it would offer an improvement over the existing buildings on-site. In addition, the District has an adopted Districtwide Plan for Sustainability. The plan incorporates sustainability into education services and all aspects of student learning and integrates climate protection, resource efficiency, waste management, and other sustainability practices into District operations. The Proposed Project would also include installation of additional solar PV systems. Therefore, implementation of the Proposed Project would not conflict with or obstruct plans for renewable energy and energy efficiency and no impact would occur.

#### **Finding:**

Impacts to a state or local plan for renewable energy or energy efficiency would not occur and no mitigation measures are necessary.

## 6. Geology and Soils

### **Impact 5.6-1: Future development in the Project Site, pursuant to the Proposed Project would not expose increased numbers of persons and structures to strong ground shaking from active faults in the region.**

Support for this environmental impact conclusion is fully discussed starting on page 5.6-16 of Section 5.6, *Geology and Soils* of the DEIR and contained within Responses to Comment Letter A5 (see A5-33 through A5-28).

The Project Site is not at a greater risk of seismic activity or impacts than other sites in southern California. Seismic shaking is a risk throughout Southern California. Additionally, California and the City regulate development in Malibu through a variety of tools that reduce geologic and seismic hazards, including earthquakes. The CBC, adopted by reference in the City's municipal code, contain provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards. The design and construction of the Proposed Project would be required to adhere to the provisions of the CBC, which are imposed on project developments by the City's Planning Department during the development review and building plan check process. Compliance with the requirements of the CBC for structural safety during a seismic event would reduce hazards from strong seismic ground shaking.

Furthermore, future development accommodated by the Proposed Project would be required to have site-specific geotechnical investigation reports prepared by the District'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. Thus, compliance with the provisions of the CCR and CBC and required implementation of the recommended design recommendations outlined in the geotechnical reports would reduce hazards arising from strong seismic ground shaking. Therefore, impacts resulting from strong ground shaking would be less than significant.

#### **Findings:**

Impacts resulting from strong ground shaking would be less than significant would be less than significant and no mitigation measures are necessary.

### **Impact 5.6-2: Future development in the Project Site would not result in substantial soil erosion or the loss of topsoil.**

Support for this environmental impact conclusion is fully discussed starting on page 5.6-18 of Section 5.6, *Geology and Soils* of the DEIR.

Each phase of the Proposed Project would be required to comply with NPDES permit requirements to control pollutants from being discharged into the water. Under the NPDES permit, which applies to grading activities of more than one acre and is administered under the Regional Water Quality Control Board (RWQCB), the SMMUSD would be required to prepare and implement a SWPPP, including a best management practices (BMP) program to address construction-related discharges. BMPs include, but are not limited to, the implementation of erosion and sediment controls. Because construction would occur throughout the year, erosion-control BMPs must be implemented to ensure

that sediment is confined to the construction area and not transported off-site. During construction, all stormwater runoff would be diverted to the appropriate catch basins and drainage channels subject to all applicable regulatory statutes and permits, including those found in Title 15 (Building and Construction) of the Malibu Municipal Code, which adopts Title 26 (Building Code) of the Los Angeles County Code. Soil erosion during the operation of the Proposed Project would be controlled by implementation of an approved landscape and irrigation plan, installation, and maintenance of post-construction BMPs, and paving of surface parking areas. Therefore, the Proposed Project would have a less than significant impact associated with soil erosion or loss of topsoil. No mitigation is required.

### **Findings:**

Impacts to soil erosion or loss of topsoil would be less than significant and no mitigation measures are necessary.

### **Impact 5.6-4: Soil conditions at the Project Site could adequately support proposed septic tanks.**

Support for this environmental impact conclusion is fully discussed starting on page 5.6-20 of Section 5.6, *Geology and Soils* of the DEIR and contained within Responses to Comment Letter A5 (see A5-36 and A5-37).

The Proposed Project would result in seven total septic systems. The Proposed Project would remove septic systems 6 through 11 and would add five septic systems.

Results of the Geotechnical Investigation 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” to “moderate” 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.

Ferrous pipe buried in moist to wet site earth materials should be avoided by using high-density polyethylene (HDPE), polyvinyl chloride (PVC), and/or other nonferrous pipe when possible. Ferrous pipe can also be protected by polyethylene bags, tap or coatings, dielectric fittings, or other means to separate the pipe from on-site soils. The Proposed Project would comply with the 2019 CBC and requirements in the site-specific Geotechnical Investigation. Thus, soil conditions at the Project Site would adequately support the proposed septic tanks relocations. Therefore, impacts would be less than significant.

## **Findings:**

Impacts to soil conditions at the Project Site would be less than significant and no mitigation measures are necessary.

## **7. Greenhouse Gas Emissions**

### **Impact 5.7-1: Implementation of the Proposed Project would not generate a net increase in GHG emissions, either directly or indirectly, that would have a significant impact on the environment.**

Support for this environmental impact conclusion is fully discussed starting on page 5.7-20 of Section 5.7, *Greenhouse Gas Emissions* of the DEIR.

Since student capacity, staffing, and other community-related uses on the campus would not increase or change after full buildout of the four phases, the Proposed Project would not result in an increase in emissions from mobile sources, solid waste generation, water use, or wastewater generation. In addition, because older buildings would be replaced and the Proposed Project would include energy saving features such as a PV system, the overall water use, wastewater and solid waste generation, and energy use would be further reduced. The Proposed Project would generate a net increase in GHG emissions from energy use (indirectly from purchased electricity use and directly through fuel consumed for building heating) and area sources (e.g., landscaping equipment used on-site, consumer products, coatings). Annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for one-time GHG emissions from the construction of Phase 1, Phase 2, Phase 3, and two sets of Phase 4 activities of the Proposed Project. Overall, construction and operation of the Proposed Project would not generate annual emissions that exceed the South Coast AQMD bright-line threshold of 3,000 MTCO<sub>2e</sub> per year. Therefore, the Proposed Project's cumulative contribution to GHG emissions would be less than significant.

## **Findings:**

A net increase in GHG emissions as a result of the Proposed Project would be less than significant and no mitigation measures are necessary.

### **Impact 5.7-2: Implementation of the Proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.**

Support for this environmental impact conclusion is fully discussed starting on page 5.7-21 of Section 5.7, *Greenhouse Gas Emissions* of the DEIR.

Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan and SCAG's RTP/SCS. A consistency analysis with these plans is presented below.

#### CARB Scoping Plan

CARB's Scoping Plan is California's GHG reduction strategy to achieve the state's GHG emissions reduction target established by AB 32, which is to return to 1990 emission levels by year 2020. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and

individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Since adoption of the 2008 Scoping Plan, state agencies have adopted programs identified in the plan, and the legislature has passed additional legislation to achieve the GHG reduction targets. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the Corporate Average Fuel Economy standards, and other early action measures as necessary to ensure the state is on target to achieve the GHG emissions reduction goals of AB 32. New buildings are required to comply with the latest applicable Building Energy Efficiency Standards and CALGreen. On December 24, 2017, CARB adopted the Final 2017 Climate Change Scoping Plan Update to address the new 2030 interim target to achieve a 40 percent reduction below 1990 levels by 2030, established by SB 32 (CARB 2017b). While measures in the Scoping Plan apply to state agencies and not the Proposed Project, the Proposed Project's GHG emissions would be reduced by statewide compliance with measures that have been adopted since AB 32 and SB 32 were adopted. Therefore, the Proposed Project would not obstruct implementation of the CARB Scoping Plan, and impacts would be less than significant.

#### SCAG's Regional Transportation Plan / Sustainable Communities Strategy

SCAG adopted the 2020-2045 RTP/SCS (Connect SoCal) in September 2020 for the purpose of transportation conformity. Connect SoCal finds that land use strategies that focus on new housing and job growth in areas rich with destinations and mobility options would be consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in Connect SoCal is to plan for the southern California region to grow in more compact communities in transit priority areas and priority growth areas; provide neighborhoods with efficient and plentiful public transit; establish abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and preserve more of the region's remaining natural lands and farmlands (SCAG 2020). Connect SoCal's transportation projects help more efficiently distribute population, housing, and employment growth, and forecast development is generally consistent with regional-level general plan data to promote active transportation and reduce GHG emissions. The projected regional development, when integrated with the proposed regional transportation network in Connect SoCal, would reduce per-capita GHG emissions related to vehicular travel and achieve the GHG reduction per capita targets for the SCAG region.

The Connect SoCal Plan does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency to governments and developers. The Proposed Project would provide new facilities for the existing and future students of MMHS. The Proposed Project would serve the local population within the nearby surrounding communities. However, because the Proposed Project would not result in an increase in student capacity, it would not generate an increase in VMT. Therefore, the Proposed Project would not interfere with SCAG's ability to implement the regional strategies in Connect SoCal, and impacts would be less than significant.

## **Findings:**

Impacts to an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs would be less than significant and no mitigation measures are necessary.

## **8. Hazards and Hazardous Materials**

### **Impact 5.8-1: The Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

Support for this environmental impact conclusion is fully discussed starting on page 5.8-22 of Section 5.8, *Hazards and Hazardous Materials* of the DEIR.

#### **Construction**

The Project Site has been investigated under the oversight of the DTSC, and no significant hazardous materials are being used or stored that would be removed during construction. No routine transport, use, or disposal of hazardous materials currently occurs on-site, and no new or expanded handling of hazardous materials would result from Project implementation. Therefore, impacts related to the routine transport, use, or disposal of hazardous materials during construction of each phase of the Proposed Project would be less than significant.

#### **Operation**

Operation of the Proposed Project would involve the use of small amounts of hazardous materials for cleaning and maintenance purposes typical of janitorial staff, and pesticides by school maintenance staff. The use, storage, transport, and disposal of hazardous materials by school staff would be required to comply with existing regulations of several agencies, including DTSC, EPA, Occupational Safety and Health Administration, Los Angeles Regional Water Quality Control Board, and the Los Angeles County Department of Public Works. The Proposed Project would continue to operate in the same manner as current conditions as a school. Therefore, impacts related to the routine transport, use, or disposal of hazardous materials during operation of the Proposed Project would be less than significant.

## **Findings:**

Impacts to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant and no mitigation measures are necessary.

### **Impact 5.8-2: The Proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**

Support for this environmental impact conclusion is fully discussed starting on page 5.8-22 of Section 5.8, *Hazards and Hazardous Materials* of the DEIR.

PEAs were prepared in 2009 and 2015 for the Project Site due to RECs identified in the 2009 Phase I ESA. The PEAs investigated the possibility of residual pesticides in soil from termiticide usage, lead in soil from lead-based paint, residual petroleum hydrocarbons from the former USTs and bus wash in

the vicinity of the bus barn, and the potential for hazardous materials from the laboratories, woodshop, art studio, and photography darkroom being released to the septic system within the redevelopment area and adjacent to the development area. The PEA evaluated historical information for indications of the past use, storage, disposal, or release of hazardous waste/substances at the site; evaluated available information for indications of naturally occurring hazardous materials at the site; established the nature of hazardous wastes/substances that may be present in soil at the site, their concentration, and general extent; and estimated the potential threat to public health and/or the environment posed by hazardous constituents, if any, at the site using a residential land-use scenario.

A human health risk assessment that was included in the PEA determined that an approximately 0.66-acre area of the bus barn area posed an unacceptable human health risk using a residential land use risk scenario but was appropriate for school-based use. The remainder of the Project Site did not have an unacceptable risk for unrestricted residential land use, and it was determined that no further action was needed. The 2015 PEA concluded that there are no current environmental concerns, and no significant risks due to exposure to chemicals in soil and soil vapor are expected for the current or future students and staff. If land use in the bus barn area should ever change to residential, soil vapor may need to be reevaluated at that time. Based on the PEA finding and LUC, it is anticipated that the Proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

ACMs would need to be removed from the campus if present and transported to a licensed disposal facility. ACMs were used in building materials from approximately the 1930s to 1977. Although it is anticipated that ACMs from the school buildings were removed, the Proposed Project may encounter previously unidentified ACMs during demolition. Additionally, the potential for encountering lead-based paint (LBP) during construction also exists. However, the District is required to implement regulatory requirements outlined in the Title 8 CCR Subchapter 4, section 1529 (pertaining to asbestos) and section 1532.1 (pertaining to lead-based paint); 29 CFR section 1926, Subpart Z; 40 CFR section 61, Subpart M (pertaining to asbestos); and 29 CFR section 1926, Subpart D (pertaining to lead) to ensure that all removal and disturbance of ACM and LBP and subsequent waste disposal are performed in accordance with these rules and regulations that provide exposure limits, exposure monitoring, respiratory protection, and good working practice by trained workers.

All removal and disturbance of ACM and subsequent waste disposal shall be performed by an asbestos abatement contractor, using 40-hour asbestos trained workers (Asbestos Worker trained as outlined in 40 CFR section 763). The abatement contractor's workforce shall be supervised by experienced trained workers, knowledgeable and qualified in the techniques of asbestos abatement, handling, and disposal of asbestos-containing and/or asbestos-contaminated materials, and the subsequent cleaning of contaminated areas, including, at a minimum, Competent Person/Contractor Supervisor training as outlined in 40 CFR section 763. All removal and disturbance of lead-based paints and subsequent waste disposal shall be performed by a state-licensed contractor using workers certified by the California Department of Public Health (CDPH) and at least one CDPH-certified Supervisor. The abatement contractor's workforce shall be supervised by experienced trained workers, knowledgeable and qualified in the techniques of lead abatement, handling, and disposal of lead-containing and/or lead-contaminated materials, and the subsequent cleaning of contaminated areas. All construction work concerning ACMs and LBP would be performed in accordance with all applicable and relevant laws and regulations. The Proposed Project would not create a significant hazard to the public or the

environment through reasonably foreseeable upset and accident conditions involving release of hazardous materials into the environment, and impacts would be less than significant.

**Findings:**

Impacts to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant and no mitigation measures are necessary.

**Impact 5.8-3: The Proposed Project would not be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code section 65962.5 and, as a result, would create a significant hazard to the public or the environment.**

Support for this environmental impact conclusion is fully discussed starting on page 5.8-25 of Section 5.8, *Hazards and Hazardous Materials* of the DEIR.

The Project Site was not on state and federal hazardous materials sites, except for having a former release from a UST, but that case was granted closure and therefore no significant hazard to the public or the environment would occur. Additionally, the site has been investigated under the oversight of the DTSC for use as a school, and a 0.66-acre area was identified as being acceptable for use as a school but not for residential. A land use covenant is in effect for the 0.66-acre area near the former USTs that is annually inspected by the District and the LUC Inspection Report is approved by the DTSC, and no significant hazard to the public or the environment would occur. Therefore, impacts related to being located on a listed hazardous materials site compiled pursuant to Government Code section 65962.5 would be less than significant.

**Findings:**

Impacts a site which is included on a list of hazardous materials compiled pursuant to Government Code section 65962.5 would be less than significant and no mitigation measures are necessary.

**Impact 5.8-4: Project development would not affect the implementation of an emergency responder or evacuation plan.**

Support for this environmental impact conclusion is fully discussed starting on page 5.8-25 of Section 5.8, *Hazards and Hazardous Materials* of the DEIR and contained within Responses to Comment Letter A2 (see A2-1) and R3-8.

**Construction**

During each of the four phases of Project construction, construction vehicles including employees, vendors, and equipment would be traveling to and from the Project Site. Construction activities may occur during the school year, and therefore all construction staging areas and access locations must be well identified so that access for pick-up/drop-off as well as emergency responders is maintained. The Proposed Project would implement Mitigation Measure T-1 to ensure that access is sufficiently maintained during construction activities. Implementation of this measure would ensure impacts remain less than significant regarding emergency access and response during construction.

## **Operation**

The Proposed Project would not substantially change the access configurations, and the Proposed Project would not result in more trips or a change in traffic patterns. The access and configurations of the parking lots would not worsen traffic conditions or emergency access in the study area. The configuration of the new Parking Lots C, D, and E would improve traffic conditions because access to Lots D and E are farther west and away from the drop-off and pick-up area adjacent to the school on Morning View Drive, and Parking Lot C provides better on-site circulation and vehicular storage than the existing JCES parking lot. Additionally, Parking Lot F would improve emergency response and access to the athletic fields at the north part of the campus. Therefore, full buildout of all phases of the Proposed Project would not affect the implementation of an emergency responder or evacuation plan, and impacts would be less than significant.

## **Findings:**

Impacts to an emergency responder or evacuation plan would be less than significant and no mitigation measures are necessary.

### **Impact 5.8-5: The Proposed Project Site would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.**

Support for this environmental impact conclusion is fully discussed starting on page 5.8-26 of Section 5.8, *Hazards and Hazardous Materials* of the DEIR and contained within Responses to Comment Letter A1 (see A1-4).

The Project Site is in a Very High Fire Hazard Severity Zone in a local response area. The Proposed Project would be required to comply with current CBC 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 Proposed Project would create greater setbacks from the environmentally sensitive habitat area (ESHA) and would not introduce large amounts of nonnative vegetation on-site. The Proposed Project would result in demolition of structures within the ESHA buffer area, such as the bus barn, the playfield at the former JCES, and surface parking. The District would implement a restoration plan for the ESHA that would include weed abatement, establish invasive plant controls, and implement erosion prevention and bank stability improvements. Several plants suitable for consideration for ESHA restoration efforts would be fire-resistant species. Fuel modification zones would be included as part of project design. Fire-resistant landscape plants would act as a defensible space to gradually reduce fire intensity and flame lengths from advancing fire by strategically placing thinning zones and irrigated zones next to each other.

An “islandable microgrid,” or ground-mounted PV solar array system with battery storage and energy control center, would be constructed to avoid loss of instruction at MMHS due to mandated public utility shutdowns to prevent fires. A 500- to 1,000-kW-hour battery storage system would be installed. The battery storage system would have a fire rating in conformance with CBC and CFC standards and local fire codes. The structure would also have cooling systems to maintain cool temperatures within

the unit. Therefore, the battery storage structure would not exacerbate fire risk at the Project Site. With implementation of fire protection building and design features and compliance with existing current standards, regulations, and code requirements, the Proposed Project would not result in a significant risk of loss, injury, or death involving wildland fires, and impacts would be less than significant.

### **Findings:**

Impacts to significant risk of loss, injury, or death involving wildland fires would be less than significant and no mitigation measures are necessary.

## **9. Hydrology and Water Quality**

### **Impact 5.9-1: The Proposed Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.**

Support for this environmental impact conclusion is fully discussed starting on page 5.9-39 of Section 5.9, *Hydrology and Water Quality* of the DEIR and contained within Responses to Comment Letter A5 (see A3-34 through A3-38).

#### **Construction**

Construction of the Proposed Project would likely involve the use of some hazardous materials, such as vehicle fuels, lubricants, greases, and transmission fluids in construction equipment, and paints and coatings in building construction that could affect water quality. Construction of the Proposed Project would not create a significant hazard through the transport, use or disposal of hazardous materials during construction. No significant hazardous materials are being used or stored that would be removed during construction. The use and storage of hazardous materials during construction would comply with U.S. Occupational Safety and Health Administration regulations, which ensure that such hazardous materials are properly handled on-site and would not enter stormwater or waterways.

Earthwork activities during construction may also cause erosion and generate sediment that can enter waterways. Prior to construction of each phase of the Proposed Project, the District would be required to prepare and implement site specific BMPs consistent with its Construction General NPDES Permit, Construction SWPPP, and MMC section 13.04.100, which are in place to control sediment and pollution from entering waterways. Additionally, each phase of the Proposed Project would be required to adhere MMC sections 13.04.050 and 13.04.120, which require compliance with the Federal Clean Water Act and Municipal NPDES Permit. Groundwater is not anticipated to be encountered. While not anticipated, if dewatering during construction is needed, the Proposed Project would also be required to obtain a general permit for construction dewatering issued by the RWQCB. The construction of the Proposed Project therefore would not violate water quality standards or waste discharge requirements and would not otherwise substantially degrade water quality; a less than significant impact would occur.

#### **Operation**

The Project Site Hydrology Report (Psomas 2021c) evaluated existing stormwater drainage on-site to determine the capacity of the existing infrastructure and proposed on-site stormwater infrastructure to

accommodate stormwater from rain events. The Proposed Project would incorporate adequate stormwater treatment capacity as specified by the Project Site Hydrology Report.

The Project Site Hydrology Report further reviewed storm drain hydraulics in the ESHA to establish existing water surface elevations and existing flow velocities for various storm events. Under existing conditions, erosive velocities average six feet per second with an average depth of three feet during the 2-year storm event and eight feet per second with an average depth of five feet during the 50-year event. The model also indicates that flows for the design storm event are contained by the channel banks and do not overtop. The Proposed Project would not substantially contribute to stormwater velocities in the ESHA, and restoration of the ESHA as part of the Proposed Project would reduce stormwater velocities in the ESHA.

The phased storm drains would be designed to accommodate 50-year design storm peak flow rates. Therefore, the stormwater system on-site and stormwater improvements conducted as part of the Proposed Project would ensure that stormwater is adequately conveyed and would not violate water quality standards.

Operation of the Proposed Project would have the potential to discharge sediment and pollutants to storm drains and receiving waters, thereby leading to a potential water quality impact. However, the Proposed Project includes the implementation of a stormwater system what would capture and treat stormwater on-site prior to being released to public storm drain systems. Stormwater infrastructure on-site would constructed along with each phase of the Proposed Project, which would ensure that each phase of the Proposed Project is adequately served by on-site stormwater system. Consistent with the MMC 13.04.120, prior to construction of each phase, a water quality management plan would be prepared, which would identify BMPs to ensure that on-site infrastructure and stormwater meet the stormwater on-site retention requirements and discharge requirements. The Proposed Project would be required to comply with the City's MS4 Permit and Municipal Code Chapter 13.04 (Stormwater Management and Discharge Control), which requires reduction of pollutants in stormwater to the maximum extent practical and prohibits the discharge of non-stormwaters unless covered by a separate NPDES permit or Water Board's conditional discharge exemption (13.04.030(A)(1) and 13.04.060(D)). The operation of the Proposed Project therefore would not violate water quality standards or waste discharge requirements and would not otherwise substantially degrade water quality; a less than significant impact would occur.

### **Septic Upgrades**

The Proposed Project would require decommissioning of existing septic systems and sizing and replacement with new septic system infrastructure. The decommissioning and installation of new septic systems 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. The 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, as all septic systems 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 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.

### **Findings:**

Impacts to water quality standards or waste discharge requirements would be less than significant and no mitigation measures are necessary.

### **Impact 5.9-2: The Proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Proposed Project may impede sustainable groundwater management of the basin.**

Support for this environmental impact conclusion is fully discussed starting on page 5.9-41 of Section 5.9, *Hydrology and Water Quality* of the DEIR.

The Proposed Project's potable water use, and fire water lines would connect to an existing public water main on Morning View Drive. Los Angeles County Waterworks District No. 29 provides potable water to the City of Malibu, including the Project Site. Following full buildout of the Project, water demands would not change from current conditions as operational characteristics (enrollment, staffing, fire needs) would be the same as current operation. Therefore, operation of the Proposed Project would not substantially decrease groundwater supplies.

The MMHS and JCES campuses are largely developed with limited pervious surfaces. The Project Site is underlain by low permeability clay soil. Therefore, limited amounts of rainwater currently percolate to the groundwater on-site. Existing stormwater on the Project Site currently flows southward towards a network of storm drain systems and catch basins that outlet through the curb face to the adjacent Morning View Drive and to the existing ESHA. The Proposed Project would increase impervious surfaces on the Project Site compared to existing conditions. However, the minor increase in impervious surfaces would not interfere substantially with groundwater recharge. Similar to existing conditions, the stormwater generated under the Proposed Project would be directed to on-site stormwater infrastructure and be discharged to Morning View Drive and the ESHA. Additionally, the likelihood of encountering groundwater during construction such that dewatering is necessary is low, since groundwater was not encountered during the maximum depth drilled of approximately 46.5 feet

bgs and depth of groundwater is measured to be 77.4 feet bgs with depth of static water level at 58.7 feet bgs. As such, the Proposed Project would not interfere substantially with groundwater recharge.

Therefore, the Proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge during operation or construction, and a less than significant impact would occur.

### **Findings:**

Impacts to groundwater supplies or groundwater recharge during operation or construction would be less than significant and no mitigation measures are necessary.

### **Impact 5.9-3: The Proposed Project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in a substantial erosion or siltation on- or off-site.**

Support for this environmental impact conclusion is fully discussed starting on page 5.9-42 of Section 5.9, *Hydrology and Water Quality* of the DEIR.

### **Construction**

Soils in the Project Site could experience erosion during construction of each phase due to natural processes, such as wind and rain, or by earthwork activities, such as grading and excavation. Prior to construction of each phase of the Proposed Project, the District would be required to prepare and implement site specific BMPs consistent with its Construction General NPDES Permit, Construction SWPPP, and MMC section 13.04.100, which are in place to control sediment and pollution from entering waterways. Additionally, each phase of the Proposed Project would be required to adhere MMC sections 13.04.050 and 13.04.120, which require compliance with the Federal Clean Water Act (CWA) and Municipal NPDES Permit. While not anticipated, if dewatering during construction is needed, the Proposed Project would also be required to obtain a general permit for construction dewatering issued by the RWQCB. Therefore, compliance with federal, state, and local regulations would ensure that the Proposed Project would not result in substantial erosion or siltation on or off-site. A less than significant impact related to substantial erosion or siltation would occur during each phase of construction.

### **Operation**

During operation, the Proposed Project would result in a minor increase to impervious surfaces compared to existing conditions and would result in alteration of the existing site's drainage patterns but not in a manner that would result in substantial erosion or siltation on or off-site. The Proposed Project would install new stormwater retention basins that would be developed to infiltrate and treat runoff from the Proposed Project. 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. ESHA restoration activities would include removal of all hardscape within the 100-foot buffer for the ESHA. The District would conduct weed abatement, establish invasive plant controls, and introduce native seed and plant species within the ESHA and the proposed 50-foot buffer area, and implement erosion prevention and bank stability improvements as part of the restoration plan within District property. For the parking areas and trails within the ESHA's 100-foot buffer, the District would use permeable surface materials to increase infiltration.

The Project Site would be divided into seven drainage management areas (DMA) that would coordinate drainage to Morning View Drive. New stormwater retention basins would be developed to infiltrate and treat runoff from the Proposed Project. Stormwater infrastructure on-site would be developed as part of each phase, such that DMA A and B would be developed during Phase 1; DMA C would be developed during Phase 2; DMA D would be developed during Phase 3; and DMA E through G would be developed during Phase 4 (see Figure 3-8, Conceptual Storm Drain and Water Quality: Phase 1, and Figure 3-9, Conceptual Storm Drain Water Quality: Phases 2–4). Drainage from the proposed bus barn site would direct flows to the existing storm drain system in the equestrian center. All DMAs and the drainage for the proposed bus barn site would be required to comply with local and federal permits governing water quality and on-site stormwater capture and drainage, such as Los Angeles County Municipal Stormwater NPDES Permit and MMC sections 13.04.050, -090, -110, and -120. The proposed Parking Lot F would be designed specifically to ensure minimal impacts related to stormwater flows/drainage and resulting erosion. Therefore, operation of each phase would be adequately served by stormwater infrastructure for the respective DMA. No discretionary permit be issued until the City’s authorized enforcement officer confirms that the Project plans comply with the applicable stormwater mitigation plans and design criteria requirements.

Implementation of the proposed stormwater infrastructure, ESHA restoration (e.g., the erosion prevention and bank stability improvements), and compliance with federal, state, and local regulations would ensure that the Proposed Project would not result in substantial erosion or siltation on or off-site. A less than significant impact related to substantial erosion or siltation would occur during the operation of the Proposed Project.

### **Findings:**

Impacts to existing drainage pattern that would result in a substantial erosion or siltation on- or off-site would be less than significant and no mitigation measures are necessary.

### **Impact 5.9-4: The Proposed Project would not substantially alter the existing drainage pattern of the site or area in a manner that would substantially increase the rate or amount of surface runoff which would result in flooding on- or off-site.**

Support for this environmental impact conclusion is fully discussed starting on page 5.9-44 of Section 5.9, *Hydrology and Water Quality* of the DEIR.

The Proposed Project would increase impervious surfaces on the Project Site compared to existing conditions and would install stormwater infrastructure on the Project Site. The Proposed Project would include a new stormwater system that would retain, infiltrate, and treat stormwater on the Project Site. Similar to existing conditions, the Proposed Project would continue to drain stormwater to the ESHA and to storm water infrastructure on Morning View Drive. Project design features, such as stormwater pipe sizing and stormwater treatment capacities, and restoration of the ESHA, including permeable surface material within the ESHA’s 100-foot buffer, would ensure that the Proposed Project does not substantially increase the rate or amount of surface runoff in a manner that leads to on- or off-site flooding.

The Proposed Project would also be required to comply with all local, state, and federal regulations governing stormwater runoff. Pursuant to MMC section 13.04.120, the Proposed Project would be designed to

control runoff volume and would be required to implement a water quality mitigation plan that retains stormwater runoff on-site from 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 implement a WQMP and a SWPPP during construction and operation consistent with state and local regulations, including the County's NPDES permit, that would include the installation of BMPs. Each phase of Proposed Project would be required to meet the standards and requirements for stormwater retention, treatment, and discharge. The Proposed Project would not result in flooding on or off-site. A less than significant impact related to flooding on- or off-site would occur.

### **Findings:**

Impacts to the existing drainage pattern of the site would be less than significant and no mitigation measures are necessary.

### **Impact 5.9-5: The Proposed Project would not substantially alter the existing drainage pattern of the site or area in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.**

Support for this environmental impact conclusion is fully discussed starting on page 5.9-43 of Section 5.9, *Hydrology and Water Quality* of the DEIR and contained within Responses to Comment Letter A5 (see R5-34 and R5-35).

### **Construction**

Construction of the Proposed Project would temporarily introduce potential sources of pollution on-site, such as oils, paints, solvents, and gasoline, that are typical of construction activities. Equipment and potentially hazardous materials would be maintained and stored in accordance with manufacturer instructions. The Proposed Project would be required to prepare and implement a BMPs consistent with its Construction General NPDES Permit, Municipal NPDES Permit, Construction SWPPP. BMPs include structural and non-structural strategies to minimize pollution of stormwater. Therefore, compliance with federal, state, and local regulations and implementation of best management practices would ensure that the Proposed Project would not result in substantial additional sources of polluted runoff during construction. A less than significant impact related to substantial additional sources of polluted runoff would occur during each construction phase.

### **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. 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 section 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 section 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.

The Proposed Project 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. Additionally, the operation and use of the new septic systems 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 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.

### **Debris/Mud Flow**

During certain rain events in existing conditions, debris and mud flows emanate from the main and tributary canyon upslope of the Project Site located approximately 2,400 feet north of the Project Site and transported down gradient. Two rainfall events that occurred in November and early December 2018 after the Woolsey Fire resulted in debris flows such that there is limited unconsolidated soil remaining on the slopes north of the Project Site in this area. Since the December 2018 debris flow the slopes have revegetated with light grasses, homes are being rebuilt, and drainage pathways corrected, all of which minimize potential debris flows during rain events. 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. Construction of the Proposed Project would install new stormwater and drainage system on-site and incorporate best management practices. The Proposed Project would not contribute to a substantial additional source of polluted runoff due to debris or mudflow, and a less than significant impact would occur.

### **Findings:**

Impacts to existing drainage pattern of the site or area in a manner that would create or contribute runoff water would be less than significant and no mitigation measures are necessary.

**Impact 5.9-6: The Proposed Project would not substantially alter the existing drainage pattern of the site or area in a manner that would impede or redirect flood flows.**

Support for this environmental impact conclusion is fully discussed starting on page 5.9-46 of Section 5.9, *Hydrology and Water Quality* of the DEIR.

The Project Site is located within an area of minimal flood hazard but would not be subject to flooding from a 100-year or 500-year storm event. Therefore, construction and operation of the Proposed Project would not impede or redirect flood flows, and impacts would be less than significant.

**Findings:**

Impacts to flood flows during construction and operation would be less than significant and no mitigation measures are necessary.

**Impact 5.9-7: The Proposed Project would not risk release of pollutants due to Project inundation due to flooding, tsunami, or seiche.**

Support for this environmental impact conclusion is fully discussed starting on page 5.9-46 of Section 5.9, *Hydrology and Water Quality* of the DEIR.

The Project Site is located within an area of minimal flood hazard but would not be subject to flooding from a 100-year or 500-year storm event. The Project Site is also not within an area subject to tsunami nor seiches. All chemicals and potentially hazardous materials on-site would be stored, used, and transported in compliance with local, state, and federal regulations. Therefore, the Proposed Project would result in no impact related to release of pollutants due to Project inundation from flooding, tsunami, and seiche.

**Findings:**

No impact related to release of pollutants due to Project inundation from flooding, tsunami, and seiche would occur and no mitigation measures are necessary.

## **10. Land Use and Planning**

**Impact 5.10-1: Project implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect.**

Support for this environmental impact conclusion is fully discussed starting on page 5.10-8 of Section 5.10, *Land Use and Planning* of the DEIR.

The Project Site is designated Institutional (I), which accommodates existing public and quasi-public facilities, such as educational facilities. 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. The existing Building E and Buildings A/B at the MMHS Campus would remain, with all other structures removed.

The Proposed Project would be consistent with the goals and policies identified in the General Plan's Land Use Element, the City's LCP, and the City's Municipal Code that have been adopted for the purposes of avoiding or mitigating environmental impacts. Additionally, to meet the standards established by the District's Education Specifications, the California Interscholastic Federation, and the National Federation of State High School Association, Buildings D, C, H, and J would exceed the LCP and City's 28-foot height requirements. Development of the Proposed Project would conform to all existing development standards under section 17.40.110 of the City's Municipal Code for Institutional Development and section 3.9 of the City's LIP. The table outlines the Proposed Project's specifications along with the current City's LIP and Municipal Code and reasoning for exceeding current City regulations. Therefore, implementation of the Proposed Project would result in less than significant impacts relating to land use.

### **Findings:**

Impacts to applicable plans adopted for the purpose of avoiding or mitigating an environmental effect would be less than significant and no mitigation measures are necessary.

## **11.Noise**

### **Impact 5.11-3: The Proposed Project would not generate excessive groundborne vibration or groundborne noise levels.**

Support for this environmental impact conclusion is fully discussed starting on page 5.11-23 of Section 5.11, *Noise* of the DEIR.

#### **Construction Vibration**

Potential vibration impacts associated with development projects are usually related to the use of heavy construction equipment during the demolition and grading phases of construction. Construction can generate varying degrees of ground vibration, depending on the construction procedures and equipment. The effect on buildings in the vicinity varies depending on soil type, ground strata, and receptor-building construction. The effects from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches the levels that can damage structures.

For reference, a peak particle velocity of 0.2 in/sec PPV is used as the limit for nonengineered timber and masonry buildings (which would apply to the surrounding residential structures) (FTA 2018). Vibration levels for typical construction equipment at a reference distance of 25 feet and at the nearest sensitive-receptor buildings 120 feet to the south. During construction of the Proposed Project, vibration would not exceed the threshold of 0.2 in/sec PPV, and impacts would be less than significant.

#### **Operational Vibration**

The Proposed Project would include bus movement activity at the Project Site. However, since the Project's bus movements would be at lower speeds than freeways and over smooth surfaces (not roadways in poor conditions), project-related vibration associated with bus activity would not result in excessive groundborne vibrations—no vehicle-generated vibration impacts would occur. In addition,

there are no sources of substantial groundborne vibration associated with the project, such as rail or subways. The Proposed Project would not create or cause any vibration impacts due to operations.

### **Findings:**

Impacts related to vibration annoyance would be less than significant and no mitigation measures are necessary.

## **12. Public Services**

### **Impact 5.12-1: The Proposed Project would not affect response times or other performance objectives that would result in the need for new or physically altered fire protection facilities, the construction of which would cause significant environmental impacts.**

Support for this environmental impact conclusion is fully discussed starting on page 5.12-10 of Section 5.12, *Public Services* of the DEIR and contained within responses to Comment Letter A1.

#### **Construction**

According to the California Department of Forestry and Fire Protection, the Project Site is in a very high fire hazard severity zone (VHFHSZ) in a local responsibility area (LRA); the likelihood is high that it would be exposed to a wildland fire and secondary effects of wildland fires.

Project construction activities could result in exacerbated fire risks due to sparks, dry vegetation, smoking, and weather, particularly in areas where construction activities are in proximity to surrounding open space areas (i.e., Phases 1, 2, and 4). Mitigation Measure W-1, would ensure fire prevention requirements are in place during all phases of construction activities. The Proposed Project would be required to comply with the most currently adopted fire codes, building codes, and nationally recognized fire and life safety standards of Malibu, Los Angeles County, and the State of California. Compliance with these codes and standards is ensured through the City's and LACoFD's development review and building plan check process.

Additionally, in the event of an emergency at the Project Site that requires more resources than Station 71 could provide, LACoFD would direct resources to the site from other nearby stations, including Fire Station 99 (3.9 miles from the Project Site), Fire Station 88 (8.9 miles from the Project Site), and Fire Station 70 (11.1 miles from the Project Site). If necessary, LACoFD could request assistance from other nearby fire departments, including the City of Los Angeles Fire Department and the Ventura County Fire Department. Therefore, construction of the Proposed Project would not affect response times or other performance objectives that result in the need for new or physically altered fire protection facilities, the construction of which would cause significant environmental impacts. Construction impacts would be less than significant.

#### **Operation**

The Proposed Project would redevelop and modernize the existing MMHS campus and former JCES campus and would not introduce new uses to the Project Site. According to the LACoFD's Planning Division, the fire services need in the City of Malibu are currently being met, and there are no plans for additional resources, personnel, and equipment in the Project Area. Additionally, though new

development projects may create greater demands on existing resources, the Proposed Project would have a negligible effect on service standards (LACoFD 2020) (see Appendix L). Therefore, operation of the Proposed Project would not increase the requirement for fire protection facilities and personnel, would not adversely affect the LACoFD's ability to provide adequate service, and would not require new or expanded police facilities that could result in adverse environmental impacts. Operational impacts of the Proposed Project would be less than significant.

### **Findings:**

Impacts to LACoFD response times or other performance objectives would be less than significant and no mitigation measures are necessary.

### **Impact 5.12-2: The Proposed Project would not affect response times or other performance objectives that result in the need for new or physically altered police protection facilities, the construction of which would cause significant environmental impacts.**

Support for this environmental impact conclusion is fully discussed starting on page 5.12-12 of Section 5.12, *Public Services* of the DEIR and contained within Responses to Comment Letter A2.

### **Construction**

Access to the Project Site and the surrounding areas could be affected by construction of the Proposed Project. Temporary construction-related traffic could delay or obstruct the movement of LASD vehicles within or through the project area. However, construction traffic would be scheduled in concert with the operations of the school, 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, and all workers would be expected to park within the site limits. The District would provide notice of construction activities that would affect access to emergency facilities. Any disruptions in access would be temporary and short term. Therefore, the Proposed Project would not adversely affect the LASD's ability to provide adequate service during construction of the Proposed Project and would not require new or expanded police facilities that could result in adverse environmental impacts. Impacts would be less than significant.

### **Operation**

The Malibu/Lost Hills Station currently has 130 sworn personnel and 30 professional staff, and the station can serve the Proposed Project with existing facilities. Implementation of the Proposed Project is not anticipated to significantly increase LASD's response times to either to the Project Site or the surrounding vicinity; however, in the event of an emergency at the Project Site that requires more resources than the Malibu/Lost Hills Station could provide, LASD would direct resources to the site from other nearby stations, including the Marina Del Rey Sheriff's Station and the West Hollywood Sheriff's Station. If necessary, LASD can request assistance from other nearby police/sheriff's departments, including the Santa Monica Police Department, the Los Angeles Police Department, and the Ventura County Sheriff's Department.

The Proposed Project is intended to modernize the campus facilities and retain the existing capacity of 1,200 students (750 high school students and 450 middle school students). The Proposed Project would 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. Thus, according to the LASD's Facilities and Planning Bureau, the Malibu/Lost Hills Station would be able to serve the Proposed Project with existing facilities. 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 (LASD 2020) (see Appendix L). Implementation of the Proposed Project would comply with all applicable building codes and safety standards of Malibu, Los Angeles County, and the State of California. Therefore, the Proposed Project would not adversely affect the LASD's ability to provide adequate service and would not require new or expanded police facilities that could result in adverse environmental impacts. Impacts would be less than significant.

### **Findings:**

Impacts to LASD response times or other performance objectives would be less than significant and no mitigation measures are necessary.

## **13. Recreation**

### **Impact 5.13-1: Project implementation would not result in environmental impacts to provide new and/or expanded recreational facilities.**

Support for this environmental impact conclusion is fully discussed starting on page 5.13-9 of Section 5.13, *Recreation* of the DEIR.

The Proposed Project includes the improvement of existing publicly available recreational facilities and amenities within the Project Site, including the middle school gymnasium/fitness center (Building D), and the high school gymnasium (Building J). Additionally, new recreational shared facilities would be developed, including an aquatics center/field house (Building L) and pool, and the upper field house (Building M). The improved shared facilities would be built to the north of the Middle School and High School Cores and west of the existing Main Sports Field. The Boys & Girls Club building would be relocated from its current location north of the pool and the existing Building J to the northwestern portion of the campus, north of Parking Lot E and south of the tennis courts.

A new field house (Building M) would be constructed for the existing baseball and softball fields, and one for the existing athletic field (Building L). Additionally, the Proposed Project would add two new tennis courts to the existing tennis court area on the northern side of the Project Site. The Proposed Project would also 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. The pedestrian trails along the ESHA would include turnouts, which would be used as outdoor learning spaces overlooking the ESHA within 50 feet of the ESHA boundaries. No changes to equestrian uses or trails would occur as part of the Proposed Project.

The Proposed Project would not involve any construction of recreational facilities beyond what is proposed to serve the existing and future students. Additionally, when the school facilities are not in use and are not scheduled for school-sponsored or other District-related events, use of the playfields, common areas, and classrooms would be available for public use, as permitted in the 2019 Master

Agreement between SMMUSD and the City of Malibu Regarding the Joint Use of School District Facilities. Development and operation of new recreational facilities and amenities in the Project Site may have an adverse physical effect on the environment, including impacts relating to air quality, lighting, noise, and traffic. As demonstrated in this DEIR, the development of recreational facilities and amenities in the Project Site would not result in significant impacts to the environment. Therefore, implementation of the Proposed Project would result in less than significant impacts related to new and/or expanded recreational facilities.

**Findings:**

Impacts to recreational facilities would be less than significant and no mitigation measures are necessary.

**14. Transportation**

**Impact 5.14-1: The Proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.**

Support for this environmental impact conclusion is fully discussed starting on page 5.14-16 of Section 5.14, *Transportation* of the DEIR and contained within Responses to Comment Letter R3 (see A3-40 and A3-41). The Proposed Project would be confined to the Project Site and would not construct or modify the surrounding circulation network, including roads transit, bicycle, and pedestrian facilities. Therefore, the Proposed Project would not conflict with any regulations set forth by the City of Malibu's General Plan and/or LCP. Therefore, the Proposed Project would not conflict with a program, plan, ordinance, or policy regarding public transit, roadway, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Impacts would be considered less than significant.

**Findings:**

Impacts to a program, plan, ordinance, or policy addressing the circulation system would be less than significant and no mitigation measures are necessary.

**Impact 5.14-2: The Proposed Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).**

Support for this environmental impact conclusion is fully discussed starting on page 5.14-23 of Section 5.14, *Transportation* of the DEIR.

**Construction Vehicle Miles Traveled**

Construction of the Proposed Project would require the mobilization of workers, vendors, equipment, and haul trucks to and from the Project Site, which would generate a temporary increase in traffic and may cause delays on roadways adjacent to the Project Site. However, the increase in trips and the subsequent increase in VMT to the Project Site would be temporary and vary with the level of effort necessitated by each phase of construction. To further reduce the amount of VMT to the Project Site, the construction management team can include strategies to encourage workers to carpool or use transit when possible and source materials and equipment locally. Thus, increases to VMT during

construction activities would be considered negligible and construction-related VMT impacts would be considered less than significant.

Construction traffic during Phases 2 through 4 would add vehicle trips to the Project Site; however, construction activities would not establish permanent traffic patterns that would contribute to ongoing VMT increases. The nature of construction activities requires employee and truck trips from one phase work area to the next as construction suppliers and employees work on different phases. Any subsequent increase in VMT to the Project Site during construction would be temporary. Therefore, impacts would be considered less than significant.

### **Operation**

The Proposed Project would not increase the student or employment population at MMHS, 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. Therefore, impacts related to VMT associated with full buildout of the Proposed Project would be considered less than significant.

### **Bus Barn Relocation Assessment**

The existing bus barn would be relocated to the east of Parking Lot A within the District-owned Malibu Equestrian Park as part of Phase 4 of the Project. The relocated bus barn would hold up to five buses; however, three buses would typically be in operation, and would operate from 6:45 a.m. to 6:00 p.m. every weekday. No refueling or maintenance will occur at the new bus barn. Due to the operation of three buses, bus access would continue to come from Morning View Drive, and the impacts to the circulation network and changes in VMT would be negligible. Therefore, impacts related to VMT as a result of the new bus barn, would be considered less than significant.

### **Findings:**

Impacts to CEQA Guidelines section 15064.3, subdivision (b) would be less than significant, and no mitigation measures are necessary.

## **15. Utilities and Services Systems**

### **Impact 5.15-1: Existing and/or proposed water, wastewater, stormwater, electric, natural gas, and telecommunication facilities would be able to accommodate Project-generated utility demands.**

Support for this environmental impact conclusion is fully discussed starting on page 5.15-19 of Section 5.15, *Utilities and Services Systems* of the DEIR and contained within Responses to Comment Letter A3 (see A3-36).

All utility infrastructure improvements (specifically water, electrical, natural gas, telecommunications) would be developed internal to the Project Site during each phase of construction. Therefore, the

environmental effects of these upgraded infrastructures are evaluated in each chapter of this DEIR and mitigation is required where necessary.

Following full buildout of the Proposed Project, the school would operate under the same staffing and enrollment capacity as under current conditions. Larger off-site improvements to connecting facilities would not be necessary. Additionally, the new structures would be developed with modernized building materials and fixtures meeting current code requirements, resulting in a more efficient use of utilities. Impacts associated with the replacement of the existing on-site wastewater treatment systems (the 10 septic systems) are addressed in Impact 5.6-4. Impacts associated with stormwater drainage are discussed in Impact 5.9-4. Therefore, the Proposed Project would result in less than significant impacts regarding the relocation or construction of new or expanded utilities.

**Findings:**

Impacts to existing and/or proposed water, wastewater, stormwater, electric, natural gas, and telecommunication facilities would be less than significant, and no mitigation measures are necessary.

**Impact 5.15-2: Available water supplies are sufficient to serve the Proposed Project and reasonably foreseeable future development during normal, dry, and multiple dry years.**

Support for this environmental impact conclusion is fully discussed starting on page 5.15-19 of Section 5.15, *Utilities and Services Systems* of the DEIR.

The Proposed Project would not increase the student or staff population within the proposed high school or middle school; thus, there would be no net change in indoor water supply as a result of the Proposed Project. Additionally, the majority of the Project Site that would require irrigation, including the sports fields and landscaped areas throughout the campus, would remain unchanged; thus, there would be no net change in outdoor water supply.

The Proposed Project would be designed using applicable green building practices, including those of the most current Building Energy Efficiency Standards (Title 24, CCR, Part 6) and California Green Building Standards Code (CALGreen; Title 24, CCR, Part 11). The Building Energy Efficiency Standards contain water efficiency requirements for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. Therefore, the Project Site would have sufficient water supplies available to serve the students, staff, and MMHS campus and reasonably foreseeable future development during normal, dry, and multiple-dry years; and impacts to available water supplies would be less than significant.

**Findings:**

Impacts to available water supplies would be less than significant and no mitigation measures are necessary.

**Impact 5.15-3: Project-generated wastewater could be adequately treated by the wastewater service provider for the Proposed Project.**

Support for this environmental impact conclusion is fully discussed starting on page 5.15-20 of Section 5.15, *Utilities and Services Systems* of the DEIR and contained within Responses to Comment Letter A3 (see A3-36).

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. 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:

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.

**Findings:**

Impacts to wastewater would be less than significant and no mitigation measures are necessary.

**16. Wildfire**

**Impact 5.16-2: Future development on the Project Site pursuant to the Proposed Project could require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or result in temporary or ongoing impacts to the environment.**

Support for this environmental impact conclusion is fully discussed starting on page 5.16-21 of Section 5.16, *Wildfire* of the DEIR.

The Proposed Project would not require the installation of new power lines or other off-site utilities, including infrastructure for emergency/fire water lines. The proposed domestic and fire water lines would connect to the existing 12-inch public water main on Morning View Drive, and water would be supplied by the Los Angeles County Waterworks District No. 29.

An “islandable microgrid,” or ground-mounted PV solar array system with battery storage and energy control center would be constructed to avoid loss of instruction at MMHS due to mandated public utility shutdowns to prevent fires. The PV system would be installed on the sloping hillside to the south of the existing Lot A and the main sports field and to the north and northwest of Building E (core classrooms building). A 500 to 1,000 kW-hour battery storage system would be installed. Though

battery storage systems generally burn with difficulty, they can burn or become damaged by fire and generate fumes and corrosive gases. Dry chemicals, carbon dioxide, and foam are the preferred methods for extinguishing a fire involving batteries—water is not effective. Class D extinguishers are used for lithium-metal fires only. To further increase safety, the battery units are usually low voltage, encased in a steel enclosure, and set apart from combustible materials. The battery storage system would have a fire rating in conformance with CBC and CFC standards and local fire codes. The structure would also have cooling systems to maintain cool temperatures within the unit.

Compliance with all applicable laws, regulations, and design standards would minimize the potential impacts to the public or environment due to the installation or maintenance of associated infrastructure that may exacerbate fire risk. Impacts would be less than significant.

### **Findings:**

Impacts that may exacerbate fire risk would be less than significant and no mitigation measures are necessary.

## **D. FINDINGS ON IMPACTS MITIGATED TO LESS THAN SIGNIFICANT**

The following summary describes impacts of the Proposed Project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the DEIR, these impacts would be considered less than significant.

### **1. Air Quality**

#### **Impact 5.2-4: The Proposed Project could expose sensitive receptors to substantial pollutant concentrations during construction.**

Support for this environmental impact conclusion is fully discussed starting on page 5.2-32 of Section 5.2, *Air Quality* of the DEIR.

#### **Construction-Phase LSTs**

Screening-level LSTs (pounds per day) are the amount of Project-related mass emissions at which localized concentrations (ppm or  $\mu\text{g}/\text{m}^3$ ) could exceed the AAQS for criteria air pollutants for which the SoCAB is designated nonattainment. The screening-level LSTs are based on the Project Site size and distance to the nearest sensitive receptor and are based on the California AAQS, which are the most stringent AAQS, established to protect sensitive receptors most susceptible to respiratory distress. Construction of the Proposed Project would not generate construction-related on-site emissions that would exceed the screening-level LSTs. Thus, Project-related construction activities would not have the potential to expose sensitive receptors to substantial pollutant concentrations. Therefore, localized air quality impacts from construction activities would be less than significant.

#### **Construction Health Risk**

The Proposed Project would elevate concentrations of TACs (i.e., DPM) in the vicinity of sensitive land uses during construction activities. The nearest sensitive receptors to the Project Site are the on-site students who will be on campus during periods of construction activity and the single-family residence to the northwest on Via Cabrillo Street. Consequently, a site-specific construction HRA of

TACs was prepared. The results of the HRA are based on the maximum receptor concentration over an approximately nine-year construction exposure duration for off-site receptors.

- Cancer risk for the maximum exposed off-site resident from construction activities related to the Proposed Project were calculated to be 19.0 in a million and would exceed the 10 in a million-significance threshold.
- Cancer risk for the maximum exposed on-site student receptor from construction activities would be 10.3 in a million and would also exceed the 10 in a million-significance threshold.
- For non-carcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for all the off-site sensitive receptors. Therefore, chronic non-carcinogenic hazards are less than significant.

Because cancer risks for the off-site residential MER and the student MER would exceed South Coast AQMD significance threshold, construction activities associated with the Proposed Project are potentially significant. Mitigation Measure AQ-1 in Section 5.2.4 would ensure that air quality-related impacts associated with health risk in sensitive populations would be reduced.

### ***Mitigation Measures***

AQ-1 Construction bids for Phase 1 through 4 activities at the Project Site shall specify use of off-road equipment that meets the United States Environmental Protection Agency (US EPA) Tier 4 interim emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated that such equipment is not available. In the event the equipment is not available, as demonstrated by the contractor, Tier 3 equipment retrofitted with a California Air Resources Board's Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. The following shall be specified in the construction bid:

- Construction contractors shall use engines that meet US EPA Tier 4 Interim emission standards for equipment over 50 horsepower.
- Construction contractors shall maintain a list of all operating equipment in use on the Project Site in use for more than 20 hours for verification by the District. The construction equipment list shall state the makes, models, and number of construction equipment on-site.
- Construction contractors shall ensure that all equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.
- Construction contractors shall communicate with all sub-contractors in contracts and construction documents that all non-essential idling of construction equipment is restricted to five minutes or less in compliance with CARB Rule 2449. Construction contractors shall be responsible for ensuring that this requirement is met.

### ***Findings:***

Implementation of Mitigation Measure AQ-1 would reduce potential impacts associated with air quality below the South Coast AQMD cancer risk threshold of 10 in a million. Therefore, the Proposed Project would not expose off-site nor on-site sensitive receptors to substantial concentrations of air pollutant emissions during construction and impacts would be reduced to a level that is less than significant with mitigation. Therefore, no significant unavoidable adverse impacts relating to air quality have been identified.

## **2. Biological Resources**

### **Impact 5.3-1: Development of the Proposed Project could impact sensitive species.**

Support for this environmental impact conclusion is fully discussed starting on page 5.3-70 of Section 5.3, *Biological Resources* of the DEIR and contained within Responses to Comment Letter A3 (see entire letter).

#### **Common Wildlife**

The Proposed Project would result in the loss of approximately 0.60 acre of native habitat over all phases. The Proposed Project would also impact approximately 16.87 acres of developed/ornamental vegetation and a total of approximately 1.97 acres of impacts to disturbed areas. A total of 1.01 acres of non-native or weedy vegetation (turf and upland mustards) would be impacted. A total of 0.29 acre of ornamental – planted habitat would be impacted by the Proposed Project. Removing or altering non-native habitats on the Project Site would result in the loss of small mammals, reptiles, amphibians, and animals of slow mobility that live in the Proposed Project's direct impact area. More mobile wildlife species now using the Project Site would be forced to move into remaining areas of open space, consequently increasing competition for available resources in those areas. This situation may result in the loss of individuals that cannot successfully compete. The loss of native and non-native vegetation that provides wildlife habitat is considered an adverse impact. However, the loss of a small pocket of native habitat (0.60 acre) and disturbed, developed, and/or non-native habitat (20.14 acres) would not be expected to reduce wildlife populations below self-sustaining levels because the combined 20.74 acres of degraded habitat are expected to support small numbers of individuals due to the existing habitat's marginal suitability for resident wildlife based on its fragmented nature, lack of species diversity and connectivity to adjacent native habitat, combined with existing developed areas surrounding the Proposed Project. Therefore, impacts to these areas are considered adverse but less than significant, and no mitigation would be required.

#### **Special Status Plants**

No impacts to special status plants would occur through Project implementation because no special status plants currently occur and are not expected to occur in the future within the Project impact area for all Phases. Habitat suitability for special status plants is expected to stay at baseline or degrade further in the future due anticipated future development in the surrounding area. Therefore, no impacts to special status plants would occur with Project implementation, and no mitigation would be required.

#### **Special Status Wildlife**

One special status reptile has the potential to occur in the Project impact area, the San Diegan tiger whiptail. Project implementation would result in the loss of 0.31 acre of potentially suitable habitat types (e.g., California sagebrush scrub, coyote brush – California sagebrush scrub/upland mustards, and riparian herb) for this species. This 0.31 acre would support very small numbers of individuals and the loss is considered very small due to the fragmented and degraded nature of this habitat. These impacts 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.

A burrowing owl was incidentally observed to be wintering on the Project Site in the north-central portion of the site (outside of the Project impact area). Potentially suitable burrowing owl habitat occurs in Phase 3, Parking Lot F. Implementation of Phase 3 may directly impact 0.17 acre of because no potentially suitable habitat for the burrowing owl, while implementation would be directly impacted. of Phases 2 and 4 may indirectly impact the burrowing owl, if present in adjacent potentially suitable habitat. Any impacts to burrowing owl would be considered potentially significant. No breeding burrowing owls have ever been observed. Implementation of Mitigation Measure, BIO-1, which requires adherence to the CDFW Burrowing Owl Mitigation Guidelines, would reduce potential impacts to less than significant.

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. Common raptor species including owls have the potential to nest on the Project Site. Should an active raptor nest be found on the Project Site, the loss of an active nest would be considered a violation of the California Fish and Game Code sections 3503, 3503.5, and 3513. The loss of any active bird or raptor nest would be considered a potentially significant impact. Implementation of Mitigation Measure BIO-2 requiring nesting bird surveys and protection would reduce this impact to a less than significant level.

The western mastiff bat has the potential to occur in the BSA for foraging. There is no suitable roosting habitat in the BSA. Construction activities would only occur during daylight hours; therefore, nocturnal foraging would continue to be available over the Project impact area throughout the duration of construction and would remain unchanged following completion of the Proposed Project. There are no impacts to western mastiff bat would occur with Project implementation and mitigation would not be required.

### **Noise Impacts**

During construction and operation, temporary noise impacts have the potential to disrupt foraging, nesting, roosting, and/or denning activities for wildlife species occurring within or adjacent to Project Work Areas. Although final use may slightly increase noise over ambient, it would be less than construction. Wildlife species stressed by noise may disperse from the habitat located in the immediate vicinity of the Proposed Project. Because the Proposed Project disturbance areas are limited in extent, this impact is considered adverse but less than significant and no mitigation would be required. However, if raptor species are nesting in the vicinity of the Proposed Project during construction, they may be temporarily displaced by construction noise. Indirect noise impacts on these species would be considered significant because nesting birds are protected by the California Fish and Game Code. Impacts on active nests would be reduced to a less than significant level with implementation of Mitigation Measure BIO-2 requiring nesting bird surveys and protection.

### **Mitigation Measures**

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, a qualified biologist shall conduct pre-construction burrowing owl surveys in accordance with the 2012 CDFW Burrowing Owl Consortium Survey Protocol 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).

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. The area will be surveyed for 2 hours between dawn and 10:00 AM on five occasions with at least one week between surveys. If there is appropriate habitat for owls on site, on at least three of the surveys, surveys will also be conducted during the period immediately before nightfall. The nesting bird/raptor Survey Area will include a buffer of 300 feet around the work area for nesting birds and a buffer of 500 feet around the work area for nesting raptors (including burrowing owl). If the Biologist does not find any active nests in or immediately adjacent to the impact area, construction activities can proceed.

If the Biologist detects an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted by increased activity around the nest, the Biologist shall determine an appropriate protective buffer around the nest depending on the sensitivity of the species and the nature of the construction activity. The protective buffer shall be between 25 to 300 feet for nesting birds; 300 to 500 feet for nesting raptors. The active nest will be protected within the designated buffer until nesting activity has ended. Any protective buffers will be mapped on construction plans and designated as “Environmentally Sensitive Areas”. Construction can proceed within the protective buffer when the qualified Biologist has determined that the nest is no longer active (i.e., fledglings have left the nest or the nest has failed).

### **Findings:**

Implementation of Mitigation Measure BIO-1 and BIO-2 would reduce potential impacts to special status species to less than significant. Therefore, no significant unavoidable adverse impacts relating to biological resources have been identified.

### **Impact 5.3-2: Development of the Proposed Project would result in the loss of sensitive habitat types.**

Support for this environmental impact conclusion is fully discussed starting on page 5.3-72 of Section 5.3, *Biological Resources* of the DEIR and contained within Responses to Comment Letter A3 (see entire letter).

#### **Direct Impacts to Sensitive Habitat Types**

The vegetation types including California sagebrush, coyote brush, upland mustard, riparian herb, California sycamore, and ornamental-native planting are all common throughout the region. The

special status vegetation type that occurs in the BSA, arroyo willow thicket, would not be impacted during Project implementation, therefore mitigation would not be required. Vegetation types in the BSA may change over the course of time. In order to ensure no special status vegetation types are impacted during the course of the Proposed Project, Mitigation Measure BIO-3 is included which requires future assessments of vegetation types to ensure conditions remain the same. If impacts to special status vegetation types are anticipated, Mitigation Measure, BIO-4, which requires habitat restoration, would be implemented to ensure impacts are reduced to less than significant.

#### *Environmentally Sensitive Habitat Area*

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-foot 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.

The ecological benefits of the restoration will increase the diversity and cover of native riparian and upland plants within the ESHA and its 50-foot buffer by the removing non-native species (including those rated by the California Invasive Plant Council); improve conditions for wildlife species including pollinator species that rely on wetland, riparian, and adjacent upland habitats for food and shelter; and reduce erosion and sedimentation. Additional benefits include the use of permeable material for the trails and parking stalls within the 100-foot buffer to provide a more natural hydrologic balance and reduce the runoff volume by trapping and slowly releasing precipitation into the ground instead of allowing it to flow into receiving waters as effluent.

The restoration of the degraded 0.7 acre of drainage and 1.35 acres of upland areas within the ESHA's 50-foot buffer does not constitute mitigation for any significant impact to a biological resource, but rather is a voluntary effort on the part of the District that would be implemented during Phase 1 construction of the Proposed Project as well as Phase 4A construction planned for the future. Therefore, impacts to the ESHA would be less than significant.

#### **Mitigation Measures**

BIO-3      Vegetation Assessments: Vegetation types shall be verified prior to work activities occurring in Phases 2 and 4 if seven years have elapsed from the latest point in time the vegetation mapping described in this Biological Assessment was conducted (April 15, 2021). Vegetation types in the BSA shall be assessed during a field visit and compared to the vegetation types mapped and described herein. Any changes shall be documented in a revised vegetation map and provided to the City of Malibu and the District. Special status vegetation types shall be identified, and if impacts are anticipated, the Proposed Project shall comply with Mitigation Measure, BIO-4.

BIO-4 Special Status Vegetation Types: The loss of special status vegetation types within the impact area is considered a significant impact. These vegetation types will be restored onsite or, if appropriate, offsite at a ratio of not less than 1:1, as agreed to by the City of Malibu and the District. A revegetation program shall be implemented in accordance with a City-approved landscape palette on all graded areas not utilized for improvements or structures. The revegetation program will be submitted to the City of Malibu for review and approval by a qualified biologist prior to issuance of grading permits. Restoration will consist of seeding and container planting of appropriate species. Impacts are considered less than significant after implementation of the following measures:

A detailed restoration program will be developed prior to map recordation and implemented, and will 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 will supervise and implement the plan will be specified.
- Site selection. The site(s) for mitigation will be determined in coordination with the District and the City of Malibu. The site will be located in a dedicated open space area and will be contiguous with other natural open space areas.
- Site preparation and planting implementation. The site preparation will include the following: 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) erosion control measures (i.e., rice or willow wattles), and 6) native seed mix application.
- Schedule. Establishment of restoration/revegetation sites will be conducted between October 1 and January 30. Seeding and planting of container plants will take place immediately after preparation of the restoration sites.
- Maintenance plan/guidelines. The maintenance plan will include the following: 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 City, 4) monthly reports for the first year and bimonthly reports thereafter, and 5) annual reports which will be submitted to the City for three to five years. The monitoring will be conducted for three to five years, depending upon the performance of the mitigation site.
- 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 revegetation of special status vegetation types. 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, restored, and created habitat areas.
- In addition, earth-moving equipment will avoid maneuvering in areas outside the identified limits of grading in order to avoid disturbing open space areas that will remain undeveloped. Prior to grading, the construction boundary limits will be marked by the construction supervisor and the Project biologist. These limits will be identified on the grading plan. The District will submit a letter to the City of Malibu

verifying that construction limits have been flagged in the field. No earth-moving equipment will be allowed outside of the construction boundary.

***Findings:***

Implementation of Mitigation Measure BIO-3 and BIO-4 would reduce potential impacts to sensitive habitat types to less than significant. Therefore, no significant unavoidable adverse impacts relating to biological resources have been identified.

**Impact 5.3-3: The Proposed Project would impact approximately 0.033 acres of USACE Jurisdiction, 0.033 of RWQCB Jurisdiction, and 0.033 of CDFW Jurisdiction waters.**

Support for this environmental impact conclusion is fully discussed starting on page 5.3-80 of Section 5.3, *Biological Resources* of the DEIR and contained within Responses to Comment Letter A3 (see A3-15 through A3-19).

**Jurisdictional Resources**

The Proposed Project would impact a total of 0.033 acres of waters under the jurisdiction of RWQCB. Phase 4A of the Proposed Project would impact a total of 0.033 acres of waters under the jurisdiction of CDFW. No other Phase of the Project impacts jurisdictional features. Jurisdictional resources are protected by sections 401 and 404 of the CWA and by the California Fish and Game Code sections 1600 through 1616. Impacts on jurisdictional resources would be significant and would require permitting with each of the resource agencies. Implementation of Mitigation Measure, BIO-5 would reduce this impact to less than significant.

***Mitigation Measures***

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 the following: 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 the following: 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 is 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.

**Findings:**

Implementation of Mitigation Measure BIO-5 would reduce potential impacts to jurisdiction waters to less than significant. Therefore, no significant unavoidable adverse impacts relating to biological resources have been identified.

### **Impact 5.3-5: The Proposed Project would require compliance with the local tree ordinance**

Support for this environmental impact conclusion is fully discussed starting on page 5.3-81 of Section 5.3, *Biological Resources* of the DEIR and contained within Responses to Comment Letter A1 (see A1-5).

The Project Site is not located within any other adopted Habitat Conservation Plan, Natural Community Conservation Plan, Environmentally Sensitive Habitat Area (ESHA), or similar plan and does not conflict with the provisions of any local guidelines or plans (Malibu LUP) for environmentally sensitive habitat areas. The Project Site is not located within, or proximate to, any Significant Ecological Area (SEA), Land Trust, or Conservation Plan (City of Malibu 2021cc).

#### **Trees**

The Malibu Local Coastal Program Native Tree Protection Ordinance protects five native tree species (oak [*Quercus* sp.], California walnut [*Juglans californica*], western sycamore [*Platanus racemosa*], alder [*Alnus rhombifolia*], and toyon [*Heteromeles arbutifolia*]) that have at least one trunk measuring six inches or more in diameter, or a combination of any two trunks measuring a total of eight inches or more in diameter. A number of protected trees have been mapped in the BSA. Protected tree species may occur within close proximity to Proposed Project activities. Impacts to protected trees may be potentially significant. Implementation of 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, would reduce any potentially significant impacts to less than significant.

#### ***Mitigation Measures***

BIO-6 **Adherence to City of Malibu Tree Protection Ordinance:** Prior to initiation of Proposed Project activities in each Phase of the Proposed Project, the tree survey map created for the Proposed Project (Appendix C) shall be consulted and if impacts to any protected trees are anticipated, the Proposed Project shall comply with mitigation included in the Malibu Local Coastal Program Native Tree Protection Ordinance.

#### ***Findings:***

Implementation of Mitigation Measure BIO-6 would reduce potential impacts to local protected trees to less than significant. Therefore, no significant unavoidable adverse impacts relating to biological resources have been identified.

### **3. Cultural Resources**

#### **Impact 5.4-2: Development of the Proposed Project could result in an impact on archaeological resources.**

Support for this environmental impact conclusion is fully discussed starting on page 5.4-15 of Section 5.4, *Cultural Resources* of the DEIR.

No archaeological resources were identified within the Project Site; however, the soils underlying the Project Site (Pleistocene and Holocene alluvial sediments) and the records search results indicate that there are buried pre-contact resources near the vicinity of the Project Site. Therefore, there is a

moderate to high potential for buried pre-contact resources to be uncovered during ground-disturbing activities, and impacts are considered potentially significant. Mitigation Measure CUL-1 requires a Qualified Archaeologist to conduct sensitivity training in advance of ground-disturbing activities for each phase and be retained and available during ground disturbance. It also provides measures to be taken in the event cultural resources are inadvertently discovered during construction.

### **Mitigation Measures**

CUL-1 Prior to issuance of any permits allowing ground-disturbing activities for the Proposed Project (for each individual phase of the Project), the District shall ensure that an archaeologist who meets the Secretary of the Interior's standards for professional archaeology and a Qualified Paleontologist (or someone cross-trained in both areas) has been retained for the Project and will be on-call during all grading and other significant ground-disturbing activities. The Qualified Archaeologist and Paleontologist shall ensure that the following measures are followed for the Project:

- Prior to any ground disturbance, the Qualified Archaeologist/Paleontologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) and paleontological resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated cultural or paleontological resources be made during construction.
- In the event that unanticipated cultural or fossil-bearing material is encountered during any phase of project construction, all construction work within 100 feet of the find shall cease and the Qualified Archaeologist/Paleontologist shall assess the find for importance. Construction activities may continue in other areas. If the discovery is determined to not be important by the Qualified Archaeologist/Paleontologist, work will be permitted to continue in the area.
  - If a find is determined to be important by the Qualified Archaeologist/Paleontologist, he or she shall immediately notify the District. The District shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the California Register of Historical Resources (CRHR). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: (1) is not eligible for the CRHR; or (2) that the treatment measures have been completed to their satisfaction.
  - If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Los Angeles County Medical Examiner-Coroner (as per section 7050.5 of the California Health and Safety Code). The provisions of section 7050.5 of the California Health and Safety Code, section 5097.98 of the California Public Resources Code (PRC), and AB 2641 will be implemented. If the Medical Examiner-Coroner determines the remains are Native American and not the result of a crime scene, the Medical Examiner-Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the Project (section 5097.98 of the PRC). The designated MLD will have

48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

***Findings:***

Implementation of Mitigation Measure CUL-1 would reduce potential impacts to archaeological resources to less than significant. Therefore, no significant unavoidable adverse impacts relating to cultural resources have been identified.

#### **4. Geology and Soils**

##### **Impact 5.6-3: Future development in the Project Site could subject persons or structures to hazards arising from off-site landslide, lateral spreading, subsidence, collapsible soils, or expansive soils.**

Support for this environmental impact conclusion is fully discussed starting on page 5.6-19 of Section 5.6, *Geology and Soils* of the DEIR.

##### **Landslides, Mud/Debris Flows, and Lateral Spreading**

The potential for seismically induced landslides and lateral spreading at the Project Site are considered low and impacts would be less than significant. The potential for mud flow depends on soil type, water content, and degree of vegetation in the source zone. Mud flows have occurred in the Project area as a result of the 2018 Woolsey Fire, which burned and stripped vegetation and structures from the surrounding slopes. The loss of surficial support provided by vegetation combined with the accumulation of moisture from prolonged rain events in the loose and disturbed soil resulted in mud flows. Since the December 2018 mud flow event, the slopes above the campus have revegetated with light grasses, homes are being rebuilt, and drainage pathways corrected. A number of drainage diversion devices have been installed on-site, including K-rail barriers, earthen berm, gravel bag barriers, concrete channel with side walls, and debris rack cage to redirect stormwater and debris flows on-site. Thus, based on the relatively gentle slope inclination (approximately 5 degrees) and long depositional zone (1,100 feet), which has a defined flow path, the likelihood of a debris flow from the source area causing significant structural damage to the MMHS campus is low. Although mud flows should be expected to impact the Project Site, the Proposed Project would use existing and improved drainage diversion devices such as sandbags, K-rails, and hydro barriers placed along the known flow paths to divert runoff to the west side channel. Therefore, impacts associated with mud flows would be less than significant.

### **Subsidence, Collapsible, Expansive, and Corrosive Soils**

Since the geologic units encountered at the site are moderately hard to hard and are stiff to very stiff, overlying bedrock of the Monterey Formation, the risk of land subsidence or collapse is considered low. Therefore, impacts associated with subsidence and collapsible soils would be less than significant.

The composition of on-site materials is in the high to very high expansion range with an Expansion Index (EI) of 116 to 134. 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 Measure GEO-1 and GEO-2, impacts would be less than significant.

### **Mitigation Measures**

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 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.

### **Findings:**

Implementation of Mitigation Measures GEO-1 and GEO-2 would reduce potential impacts of landslide, lateral spreading, subsidence, collapsible soils, or expansive soils to less than significant. Therefore, no significant unavoidable adverse impacts relating to geology and soils have been identified.

### **Impact 5.6-5: Build out of the Proposed Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature**

Support for this environmental impact conclusion is fully discussed starting on page 5.6-22 of Section 5.6, *Geology and Soils* of the DEIR.

The Project Site is in an area with high paleontological sensitivity (the Monterey Formation geologic unit), and excavation into undisturbed sediments of the Monterey Formation have the potential to destroy undiscovered unique paleontological resources during construction of each of the Project phases.

Given that construction of the Proposed Project would involve ground-disturbing activities in an area of paleontological sensitivity, impacts are considered potentially significant. Implementation of Mitigation Measure CUL-1, which requires a Qualified Paleontologist to conduct sensitivity training in advance of ground-disturbing activities for each phase and to be retained and available during ground disturbance. It also provides measures to take if paleontological resources are inadvertently discovered during construction. With the implementation of Mitigation Measure CUL-1, impacts would be less than significant.

### **Mitigation Measures**

CUL-1 Prior to issuance of any permits allowing ground-disturbing activities for the Proposed Project (for each individual phase of the Project), the District shall ensure that an archaeologist who meets the Secretary of the Interior's standards for professional archaeology and a Qualified Paleontologist (or someone cross-trained in both areas) has been retained for the Project and will be on-call during all grading and other significant ground-disturbing activities. The Qualified Archaeologist and Paleontologist shall ensure that the following measures are followed for the Project:

- Prior to any ground disturbance, the Qualified Archaeologist/Paleontologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) and paleontological resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated cultural or paleontological resources be made during construction.
- In the event that unanticipated cultural or fossil-bearing material is encountered during any phase of project construction, all construction work within 100 feet of the find shall cease and the Qualified Archaeologist/Paleontologist shall assess the find for importance. Construction activities may continue in other areas. If the discovery is determined to not be important by the Qualified Archaeologist/Paleontologist, work will be permitted to continue in the area.
  - If a find is determined to be important by the Qualified Archaeologist/Paleontologist, he or she shall immediately notify the District. The District shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the California Register of Historical Resources (CRHR). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: (1) is not eligible for the CRHR; or (2) that the treatment measures have been completed to their satisfaction.
  - If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Los Angeles County Medical Examiner-Coroner (as per section 7050.5 of the California Health and Safety Code). The provisions of section 7050.5 of the California Health and Safety Code, section 5097.98 of the California Public Resources Code (PRC), and AB 2641 will be implemented. If the Medical Examiner-Coroner determines the remains are Native American and not the result of a crime scene, the Medical Examiner-Coroner will notify the Native American Heritage Commission (NAHC),

which then will designate a Native American Most Likely Descendant (MLD) for the Project (section 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

***Findings:***

Implementation of Mitigation Measure CUL-1 would reduce potential impacts to paleontological resources to less than significant. Therefore, no significant unavoidable adverse impacts relating to geology and soils have been identified.

**5. Noise**

**Impact 5.11-2: Project implementation would not result in permanent operation-related noise that would exceed established standards.**

Support for this environmental impact conclusion is fully discussed starting on page 5.11-20 of Section 5.11, *Noise* of the DEIR contained within Responses to Comment Letter A5 (see A5-39).

**Stationary Noise**

Heating, ventilation, and air conditioning (HVAC) systems would be installed on the rooftops of various buildings, as they are now, so this type of noise already exists in the Project area. The nearest noise-sensitive receptors are residential uses to the south. Typical HVAC equipment generates noise levels ranging up to 72 dBA at a distance of 3 feet. The nearest proposed buildings with HVAC equipment (Building C) would be approximately 200 feet north of residential property lines across Morning View Drive (this is farther than existing Building C at JCES and MMHS Building A/B). At this distance, noise levels associated with HVAC equipment would attenuate to approximately 36 dBA. This would not exceed the exterior noise limit of 40 dBA for nighttime rural residential and would, therefore, be a less than significant impact.

**Student and Other Community Use Recreational Noise**

School hours would remain the same, from 8:00 am to 3:00 pm, with staff and students of the middle/high school arriving on campus between approximately 7:00 am and 8:00 am and leaving between approximately 3:00 pm and 5:00 pm, with occasional special events and community events during weeknights and/or weekends. When the school facilities are not in use and are not scheduled for school-sponsored or other District-related events, the Civic Center Act and SMMUSD policy permit community organizations and members to use school facilities by obtaining a Civic Center Act Permit from the District or the City of Malibu. Such uses already occur—e.g., soccer and softball practice/games, use of the pool, and use by the Boys & Girls Club—and would continue under the

Proposed Project. Since the Proposed Project does not propose to increase student capacity and the daily schedule would remain the same, student- and community-related use noise is expected to be similar to existing conditions. Activities on public playgrounds or private school grounds, including school athletic and school entertainment events, are exempt from the City's noise standards. Student recreational noise would be less than significant.

### **Bus Barn**

The bus barn would be moved from its current location on campus to a District-owned location on the Malibu Equestrian Center. Operational characteristics would be the same as the existing bus barn. Bus testing begins at 6:00 am during school days. Startup testing includes momentary testing of horns and blinkers. Three buses would be in operation on a daily basis, with limited weekend operation. Buses depart the facility at 6:45 am and continuously use the facility until approximately 6:00 pm. Because of the varied bell schedules for middle and high schools, frequency and exact timing of use would vary day-to-day. Any maintenance, refueling, and washing activities happen at an off-site location, as under current conditions.

The nearest residential property lines to the proposed bus barn are approximately 30 feet to the south and west. Without mitigation, the relocation of the bus barn would exceed the nighttime noise standard of 40 dBA Leq for rural residential receiving uses and would be considered potentially significant. Implementation of Mitigation Measure N-2 would reduce this impact to a level of less than significant.

### **Traffic Noise**

The Proposed Project would not result in an increase of student or staff capacity. However, the proposed new Parking Lot F in the northern part of the campus near the athletic fields could result in a redistribution of trips and additional trips from after-school community use. The existing secured and locked gate from Clover Heights Avenue would remain locked during school hours, and this location would not serve as a drop-off/pick-up location. It would continue to give pedestrian access only during school hours. The 14 spaces in Parking Lot F would serve after-school community uses of the athletic fields only.

Project-related traffic would be less than 1.5 dBA, with the exception of Clover Heights Avenue south of Harvester Road. However, ambient noise measurements at ST 1 indicate that the existing ambient is below 60 dBA. The threshold for traffic noise increases is 5 dBA when the existing ambient is less than 60 dBA CNEL. The traffic noise increase along this roadway segment is estimated to be 2.2 dBA, which would not exceed the 5 dBA threshold. Therefore, operational traffic impacts associated with Parking Lot F would be less than significant.

### **Mitigation Measures**

N-2            The proposed bus barn shall be an enclosed structure constructed of wood, masonry, concrete, or other similar solid material (e.g., not corrugated metal). The structure will have no gaps and minimal window area. All bus testing shall be conducted inside the enclosed bus barn.

### **Findings:**

Mitigation Measure N-2 would require that all future bus testing is conducted inside an enclosed structure with open doors facing away from sensitive receptors to the south and west. This would

reduce bus barn noise levels by at least 25 dBA. With implementation of Mitigation Measure N-2, bus barn noise would be reduced to 39 dBA Leq or less at nearby residential property lines to the south and west, which would not exceed the nighttime threshold of 40 dBA Leq for rural residential uses. With implementation of Mitigation Measure N-2, impacts to operational noise from the relocated bus barn would be reduced to a level of less than significant.

## **6. Transportation**

### **Impact 5.14-3: Project circulation improvements have been designed to adequately address potentially hazardous conditions (sharp curves, etc.), and potential conflicting uses.**

Support for this environmental impact conclusion is fully discussed starting on page 5.14-25 of Section 5.14, *Transportation* of the DEIR and contained within Responses to Comment Letter R3 (R3-7, R3-11, and R3-16).

#### **Construction**

Construction of Phase 1 would include the demolition of the existing JCES campus, and construction of Building C and Parking Lots C and D. The existing Parking Lots A and B would be available for student drop-off and pick-up during the construction of Phase 1; however, since the existing JCES parking lot would be demolished, vehicles that use the curbside drop-off area on Morning View Drive adjacent to the school campus would not be able to make a U-turn to head south on Morning View Drive. Drop-off on Morning View Drive would be prohibited, as there are few opportunities to make U-turns southbound on PCH. Additionally, the intersection of Guernsey Avenue at PCH is not signalized and cannot accommodate high traffic volumes on the Guernsey Avenue approach. These changes to circulation could result in increased congestion during pick-up/drop-off times, which result in potentially hazardous conditions and conflicting uses with active school and construction, and therefore potentially significant impacts. Mitigation measures T-1 and T-2 would be implemented during Phase 1 construction activities.

Similar to Phase 1, during Phases 2 through 4, the majority of construction traffic during the peak hours would consist of construction workers and vendors traveling to and from the Project Site. In addition, during Phases 2 through 4, the newly constructed drop-off and pick-up areas in Parking Lots C and D would be available, and the school would continue to use Parking Lot B and the new Parking Lots D and E that would be implemented in Phase 1 of the Proposed Project. Nevertheless, given the likelihood that construction activities would occur during active school periods, impacts related to hazardous circulation conditions would be potentially significant. Mitigation measures T-1 and T-3 would be implemented during Phases 2 through 4.

#### **Operation**

The Proposed Project would not change the land use of the Project Site, which is currently the MMHS campus. Three main changes regarding operational changes that could affect hazardous circulation conditions include the new parking lot/access locations, pedestrian circulation, and the relocation of the bus barn. These are evaluated below.

##### *New Parking Lots*

The Proposed Project would not substantially change the access configurations to and from the Project Site and the surrounding areas. The configuration of the new Parking Lots C, D, and E would improve traffic conditions because access to Lots D and E would be located farther west, away from the drop-off and pick-up area adjacent to the school on Morning View Drive. Parking Lot C, compared to the existing JCES parking lot, provides better on-site circulation and vehicular storage. The existing and future parking lots and access driveways provide several opportunities for drivers heading west on Morning View Drive to make a U-turn to return to the south via PCH. Thus, the proposed access driveways and parking lot configurations would improve circulation, as they would provide better separation from the drop-off area off Morning View Drive, and the parking lots provide better off-street queuing for vehicles. Therefore, impacts to access as a result of implementation of the new parking lots would be less than significant.

#### *Pedestrian Facilities*

All proposed circulation improvements would be wheelchair accessible via a network of ramps and elevators, connecting parking lots with athletic and educational facilities. The Proposed Project would also include a pedestrian trail system that would connect to a larger system of existing trails around the Equestrian Park and surrounding hills. 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. Access to the parking areas on the western portion of the Project Site would be further west and away from the student drop-off area on Morning View Drive. Because of the relocation of the proposed access driveways, the existing location of the crosswalks on Morning View Drive would need to be relocated. Without relocation of existing crosswalks, crossing guards, and related pedestrian safety signage in conjunction with the proposed driveways to provide vehicular access to parking areas and drop-off areas, potentially significant impacts related to hazardous conditions could occur. Implementation of Mitigation Measure T-4 would be required to ensure relocated facilities sufficiently address pedestrian safety needs.

#### *Bus Barn Relocation Assessment*

The bus barn would be relocated to the east of Parking Lot A within the District-owned Malibu Equestrian Park, as part of Phase 4 of the Proposed Project. The relocated bus barn would accommodate up to five buses (three are typically in operation), that would operate between 6:45 a.m. and 6:00 p.m., Monday through Friday. No refueling or maintenance would occur at the new bus barn, consistent with current operation.

Bus ingress and egress to and from the bus barn area would not coincide with student drop-off and pick-up times because the school buses are already running their routes during student drop-off and pick-up times. In addition, the relocated bus barn and driveway access would reroute buses away from the sections of Morning View Drive where heavy pedestrian and vehicular school activity occur. During operation of the Proposed Project, bus access would continue to come from Morning View Drive; however, the circulation network would not change as a result of the Proposed Project. Therefore, the relocation of the bus barn would not result in hazardous conditions or conflicting uses and impacts would be less than significant.

## **Mitigation Measures**

- T-1 During each phase of construction activity, SMMUSD shall work with the City of Malibu Public Works Department to develop and implement a Construction Traffic Mitigation Plan that is specific to the needs of each phase and shall include the following:
- Haul trucks and vendor truck traffic ingress and egress to/from the construction area shall not occur 30 minutes before or after student arrival and dismissal times—8:30 am Monday through Friday, 1 pm to 3 pm Monday through Thursday, and 12 pm to 1:30 pm on Friday.
  - The plan shall eliminate curbside parking on the south side of Morning View Drive south of the construction staging area to provide adequate turn radius and site distance to access for trucks entering and leaving work sites. This would apply to construction Phases 1, 2, and 3 only, which would have access via the segment of Morning View Drive adjacent to the school frontage.
  - The plan shall include a Traffic Education Program to assist in educating parents, students, and staff on drop-off/pick-up procedures specific to each phase of construction. Informational materials shall be disseminated regarding student drop-off and pick-up procedures via regular parent/school communication methods and shall be posted on the school website.
  - The use of portable message signs and information signs at construction sites shall be employed as needed.
  - Construction activities for each phase shall be coordinated with the responsible agency departments, including the City of Malibu Public Works and Planning Departments, and the Los Angeles County Sheriff 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.
- T-2 To facilitate safe and efficient vehicular and pedestrian circulation during student drop-off and pickup, times during Phase 1, prior to initiation of construction activities, SMMUSD shall work with the City of Malibu Public Works Department to develop and implement a Traffic and Parking C Plan to include the following:
- Designation of vehicular drop-off and pick-up areas outside Morning View Drive at off-street Parking Lots A, D, and E. Vehicular access to these lots shall allow vehicles to enter and return from the area from the intersection of Morning View Drive at PCH.
  - Student drop-off and pick-up shall be implemented in a counterclockwise circulation pattern. Figure 7 (see Appendix L) depicts vehicular circulation patterns that shall be used in Parking Lots A, D, and E during Phase 1 construction.
  - The school shall educate students and parents on drop-off and pick-up routes and procedures. This may be achieved with a combination of information bulletins shared with students and parents.
- T-3 Construction scheduling during Phases 2 to 4 shall be scheduled such that any activities that would result in potential lane closures along Morning View Drive, including, but not limited to, reconstruction of the student drop-off/pick-up area and sidewalks along Morning View Drive, shall be limited to summer months when school is not in session to eliminate conflicts with local traffic and pedestrian activities.

T-4 The SMMUSD shall 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. Crossing guards shall be relocated as necessary, based on the ultimate location of crosswalks.

***Findings:***

Implementation of Mitigation Measure T-1 through T-4 would reduce potential impacts to transportation to less than significant. Therefore, no significant unavoidable adverse impacts relating to transportation have been identified.

**7. Wildfire**

**Impact 5.16-1: Future development on the Project Site pursuant to the Proposed Project could exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.**

Support for this environmental impact conclusion is fully discussed starting on page 5.16-17 of Section 5.16, *Wildfire* of the DEIR and contained within Responses to Comment Letter A1 (see A1-4).

**Construction**

The Project Site is in an LRA VHFHSZ with a high likelihood of exposure to a wildland fire and secondary effects of wildland fires. Project construction activities could result in exacerbated fire risks due to sparks, dry vegetation, and weather, particularly in areas where construction activities are in proximity to surrounding open space areas (i.e., Phases 1, 2, and 4). Given the high potential for wildland fires and associated risks in the project area, construction-related impacts are considered potentially significant. Mitigation Measure W-1 would ensure fire prevention requirements are in place during all phases of construction activities.

**Operation**

The Proposed Project would not significantly alter the existing topography, and the new buildings would be constructed on the existing grade. The minor modifications to the existing grades on the Project Site would not be expected to exacerbate wildfire risks due to increased slope modifications, and the proposed grade would not place new structures on slopes where wildfire risk could be exacerbated. The Proposed Project would be required to comply with current CBC 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.

Overall, the Proposed Project would redevelop and modernize the existing MMHS campus and former JCES campus and would not introduce new uses to the Project Site that would exacerbate wildfire risks. Impacts related to exacerbating wildfire risks due to slope, prevailing winds, and other factors during project operations would be less than significant.

## **Mitigation Measures**

W-1 The District and its general contractor will prepare a Construction Fire Protection Plan (CFPP) that shall be implemented during all phases of construction activity. The CFPP will be approved by the County of Los Angeles Fire Department (LACoFD) prior to building construction and may also be reviewed and approved in phases based on the phased development of the Proposed Project.

The CFPP shall include, but not be limited to, guidance for:

- Prevention, control, and extinguishment of fires during construction activities.
- Smoking- and fire-related rules, storage, and parking area.
- Delineating work areas from natural/open space areas and establishing sufficient setbacks.
- Vegetation management prior to and during construction activity, consistent with LACoFD protocols.
- Requirement to use spark arrestors on construction equipment.
- Limiting the type and duration of construction activities during red flag warning events issued by the National Weather Service covering the project area.

## **Findings:**

Implementation of Mitigation Measure W-1 would reduce potential impacts to wildfire risks to less than significant. Therefore, no significant unavoidable adverse impacts relating to wildfire have been identified.

## **Impact 5.16-3: Future development on the Project Site pursuant to the Proposed Project could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes.**

Support for this environmental impact conclusion is fully discussed starting on page 5.16-22 of Section 5.16, *Wildfire* of the DEIR.

## **Construction**

The potential exists for soil erosion during Project construction of each phase, as underlying ground surfaces are exposed. Construction of the Proposed Project would result in ground surface disturbance during excavation, grading, and trenching that could create the potential for soil erosion. Site preparation would require removal of necessary vegetation, existing structures, unsuitable fill, and asphalt and concrete paving, exposing pervious surfaces to the elements.

Each phase of the Proposed Project would be required to comply with NPDES permit requirements to control pollutants from being discharged into the water. Under this permit, which applies to grading activities of more than one acre and is administered under the Regional Water Quality Control Board, the District would be required to prepare and implement a SWPPP, including best BMPs to address construction-related discharges. During construction, all stormwater runoff would be diverted to the appropriate catch basins and drainage channels, subject to all applicable regulatory statutes and permits, including those in Title 15 (Building and Construction) of the Malibu Municipal Code, which adopts Title 26 (Building Code) of the Los Angeles County Code. As a result, project construction would not

expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, postfire slope instability, or drainage changes. Impacts would be less than significant.

### **Operation**

The Proposed Project would improve on-site hydrology and would implement erosion prevention and bank stability improvements as part of the ESHA restoration plan on the District property. Bank stability improvements and erosion control would occur in the upstream and downstream portions of the ESHA during Phase 1 of the Proposed Project, and demolition of the hardscape within the 100-foot buffer of the downstream area would also occur during Phase 1. Demolition of the developed areas within the 100-foot buffer of the upstream and middle-stream area would occur during Phase 4 because the bus barn and other existing structures would remain operational until Phase 4 commences. This restoration would improve existing conditions related to drainage patterns and would prevent future postfire slope instability in the event of a wildfire in the project area.

A contributing factor at the Project Site is the presence of expansive soil, which expands and shrinks during wetting and drying cycles. The expanding and shrinking of the soil could cause a ratcheting effect, where soil and relatively light surface improvements, such as concrete slabs, tend to move laterally toward the unconfined slope face during expansion and downward during periods of shrinkage. This would result in a gradual downward and lateral movement of the surficial soils (and surficial improvements). This slope creep could result in slope instability, and impacts would be potentially significant. The Proposed Project would be required to conform to the recommendations in the preliminary geotechnical evaluation and final geotechnical report for the design and construction of proposed slopes and would be monitored during construction as required by Mitigation Measure GEO-1.

### ***Mitigation Measures***

***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 H. Findings:***

Implementation of Mitigation Measure GEO-1 would reduce potential impacts to significant risks, including downslope or downstream flooding or landslides, to less than significant. Therefore, no significant unavoidable adverse impacts relating to wildfire have been identified.

## **E. FINDINGS ON SIGNIFICANT UNAVOIDABLE IMPACTS**

The following summary describes the unavoidable adverse impact of the Proposed Project where either mitigation measures were found to be infeasible, or mitigation would not lessen impacts to less than significant. The following impact would remain significant and unavoidable:

## 1. Aesthetics

### IMPACT 5.1-4: THE PROPOSED PROJECT COULD GENERATE ADDITIONAL LIGHT AND GLARE.

Support for this environmental impact conclusion is fully discussed starting on page 5.1-52 of Section 5.1, *Aesthetics* of the DEIR and contained within Responses to Comment Letter A5 (see A5-9 through A5-17) and R3 (R3-6, R3-18, and R3-21).

The Proposed Project would occur on the currently developed former JCES and MMHS campuses, in an area visually characterized as a rural residential neighborhood. There is a potential for the new marquee signs, pool lighting, campus lighting configuration, and new building surfaces to adversely affect nighttime views in the area and result in substantial glare. Therefore, impacts are considered potentially significant. Mitigation Measures AES- 1 and AES-2 would require that each of the light sources will be directed onto the Project Site or campus and will be equipped with a visor that will further direct the lighting downward, reducing the potential for spill lighting outside of the parking lots and the access road. Implementation of Mitigation Measure 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. Mitigation Measure AES-4 would require the use of nonreflective textured surfaces on building exteriors, as well as prohibiting the use of reflective glass.

#### **Mitigation Measures**

- AES-1 To minimize spill lighting and glare impacts, all lighting from the Proposed Project, including from pool lighting, shall be LED, have full-cutoff shielding, be aimed specifically to direct areas.
- AES-2 Atmospheric lighting pollution shall be reduced by using full cut-off shielded lighting fixtures that eliminate light directed to the sky. Marquee sign lighting shall be dimmable in the evenings when not required for student/community communication.
- AES-3 Santa Monica-Malibu Unified School District (SMMUSD) shall minimize the effects of new sources of night lighting. Such measures, which may include the following and/or other measures, will be incorporated into each phase of the Proposed Project's design and operation:
- All exterior lighting shall be delineated as either "night lighting" or "security lighting" and controlled by separate automatic timers. Lights delineated as security lighting shall be determined by the campus principal, security, and facility manager.
  - All lighting delineated as "night lighting" shall be shut off automatically at 10:00 p.m. on school nights. This includes pool lights.
  - When operation of "night lighting" is necessary after 10:00 p.m., SMMUSD as operator of the Project Site shall provide notice to the community by posting such notice on the campus website and the school message board and marquee.
  - When school is not in session (such as summer and winter break and weekends), "night lighting" shall not be permitted, and only required security lighting shall be illuminated.
- AES-4 All structures shall incorporate nonreflective exterior building materials in their designs, and the use of reflective glass shall be prohibited.

AES-5 The pool lighting shall be designed to meet safety requirements of 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.

## **Findings:**

Mitigation Measures AES-1 through AES-4 would reduce potential impacts related to an increase in light and glare for the general outdoor lighting program to a level that is less than significant. However, in order to meet the required safety standards, the new pool lighting would likely continue to exceed standards set forth in the City of Malibu Dark Sky Ordinance. Therefore, impacts regarding pool lighting would remain significant and unavoidable.

## **2. Noise**

### **Impact 5.11-1: Construction-related activities would result in temporary noise increases in the vicinity of the Proposed Project in excess of established standards.**

Support for this environmental impact conclusion is fully discussed starting on page 5.11-17 of Section 5.11, *Noise* of the DEIR.

#### **Construction Vehicles**

The transport of workers and materials to and from the construction site would incrementally increase noise levels along site access roadways (namely Morning View Drive). The addition of construction trips and haul trips would result in a temporary noise increase of less than 0.4 dBA CNEL or less, which would not be substantial nor permanent. Therefore, construction-vehicle noise impacts would be considered less than significant, and no mitigation measures are necessary.

#### **Construction Equipment**

Construction equipment used during each phase of construction of the Proposed Project would generate noise levels of up to 85 dBA Leq at 50 feet. However, overall noise emissions vary considerably, depending on the specific activity being performed at any given moment. Noise from construction equipment is intermittent and diminishes at a rate of at least 6 dBA per doubling of distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and shielding effects), and the average noise levels at noise-sensitive receptors could vary considerably because mobile construction equipment would move around the site with different loads and power requirements. Pile driving would not be needed during any phase of Project construction.

Construction activity would comply with Malibu Municipal Code section 4.2.04(G), which limits the hours of construction to 7:00 am to 7:00 pm on weekdays and 8:00 am to 5:00 pm on Saturday; construction is not allowed on Sundays or holidays.

Construction activity could exceed the threshold of 80 dBA Leq when within 100 feet of a nearby receptor property line, and construction noise levels could exceed the threshold of 80 dBA Leq during all four phases without mitigation. Since construction activities during all phases have the potential to occur within 100 feet of the nearest receptor property line and exceed the threshold of 80 dBA Leq,

this impact would be considered potentially significant. Implementation of Mitigation Measure N-1 would reduce construction equipment-related noise impacts to off-site sensitive receptors. However, due to topography in the area of Phase 4, residences on Via Cabrillo are higher in elevation than proposed Phase 4 construction on the west end, and residences on Morning View Drive are higher in elevation than the proposed Bus Barn construction; the use of temporary noise barriers would not be as effective in reducing construction noise.

Students would remain on campus during all phases of construction, and there is potential for construction activities during school hours. Therefore, students could be exposed to construction activity noise during this time. The CALGreen requirement for nonresidential interior spaces is 50 dBA Leq, and the typical building would provide at least 25 dBA of exterior-to-interior noise reduction. Therefore, if exterior construction noise exceeds 75 dBA Leq at the classroom building façade, interior noise levels could exceed the threshold. Based on the equipment anticipated for Project construction, construction noise could potentially exceed the interior standard of 50 dBA Leq when within 150 feet of an active classroom. Therefore, this impact is considered potentially significant. Implementation of Mitigation Measure N-1 would reduce construction equipment-related noise impacts to on-site sensitive receptors to a level of less than significant.

### ***Mitigation Measures***

N-1 Construction contractors shall implement the following measures for construction activities conducted at the Project Site during each phase of construction. Construction plans submitted to the District shall identify these measures on demolition, grading, and construction plans. The District shall verify that grading, demolition, and/or construction plans submitted include these notations prior to demolition, grading, and/or building construction.

- During the active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, intake silencers, ducts, engine enclosures, acoustically attenuating shields or shrouds) wherever feasible.
- Impact tools (e.g., jack hammers and hoe rams) shall be hydraulic- or electric-powered wherever feasible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.
- Stationary equipment such as generators and air compressors shall be located as far as feasible from noise-sensitive uses.
- The District's construction contractors and subcontractors shall be required through contract specifications to locate construction staging areas, construction worker parking, and material stockpiling as far away from vibration- and noise-sensitive sites as possible. Additionally, these activities shall be located away from occupied buildings on campus, occupied residential dwellings adjacent to the campus, and other sensitive receptors, where feasible.
- Prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours as well as the contact information of the District's and contractor's representatives who are authorized to respond in the event of a noise or vibration complaint. If the contractor's authorized representative receives a complaint, they shall investigate, take appropriate corrective action, and report the action to the District.

- Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All equipment shall be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall be responsible for adjusting alarms based on the background noise level, or to utilize human spotters when feasible and in compliance with all safety requirements and laws.
- Notification shall be mailed to owners and occupants of all developed land uses immediately bordering or directly across the street from the Proposed Project site providing a schedule for major construction activities through the duration of the construction period. When construction activity would occur within 100 feet of nearby receptor property lines, contractors shall erect temporary noise barriers where feasible. The temporary noise barrier shall have a minimum height of 12 feet and be free of gaps and holes. The barrier can be (a) a ¾-inch-thick plywood wall OR (b) a hanging acoustical blanket/curtain with a surface density of at least 1.5 pounds per square foot.
- Prior to construction, the contractor shall submit to the District a list of equipment and activities required during construction to ensure proper planning of the most intense construction activities during time periods that would least impact campus operations. When construction activity would occur within 150 feet of active classrooms, contractors shall ensure that interior classroom noise levels do not exceed 50 dBA Leq. Feasible methods to achieve this include those listed above, scheduling work during less sensitive time periods when the classroom is not in use, and classroom use rescheduling to move active classes away from high noise construction activities, as necessary. Construction activities within 50 feet of occupied classrooms would be prohibited during preparation and testing for National Standardized testing days of students at MMHS.

**Findings:**

Mitigation Measure N-1 would reduce potential noise impacts during construction to on- and off-site sensitive receptors to the extent feasible. Specifically, the effective use of temporary noise barriers, as required under Mitigation Measure N-1, can achieve up to 15 dBA of noise reduction when breaking the line-of-sight between the construction site and the receptor. Implementation of Mitigation Measure N-1 would ensure that interior noise levels in classrooms do not exceed 50 dBA Leq.

During Phase 1, with installation of temporary noise barriers along the southern boundary of the phase area adjacent to Morning View Drive, construction noise would be reduced to approximately 70 dBA Leq, which would be below the threshold of 80 dBA Leq. Although Project-level details for Phases 2 through 4 are not known at this time, Mitigation Measure N-1 would ensure that temporary noise barriers are erected when construction activities would be within the screening distance of 100 feet from the sensitive receptor property line.

As discussed above, in Impact 5.11-1, due to topography in the area of Phase 4, residences on Via Cabrillo are higher in elevation than proposed Phase 4 construction on the west end, and residences on Morning View Drive are higher in elevation than the proposed Bus Barn construction. Therefore, the use of temporary noise barriers would not be as effective in reducing construction noise. Also, because of the anticipated construction duration over multiple years for full buildout, construction noise impacts associated with implementation of the Proposed Project are considered significant and unavoidable for off-site receptors.

## F. FINDINGS ON PROJECT ALTERNATIVES

### 1. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

The following is a discussion of an alternative considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the DEIR.

- **Off-Site Alternative** - The Proposed Project by design is intended for the MMHS campus. Consequently, an alternative off-site location is not a feasible alternative and would not meet the Project objectives. Certain impacts that are identified as being potentially significant under the Proposed Project are due primarily to construction-related activity such as air emissions and noise. These impacts would occur regardless of the Proposed Project's location. For these reasons, an alternative that is in another location within the District is not addressed in this chapter. Because the Project Site is already developed as a school, constructing a new school on a different site would likely increase environmental impacts. For these reasons, this alternative was not considered further.
- **Alternative Design** - At the beginning of planning efforts for the Proposed Project, three organizational layout concepts were presented to the public, District Steering Committee, and Campus Design Committee as Option A (The Canyon), Option B (The Park), and Option C (The Villages). Option A locates the middle school roughly at the former JCES site and the high school roughly where the new Buildings A/B and E are located. The middle school and high school would have their own dedicated quad and identity from Morning View Drive under this option. Option B organized both the middle school and high school around one main quad with less definition between the schools and more blending of high school and middle school students. Option C would locate the high school at the former JCES site and place the middle school in the recently completed Buildings A/B and E.

These options were ultimately rejected based on community, District Steering Committee, and Campus Design Committee feedback in favor of the Proposed Project's design and layout. Each option presented a variation in overall campus layout and design and would have resulted in a negligible change to the environmental impacts of the Proposed Project.

- **Alternative Location** - In 2011, the District considered an alternative location for the Proposed Project on a District-owned 24.33-acre lot. However, based on the California Department of Education's (CDE) *Guide to School Site Analysis and Development* (2000), a school with an enrollment roughly equivalent to the existing MMHS campus would require approximately 30.44 acres (Parsons 2011) in order to meet CDE's classroom and playfield size requirements. The District does not own any properties in the City of Malibu that could accommodate a new middle school and high school to replace the existing MMHS, rendering this scenario economically infeasible.

In consideration of the information provided above, the Alternative Location Alternative was eliminated from further consideration in this EIR because the construction of a new middle school and high school as an alternative to the Proposed Project would be economically infeasible and would result in greater significant impacts to the environment, primarily due to the extent of

construction that would be required, rather than avoiding significant and unavoidable impacts that would result from implementation of the Proposed Project.

- **Alternative Location for the Bus Barn** - The District considered relocating the bus barn to an alternative site. The alternative site would have been on a County-owned lot at 3637 Winter Canyon Road, which is approximately 8 miles east of the Project Site. However, the County had already entered into a lease agreement with another entity. Thus, this site could not be used for the bus barn, and this alternative was ultimately rejected. Compared to the Proposed Project, this alternative would have increased vehicle miles traveled associated with the school buses that serve MMHS, due to the distance between the alternative site and the Project Site. Overall, this alternative would have changed a minor component of the Proposed Project and would have overall resulted in a negligible change to the environmental impacts of the Proposed Project.

## **2. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS**

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the Proposed Project but avoid or substantially lessen any of the significant effects of the project.

- Alternative 1: No Project Alternative
- Alternative 2: Development of Phases 1 and 2 Only
- Alternative 3: Elimination of Parking Lot F (at Clover Heights)

### **Alternative 1: NO PROJECT Alternative**

The CEQA Guidelines require the analysis of a No Project Alternative. Under CEQA, the No Project Alternative must consider the effects of not approving the Proposed Project. The No Project Alternative describes the environmental conditions that exist at the time that the environmental analysis commences, as well as what would reasonably be expected to occur in the foreseeable future if the Proposed Project was not approved (CEQA Guidelines section 15126.6(e)(2)).

Under the No Project Alternative, the District would not approve any portion of the Proposed Project on the Project Site, and none of the mitigation measures identified within this DEIR would be necessary. No demolition would occur under the No Project Alternative, because the existing structures on the Project Site would be retained. Under the No Project Alternative, it is assumed that the reasonably foreseeable future at the Project Site would be the continued occupation of the existing buildings within the MMHS campus as in current conditions. MMHS would not be redeveloped and modernized, and buildings that are part of the former Juan Cabrillo Elementary school (JCES) would be used by existing students as needed (portable buildings and Building E, Library) or remain unoccupied. The school would continue to operate under its current conditions, and no changes would take place.

### **Finding:**

This alternative would lessen environmental impacts related to construction in all topic areas, since no construction would occur under this alternative. The No Project Alternative would avoid the significant and unavoidable lighting impact and temporary construction noise impacts identified for

the Proposed Project. This alternative would not cause operational impacts associated with aesthetics, biological resources, GHG emissions, hydrology and water quality, land use and planning, noise, recreation, and transportation. Because the Proposed Project would not change operational conditions of the campus, including student enrollment and staffing, the No Project Alternative would result in similar operational impacts in the areas of air quality, energy, geology and soils, hazards and hazardous materials, public services (fire and police), and utilities and service systems.

The No Project Alternative does not meet any of the Project's objectives. Additionally, this alternative would not realize any of the environmentally beneficial outcomes of the Proposed Project, including restoration of the ESHA, enhanced recreational opportunities, and sustainability improvements (including the installation of the solar panel system). Overall, the No Project Alternative results in reduced impacts throughout all environmental topics and avoidance of the one identified significant and unavoidable impact.

## **ALTERNATIVE 2: DEVELOPMENT OF PHASES 1 AND 2 ONLY**

Under this Alternative, the Proposed Project would be limited to the activities in Phases 1 and 2 only. Phases 3 and 4 would not be developed. Phase 1 consists of demolition of all existing former JCES campus buildings and portables P6 and P7 and construction of Building C (the High School Core building that includes classrooms, student support services, and administrative and campus support), Parking Lot C, Parking Lot D, and the drop-off/pick-up area. Phase 1 would also include infrastructure improvements, including drainage management areas and septic improvements. Construction of Phase 1 is anticipated to begin in fall 2022 and be completed by summer 2024. Phase 2 would consist of construction of Building D (Gymnasium/Fitness/PE and Student Activities and Food Services) and the Middle School Quad. Phase 2 would also include infrastructure improvements, including drainage management areas, septic improvements, and development of the solar panel system. Construction of Phase 2 is anticipated to begin in fall 2024 and be completed by fall 2026 (contingent on passage of a new bond measure). Under this alternative, the project would construct a total of 90,395 square feet of new building space, which consists of 68,019 square feet under Phase 1 and 22,376 square feet under Phase 2.

**Finding:** Alternative 2 would lessen the Proposed Project's less-than-significant impacts with and without mitigation for aesthetics, air quality, biological resources, cultural resources, energy, GHG emissions, hazards and hazardous materials, hydrology and water quality, noise, recreation, and transportation. This alternative would result in similar impacts as the Proposed Project related to geology and soils, land use and planning, public services, utilities and service systems, and wildfire. Alternative 2 would eliminate the significant and unavoidable aesthetic (light and glare) impacts as the pool and associated pool lighting would not be developed. With Mitigation Measure N-1, Alternative 2 would reduce the Proposed Project's significant and unavoidable impact to a less-than-significant level.

Alternative 2 would meet Objectives 1, 8, and 9 and would only partially meet Objectives 2, 3, 6, 7, and 10 since it would only develop a portion of the Proposed Project. This alternative would not result in the full benefits of improving learning by replacing undersized and inflexible facilities with larger flexible spaces (Objective 2), providing enhanced support spaces (Objective 3), and improving access/circulation and parking on-site (Objective 6). Additionally, since this alternative would only restore a portion of the ESHA and would not replace most of the existing, older buildings with new

high-quality buildings, this alternative would not fully develop a campus that respects the natural environment through high design that is complementary to the natural landscape (Objective 7) and would not remove hazardous buildings and structures (Objective 8). The Phase 1 and 2 Only Alternative would not meet Objectives 4 and 5, since arts and athletic improvements and the reorganization of open space and intercampus circulation are largely included in Phases 3, 4a, and 4b.

### **ALTERNATIVE 3: ELIMINATION OF PARKING LOT F**

Under Alternative 3, 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.

**Finding:** Alternative 3 would lessen the Proposed Project's less-than-significant impacts with and without mitigation associated with aesthetics (visual and scenic resources), air quality, biological resources, cultural resources, energy, noise, and transportation. This alternative would result in similar impacts as the Proposed Project related to geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, recreation, utilities and service systems, and wildfire. The significant and unavoidable impact resulting from aesthetics (light and glare) as well as construction noise would be similar to that of the Proposed Project. This alternative would not fully meet Objective 6 since it would eliminate 14 parking spaces and would not increase campus parking on-site. This alternative would meet the other objectives for the Proposed Project.

### **III. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Public Resources Code section 21081(b) and CEQA Guidelines section 15093, the District has balanced the benefits of the Proposed Project against the following unavoidable adverse impacts associated with the Proposed Project and has adopted all feasible mitigation measures with respect to these impacts: (1) Aesthetics and (2) Noise. The District also has examined alternatives to the Proposed Project, none of which both meet the Project objectives and is environmentally preferable to the Proposed Project.

Regarding a Statement of Overriding Considerations, Guidelines section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a Proposed Project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a Proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

## **A. BACKGROUND**

CEQA requires decision makers to balance the benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered “acceptable” (CEQA Guidelines section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (CEQA Guidelines section 15093 [b]). The agency’s statement is referred to as a Statement of Overriding Considerations.

The following sections provide a description of each of the Proposed Project’s significant and unavoidable adverse impacts and the justification for adopting a Statement of Overriding Considerations.

## **B. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS**

The following adverse impacts of the Proposed Project are considered significant, unavoidable, and adverse based on the DEIR, FEIR, Mitigation Monitoring and Reporting Program, and the findings discussed in Section II, *Findings and Facts Regarding Impacts*, of this document.

### **1. Aesthetics**

- In order to meet necessary required safety standards, the new pool lighting would likely continue to exceed standards set forth in the City of Malibu Dark Sky Ordinance.

### **2. Noise**

- Construction-generated noise levels during special events and games would exceed the threshold of 80 dBA Leq, and the Proposed Project would result in temporary noise level disturbances to sensitive receptors.

## **C. CONSIDERATION IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS**

After balancing the specific economic, legal, social, technological, and other benefits of the Proposed Project, the District has determined that the unavoidable adverse environmental impacts identified above may be considered “acceptable” due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the Proposed Project.

### **1. Environmental Benefits**

- The Proposed Project represents an improvement to an existing school and would; reorganize open space and foster intercampus circulation; improve access, circulation, and drop-off and pick-up, and increase on-campus parking in a manner that improves pedestrian and vehicle safety; and remove hazardous buildings and structures.

### **2. Social Benefits**

- The Proposed Project will create unique and separate identities for the Malibu Middle School and Malibu High School campuses
- The Proposed Project will improve the arts and athletic facilities in support of both the school and the community’s educational, cultural, and recreational enhancement, and provide pool facilities that support high-level competitive water polo.

## **D. CONCLUSION**

For the foregoing reasons, the District concludes that the Malibu Middle and High School Specific Plan Project will Provide enhanced, modern, and functional support spaces, such as a state-of-the-art theater, library, cafeteria, labs, maker spaces, pool, and other student services, that promote the highly effective modern whole child development. Implementation of the Proposed Project will also improve learning by replacing undersized and inflexible facilities with larger, functional flexible spaces that accommodate modern, diverse learning styles and allow for variable uses; respect the natural environment by developing a campus that is of high design, and complementary to the natural landscape and that contributes to the high scenic quality of the area.; increase District resiliency, protect and maximize the learning environment, and maximize energy and operational savings through a photovoltaic solar array and battery backup system.

The District has balanced the project’s benefits against the project’s significant unavoidable impacts. The District finds that the project’s benefits outweigh the project’s significant unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the project’s benefits. The District finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the project notwithstanding the Proposed Project’s significant unavoidable impacts.