

**CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 13-15**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING THE MALIBU MIDDLE AND HIGH SCHOOL CAMPUS IMPROVEMENT PROJECT – COASTAL DEVELOPMENT PERMIT NO. 10-004, CONDITIONAL USE PERMIT NOS. 10-008 AND 10-009, VARIANCE NOS. 10-016, 10-017 AND 10-018, SITE PLAN REVIEW NO. 10-021, MINOR MODIFICATION NO. 10-003, AND DEMOLITION PERMIT NO. 10-024 REDEVELOP PORTIONS OF THE MMHS CAMPUS WITH A NEW CLASSROOM/LIBRARY/ ADMINISTRATIVE BUILDING TOTALING 20,274 SQUARE FEET OF NET NEW BUILDING AREA; APPROXIMATELY 12,509 SQUARE FEET OF INTERIOR RENOVATION AND MODERNIZATION OF EXISTING CLASSROOMS; A NEW 150-SPACE LIGHTED PARKING LOT; A RECONFIGURED 119-SPACE LIGHTED PARKING LOT WITH AN ONSITE ROUNDABOUT; A RECONFIGURED 61-SPACE LIGHTED PARKING LOT; A NEW STUDENT DROP-OFF AND PICK-UP LANE; A RIGHT-HAND TURN LANE FOR APPROXIMATELY 700 FEET ALONG MORNING VIEW DRIVE; TWO NEW UNLIT TENNIS COURTS; NEW OUTDOOR COMMON AREAS; NEW FENCING, LANDSCAPING, RETAINING WALLS, AND GRADING; RELOCATED EQUESTRIAN TRAIL; UPGRADES TO THE ONSITE WASTEWATER TREATMENT SYSTEM AND DRAINAGE; AND THE RENOVATION OF EXISTING FACILITIES, OUTDOOR LIGHTING, AND INFRASTRUCTURE; INCLUDING CONDITIONAL USE PERMITS FOR THE OPERATION OF A PUBLIC EDUCATIONAL INSTITUTION AND THE EXPANSION OF MORE THAN 500 SQUARE FEET IN THE INSTITUTIONAL ZONE; VARIANCES FOR GRADING IN EXCESS OF 1,000 CUBIC YARDS, STRUCTURES ON SLOPES STEEPER THAN 2.5 TO 1, AND IMPERMEABLE COVERAGE OVER 25,000 SQUARE FEET; A SITE PLAN REVIEW FOR HEIGHT UP TO 28 FEET FOR THE NEW ADMINISTRATION BUILDING; A MINOR MODIFICATION FOR A 50 PERCENT REDUCTION IN THE REQUIRED FRONT YARD SETBACK; AND A DEMOLITION PERMIT FOR THE DEMOLITION OF THE EXISTING ADMINISTRATION AND LIBRARY BUILDINGS AT THE MALIBU MIDDLE AND HIGH SCHOOL LOCATED AT 30215 MORNING VIEW DRIVE (SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On September 12, 2008, the Santa Monica Malibu-Unified School District (District) issued a Notice of Preparation (NOP) of a Draft Environmental Impact report (EIR) and the Proposed

Project's Initial Study for a 45-day public review and comment period. The comment period ended on October 27, 2008. Thirty-two comment letters/emails were received that raised concerns with traffic, parking, biological resources, environmentally sensitive habitat area (ESHA), aesthetics/views, night lighting, and water quality.

B. On September 24, 2008, District staff held a public scoping meeting on the project and the draft EIR. Fifteen members of the public commented on the same topics as in the comments letters. District staff and the District's environmental consultant, Atkins (formerly PBS&J), considered the comments in preparation of the proposed project's draft EIR. Further, during preparation of the draft EIR, District staff and Atkins consulted with agencies, organizations, and persons who the District believed had an interest in the project.

C. On January 28, 2010, the subject coastal development permit (CDP) application was submitted to the Planning Department by the applicant and routed to the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the Los Angeles County Fire Department (LACFD) for Local Coastal Program (LCP) conformance review.

D. On July 16, 2010, a courtesy notice of the project was sent to property owners and occupants within 500 feet of the subject property, all interested parties on-file for the project, and all homeowners/property owners' associations on record in the City.

E. On July 12, 2011, the District issued a Notice of Availability (NOA) of a Draft EIR and the proposed project's draft EIR for a 60-day public review and comment period. The NOA was published in the Malibu Surfside News; posted at City Hall, the District website, and the Los Angeles County Clerk; and provided to all residences within 500 feet of the Malibu Middle and High School (MMHS) campus, as well as any individual, organization, or agency that had attended one of the several community meetings on the project who provided their addresses. The draft EIR was made available at District's office and website, the MMHS Library, the City website and Planning public counter, and the City Public Library. The public review and comment period for the draft EIR ended on September 13, 2011. Thirty comment letters and cards on the draft EIR were received during the comment period.

F. On January 20, 2012, proposed responses to public agency comments were delivered to each respective agency.

G. On February 2, 2012, the District Board of Education (Board) certified the final EIR with two statements of overriding significance finding that the project would cause two unavoidable significant impacts: air quality/construction dust and aesthetics/sky glow. Since no feasible mitigation was identified for these two significant impacts, a Statement of Overriding Considerations was prepared and adopted by the District Board.

H. On April 25, 2012, a Notice of CDP application sign was posted on the subject property.

I. On May 23, 2012, the project was reviewed by the City Environmental Review Board (ERB) due to the unavoidable removal of eight native trees associated with the project, identified as seven western sycamores and one California black walnut. The ERB's recommendations and the

course of action taken are as follows: 1) The applicant should obtain LACFD - Forestry Division approval of a fuel modification plan. Should changes to the planting plan be necessary, they shall be submitted to the City Biologist for review and verification that the revised planting meets LCP native tree mitigation requirements. This recommendation was added as a condition of approval in the subject resolution. The project has been reviewed and approved for access, hydrant location, and fire flow from the LACFD Fire Prevention and Engineering Division; and 2) Verify that the engineering geologist of record has adequately addressed the Malibu fault splays across the subject property according to State geologic maps. On June 12, 2012, the applicant submitted a letter from the project geologist, Leighton Consulting, Inc., verifying the information requested. The Leighton letter states, "The referenced fault splays are postulated potential projections of the Escondido Thrust fault...the Escondido Thrust fault is not listed as an active fault by the State of California. Accordingly, further evaluation is not deemed necessary. The California Geological Survey has reviewed and approved our geologic findings for the site...we have also confirmed with [the City Geologist] that no further fault study is required for the site."

J. On June 15, 2012, Planning Department staff conducted a site visit to inspect and photograph the MMHS campus.

K. On June 18, 2012, story poles were installed on the site to depict the siting and bulk of the proposed classroom/library/administration building, and a stamped certification of the installation was submitted by the applicant.

L. On July 12, 2012, Planning Department staff conducted a site visit to inspect and photograph the story poles and project site.

M. On July 12, 2012, the subject application was deemed complete.

N. On July 12, 2012, a Notice of Public Hearing was mailed to all property owners and occupants within a 500 foot radius of the subject property, all interested parties on-file for this project, and all homeowners/property owners' associations in the City.

O. On August 7, 2012, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, final EIR, public testimony, and other information in the record. The Planning Commission directed staff to return with a resolution approving the CDP with the following site specific conditions of approval and findings required by California Environmental Quality Act (CEQA) Guidelines Sections 15091 and 15093 for each significant effect identified in the final EIR: (1) No lighting of the new 150-space parking lot, access road, and upper walkways is allowed; (2) All existing and proposed exterior lighting sources on the MMHS campus (including but not limited to lighting associated with the existing tennis courts, swimming pool, Boys & Girls Club outdoor area, pedestrian walkways/stairs (covered and uncovered), building security, driveways, and parking areas) shall be minimized to the maximum extent feasible, directed downward, and shielded using the best available visor technology to reduce light spill, sky glow, and glare impacts to public views. Any existing lighting fixtures that cannot be shielded shall be replaced with luminaries that have received the "Fixture Seal of Approval" (FSA) from the International Dark-Sky Association (IDA) and shall provide full cut-off performance. All existing exterior lighting sources shall utilize the minimum necessary wattage or lumens to provide security- and safety-level illumination; (3) All proposed

parking lot, pathway lighting, and any replacement lighting shall utilize luminaries that have received the IDA's FSA and shall provide full cut-off performance; (4) The new 150-space parking lot shall be closed and locked each day at sunset; (5) No landscaping or trees with the potential of growing more than six feet in height (given consideration of its future growth) are allowed on the upper berm surrounding/within the new 150-space parking lot; (6) An offsite right-hand turn lane shall be provided within the Morning View Drive public right-of-way as part of Construction Phase I along the east side of Morning View Drive between Merritt Drive and the MMHS Lower Lot/new access road driveway. The District shall work with the City's Public Works Department to design and complete this roadway improvement and any ancillary improvements to this section of Morning View Drive (e.g., repaving, restriping, realignment of Safe Routes to School pathways, and signage); and (7) The project shall comply with all recommended mitigation measures listed in the Mitigation Monitoring and Reporting Program (MMRP) associated with the final EIR.

P. On September 4, 2012, at the request of the applicant, the Planning Commission continued approval of the item to the October 1, 2012 Regular Planning Commission meeting to allow sufficient time for District representatives to meet with the California Division of the State Architect (DSA) in order to discuss lighting requirements for parking lots.

Q. On October 1, 2012, the Planning Commission directed staff to schedule a new, fully-noticed public hearing for the item for the December 3, 2012 Planning Commission meeting in order to consider new information and re-evaluate the project.

R. On December 3, 2012, at the request of the applicant, the Planning Commission continued review of the item to the February 19, 2013 Planning Commission meeting as a new, fully-noticed public hearing in order to allow additional time for project modifications and confirmation from DSA on parking lot lighting requirements.

S. On January 18, 2013, the District submitted modifications to the project. The modified project includes a completely redesigned lighting proposal for the new 150-space parking lot and upper walkways, Parking Lot A (near the Boys & Girls Club), the Lower Lot (south of the existing library along Morning View Drive), and the new lower ramp, stair, and walkway providing access from the main sports field to the courtyard level of campus. Lighting for the new access road leading up to the new 150-space parking lot was eliminated from the design. The lighting proposal utilizes IDA-compliant light-emitting diode (LED) fixtures with full cut-off performance in Parking Lot A, the Lower Lot and lower ramp, stair, and walkway. The new 150-space parking lot and upper walkways were designed with LED fixtures regulated by three occupancy/motion-sensitive areas, reduced poles heights, styles, and orientation that adhere to the most recent version of the IDA / Illuminating Engineering Society (IES) Model Lighting Ordinance (MLO) dated June 15, 2011. The lighting proposal was designed by an IDA-lighting expert retained by the District since the August 7, 2012 Planning Commission meeting. The lighting proposal has been designed to comply with the Lighting Zone 1 (LZ1) standards of the MLO. LZ1 is the strictest zone for permanently human-populated areas. Note that the MLO suggests LZ2 standards for schools; however, the consultant has designed beyond this standard and achieved compliance with LZ1 standards. The District also prepared a parking utilization study demonstrating the need for after-school use of the proposed 150-space parking area and retained a transportation engineering firm to evaluate the current parking supply at MMHS and on surrounding streets. After school use is considered activities that continue through and/or begin after 3 p.m. The District prepared a listing of after 3 p.m. uses based on the

MMHS academic calendar that evaluates both non-sport and sport uses on campus, the beginning and end times for each, and approximate number of vehicles per event. Based on the findings in the parking utilization study, if the new 150-space parking lot was lit for after 3 p.m. use, it would provide adequate on-site parking for after 3 p.m. participants, consistent with LCP parking requirements for a school use, and reduce the existing evening parking impact in the surrounding Malibu Park neighborhood. The 150-space parking lot and upper walkway would be lit for safety and security only when occupied based on California Building Code (CBC) requirements and IDA/IES MLO standards. In order to reduce existing light pollution on the site, the District is also replacing 217 existing exterior lighting fixtures at MMHS and Juan Cabrillo Elementary School, which comprises all exterior lighting fixtures currently in use, with IDA-compliant, 26 watt LED fixtures with full cut-off performance. Replacement of these fixtures is already underway with 16 being replaced to date. All perimeter lighting will be replaced within six months, followed with the remaining exterior areas scheduled for replacement. The modified project also includes an approximate 700 foot long, dedicated right-hand turn lane along the south side Morning View Drive from Merritt Drive to the entrance of the new 150-space parking lot access road. Since August 7, 2012, the District has been in contact with the City's Public Works Department and determined that the improvements could be made within the Morning View Drive right-of-way. No additional properties will be required to accommodate the turn lane as the roadway will be repaved and restriped. Improvements will include a new curb, gutter and pathway along the north stretch of Morning View Drive, with an additional pathway along part of the south side.

T. On January 25, 2013, a Notice of Public Hearing was mailed to all property owners and occupants within a 500 foot radius of the subject property, all interested parties on-file for this project, and all homeowners/property owners' associations in the City.

U. On February 19, 2013, at the request of the applicant, the Planning Commission continued review of the item to the March 18, 2013 Planning Commission meeting so final revisions to the right-hand turn lane and associated pedestrian and vehicle improvements could be made by the District's engineer prior to review by the Planning Commission.

Section 2. Environmental Review.

Acting as lead agency in accordance with CEQA and CEQA Guidelines Section 15051, on February 2, 2012, the District Board adopted a final EIR for the project (State Clearinghouse No. 2008091059). A draft EIR was prepared for the project to assess potential environmental impacts and was made available and circulated for public review and comment, pursuant to the provisions of CEQA. It also examined environmental impacts for alternatives to the project, as required by CEQA. The document was available for public comment for a 60-day public review period that began on July 13, 2011, and concluded on September 13, 2011. A public information meeting was held on July 28, 2011, to receive public comment on the draft EIR. The final EIR responds to the comments and proposes text revisions to the draft EIR in response to input received on the draft EIR.

The final EIR identified potential significant environmental impacts that would result from the project; however, the District Board found that the inclusion of certain mitigation measures as part of the project approval would reduce most potentially-significant impacts to a less-than-significant level. Accordingly, an MMRP was adopted for the project and included in the final EIR. The MMRP is attached as Exhibit A to this resolution. The EIR identified significant and unavoidable impacts

with respect to Aesthetics/Sky Glow and Air Quality/Construction Dust.

Note that the EIR did not consider the current lighting design that utilizes IDA-compliant LED fixtures and IDA/IES MLO compliant lighting to LZ1 standards to the maximum extent feasible in Parking Lot A, the Lower Lot, and the new 150-space parking lot and upper walkways, the elimination of lighting along the new access road, or the replacement of 217 existing exterior fixtures around MMHS with IDA-compliant, 26 watt fixtures with full cut-off performance. Further, the EIR did not consider the evening lighting restrictions of the new 150-space parking lot as required by Condition No. 11. However, the current lighting design was subsequently evaluated against the EIR by Atkins in memorandum dated March 1, 2013. The memorandum found that the revised lighting design builds upon the mitigation measures identified in the EIR (Mitigation Measures (MM) 4.1-1 through MM4.1-3) in order to reduce the effects of the parking lot on sky glow. However, the project would still result in a new source of light associated with the addition of lighting in the 150-space parking lot proposed in an undeveloped portion of the MMHS campus. While the effects of sky glow would be substantially reduced as compared to the original proposal, a new source of sky glow would still be introduced and the impact would remain significant and unavoidable with respect to Impact 4.1-3 of the EIR. While development of the parking lot and upper walkway without lighting would completely eliminate the significant and unavoidable effect of sky glow, such a condition would result in added neighborhood parking impacts by rendering the parking lot unusable during after 3 p.m. uses. As such, the revised lighting proposal, as conditioned, is considered the least environmentally damaging alternative feasible pursuant to the LCP. Further, the revised lighting proposal is considered environmentally superior alternative pursuant to the project EIR as it reduces existing off-site parking issues and reduces the significant lighting impact to the greatest extent feasible

Pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the District Board weighed the benefits of the project, including the specific economic, legal, social, and technological benefits, against the unavoidable aesthetics and air quality impacts and determined that the identified benefits outweigh the unavoidable impacts. Accordingly, an SOC was adopted by the District Board as part of the final EIR. Pursuant to CEQA Guidelines Sections 15082 and 15096, the District Board acting as lead agency for the proposed project consulted with responsible agencies throughout the preparation of the EIR, including the City. On February 12, 2010, the City accepted the District Board as lead agency pursuant to CEQA Guidelines §15051 for the proposed project and the City confirmed its role as a responsible agency As the decision-making body for the subject CDP, the Planning Commission considered the final EIR and certifies that the information contained in the EIR is adequate for such approval.

Section 3. CEQA Findings.

Pursuant to CEQA Guidelines Section 15096(g)(2), within its powers as the decision-making body for the subject CDP, the Planning Commission finds that there are feasible alternatives and feasible mitigation measures that would substantially reduce the project's impacts on aesthetics identified in the EIR. Note that the EIR analyzed the project as described in *Finding A3 (Alternative 12 – Non-IDA/IES MLO Compliant Lighting – Parking Lot and Access Road Alternative)*. The alternative and mitigation measures are detailed under Section 4 – *Finding A3 (Proposed Project)* and *Finding I2*.

Pursuant to CEQA Guidelines section 15096(h), the Planning Commission makes the following findings for each significant effect identified in the final EIR.

Impacts: General

The final EIR determined that the proposed project as described in Section 4 – *Finding A3 (Alternative 12 – Non-IDA/IES MLO Compliant Lighting – Parking Lot and Access Road Alternative)* has potentially significant environmental effects in the areas of aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, recreation, and transportation/traffic. The final EIR identified feasible mitigation measures to avoid or substantially reduce most of the identified environmental effects in those areas. Furthermore, after holding a public hearing and considering all written and oral evidence and testimony as described in Section 1 (*Recitals*), on August 7, 2012 the Planning Commission considered specific conditions of approval on the subject CDP to further lessen or avoid some of the anticipated environmental effects of the project. However, final action on the CDP did not occur as the District had requested additional time to allow consideration for project modifications and confirmation from DSA on parking lot lighting requirements. Since the August 7, 2012 Planning Commission, the District submitted modifications to the project related to significant parking lot, walkways, access drive, and campus-wide lighting revisions, as well as a 700 foot, dedicated right-hand turn lane along Morning View Drive.

There are nine areas identified in the EIR that can be mitigated to a level of insignificance and two areas identified in the EIR that will result in a significant and unavoidable impact. With respect to each of these Mitigated Impact areas, and as further detailed below, the Planning Commission finds that changes, alterations or mitigation measures have been required in, or incorporated into, the project since the August 7, 2012 Planning Commission meeting which substantially lessen the potentially significant environmental effects identified in the final EIR.

Mitigated Impact 1: Aesthetics (Spill Light, Obtrusive Light, and Glare)

Impacts 4.1-4 and 4.1-5 of the final EIR identify potentially significant impacts in the areas of aesthetics (spill light, obtrusive light, and glare specifically). Operation of the proposed lighted parking areas and lighting along the new pedestrian pathways as described under Section 4 – *Finding A3 (Alternative 12 – Non-IDA/IES MLO Compliant Lighting – Parking Lot and Access Road Alternative)*, as well as exterior/security lighting and lighting proposed in Parking Lot A and the Lower Lot could result in spill lighting onto adjacent sensitive receptors, result in obtrusive light, and/or nighttime glare.

As discussed under Section 4 – *Finding A3 (Proposed Project)*, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the project since the August 7, 2012 Planning Commission meeting which further reduce the environmental effects as identified in the final EIR. These include IDA-compliant LED fixtures in Parking Lot A and the Lower Lot designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible, IDA/IES MLO compliant lighting to LZ1 standards within the new 150-space parking lot and upper walkways, the elimination of lighting along the new access road, and the replacement of 217 existing exterior fixtures around MMHS, which comprises all existing exterior lighting fixtures in use, with IDA-compliant, 26 watt fixtures with full cut-off performance. Further, the lighted use of the new

150-space parking lot has been conditioned pursuant to the regulations required by Condition No. 11. The project considered in the final EIR is described in Section 4 – *Finding A3 (Alternative 12 – Non-IDA/IES MLO Compliant Lighting – Parking Lot and Access Road Alternative)*.

As described under Section 4 – *Finding A3 (Proposed Project)*, the Planning Commission finds the proposed project, as modified and conditioned, to be the least environmentally damaging alternative to the proposed project with respect to the LCP’s Chapter 6 scenic resource protection policies and objectives (specifically LCP Land Use Plan (LUP) Policies 6.5, 6.6, 6.12(a), 6.20 and 6.23), the project objectives as stated in the EIR, and the community character of the Malibu Park neighborhood surrounding the MMHS campus. Further, the lighted parking lots and walkways allow for continued educational use of the MMHS campus within the Institutional zone and allow for conformance with CBC requirements for accessible path of travel. The District prepared a parking utilization study demonstrating the need for after-school use of the proposed 150-space parking area. After school use is considered activities that continue through and/or begin after 3 p.m. based on the MMHS academic calendar for non-sport and sporting activities. Based on the findings in the parking utilization study, if the new 150-space parking lot was lit for after 3 p.m. use, it would provide adequate on-site parking for after 3 p.m. participants, consistent with LCP parking requirements for a school use, and reduce the existing evening parking impact in the surrounding Malibu Park neighborhood. The identified nighttime effects associated with light spill, obtrusive light, and glare is significantly reduced by the modified lighting scheme. The project, as modified, would continue to meet all project objectives identified in the EIR. With the implementation of mitigation measures MM4.1-1 through MM4.1-4 identified in Exhibit A (MMRP) and Condition Nos. 11 through 17, 20, and 42 through 44 contained herein, the potential impacts associated with nighttime spill light, obtrusive light, and/or glare created by new sources of nighttime lighting on the campus, as well as daytime glare impacts, would be reduced to a less than significant level.

Mitigated Impact 2: Air Quality (Construction Emissions)

Impact 4.2-1 of the final EIR identifies a potentially significant impact in the areas of air quality (construction emissions specifically). Construction of the proposed project would generate emissions of air pollutants Particulate Matter-10 (PM₁₀) that exceed South Coast Air Quality Management District (SCAQMD) thresholds. The Planning Commission finds that 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 final EIR to less than significant levels. With the implementation of mitigation measures MM4.2-1 through MM4.2-16, construction-related emissions would be reduced to levels below the SCAQMD threshold. As such, construction of the proposed project would not result in the violation of an air quality standard and a less than significant impact would occur.

Mitigated Impact 3: Biological Resources

Impacts 4.3-1 through 4.3-5 of the final EIR identify potentially significant impacts in the area of biological resources. Implementation of the proposed project has the potential to impact common plant and wildlife species that occupy the proposed project site primarily due to the development of the proposed 150-space parking lot and access road on a previously undeveloped portion of the MMHS campus, the operation of nighttime lighting, as well as the replacement of an existing building, the construction of the new commons and the removal of onsite trees. However, as these

species are not protected and no protected species are known to exist on the project site based on research and field surveys, impacts are considered to be less significant.

As suitable nesting habitat is present on the project site for avian species protected under the Migratory Bird Treaty Act and California Fish and Game Code, construction of the proposed project could result in the loss of a special status and/or legally protected avian species' active nests and/or mortality of the nest occupants. Implementation of the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community, as the unnamed stream and associated LCP-identified ESHA would be avoided and no other riparian habitat or other sensitive natural community exists on the project site. Wetlands on the project site are limited to the unnamed LCP-identified ESHA stream and regulated by the United States Army Corps of Engineers. Although the proposed project has been designed to avoid direct impacts to this stream, construction related activities could have an indirect effect on the stream. Construction activities associated with the proposed project would conflict with the LCP's native tree protection regulations due to the disturbance or loss of protected native trees (seven western sycamores and one California black walnut) located on the proposed project site.

The Planning Commission finds that changes or alterations have been required in, or incorporated into, the project since the August 7, 2012 Planning Commission meeting as described under Section 4 – *Finding A3 (Proposed Project)* which avoid or substantially lessen the significant environmental effect as identified in the final EIR. Implementation of mitigation measures MM4.1-3 and MM4.3-1, and the modified lighting scheme would reduce the proposed project's effects of operational activities related to the increased lighting on common wildlife species to less than significant levels by incorporating design features that would help reduce the amount of artificial lighting proposed in parking lots as discussed under Section 4 – *Finding A3 (Proposed Project)*. Implementation of mitigation measure MM4.3-2 and Condition No. 32 would reduce the effects of proposed project construction and implementation on nesting avian species by surveying for, identifying, and avoiding occupied nests and delaying construction if necessary to prevent nest abandonment, and/or providing a buffer zone around occupied nests to ensure that disturbance from construction activities do not result in the loss of individuals or destruction of nests or eggs. As such, this impact has been reduced to a less than significant level by avoiding the loss of special-status or legally protected nesting species.

Although Venturan coastal sage scrub located on the project site does not constitute a sensitive natural community, because the proposed project would result in the removal of 1.65 acres of the Venturan coastal sage scrub to accommodate the proposed 150-space parking lot, as required by mitigation measure MM4.3-3, the District will purchase 1.65 acres of coastal sage scrub of offsite mitigation through the Santa Monica Mountains Conservancy program in-lieu fee program. Therefore, the proposed projects effects to Venturan coastal sage scrub would be less than significant. Implementation of mitigation measure MM4.3-4 would minimize effects of construction-related activities to stream ESHA through avoidance of impacts and implementing construction best management practices (BMPs) to reduce and/or prevent impacts to stream ESHA. As such, potential adverse effects to the stream ESHA area would be mitigated to a less than significant level.

With implementation of mitigation measure MM4.3-5 and Condition Nos. 24 and 25, which would protect native trees through avoidance of impacts, and MM4.3-6, which would ensure that replacement trees are protected and monitored per LCP regulations, the proposed project would be

consistent with the LCP native tree protection provisions. Consequently, development of proposed project would not conflict with any local policies or ordinances protecting biological resources, and impacts would be less than significant.

Mitigated Impact 4: Cultural Resources (Archaeological, Paleontological, and Human Remains)

Impact 4.4-1 of the final EIR identifies a potentially significant impact in the areas of cultural resources (archaeological, paleontological, and human remains specifically). A Phase I Cultural Resources Inventory report was prepared in August 2009 by PBS&J for the MMHS project area. The report indicated that no archaeological resources were present within the project site and archival research and field reconnaissance did not reveal any evidence of archaeological resources. However, the report and final EIR conclude that the project is located in an area that is known for archeological resources; nine archaeological sites exist within a half-mile radius. Though evidence of archaeological resources on the project site was not observed as part of the Phase I review, the potential for unidentified archaeological resources, including human remains, could be inadvertently encountered during the course of earth moving construction activities given the project sites vicinity to observed archaeological sites within a half-mile radius. Therefore, construction of the proposed project has the potential to adversely impact cultural resources that could be present on the proposed project site. The Planning Commission finds that 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 final EIR. In the event that potentially important cultural resources are encountered during the course of construction, impacts to would be reduced to a less than significant level through implementation of mitigation measure MM4.4-1 and Condition No. 21, which requires the scientific recovery and evaluation of any cultural resources that could be encountered and compliance with LCP Local Implementation Plan (LIP) Chapter 11.3. In the event that previously undiscovered human remains are uncovered during ground-disturbing construction related activities, Section 7050.5 of the California Health and Safety Code would be implemented as well as mitigation measure MM4.4-2 and Condition No. 22, which would ensure that this impact is reduced to a less than significant level by ensuring appropriate examination, treatment, and protection of human remains, as required by law.

Mitigated Impact 5: Geology/Soils

Impacts 4.5-3 through 4.5-5 of the final EIR identify potentially significant impacts in the areas of geology and soils. The potential exists that the proposed project would be constructed on a geologic unit or soil that is unstable or that would become unstable as a result of the proposed project, and potentially result in on- or offsite lateral spreading, subsidence, or collapse. Additionally, the proposed project would be located on a site underlain by highly expansive soils. The proposed project would install a new 12,000 gallon septic tank to contain wastewater from the new classroom/library/administration building within the lower parking lot. The new septic tank could be located on soils that are not adequate to support septic systems. The Planning Commission finds that 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 final EIR. Impacts related to unstable geologic units or soils, and expansive soils would be reduced to a less-than significant level through compliance with all applicable building codes and regulations including the City Building Code, the Los Angeles County Building Code, and the CBC, and implementation of mitigation measure MM4.5-1, which incorporates the recommendations of the geotechnical

investigation report prepared for the proposed project. As such, impacts associated with unstable geologic units or soils and expansive would be less than significant. Implementation of mitigation measure MM4.7-1, which requires the District to obtain approval of coverage under the regional onsite wastewater treatment system (OWTS) waste discharge requirements (WDRs) for changes in discharge location prior receiving a grading or building permit, would reduce potential impacts associated with inadequate soils to support septic systems, such that this impact would be less than significant.

Mitigated Impact 6: Hazards/Hazardous Materials

Impacts 4.6-2 and 4.6-3 of the final EIR identify potentially significant impacts in the areas of hazards and hazardous materials. Implementation of the proposed project could expose construction workers or the public to significant health and safety hazards through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Operation of the proposed project is not anticipated to create a significant hazard to the public or the environment as hazardous materials will be used, stored, and disposed of in accordance with applicable standards and a school safety plan outlines procedures to protect students and staff from exposure to hazards and hazardous materials. However, the proposed project would also include a synthetic turf field, which has the potential to create a significant hazard. The Planning Commission finds that 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 final EIR.

The removal of contaminated soils on the proposed project site as part of the MMHS removal action work plan project prior to construction of the Proposed Project, adherence to all local, state, and federal regulations and implementation of mitigation measure MM4.6-1, which establishes procedures in the event of unanticipated discoveries of contaminants, would reduce the potentially significant impact associated with the exposure of workers or the public to hazardous materials to a less than significant level. To ensure that the synthetic turf field does not contain hazardous materials that could create/cause hazardous waste, mitigation measure MM4.6-2 would require the synthetic turf vendor to provide to the District the results of tests of the synthetic turf field components demonstrating that the selected turf would meet Title 22 criteria for hazardous materials. As such, adherence to all local, state, and federal regulations and District school safety plan, and implementation of mitigation measure MM4.6-2 would ensure that the impact would remain less than significant.

Mitigated Impact 7: Hydrology/Water Quality

Impacts 4.7-2, 4.7-3 and 4.7-6 of the final EIR identify potentially significant impacts in the areas of hydrology and water quality. The proposed project would increase the amount of impervious surface on the proposed project site that could accumulate more pollutants and make them available for transport in stormwater runoff potentially resulting in a violation of water quality standards or violation of waste discharge requirements. Implementation of the proposed project would result in the installation of a new septic tank and the replacement of existing septic tanks. These new and replaced tanks are not expected to serve increased wastewater loads, and would therefore not result in increased wastewater loads on groundwater quality. However, the new wastewater discharge location would change OWTS systems areas, potentially resulting in significant effects of the OWTS regarding WDR requirements and water quality standards at the new discharge location, compared to

existing conditions. The Planning Commission finds that 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 final EIR.

As required by Condition Nos. 36 and 37, implementation of the water quality mitigation plan (WQMP) would ensure that pollutants in post-construction stormwater quality would not be substantial, and implementation of mitigation measure MM4.6-2 would ensure compliance with WDRs and water quality standards by ensuring that synthetic turf does not present a substantial hazardous material hazard, as well as implementation of design features would reduce this impact to a less than significant level. Implementation of the WQMP prepared for the proposed project and implementation of mitigation measure MM4.7-1 would ensure that the proposed septic system upgrades would not violate or exceed the Los Angeles Regional Water Quality Control Board's (RWQCB) anticipated WDR for the MMHS site and reduce this impact to a less than significant level.

Mitigated Impact 8: Noise

Impacts 4.9-1 and 4.9-2 of the final EIR identify potentially significant impacts in the area of noise. Construction of the proposed project would generate noise levels higher than the established exterior noise limits for the city at both onsite and offsite sensitive receptor locations. However, construction noise can exceed those noise limits so long as it occurs between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturday, according to Malibu Municipal Code (M.M.C.) Section 8.24.050 (noise control ordinance). Further, construction-related noise is intermittent in nature and would not generate continuous noise levels above M.M.C. noise standards. Operational noise levels would not exceed the city's exterior standards and the proposed project's operations would not result in a perceptible change in the noise environment as compared to existing conditions. Construction of the proposed project would result in increased ground borne vibration associated with construction activities. The Planning Commission finds that 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 final EIR.

Although construction noise is exempt, mitigation measures MM4.9-1 through MM4.9-10 would require the implementation of noise attenuation measures, which may include the use of noise barriers (e.g., sound walls) or noise blankets in order to reduce noise levels at sensitive receptor locations. Therefore, with the incorporation of mitigation measures and compliance with M.M.C. Section 8.24.050, the construction noise impact would be reduced to a less-than significant level. To ensure that mechanical equipment associated with the proposed project would not exceed City or District exterior noise standards, mitigation measure MM4.9-13 would be implemented, which requires stationary mechanical equipment such as heating/ventilation/air conditioning units (HVAC) to be located away from classrooms or residential uses and that appropriate shielding be used. Accordingly, operation of the proposed project would result in a less than significant impact. Mitigation measures would be implemented to reduce impacts associated with ground borne vibration and ground borne noise levels to a less than significant level. Specifically, mitigation measure MM4.9-1 requires that construction activities be scheduled to reduce impacts on school activities, mitigation measure MM4.9-4 and mitigation measure MM4.9-7 requires that construction related activities are altered, rescheduled, or reduced to ensure that acceptable noise level are attained and that construction activity would not take place adjacent to operating classrooms as feasible, and

mitigation measure MM4.9-14 requires that construction related vibration activities do not interfere with educational activities. As such, the proposed project would not expose persons to or generate excessive ground borne vibration or ground borne noise levels, and a less than significant impact would occur.

Mitigated Impact 9: Transportation/Traffic

Impacts 4.11-2 through 4.11-4, 4.11-6 and 4.11-7 of the final EIR identify potentially significant impacts in the areas of transportation and traffic. Construction of the proposed project would result in significant short-term impacts to level of service (LOS) at local intersections resulting from greater pick-up/drop-off queue lengths due to the closure of the lower parking lot throughout the entire duration of construction, and lane closures on Morning View Drive during construction of classroom/library/administration building. Additionally, construction of the proposed project could result in significant short-term impacts resulting from the exporting of graded soil to an offsite location as a result of the duration of hauling. Further, construction of the proposed project could result in unsafe pedestrian conditions. Operation of the proposed project could result in unsafe conditions for pedestrians in the school vicinity. Although the proposed project would improve pedestrian safety in the area as it reduces potential pedestrian and vehicle conflicts due to reconfiguration of the pedestrian facilities, provides for additional onsite parking, and does not add any new trips, mitigation is required to reduce potential safety impacts. The Planning Commission finds that 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 final EIR.

In order to reduce construction and operation-related traffic impacts to a less than significant level, the project as modified since the August 7, 2012 Planning Commission meeting includes a 700 foot, dedicated right-hand turn lane along Morning View Drive as described under Section 4 – *Finding A3 (Proposed Project)*. This component will further help alleviate congestion by moving arriving vehicles to the campus off of Morning View Drive's through lanes and into the right-hand turn lane. The turn lane will be able to accommodate up to 195 vehicles. In coordination with the City Public Works Department, Condition No. 19 requires the District to install the right-hand turn lane along Morning View Drive within Phase I of the project construction schedule.

Further, mitigation measures MM4.11-1 and MM4.11-2 would be implemented to reduce construction-related traffic impacts to a less than significant level. Mitigation measure MM4.11-1 requires the District to work with the City to develop a construction impact traffic mitigation plan intended to reduce vehicle and pedestrian conflicts resulting from construction activities. Mitigation measure MM4.11-2 has been identified to ensure that construction related vehicles do not utilize Morning View Drive during the peak drop-off/pick-up hours, which would potentially result in increased queuing delays in the vicinity of the proposed project. As such, implementation of mitigation measure MM4.11-1 and MM4.11-2 would reduce construction related traffic impacts to less than significant level. Implementation of mitigation measure MM4.11-3, which requires the District to provide off-street parking for construction workers, would reduce impacts associated with inadequate parking during construction of the proposed project to a less than significant level. With implementation of mitigation measure MM4.11-4 and MM4.11-5, which requires the District to work with the Los Angeles County Sheriff's Department to increase traffic enforcements and implements a student drop-off/pick-up program, impacts related to pedestrian safety during operation of the proposed project would be reduced to a less than significant level.

Significant and Unavoidable Impact 1: Aesthetics (Sky glow)

Impact 4.1-3 of the final EIR identifies a significant and unavoidable impact in the area of aesthetics (sky glow specifically). The project includes a new source of night light associated with the addition of a new 150-space parking lot proposed in an undeveloped portion of the MMHS campus. The final EIR concluded that, due to the existing dark conditions of the area surrounding the MMHS campus, nighttime lighting associated with the proposed 150-space parking lot, associated roadway (which has since been removed), and pedestrian walkway required by District Design Guidelines would contribute to sky glow, which would reduce the contrast of stars and other celestial objects against the dark sky background considered natural scenic resources.

The Planning Commission finds that changes or alterations have been required in, or incorporated into, the project since the August 7, 2012 Planning Commission meeting which substantially reduce the significant environmental effect related to sky glow. The original proposal is identified in Section 4 – *Finding A3 (Alternative 12 – Non-IDA/IES MLO Compliant Lighting – Parking Lot and Access Road Alternative)*. The revised lighting proposal identified in Section 4 – *Finding A3 (Proposed Project)* builds upon the mitigation measures identified in the EIR under MM4.1-1 through MM4.1-3, as well as Condition Nos. 11 through 17 and 20, in order to reduce the effects on sky glow. However, as mitigated and conditioned, the proposed project would still create a new source of night light, and a significant and unavoidable impact would occur. The Planning Commission finds that there are no other feasible mitigation measures that would further lessen the impact beyond what is being required as part of the project; thus, the impact is unavoidable.

The Planning Commission has: (i) independently reviewed the information in the final EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed project to the extent feasible by adopting mitigation measures MM4.1-1 through MM4.1-3 as identified in the EIR and adding Condition Nos. 11 through 17 and 20; and (iii) balanced the project's benefits against the project's significant unavoidable operational-related aesthetic/sky glow impacts. The Planning Commission finds that each of the following benefits is an overriding consideration independent of the other benefits, which warrants approval of the project notwithstanding the project's significant and unavoidable impact to aesthetics. The Planning Commission finds that specific economic, social, or other considerations make infeasible additional mitigation and, pursuant to PRC §21081(a)(3), hereby adopts a Statement of Overriding Considerations for this impact which it determines as acceptable. The operation of the MMHS Campus Improvement Project (specifically the new 150-space parking lot and pedestrian walkways for after 3 p.m. uses) would provide public benefits described below.

1. Increased parking at MMHS;
2. Improved traffic flow and public safety;
3. New accessible parking; and
4. Emergency access to the main sports field.

The project would significantly increase the availability of onsite daytime and evening (after 3 p.m.) parking on the MMHS campus during operational hours and improve traffic circulation and public safety along Morning View Drive and on-campus. The lighted parking lots and walkways allow for continued educational use of the MMHS campus within the Institutional zone and allow for conformance with CBC requirements for accessible path of travel. After school use is considered

activities that continue through and/or begin after 3 p.m. based on the MMHS academic calendar for non-sport and sporting activities. The new 150-space parking lot would be constructed next to the main sports field on the eastern portion of campus and allow vehicles to enter/exit at the beginning of the MMHS property. This will reduce traffic congestion and reduce the potential for vehicle and pedestrian conflicts along Morning View Drive. Further, it allows vehicles to park on District property in lieu of Morning View Drive and other side streets in the West Malibu neighborhood, in the Lower Lot, or in Parking Lot A. A new gated access road beginning at the Lower Lot along Morning View Drive would be created to access the new lot. A new 700 foot, dedicated right-hand turn lane will be provided within the Morning View Drive public right-of-way between Merritt Drive and the MMHS Lower Lot/new access driveway. The right-hand turn lane and access road will improve traffic circulation along Morning View Drive by removing a majority of vehicles from the right-of-way heading toward the MMHS campus (up to 195 vehicles). The new access road would also provide emergency vehicle access to the main sports field from Morning View Drive in the event of an emergency. Currently, emergency access to the main sports field is restricted and difficult. The new parking lot would also include one van- and four standard-American Disability Act (ADA) accessible parking spaces. As a result of the new 150-space parking lot, parking for the MMHS use specifically (i.e., not including the Cabrillo Elementary use) is increasing from 255 existing spaces to 359 proposed spaces; thus, meeting/exceeding LCP-required parking for public education institutions. Additional parking on-campus brings needed relief to the Malibu Park neighborhood in and around the MMHS campus. The new 150-space lot offsets a proposed reduction in the number of existing spaces in the Lower Lot and Parking Lot A. Those lots are being reconfigured as part of the project to improve traffic circulation around the MMHS campus. Parking for the overall MMHS campus, which also includes Cabrillo Elementary is increasing from 289 spaces to 408 spaces.

The Planning Commission finds that while development of the parking lot and upper walkway without lighting would completely eliminate the significant and unavoidable effect of sky glow, identified in Section 4 – *Finding A3 (Alternative 13 – No Lighting – Parking Lot and Access Road Alternative)*, such a condition would result in added neighborhood parking impacts by rendering the parking lot unusable during after 3 p.m. uses. As discussed herein, the Planning Commission finds that the revised lighting proposal, as conditioned, is considered the least environmentally damaging alternative feasible in context to the LCP's Chapter 6 scenic resource protection policies and objectives (specifically LCP Land Use Plan (LUP) Policies 6.5, 6.6, 6.12(a), 6.20 and 6.23) and the community character of the Malibu Park neighborhood surrounding the MMHS campus. The revised lighting proposal utilizes IDA-compliant LED fixtures in Parking Lot A and the Lower Lot designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible, IDA/IES MLO compliant lighting to LZ1 standards within the new 150-space parking lot and upper walkways, the elimination of lighting along the new access road, and the replacement of 217 existing exterior fixtures around MMHS, which comprises all existing exterior lighting fixtures in use, with IDA-compliant, 26 watt fixtures with full cut-off performance. Further, the lighted use of the new 150-space parking lot has been conditioned pursuant to the regulations required by Condition No. 11. As discussed in the subsequent memorandum prepared by Atkins dated March 1, 2013, the Planning Commission finds that the revised lighting proposal is considered the environmentally superior alternative pursuant to the EIR as it reduces existing off-site parking issues and reduces the significant lighting impact to the greatest extent feasible, but would still result in a significant and unavoidable impact.

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Planning Commission determines that the unavoidable adverse environmental impact identified may be considered "acceptable" due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project. The Planning Commission has considered information contained in the final EIR as well as the public testimony and record of proceedings in which the project was considered. Recognizing that a significant unavoidable aesthetics impact will result from the operation of the project (specifically after 3 p.m. uses of the new 150-space parking lot and pedestrian walkways subject to the regulations required by Condition No. 11), the Planning Commission adopts a Statement of Overriding Consideration for the impact. Having adopted all feasible mitigation measures and recognized the all unavoidable significant impacts, the Planning Commission hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the project and outweighs and overrides its unavoidable significant effects, and thereby justifies the approval of the MMHS Campus Improvement Project. Based on the foregoing findings and the information contained in the record, it is hereby determined that: (i) all significant effects on the environment due to approval of the project have been eliminated or substantially lessened where feasible; (ii) there are no feasible project alternatives which would mitigate or substantially lessen the impacts; and (iii) the remaining significant effect on the environment found to be unavoidable is acceptable due to the factors described in the Statement of Overriding Considerations above.

Significant and Unavoidable Impact 2: Air Quality (Construction Dust)

Impact 4.2-2 of the final EIR identifies a significant and unavoidable impact in the area of air quality (construction dust specifically). During construction of the proposed project, onsite sensitive receptors, which include students, teachers, and faculty on the MMHS campus, would be exposed to localized emissions of PM_{10} and $PM_{2.5}$ and the nearest offsite residential receptor would be exposed to localized emissions of PM_{10} that exceed the SCAQMD localized significance threshold (LST). Particulate emissions above the SCAQMD LST would only occur during grading activities associated with the new 150-space parking lot and would be considered temporary as the source of emissions would conclude at the end of construction activities. Localized emissions for CO and NO_x would not exceed the SCAQMD LST during any construction phase.

The Planning Commission finds that mitigation measures MM4.2-1 through MM4.2-9 would reduce PM_{10} and $PM_{2.5}$ emissions during construction of the proposed project, but not to levels below the established thresholds and no other feasible mitigation measures are available to reduce this impact. Grading activities related to the construction of the project will result in this impact. In addition to mitigation measures MM4.2-1 through MM4.2-9, the Planning Commission has included Condition No. 46 which requires construction management techniques be incorporated as feasible, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources. However, as mitigated and conditioned, the proposed project would expose onsite and immediately adjacent residential sensitive receptors to substantial pollutant concentrations during construction activities associated with the new 150-space parking lot, and a significant and unavoidable impact would occur. The Planning Commission finds that there are no other feasible mitigation measures that would further lessen the impact beyond what is being required as part of the project; thus, the impact is unavoidable.

The Planning Commission has: (i) independently reviewed the information in the final EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed project to the extent feasible by adopting mitigation measures MM4.2-1 through MM4.2-9 as identified in the EIR and adding Condition No. 46; and (iii) balanced the project's benefits against the project's significant unavoidable construction-related air quality impacts. The Planning Commission finds that each of the following benefits is an overriding consideration independent of the other benefits, which warrants approval of the project notwithstanding the project's significant and unavoidable impact to air quality. The Planning Commission finds that specific economic, social, or other considerations make infeasible additional mitigation and, pursuant to PRC §21081(a)(3), hereby adopts a Statement of Overriding Considerations for this impact which it determines as acceptable. Construction of the MMHS Campus Improvement Project (specifically the new 150-space parking lot and access road) would provide public benefits described below.

1. Increased parking at MMHS;
2. Improved traffic flow and public safety;
3. New accessible parking; and
4. Emergency access to the main sports field.

The project would significantly increase the availability of onsite daytime and evening (after 3 p.m.) parking on the MMHS campus during operational hours and improve traffic circulation and public safety along Morning View Drive and on-campus. The new 150-space parking lot would be constructed next to the main sports field on the eastern portion of campus and allow vehicles to enter/exit at the beginning of the MMHS property. This will reduce traffic congestion and reduce the potential for vehicle and pedestrian conflicts along Morning View Drive. Further, it allows vehicles to park on District property in lieu of Morning View Drive and other side streets in the West Malibu neighborhood, in the Lower Lot, or in Parking Lot A. A new gated access road beginning at the Lower Lot along Morning View Drive would be created to access the new lot. A new 700 foot, dedicated right-hand turn lane will be provided within the Morning View Drive public right-of-way between Merritt Drive and the MMHS Lower Lot/new access driveway. The right-hand turn lane and access road will improve traffic circulation along Morning View Drive by removing a majority of vehicles from the right-of-way heading toward the MMHS campus. The new access road would also provide emergency vehicle access to the main sports field from Morning View Drive in the event of an emergency. Currently, emergency access to the main sports field is restricted and difficult. The new parking lot would also include one van- and four standard-ADA accessible parking spaces.

As a result of the new 150-space parking lot, parking for the MMHS use specifically (i.e., not including the Cabrillo Elementary use) is increasing from 255 existing spaces to 359 proposed spaces; thus, meeting/exceeding LCP-required parking for public education institutions. Additional parking on-campus brings needed relief to the Malibu Park neighborhood in and around the MMHS campus. The new 150-space lot offsets a proposed reduction in the number of existing spaces in the Lower Lot and Parking Lot A. Those lots are being reconfigured as part of the project to improve traffic circulation around the MMHS campus. Parking for the overall MMHS campus, which also includes Cabrillo Elementary is increasing from 289 spaces to 408 spaces.

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Planning Commission determines that the unavoidable adverse environmental impact

identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project. The Planning Commission has considered information contained in the final EIR as well as the public testimony and record of proceedings in which the project was considered. Recognizing that a significant unavoidable air quality impact will result from construction of the project (specifically grading associated with the construction of a new 150-space parking lot and access road), the Planning Commission adopts a Statement of Overriding Consideration for the impact. Having adopted all feasible mitigation measures and recognized the all unavoidable significant impacts, the Planning Commission hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the project and outweighs and overrides its unavoidable significant effects, and thereby justifies the approval of the MMHS Campus Improvement Project. Based on the foregoing findings and the information contained in the record, it is hereby determined that: (i) all significant effects on the environment due to approval of the project have been eliminated or substantially lessened where feasible; (ii) there are no feasible project alternatives which would mitigate or substantially lessen the impacts; and (iii) the remaining significant effect on the environment found to be unavoidable is acceptable due to the factors described in the Statement of Overriding Considerations above.

Section 4. Coastal Development Permit Approval and Findings.

Based on substantial evidence contained within the record and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission hereby adopts the findings of fact and approves CDP No. 10-004, Conditional Use Permit (CUP) Nos. 10-008 and 10-009, Variance (VAR) Nos. 10-016, 10-017, and 10-018, Site Plan Review (SPR) No. 10-021, Minor Modification (MM) No. 10-003, and Demolition Permit (DP) No. 10-024 for the MMHS Campus Improvement Project to redevelop portions of the MMHS campus with a new classroom/library/administration building totaling 20,274 square feet (sf) of net new building area; approximately 12,509 sf of interior renovation and modernization of existing classrooms; a new 150-space lighted parking lot; a reconfigured 119-space lighted parking lot with an onsite roundabout; a reconfigured 61-space lighted parking lot; a new student drop-off and pick-up lane; a right-hand turn lane for approximately 700 feet along Morning View Drive; two new unlit tennis courts; new outdoor common areas; new fencing, landscaping, and grading; relocated equestrian trail; upgrades to the OWTS and drainage; and the renovation of existing facilities and infrastructure; including CUPs for the operation of a public educational institution and the expansion of more than 500 sf in the Institutional zone; VARs for grading in excess of 1,000 cubic yards, structures on 2.5 to 1 slopes, and impermeable coverage over 25,000 sf; an SPR for height up to 27.5 feet for the new building; a MM for a 50 percent reduction in the required front yard setback; and a DP for the demolition of the existing administration and library buildings. The project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed, modified since the August 7, 2012 Planning Commission meeting, and conditioned herein, is consistent with all applicable LCP standards, goals, and policies.

A. General Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires the following four findings to be made for all CDPs.

Finding A1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. As discussed herein, based on the submitted project scope, plans and supplemental information provided, the analysis contained in the final EIR and accompanying studies, and onsite investigations, the proposed project as modified since the August 7, 2012 Planning Commission meeting and conditioned herein, has been found to conform to the LCP subject to the approval of the requested CUPs, VARs, SPR, and MM..

Finding A2. The project is located between the first public road and the sea. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

As shown on the 2002 LCP Parks Lands Map, the project is not located between the first public road and the sea or immediately adjacent to LCP-designated parkland or trails. The nearest LCP-designated public trail (Zuma Ridge Trail) is mapped in an east-west alignment approximately 2,500 feet north of the project site along Harvester Road, trending north-south near Filaree Heights Avenue, and then continuing in an east-west alignment along Cuthbert Road approximately 3,500 feet north of the project site. The nearest LCP-designated parkland (Zuma County Beach) is located approximately 1,100 feet south of the project site. Additional LCP-designated parkland (Santa Monica Mountains National Recreation Area (SMMNRA)/Zuma and Trancas Canyons) is located approximately 3,400 feet north of the project site. Given the distances and varying topography between LCP-designated public recreation and the project site, as well as the existing build-out of residential development within the Malibu Park neighborhood, the project, as modified and conditioned, is not anticipated to disrupt or impede upon LCP-designated public access or recreation. Therefore, the project is found to be in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

On April 25, 2011, the City adopted an updated Parkland and Trails System Map intended to amend the 2002 LCP Park Lands Map with updated trails and parkland across the City. To date, the updated map is pending review by the California Coastal Commission (CCC) as part of City LCP Amendment No. 10-003. Nevertheless, the updated map identifies additional trails recognized by the City that are aligned in the project site (Malibu Equestrian Center Trail) and adjacent to the project site (Morning View Trail, Merritt Drive Trail, and Clover Heights Trail). In order to accommodate the location of the proposed 150-space parking lot, the project includes the relocation and construction of the Malibu Equestrian Center Trail within 100 feet of the existing trail. The relocated trail would be similar to the existing trail and would continue to provide public trail access between the Malibu Park neighborhood, the MMHS campus, the Malibu Equestrian Center, and Zuma County Beach with access points remaining at the Clover Heights cul-de-sac to the north and Morning View Drive to the south. As proposed, modified, and conditioned, the project is not anticipated to disrupt or impede on the additional trail alignments surrounding the project site (Morning View Trail, Merritt Drive Trail, and Clover Heights Trail).

Finding A3. The project is the least environmentally damaging alternative.

As described in Chapter 6 of the EIR, eleven project alternatives to the proposed project were considered by the District:

1. No Project – No Development;
2. No Project – Reasonably Foreseeable Development;
3. Retrofit Building E and Administrative Buildings with Athletic Field Improvements;
4. Alternative locations;
5. Reduced Project Alternative A – No Athletic Field Improvements;
6. Reduced Project Alternative B – No Building Improvements;
7. Improved Circulation Alternative – Offsite Parking Improvements;
8. Reduced Grading – Reduced Parking Lot;
9. Larger Parking Lot with Offsite Improvements;
10. Parking Lot Lighting Alternative; and
11. Combination Parking Lot/Pathway Lighting.

Of the 11, the first three were identified by the District as feasible and were analyzed in the EIR for relative impacts against the proposed project.

Two additional project alternatives were considered against the current proposed project. The first was considered as the “Proposed Project” in the EIR and represents the original project as proposed by the District and reviewed at the August 7, 2012 Planning Commission meeting. This alternative is considered by the Planning Department as:

12. Non-IDA/IES MLO Compliant Lighting – Parking Lot and Access Road Alternative

The second alternative was not considered in the EIR but was identified by the Planning Department as:

13. No Lighting – Parking Lot, Walkways and Access Road

The current proposed project (noted under *Item 14* below) is identified by the Planning Department as least environmentally damaging alternative in context to the LCP’s policies and objectives, the ongoing educational use of the site in the Institutional zone, the project objectives as stated in the final EIR, and community character of the Malibu Park neighborhood surrounding the MMHS campus. As modified since the August 7, 2012 Planning Commission meeting, the proposed project incorporates IDA/IES MLO compliant lighting to LZ1 standards for the new 150-space parking lot and upper walkways subject to the regulations required by Condition No. 11, elimination of all lighting along the new access road, IDA-compliant LED lighting with full cut-off performance lighting in Parking Lot A and the Lower Lot designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible, and a 700-foot, dedicated right-hand turn lane along Morning View Drive. Further, the District is replacing 217 existing exterior fixtures around MMHS with IDA-compliant, 26 watt LED fixtures with full cut-off performance.

The following analysis summarizes the thirteen alternatives in context to the current proposed project described under *Item 14* below:

1. No Project – No Development Alternative – This alternative was accepted in the EIR and would avoid any change to the existing MMHS campus and hence, any change to existing buildings, onsite parking and traffic circulation, and infrastructure. None of the project-related impacts identified in the EIR would occur and MMHS would continue operating as-is. However, the proposed project is the result of a bond measure (Measure BB) approved by voters in 2006 for \$268 million targeted to improving the District students' health, safety, and classroom instruction. Approximately \$33.475 million was earmarked for MMHS. Currently, many of the classrooms and facilities at MMHS do not meet the standards set by the District and California Department of Education. The proposed project is intended to upgrade existing systems, bring classrooms and other facilities into compliance with District and State standards, and provide new and upgraded facilities (library, administration building, computer labs, and classrooms) that would replace outdated and inadequate spaces, including classrooms occupying three temporary relocatable structures. The proposed project would also provide the campus with a cohesive and unified design, presence, and sense of place for middle and high school students. The project scope proposes to separate the middle school program from the existing high school program to strengthen MMHS' sense of identity by creating separate and upgraded spaces. With consideration for the project objectives, the No Project – No Development Alternative does not meet any of the project objectives and is not considered a feasible alternative.

2. No Project – Reasonably Foreseeable Development Alternative – This alternative was accepted in the EIR and would avoid the majority of changes to the existing MMHS campus and hence, any change to existing buildings, onsite parking and traffic circulation, and infrastructure. Improvements to the main sports field (concrete bleachers on the east slope adjacent to the main sports field) that were previously permitted by CDP No. 4-99-276 approved by the CCC in 2000 could be constructed. In addition, offsite circulation improvements could be implemented at the discretion of the City; however, these improvements would occur within the public right-of-way and not on the MMHS campus/District-owned land. Under this alternative, none of the project-related impacts identified in the EIR would occur and MMHS would continue operating as-is. However, the proposed project is the result of a bond measure (Measure BB) approved by voters in 2006 for \$268 million targeted to improving the District students' health, safety, and classroom instruction. Approximately \$33.475 million was earmarked for MMHS. Currently, many of the classrooms and facilities at MMHS do not meet the standards set by the District and California Department of Education. The proposed project is intended to upgrade existing systems, bring classrooms and other facilities into compliance with District and State standards, and provide new and upgraded facilities (library, administration building, computer labs, and classrooms) that would replace outdated and inadequate spaces, including classrooms occupying three temporary relocatable structures. The proposed project would also provide the campus with a cohesive and unified design, presence, and sense of place for middle and high school students. The project scope proposes to separate the middle school program from the existing high school program to strengthen MMHS' sense of identity by creating separate and upgraded spaces. With consideration for the project objectives, the No Project – Reasonably Foreseeable Development Alternative does not meet any of the project objectives and is not considered a feasible alternative.

3. Retrofit Building E and Administrative Buildings with Athletic Field Improvements Alternative – This alternative was accepted in the EIR and retains the existing library and administration buildings, and the same improvements proposed for Building E, the main sports field, and onsite parking and traffic circulation improvements. Under this alternative, both Building E and the library and

administration buildings would undergo a complete interior remodel and modernization, including seismic retrofit, upgraded lighting and ventilation, and electrical, plumbing, and technology infrastructure. This alternative reduces the severity of construction-related impacts with regard to air quality and noise due to reduced demolition activity and indoor construction; however, project-related impacts to geology and soils, transportation, and wastewater would remain the same as per the proposed project. The new classroom/library/administration building proposed in place of the existing library and administration buildings would not be constructed, nor the associated improvements associated with the new buildings (e.g., expanded library, computer services, sustainable design features, adequate classrooms and administration offices meeting District standards, etc). All renovations would be confined within the existing building sizes and would not provide the additional space MMHS needs to fully meet the project objectives. The existing library and administration buildings are not large enough to accommodate District standards and the school's needs. While implementation of this alternative would meet some of the project objectives, it would not provide the campus with permanent, state-of-the-art classrooms meeting District size requirements and school needs, removal of the relocatable classrooms, or restructuring campus circulation and identity for the middle school. The EIR notes that this alternative would not "redevelop the Malibu Middle and High Schools to create a memorable campus, enhance the overall learning environment at the campus...or foster high-quality instruction in a safe and sound environment."

The proposed project is the result of a bond measure (Measure BB) approved by voters in 2006 for \$268 million targeted to improving the District students' health, safety, and classroom instruction. Approximately \$33.475 million was earmarked for MMHS. Currently, many of the classrooms and facilities at MMHS do not meet the standards set by the District and California Department of Education. The proposed project is intended to upgrade existing systems, bring classrooms and other facilities into compliance with District and State standards, and provide new and upgraded facilities (library, administration building, computer labs, and classrooms) that would replace outdated and inadequate spaces, including classrooms occupying three temporary relocatable structures. The proposed project would also provide the campus with a cohesive and unified design, presence, and sense of place for middle and high school students. The project scope proposes to separate the middle school program from the existing high school program to strengthen MMHS' sense of identity by creating separate and upgraded spaces. No significant advantages for purposes of conformance with the LCP were identified by retrofitting the existing library and administration buildings in lieu of constructing a new classroom/library/administration building with associated improvements. The proposed building is sited within the same development area and general footprint as the existing library and administration buildings and provides the school with services typical of a middle and high school in the Institutional zone. With consideration for the full range of project objectives and the construction associated with the proposed classroom/library/administration building, the Retrofit Building E and Administrative Buildings with Athletic Field Improvements Alternative does not sufficiently meet the project objectives (specifically Objectives 1, 4, 5, 6, 7 and 10) and is not considered a feasible alternative.

4. Alternate Locations Alternative – This alternative was rejected in the EIR and considers the development of other District-owned land in the City in order to provide the facilities needed for middle and high school education as authorized under Measure BB funding in 2006. In lieu of developing the existing MMHS campus, the District could propose new middle and high school development on a District-owned, vacant, 21.55-acre parcel within the Civic Center and a contiguous

2.78 acre vacant parcel outside City limits. The parcels would be accessed from Malibu Canyon Road just north of Malibu Crest Drive. However, development of these parcels was determined to result in considerably more environmental impacts than the proposed project. Development of the vacant parcels would result in significant increases to intensity within this area of the Civic Center, require development within ESHA, and result in increased construction-related impacts including considerable landform alteration due to the existing steep topography, hydrology, geology, utilities, aesthetics/light, and traffic improvements. The Alternate Locations Alternative does not result in reduced environmental impacts associated with the proposed project, does not meet all of the project objectives (specifically Objectives 2, 3 (in part), 6 and 10), and is not considered a feasible alternative.

5. Reduced Project Alternative A – No Athletic Field Improvements – This alternative was rejected in the EIR and considers the development of all components of the proposed project with exception to the proposed athletic field improvements. Installation of the synthetic turf on the main sports field, associated walkways, competition gym upgrades/ventilation, and two new tennis courts would not occur. The EIR found that impacts associated with the athletic field improvements are less than significant and that this alternative would result in the same level of impacts as the proposed project; therefore, the EIR rejected this alternative. No significant advantages for purposes of conformance with the LCP were identified by removing the athletic field improvements from the project scope. The location of the proposed tennis courts and replacement main sports field turf are sited within the same development area and general footprint as the existing tennis courts and athletic area, and provides the school with services typical of a middle and high school in the Institutional zone. The Reduced Project Alternative A – No Athletic Field Improvements Alternative was determined not to reduce environmental impacts associated with the proposed project, does not meet all of the project objectives (specifically Objective No. 9), and is not considered a feasible alternative.

6. Reduced Project Alternative B – No Building Improvements – This alternative was rejected in the EIR and considers the development of the athletic field improvements, onsite traffic circulation and parking improvements, including the new 150-space parking lot. Improvements to Building E and construction of the new classroom/library/ administration building would not occur. All existing buildings would remain as-is and the middle and high school programs would remain intermingled. This alternative would not provide upgraded, to-standard classrooms and new computer labs for the campus, and portable relocatable classrooms would remain in use. The EIR found that construction-related impacts to air quality would be reduced; however, the construction emissions that would occur from the proposed grading and other construction activities would still exceed SCAQMD thresholds of significance, as well as the transportation impacts associated with the project. Therefore, the EIR rejected this alternative. No significant advantages for purposes of conformance with the LCP were identified by removing the building improvements from the project scope. The proposed building is sited within the same development area and general footprint as the existing library and administration buildings and provides the school with services typical of a middle and high school in the Institutional zone. The Reduced Project Alternative B – No Building Improvements Alternative was determined not to reduce environmental impacts associated with the proposed project, does not meet all of the project objectives (specifically Objectives 1, 2, 3, 4, 5, 7 and 10), and is not considered a feasible alternative.

7. Improved Circulation Alternative – Offsite Parking Improvements – This alternative was rejected in the EIR and considers the development of all components of the proposed project with exception

to the traffic circulation improvements. Instead, overflow parking would be provided at Zuma County Beach instead of on campus. The District found that offsite parking at this location would result in safety risks for students and employees crossing PCH to access the campus, as well as unwillingness by the County of Los Angeles to allow permanent parking at the existing Zuma County Beach parking lots. Therefore, this alternative was not considered in the EIR. Permanent parking at Zuma Beach for purposes of serving MMHS would result in conflicts with LCP policies and objectives for public parking and access to public beaches. The Improved Circulation Alternative – Offsite Parking Improvements was determined not to result in public access conflicts with the LCP, does not meet all of the project objectives (specifically Objective 8), and is not considered a feasible alternative.

8. Reduced Grading – Reduced Parking Lot Alternative – This alternative was rejected in the EIR and considers the development of all components of the proposed project with a reduction of 40 spaces from the proposed 150-space parking lot. The resulting lot would accommodate 110 vehicles. While the area of grading would be reduced, the EIR found that localized emissions would still exceed thresholds for onsite receptors for PM₁₀ and PM_{2.5} even with mitigation. As a result, construction-related impacts associated with air quality would remain significant and unavoidable, and all other impacts associated with the proposed project would remain the same. Therefore, this alternative was not considered in the EIR. Further, the bulk of the grading will result from construction of the new access road entry, associated drainage and transition slopes, and the parking lot – whether the lot was reduced by 40 spaces is not anticipated to significantly reduce environmental effects resulting from landform alteration. As demonstrated on the submitted slope analysis, the majority of steep topography exists in the location of the access road entrance. Existing topography underlying the proposed parking lot is relatively flat (4 to 1 and flatter). The ability to park an additional 40 vehicles on the MMHS campus further alleviates offsite circulation and parking demand along Morning View Drive and surrounding streets, and adjacent facilities at Zuma County Beach and the Malibu Equestrian Center. Further, additional parking is required for the MMHS campus pursuant to LIP onsite parking requirements and access. As a result, the Reduced Grading – Reduced Parking Lot Alternative was not considered a feasible alternative.

9. Larger Parking Lot with Offsite Improvements Alternative – This alternative was rejected in the EIR and considers the development of all components of the proposed project with an increase of 100 spaces in the proposed 150-space parking lot. The resulting lot would accommodate 250 vehicles. This alternative also considered offsite circulation improvements including a traffic circle at Morning View Drive and Cabrillo and a new traffic signal and PCH and Guernsey Avenue. The EIR found that increasing the parking lot by 100 spaces would worsen the already significant and unavoidable impact of the proposed project with respect to construction emissions of PM₁₀ and PM_{2.5}. Expanding the parking lot by 100 spaces and providing offsite improvements to PCH, Morning View Drive, and Guernsey Avenue were considered by the District not to be required to achieve the project objectives. Regardless, this alternative increases the amount of landform alternation required to expand the parking lot; however, as proposed with the 150-space parking lot, the proposed project meets the LIP's onsite parking requirements for a public educational institution. In context to the LCP's policies and objectives for public educational use in the Institutional zone, the proposed project meets the applicable requirements for parking and onsite circulation/access. Increasing the development scope with respect to additional onsite parking and onsite traffic/circulation improvements is deemed necessary for purposes of LCP conformance and, therefore, the Larger Parking Lot with Offsite Improvements Alternative was not considered a feasible alternative.

10. Parking Lot Lighting Alternative – This alternative was rejected in the EIR and considers the placement of 4.5 foot high bollard lighting fixtures in the 150-space parking lot, access road, and pedestrian pathway in lieu of the 250 watt metal halide post top fixtures mounted on 18 foot poles as proposed. This alternative did not consider the use of IDA/IES MLO compliant lighting to LZ1 standards for the new 150-space parking lot and upper walkways, motion-sensitive controls to regulate lighting in the new 150-space parking lot, or the use of LED fixtures in Parking Lot A and the Lower Lot designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible. Further, this alternative did not consider the limited use of lighted parking in the new 150-space parking lot subject to the regulations required by Condition No. 11. The EIR concluded that the use of bollard lights for the parking lot illumination would compromise safety and security since they are not designed to illuminate open spaces such as parking lots and roads. Analysis contained in the EIR notes that one bollard would produce 6 to 8 foot-candles (fc) at its base and 0.5 fc at a distance of 19 feet from the fixture. Vehicles parked adjacent to the bollards would further limit the amount of light extending out. The District's Design Guidelines further specify minimum lighting levels of 1 fc for parking lots and driveways. As a result of safety and security concerns for students, staff, and visitors using the 150-space lot during the evening hours, the use of bollard lighting fixtures was not considered a feasible alternative. In addition, the EIR notes that the greater number of bollard fixtures required would likely increase the amount of sky glow associated with the project above that which was analyzed in the EIR (note that the EIR did not consider the use of IDA/IES MLO compliant lighting, limited hours for lighting the new 150-space parking lot, or LED fixtures with full cut-off performance to reduce the impacts associated with sky glow). Sky glow associated with the 150-space parking lot was identified in the EIR as a significant and unavoidable impact due to the existing dark conditions of the area surrounding the MMHS campus. Therefore, the Parking Lot Lighting Alternative was not considered a feasible alternative.

11. Combination Parking Lot/Pathway Lighting Alternative – This alternative was rejected in the EIR and considers the placement of 4.5 foot high bollard lighting fixtures along the pedestrian pathway associated with the 150-space parking lot and access road, in lieu of 250 watt halide post top fixtures mounted on 12 foot high poles as originally proposed. This alternative did not consider the use of IDA/IES MLO compliant lighting to LZ1 standards for the new parking lot and upper walkways or the use of LED fixtures in Parking Lot A and the Lower Lot designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible. Further, this alternative did not consider the limited use of lighted parking in the new 150-space parking lot subject to the regulations required by Condition No. 11. The EIR concluded that the use of bollard lights for pedestrian illumination would compromise safety and security since they would not achieve adequate illumination during nighttime hours. The District's Design Guidelines further specify minimum lighting levels of 2 fc for exterior uncovered pathways. In addition, the EIR notes that the bollard fixtures have little control over the light leaving the fixture and can result in light spill beyond the boundary of the parking lot and adjacent landscaping. The EIR notes that this alternative would not reduce sky glow impacts associated with the new parking lot and access road (note that the EIR did not consider the use of IDA/IES MLO compliant lighting, limited hours for lighting the new 150-space parking lot, or LED fixtures with full cut-off performance to further reduce the impacts associated with sky glow). Sky glow associated with the 150-space parking lot was identified in the EIR as a significant and unavoidable impact due to the addition of a new night light source. Therefore, the Combination Parking Lot/Pathway Lighting Alternative was not considered a feasible alternative.

12. Non-IDA/IES MLO Compliant Lighting – Parking Lot and Access Road Alternative – This alternative was considered as the “Proposed Project” in the EIR and represents the original project as proposed by the District and reviewed at the August 7, 2012 Planning Commission meeting. This alternative proposed non-IDA/IES MLO compliant lighting to provide safety- and security-level illumination of the new 150-space parking lot, access road, upper portion of the pedestrian pathway/stair between the main sports field and new parking lot. Further, this alternative proposed non-LED / non-IDA/IES MLO compliant lighting in Parking Lot A and the Lower Lot. All lighting under this alternative would utilize 250 watt metal halide post top fixtures with down-shielding to reduce offsite light spill, glare, and sky glow. The lighting would be programmed to turn off at 10:00 p.m. during school nights as part of a nightlight circuit. However, on a limited number of occasions when school activities are scheduled to extend past 10:00 p.m., the programmed off time could be overridden to accommodate such uses as authorized by the District. The alternative proposed the use of twenty three light standards (two double-fixture poles and 21 single-fixture poles) at 18 feet in height to illuminate the new 150-space lot and paved access road. Seventeen of the 23 light standards would be exclusive to the new parking lot. Additionally, 12 foot high light standards would be used along the upper portion of a new pedestrian ramp/stair leading from the main sports field to the new parking lot. Parking Lot A includes thirteen light standards (four double-fixture poles and nine single-fixture poles) at 18 feet in height to illuminate Parking Lot A and the onsite roundabout. The Lower Lot includes eight light standards (two double-fixture poles and six single-fixture poles) at 18 feet in height to illuminate the Lower Lot and the driveway off of Morning View Drive.

As disclosed in the EIR, the original lighting component would unavoidably create sky glow when operated at night, particularly along the coast where foggy conditions are common that will be visible from nearby public scenic viewing areas including Zuma County Beach and PCH to the south, SMMNRA/Zuma and Trancas Canyons to the north, and public trails in the surrounding area. Sky glow is defined as the brightening of the nighttime sky that result from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky. The potential for non-IDA/IES MLO compliant lighting to LZ1 standards to be used in the new 150-space parking lot, upper walkways, and access road until 10:00 p.m., or later if authorized, as well as non-LED / non-IDA/IES MLO compliant lighting in Parking Lot A and the Lower Lot when school is in session each year poses significant individual and cumulative impacts on identified scenic elements protected by the LCP and public views of natural landforms, the beach, ocean, and the nighttime sky in the area of west Malibu.

Further, existing light sources on/near the MMHS campus consist of building security and parking lot lighting, including the Lower Lot, campus signage and athletic facilities including the existing tennis courts and swimming pool, the Boys & Girls Club outdoor area, pedestrian walkways/stairs (covered and uncovered), residential lighting, and street lights along PCH. This alternative did not consider the replacement of 217 existing exterior fixtures around MMHS with IDA-compliant, 26 watt LED fixtures with full cut-off performance.

This alternative provided for the continued educational use of the MMHS campus within the Institutional zone and was consistent with CBC requirements for accessible path of travel. However, this alternative was not found to be the least environmentally sensitive alternative with respect to the LCP's Chapter 6 scenic resource protection policies and objectives and the community character of the Malibu Park neighborhood. Even with the impact to aesthetics/sky flow remaining significant and

unavoidable, the impact resulting from the height and type of lighting considered in this alternative for the parking lots, access road, and walkways can be significantly reduced under an alternate lighting design. As conditioned and modified in the proposed project, the lighting scheme considered in this alternative has been feasibly redesigned to minimize adverse impacts to scenic elements and public views in this area of west Malibu. Therefore, the Non-IDA/IES MLO Compliant Lighting – Parking Lot and Access Road Alternative was not considered a feasible alternative.

13. No Lighting – Parking Lot and Access Road Alternative – This alternative was not considered in the EIR, but was identified by the Planning Department as an alternative that would eliminate all new lighting impacts associated with the new 150-space parking lot, walkways, and access road. This alternative considered the development of all components of the proposed project with exception to the proposed lighting component for the new 150-space parking lot, access road, and upper portion of the pedestrian ramp/stair between the main sports field and new parking lot above. All other project components, including the development of the new 150-space parking lot and access road (for daytime use only), and lighting and circulation modifications in Parking Lot A, the Lower Lot, and the lower pedestrian ramp/stair from the main campus courtyard to the main sports field remain as proposed in the project.

However, this alternative did not consider the incorporation of IDA/IES MLO compliant lighting to LZ1 standards for the new 150-space parking lot or upper walkways, which also include no lighting of the new access road. Further, this alternative did not consider LED fixtures in place of the 250 watt metal halide bulbs to illuminate Parking Lot A and the Lower Lot or consider a lighting design in these parking lots to meet an LZ1 standard of the IDA/IES MLO to the maximum extent feasible. Further, this alternative did not consider the limited use of lighted parking within the new 150-space parking lot. While this alternative would result in an environmentally sensitive design with respect to the LCP's Chapter 6 scenic resource protection policies and objectives and the community character of the Malibu Park neighborhood, it would not adequately allow for the continued educational use of the MMHS campus within the Institutional zone or compliance with CBC requirements for accessible path of travel and would result in added neighborhood parking impacts by rendering the new 150-space parking lot unusable during after 3 p.m. uses. The District prepared a parking utilization study demonstrating the need for after-school use of the proposed 150-space parking area. After school use is considered activities that continue through and/or begin after 3 p.m. based on the MMHS academic calendar for non-sport and sporting activities. Based on the findings in the parking utilization study, if the new 150-space parking lot was lit for after 3 p.m. use, it would provide adequate on-site parking for after 3 p.m. participants, consistent with LCP parking requirements for a school use, and reduce the existing evening parking impact in the surrounding Malibu Park neighborhood.

Non-sport activities and events at MMHS were documented to include the following events: 1) Open house; 2) Back to school nights – middle school; 3) Back to school nights – high school; 4) Theater performances – middle school; 5) Theater performances – high school; 6) Theater late rehearsals – middle school; 7) Theater late rehearsals – high school; 8) Events – music; 9) Events – awards; 10) Events – other education; 11) Community meetings – town hall; and 12) Community meetings – emergency. Sporting activities at MMHS were documented to include the following fall, winter, and spring sports (accounting for practices, home games and away games). Note that the MMHS academic calendar includes three seasons with 20 sports and over 250 events per year. Fall sports include: 1) Football; 2) Boys' water polo; and 3) Girls' volleyball. Winter sports include: 1) Boys' basketball; 2) Girls' basketball; 3) Boys' soccer; 4) Girls' soccer; 5) Girls' water polo; and 6)

Wrestling. Spring sports include: 1) Baseball; 2) Boys' volleyball; 3) Lacrosse; 4) Softball; 5) Swimming; 6) Track and field; and 7) Cross country. Other sports occurring throughout the year include: 1) Cheerleading; 2) Dance squad; 3) Equestrian; and 4) Tennis.

As proposed, the 150-space parking lot and upper walkways would be lit for safety and security only when occupied, subject to the regulations required by Condition No. 11, and would be based on the following CBC requirements and IDA/IES MLO standards: 1) CBC §1006.2, accessible path of egress needs to be illuminated, no less than one fc for walking surfaces; 2) CBC §1205.6, lighting requirements are a minimum of one fc; and 3) IDA/IES MLO primary design considerations include: a) Good visibility, reducing discomfort and disability glare; b) Creating a safe area (reducing instances of crime and tripping); c) Controlling light emitting into night sky causing sky glow or light pollution; and d) Minimizing light trespass onto adjacent properties. Given the after 3 p.m. need for lighting within the new 150-space parking lot and availability of feasible lighting designs utilizing LED fixtures, conformance with the IDA/IES MLO to minimize adverse impacts to scenic elements and public views in this area of west Malibu, and limiting the use of lighting in the new 150-space parking lot, the No Lighting – Parking Lot and Access Road Alternative was not considered a feasible alternative.

14. Proposed Project – The proposed project, modified since the August 7, 2012 Planning Commission meeting, implements a campus enhancement program which includes approximately 35,315 sf of new construction (net new construction is 20,272 sf when accounting for replacement/demolition of 15,041 sf from the existing library and administration buildings), 12,509 sf of renovation/modernization of existing Building E, and the renovation and/or upgrading of existing facilities and infrastructure. Currently, 177 out of 1,207 students at MMHS utilize classrooms that are below educational standards, including three 960 sf relocatable classrooms. The project would provide twenty-one replacement classrooms totaling 21,620sf, which would be comprised of sixteen standard classrooms (960 sf each), two computer labs (960 sf each), and three science classrooms (1,450 sf each). Of the twenty-one replacement classrooms, 12 would be located in renovated Building E. The remaining nine replacement classrooms would be located in a new two-story, classroom/library/ administration building totaling 35,315 sf. The new building would replace the existing 9,169 sf library (Building A) and 5,872 sf administration buildings (Buildings B and C) (net new construction is 20,272 sf) along Morning View Drive. Upon project completion, floor-area-ratio (FAR) for the entire MMHS campus, including Cabrillo Elementary, will be 0.138 (230,867 sf).

The project proposes the separation of the middle school program from the existing high school program by devoting Building E solely to high school programming, while middle school classrooms would be provided in the new two-story classroom/library/ administration building. Further, a new high school quad area (currently occupied with three relocatable trailers) and a renovated middle school quad area are proposed. A new information technology room is proposed to house the main technology infrastructure for the campus and interim housing used during the construction of the project will be removed when work is complete.

The main entrance to the project site would continue to be located along Morning View Drive. Student loading and unloading zones for personal vehicles would be reconfigured along Morning View Drive. A new 400 foot long by 15 foot wide drop-off and pick-up lane would be provided along Morning View Drive in front of the new classroom/ library/administration building, with a dedicated 20 foot long accessible drop zone. The lane is anticipated to queue approximately 20 vehicles at a

time. The project also includes an approximate 700 foot, dedicated right-hand turn lane along the south side Morning View Drive from Merritt Drive to the entrance of the new 150-space parking lot access road that can accommodate up to 195 vehicles. The improvements are proposed entirely within the existing Morning View Drive public right-of-way and no additional properties will be required to accommodate the turn lane as the roadway will be repaved with asphalt and restriped. Improvements will include a new curb, gutter and pathway along the north stretch of Morning View Drive, with an additional pathway along part of the south side of Morning View Drive.

A new 150-space parking lot would be constructed next to the main sports field on the eastern portion of campus. The new parking lot would include one van- and four standard-ADA accessible parking spaces. A new gated access road beginning at the Lower Lot along Morning View Drive would be created. The new access road would also provide emergency vehicle access to the main sports field from Morning View Drive. The new access road would not include sidewalks; however, a pedestrian ramp and stairs between the main campus courtyard, main sports field, and new parking lot is proposed as part of the project.

The new 150-space parking lot and upper portion of the pedestrian pathway and stair leading from the main sports field to the new parking lot would include sensitively designed safety- and security-level illumination. No lighting is proposed on the new access road from Morning View Drive as reflectors would be placed in the roadway. The lighting proposal utilizes advanced lighting technology with LED fixtures, three motion-sensitive areas in the new parking lot, and pole heights, styles and orientation that have been designed by the District to meet an LZ1 standard of the IDA/IES MLO pursuant to the submitted lighting plans date-stamped January 18, 2013. The lighting proposal was designed by an IDA-lighting expert retained by the District since the August 7, 2012 Planning Commission meeting. LZ1 is the strictest zone considered in the MLO for permanently human-populated areas. Note that the MLO suggests LZ2 standards for schools; however, the consultant has designed beyond this standard and achieved compliance with an LZ1 standard.

The MLO is an outdoor lighting template designed to help municipalities develop outdoor lighting standards that reduce glare, light trespass, and sky glow. Such standards also reduce expenses, save energy, and cut greenhouse gas emissions. The MLO is considered a valuable guide for environmentally responsible outdoor lighting in North America. The MLO was developed jointly by the IDA and the IES over a period of seven years, with the most recent version adopted June 15, 2011. The IDA/IES partnership encourages broad adoption of comprehensive outdoor lighting ordinances. Any community, regardless of size, can use the MLO to develop proven, comprehensive, and environmentally sound outdoor lighting practices. Several unique features allow the MLO to be customized. The first innovation is the use of five lighting zones to classify land use and to implement appropriate lighting levels for each. Zones range from LZ0, designed for pristine natural environments and limited outdoor lighting, to LZ4, for limited application in areas of extensive development in the largest cities. The second innovation limits the amount of light used for each property. An individual parcel is given a lumen allowance based on the lighting zone, the size of the property, and the degree of development on the property. Third, the MLO uses the IES's Backlight-Uplight-Glare (BUG) rating system for luminaires, which provides more effective control of unwanted light. No uplight for any area and/or street lighting is allowed in any zone.

As described within the MLO, LZ1 pertains to areas that desire low ambient lighting levels. These typically include single and two family residential communities, rural town centers, business parks,

and other commercial or industrial/storage areas typically with limited nighttime activity. LZ1 may also include the developed areas in parks and other natural settings. LZ1 is the recommended default zone for rural and low density residential areas. LZ2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, churches, hospitals, hotels/motels, commercial and/or businesses areas with evening activities embedded in predominately residential areas, neighborhood serving recreational and playing fields and/or mixed use development with a predominance of residential uses.

The upper pedestrian walkways accessing the new lot include 27 LED bollards at 42 inches in height painted black to minimize reflection. The new 150-space parking lot includes 34 ten-foot tall light poles topped with 24-inch LED fixtures (12-foot total height) painted black to minimize reflection. The light poles are backlit to minimize spill outside of the parking lot. The 150-space lot is organized into three motion-sensitive areas with each area controlled by occupancy/movement sensors that turn off fifteen minutes after the lighting is activated. As required by Condition No. 11, the use of the Areas 1, 2, and 3 are subject to the following use restrictions:

- a. Area 1 (south section with ADA spaces) may be lighted until 10 p.m. nightly. All lighting shall be deactivated and vehicular access to Area 1 shall be gated and locked by 10 p.m.; and
- b. Areas 2 and 3 (west and east sections) may be lighted until 8 p.m. nightly. All lighting shall be deactivated and vehicular access to Areas 2 and 3 shall be gated and locked by 8 p.m.; except that
- c. Areas 1, 2, and 3 may be lighted until 10:30 p.m. in combination with the evening use of the main sports field lighting authorized by CUP No. 12-001 plus an additional 15 nights per year for special events. All lighting shall be deactivated and vehicular access to Areas 1, 2, and 3 shall be gated and locked by 10:30 p.m. on these nights.

Overall, the redesigned lighting proposal for the new 150-space parking lot, upper walkways, and elimination of lighting on the access road results in a 65 percent reduction in the average number of foot candles in the parking lot and an 83 percent decrease in lumen illumination levels from the original proposal as described in *Alternative 12* (reduced from 403,700 lumens to 69,580 lumens) as follows: 1) Access road to new 150-space parking lot originally produced 82,800 lumens; however the proposed project will produce zero lumens as no lighting is proposed; 2) Upper pedestrian walkways and the new 150-space parking lot originally produced 320,900 lumens; however, the proposed project will produce a maximum of 69,580 lumens (categorized as follows: Bollards (upper walkways) produces 33,534 lumens; Bollards and Parking Area 1 produces 45,196 lumens (original 115,920); Bollards and Parking Areas 1 and 2 produces 56,858 lumens (original 210,220), and Bollards and Parking Areas 1, 2 and 3 produces 69,580 lumens (original 320,900).

Further, the lighting proposed in Parking Lot A and the Lower Lot will utilize IDA-compliant LED fixtures with full cut-off performance designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible. The original proposal considered in *Alternatives 12 and 13* included 250 watt metal halide bulbs for these two parking lots. Additionally, the District is addressing 217 existing exterior lighting fixtures at MMHS, which comprises all existing exterior lighting fixtures in use, and has started replacing the fixtures with IDA-compliant, 26 watt LED fixtures with full cut-off performance. Replacement of these fixtures is already underway with 23 being replaced to-date. As required by Condition No. 16, all fixtures shall be replaced by the completion of Phase V of the project schedule (as discussed under *Finding A3 – Proposed Project*).

The proposed lighting of the new 150-space parking lot, walkways, Parking Lot A, and the Lower Lot, with consideration for the limited use of lighting in the new 150-space parking lot and the replacement of 217 existing exterior lighting fixtures at MMHS with LED fixtures, is considered a feasible and environmentally sensitive lighting design with respect to the LCP's Chapter 6 scenic resource protection policies and objectives and the community character of the Malibu Park neighborhood surrounding the MMHS campus. Further, the lighted parking lots and walkways allow for continued educational use of the MMHS campus within the Institutional zone and allow for conformance with CBC requirements for accessible path of travel. The District prepared a parking utilization study demonstrating the need for after-school use of the proposed 150-space parking area. After school use is considered activities that continue through and/or begin after 3 p.m. based on the MMHS academic calendar for non-sport and sporting activities. Based on the findings in the parking utilization study, if the new 150-space parking lot was lit for after 3 p.m. use, it would provide adequate on-site parking for after 3 p.m. participants, consistent with LCP parking requirements for a school use, and reduce the existing evening parking impact in the surrounding Malibu Park neighborhood.

Non-sport activities and events at MMHS were documented to include the following events: 1) Open house; 2) Back to school nights – middle school; 3) Back to school nights – high school; 4) Theater performances – middle school; 5) Theater performances – high school; 6) Theater late rehearsals – middle school; 7) Theater late rehearsals – high school; 8) Events – music; 9) Events – awards; 10) Events – other education; 11) Community meetings – town hall; and 12) Community meetings – emergency. Sporting activities at MMHS were documented to include the following fall, winter, and spring sports (accounting for practices, home games and away games). Note that the MMHS academic calendar includes three seasons with 20 sports and over 250 events per year. Fall sports include: 1) Football; 2) Boys' water polo; and 3) Girls' volleyball. Winter sports include: 1) Boys' basketball; 2) Girls' basketball; 3) Boys' soccer; 4) Girls' soccer; 5) Girls' water polo; and 6) Wrestling. Spring sports include: 1) Baseball; 2) Boys' volleyball; 3) Lacrosse; 4) Softball; 5) Swimming; 6) Track and field; and 7) Cross country. Other sports occurring throughout the year include: 1) Cheerleading; 2) Dance squad; 3) Equestrian; and 4) Tennis.

The 150-space parking lot would be lit for safety and security only, subject to the regulations required by Condition No. 11, when occupied based on the following CBC requirements and IDA/IES MLO standards: 1) CBC §1006.2, accessible path of egress needs to be illuminated, no less than one foot candle (fc) for walking surfaces; 2) CBC §1205.6, lighting requirements are a minimum of one fc; and 3) IDA/IES MLO primary design considerations: a) Good visibility, reducing discomfort and disability glare; b) Creating a safe area (reducing instances of crime and tripping); c) Controlling light emitting into night sky causing sky glow or light pollution; and d) Minimizing light trespass onto adjacent properties.

The existing parking lot west of the Boys & Girls Club (Parking Lot A) would be reconfigured and reduced from 136 to 119 parking spaces. Parking Lot A would provide one van- and four-standard ADA accessible parking spaces, as well as new safety- and security-level illumination that would be programmed to turn off at 10:00 p.m. during school nights. The site plan also identifies the location of the proposed and modified parking lots on campus, as well as pick-up/drop-off locations. Bus pickup/drop-off currently occurs along the existing side access road perpendicular to Morning View Drive (between Cabrillo Elementary and MMHS). An onsite roundabout is also included to

accommodate circulation for vehicles and buses. Thirteen light standards (four double-fixture poles and nine single-fixture poles) utilizing full IDA-compliant LED fixtures with full cut-off performance designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible illuminate Parking Lot A and the onsite roundabout.

The existing parking lot on Morning View Drive (Lower Lot) would be reconfigured and reduced from 84 to 61 parking spaces in order to control traffic with one driveway providing access to staff, visitor parking, and the new 150-space parking lot. The Lower Lot would provide one van- and two-standard ADA accessible parking spaces, as well as replacement safety- and security-level illumination that would be programmed to turn off at 10:00 p.m. during school nights. Eight light standards (two double-fixture poles and six single-fixture poles) utilizing full IDA-compliant LED fixtures with full cut-off performance designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible illuminate the Lower Lot and the driveway off of Morning View Drive. Parking for MMHS specifically is increasing from 255 spaces to 359 spaces. Parking for the overall MMHS campus, including Cabrillo Elementary is increasing from 289 spaces to 408 spaces.

Utility improvements necessary to serve the new and renovated buildings are proposed. Currently, eleven septic tanks exist on campus serving MMHS and Cabrillo Elementary. The septic tanks located below the high school quad, between the auditorium and administration buildings, and the Lower Lot have reached capacity and will be replaced and/or the flow redirected to a new pump station in the Lower Lot. Currently, the existing library and administration buildings are routed to three different septic tanks and disposal systems. The new classroom/library/ administration building will be diverted to a system in the Lower Lot, where a new 12,000 gallon septic tank will be installed. The District's overall goal is to achieve, at a minimum, the effluent quality that meets the effluent limits given to the District from the Los Angeles RWQCB. If effluent standards warrant a different level of treatment, the District will further modify the wastewater treatment system design to incorporate the effluent limits given to the District by the RWQCB. The full range of upgrades are provided within the CDP scope and divided into two phases. In coordination with RWQCB requirements, the project includes treatment capability for the existing conventional OWTS as part of Phase I. Phase II includes the upgraded system consisting of an advanced treatment facility installed in the center of the new 150-space parking lot. Discharge from the new tank in the Lower Lot, along with other new and existing tanks throughout the site, would be pumped to the advanced treatment facility and returned to existing seepage pits via gravity flow.

The existing project site drains to a network of storm drain and catch basins that outlet through the curb face to Morning View Drive and the drainage along the west campus boundary. Site storm drainage would be designed to allow for no increase in site runoff compared to existing conditions. Drainage for the new 150-space parking lot would be directed to a center island/planting area and then collected and directed to an underground cistern, which would hold the water for reuse as site irrigation. Similar drainage is proposed for the synthetic replacement turf on the main sports field. In addition, the new and renovated buildings would include green roofs for treatment of and reduction in runoff. Infiltration and runoff from the project site depends upon the amount and timing of rainfall and surface characteristics; soils, impeding layers, amount of impervious area, routing of runoff (e.g., storm drain system as opposed to sheet flow), slopes, surface storage, vegetation, and surface roughness. In order to control and contain stormwater run-off, a sustainable stormwater management plan uses landscaping strategies as part of the design of the project.

Fire protection water would be piped from an existing campus six-inch water main located to the north of the existing library and administration buildings. In order to provide adequate fire flows, the District is required to make upgrades to the existing storage tank through the installation of approximately 2,200 feet of 12-inch diameter water main in Busch Drive between Cuthbert Road and the Lower Busch Pump Station and in Merritt Drive south of Busch Drive, the installation of one Pressure Regulating Station (860 to 325-foot pressure zone), four interconnections to the existing water system, and all other necessary appurtenances. These water system improvements are required to satisfy the fire flow requirement of 2,625 gallons per minute (gpm) at 20 pounds per square inch (psi) for a two-hour duration. Fire lane access upgrades are also included in the project including improved emergency access to the main sports field from Morning View Drive via the new 150-space parking area and access road.

The project also proposes repairs to existing perimeter fencing and additional perimeter fencing to secure the campus; new landscaping; grading; and a relocated equestrian trail east of the new 150-space parking lot (within 100 feet of the existing trail). The relocated trail would be similar to the existing trail and would continue to provide trail access between the Malibu Park neighborhood, the MMHS campus, the Malibu Equestrian Center, and Zuma Beach with access points remaining at the Clover Heights cul-de-sac to the north and Morning View Drive to the south. An athletic improvement package is also proposed with the project. The package includes two new unlighted tennis courts (north of the existing tennis courts); installation of synthetic turf on the main sports field; upgrades to competition locker rooms and ventilation; and construction of concrete bleachers on the east slope adjacent to the main sports field (the concrete bleachers component was previously permitted by CDP No. 4-99-276 previously-issued by the CCC and is not a part of the subject CDP).

The project is envisioned to be implemented in six phases beginning in the summer of 2013 and completed in the winter of 2016. Phase I includes the installation of relocatable buildings; construction of the new 150-space parking lot, access road, ramp, and stairs; all improvements, including repaving and restriping of Morning View Drive to accommodate the 700 foot, dedicated right-hand turn lane; construction of the new information technology room; and the OWTS upgrades (phased pursuant to RWQCB requirements). Following installation of the relocatable buildings, Phase II would begin, including building demolition and reconstruction. Students, faculty, and staff would be relocated to temporary classrooms located on the existing basketball courts. Four portables, consisting of three 960 sf portables would provide classroom use, and one doublewide 1,920 sf portable would be utilized as the temporary library facility. Demolition of the library and administrative buildings would then commence in May 2014 and construction of the new classroom/library/administration building is scheduled for completion by March 2016. Phase III includes reconstruction of the middle school courtyard, rehabilitation of Building E, and reconstruction of the student drop-off and pick-up lane along Morning View Drive. Phase III is schedule to commence in spring 2016 and is anticipated to be completed by August 2016. Reconfiguration of Parking Lot A and the Lower Lot, as well as reconstruction of the high school courtyard would occur during Phases IV and V, beginning in June 2016 and scheduled for completion by winter 2016. Phase V would also include remaining minor street improvements along Morning View Drive to accommodate the reconfigured Lower Lot driveway. The athletic field improvements, new tennis courts, competition gym upgrades/ventilation, and new concrete bleachers would be developed as funding became available, and as such, no timeline has been provided for their completion.

A final EIR was adopted for the project (i.e., the project considered under *Alternative 12*) by the District Board on February 2, 2012 in their role as lead agency in accordance with the CEQA and CEQA Guidelines Section 15051 (State Clearinghouse No. 2008091059). The final EIR identified potential significant environmental impacts that would result from the project as considered in *Alternative 12*; however, the Board found that the inclusion of certain mitigation measures as part of the project approval would reduce most potentially-significant impacts to a less-than-significant level. Accordingly, an MMRP was adopted for the project and is included in the final EIR and attached as Exhibit A to the subject resolution. The EIR identified significant and unavoidable impacts with respect to Aesthetics/Sky Glow and Air Quality/Construction Dust (note that the EIR did not consider the current lighting design that utilizes IDA-compliant LED fixtures and IDA/IES MLO compliant lighting to LZ1 standards to the maximum extent feasible in Parking Lot A and the Lower Lot, IDA/IES MLO compliant lighting to LZ1 standards within the new 150-space parking lot and upper walkways, the elimination of lighting along the new access road, or the replacement of 217 existing exterior fixtures around MMHS with IDA-compliant, 26 watt fixtures with full cut-off performance. Further, the EIR did not consider the evening lighting restrictions of the new 150-space parking lot as required by Condition No. 11. Nonetheless, pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, the District Board weighed the benefits of the project, including the specific economic, legal, social, and technological benefits, against the unavoidable aesthetics and air quality impacts and determined that the identified benefits outweigh the unavoidable impacts. Accordingly, an SOC was adopted by the District Board as part of the final EIR.

As described in *Alternative 12*, the project as originally proposed by the District was determined not to be the least environmentally damaging alternative with respect to the LCP's Chapter 6 scenic resource protection policies and objectives and the community character of the Malibu Park neighborhood. While the significant an unavoidable impact associated with aesthetics/sky glow would remain, the Planning Commission finds that the impact resulting from the height and type of lighting considered in this alternative for the new 150-space parking lot, access road, upper portion of the pedestrian ramp/stair, Parking Lot A, and the Lower Lot can be substantially reduced. As modified and conditioned in the current proposed project, the original lighting scheme for the new 150-space parking lot, access road, walkways, Parking Lot A, and the Lower Lot has been feasibly redesigned to minimize adverse impacts to scenic elements and public views in this area of west Malibu. The proposed project, as currently modified and conditioned, would continue to meet all stated project objectives in the EIR and allow for the continued education use at MMHS in the Malibu Park community.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

A portion of the project (the reconfiguration of Parking Lot A west of the Boys & Girls Club) is located adjacent to a natural drainage course along the west campus boundary. The drainage course is identified as an intermittent blue-line stream pursuant to the LCP ESHA Overlay Map and contains highly degraded riparian vegetation. The proposed reconfiguration of Parking Lot A occurs entirely within the existing developed area which is currently occupied by asphalt paving and storage structures. The reconfigured Parking Lot A will not be located in ESHA or encroach any further toward ESHA or ESHA buffer. The next nearest mapped ESHA is a blue line stream identified as

Zuma Creek approximately 2,500 feet to the east of the MMHS campus boundary. Consideration for potential unmapped ESHA was provided within biological inventory reports and onsite field surveys of the project site. There is limited natural vegetation onsite consisting primarily of grasses, ivy, brush, shrubs, and scattered trees, with some patches of disturbed and isolated coastal sage scrub in and around the main sports field. The project, final EIR, and Biological Assessment prepared by Glenn Lukos Associates in December 2009 were reviewed and analyzed by the City Biologist, where it was determined that all proposed development occurs within the existing development area and ESHA review by the ERB is not necessary. However, as discussed in *Finding H1*, review by ERB was required since the project proposed the unavoidable removal of eight protected native trees; accordingly, the project has been conditioned to conform to the recommendations of the ERB.

B. Variance for Impermeable Coverage in Excess of 25,000 Square Feet (LIP Section 13.26.5)

The LCP requires that the City make ten findings in the consideration and approval of a variance to allow for impermeable coverage in excess of the 25,000 square foot maximum. To accommodate LCP-required parking and access, improve traffic circulation in and around the MMHS campus, improve athletics facilities, and update pathways and common areas on campus, the project proposes the addition of approximately 111,552 sf of new impermeable area. This amount exceeds the base maximum of 25,000 sf. The LCP does not provide specific development regulations for impermeable coverage on Institutionally-zoned parcels. Rather, Institutionally-zoned projects default to residential development standards for impermeable coverage provided in LIP Section 3.6(I) which set a base maximum of 25,000 sf of impermeable area.

Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes ten findings of fact. Based on the evidence contained within the record, the Planning Commission approves VAR No.10-016 to allow for impermeable coverage in excess of 25,000 square feet for the construction of a new 150-space parking lot, access road, walkways, ramps, stairs, outdoor common areas, and tennis courts on the MMHS campus based on the following findings. The replacement synthetic turf on the main sports field and the green roofs and gardens proposed on the buildings are not considered impermeable as both contain sufficient permeability and retention.

Finding B1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Several special and exceptional characteristics exist on the MMHS campus which limits feasible locations for development of additional parking areas and access roads, athletic facilities, and accessible routes for students, staff, and visitors. The more prominent characteristics include significant topographical changes across the campus, steep slopes within the project area, close proximities to public/private streets and residential properties surrounding the campus, existing onsite development, ESHA along the west campus boundary, and scenic resources to the north and south of the campus.

The project site is located in the Malibu Park neighborhood in west Malibu. The 40-acre campus

includes MMHS, Cabrillo Elementary, the Boys & Girls Club, several outdoor sports fields and courts, the Malibu Equestrian Center, and approximately ten acres of undeveloped land. The campus is located on Morning View Drive approximately one-quarter mile northeast of PCH between Merritt Drive to the west, Via Cabrillo Street to the north, and Harvester Road to the east. The nearest LCP-designated public trail (Zuma Ridge Trail) is mapped in an east-west alignment approximately 2,500 feet north of the project site along Harvester Road, trending north-south near Filaree Heights Avenue, and then continuing in an east-west alignment along Cuthbert Road approximately 3,500 feet north of the project site. The nearest LCP-designated parkland (Zuma County Beach) is located approximately 1,100 feet south of the project site. Additional LCP-designated parkland (SMMNRA/Zuma and Trancas Canyons) is located approximately 3,400 feet north of the project site. As previously discussed in *Finding A2*, the City's updated Parkland and Trails System Map identifies additional trails aligned on the MMHS campus (Malibu Equestrian Center Trail) and adjacent to the project site (Morning View Trail, Merritt Drive Trail, and Clover Heights Trail).

The campus is set amongst rolling hills at the base of the Santa Monica Mountains and its buildings and athletic fields are terraced into a semi-rural hillside setting. Topographically, the project site is situated on the southern flanks of the western portion of the Santa Monica Mountains. The campus consists of several near-level pad areas, separated by steep transition slopes, with generally ascending slopes to the north and descending slopes to PCH to the south. Maximum topographic relief onsite is approximately 90 feet, with elevations ranging from +170 feet to 80 feet above sea level. There is limited natural vegetation onsite consisting primarily of grasses, ivy, brush, shrubs, and scattered trees, with some patches of disturbed and isolated coastal sage scrub in and around the main sports field. Pursuant to the LCP ESHA Overlay Map, ESHA is mapped along the west property line, identified as an intermittent blue-line stream containing highly degraded riparian vegetation. The stream consists of an underground pipe that flows under the school property south from Clover Heights Avenue which daylight into a natural streambed near Cabrillo Elementary. The next nearest mapped ESHA is a blue line stream identified as Zuma Creek approximately 2,500 feet to the east of the MMHS campus boundary. The campus is accessed from PCH via Morning View Drive from the east or via Guernsey Avenue from the west.

Residential properties along Via Cabrillo and Floris Heights, the Boys & Girls Club, and other recreational fields are located west of the project site. Residential properties along Harvester Road and Clover Heights Avenue are located north of the project site. The Malibu Equestrian Center is located east of the project site behind a large berm separating the equestrian use from the school's main sports field. Residential properties along Merritt Drive are located east of the berm. The Malibu United Methodist Church/Nursery School and residences along Morning View Drive are located south of the project site.

Existing parking on the MMHS campus consists of 136 spaces in Parking Lot A, 84 spaces in the Lower Lot, 14 spaces along Morning View Drive on District-owned property, 13 spaces near the bus barn, and 8 spaces near a classroom building. An additional 34 spaces are provided at Cabrillo Elementary for total of 289 onsite spaces. Based on the required onsite parking requirements of LIP Section 3.12.3, the MMHS campus is under-parked and is required to provide a minimum of 341 spaces. Assuming a surface square footage of 180 sf per regular space (9 feet x 20 feet) and 124 sf per compact space (8 feet x 15.5 feet with a 20 percent maximum), the minimum LCP-required parking would result in approximately 57,572 sf of surface area, not accounting for driveways and vehicular access, pedestrian walkways, buildings, sports courts, or outdoor common areas.

The project includes 408 spaces divided between new and reconfigured parking lots throughout the MMHS campus. As previously discussed in *Finding A3 (Proposed Project)*, a new 150-space parking lot would be constructed next to the main sports field on the eastern edge of campus. The new lot comprises the bulk of the new impermeable coverage proposed (approximately 89,946 sf including the access road and pedestrian ramp/stairs). No other feasible locations on campus for a new 150-space parking lot were identified. The new parking lot would include one van- and four standard-ADA accessible parking spaces. A new gated access road beginning at the Lower Lot along Morning View Drive would be constructed. The new access road would also provide emergency vehicle access to the main sports field from Morning View Drive. A pedestrian ramp/stairs between the main campus courtyard, the main sports field, and the new parking lot is proposed, as well as common area modifications in the campus courtyard. Parking Lot A would be reconfigured and reduced from 136 to 119 parking spaces. Lot A would provide one van- and four-standard ADA accessible parking spaces. An onsite roundabout and driveway improvements are also included to accommodate circulation for vehicles and buses. The Lower Lot would be reconfigured and reduced from 84 to 61 parking spaces in order to control traffic with one driveway providing access to staff, visitor parking, and the new 150-space parking lot. The Lower Lot would provide one van- and two-standard ADA accessible parking spaces. A new 400 foot long by 15 feet wide drop-off and pick-up lane would be provided along Morning View Drive in front of the proposed classroom/library/administration building, with a dedicated 20 foot long accessible drop zone.

To accommodate LCP-required parking and access, improve traffic circulation in and around the MMHS campus, improve athletics facilities, and update pathways and common areas on campus, the project proposes the addition of approximately 111,552 sf of new impermeable area. This amount exceeds the base maximum of 25,000 sf. However, the LCP does not provide specific development regulations for impermeable coverage on Institutionally-zoned parcels. Rather, Institutionally-zoned projects default to residential development standards for impermeable coverage provided in LIP Section 3.6(I). As discussed herein, VAR No. 10-016 grants relief from a technical development standard applicable to residential development and use which would otherwise render the project infeasible.

Finding B2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

The variance allows the improvements of an existing public educational institution in an area that has been facilitating such use since 1963. The MMHS campus is located on land that was originally part of Cabrillo Elementary, which continues to occupy the site adjacent to the MMHS campus. The original elementary school property was partitioned in 1963 to create Malibu Park Junior High School. During the 1992/93 school year, the District converted the Malibu Park Junior High School campus into a combined middle and high school. In 2000, the existing MMHS facilities were renovated and modernized under CCC-issued CDP No. 4-99-276. The proposed project will neither expand the existing boundaries of the MMHS campus nor increase student enrollment capacity.

The variance allows the District to provide better identity for the middle school by restructuring the campus circulation, buildings, athletics facilities, and open space, as well as improve campus circulation and parking, including drop-off and pick-up areas as previously described in *Finding B1*.

The improvements permitted by this variance will continue to keep MMHS compatible with the existing institutional, residential, and public land uses in the region of west Malibu and the City as a whole. The proposed project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed and conditioned, was found to be consistent with applicable City goals and policies with the associated CUPs, VARs, SPR, and MM.

Finding B3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

The variance does not constitute a special privilege to the applicant or property owner in that the project site is an Institutionally-zoned parcel that has been in operation as a public educational facility since 1963. As discussed in *Finding B1*, the LCP does not provide specific development regulations for impermeable coverage on Institutionally-zoned parcels. Rather, Institutionally-zoned projects default to residential development standards for impermeable coverage provided in LIP Section 3.6(I). The project, as a whole, affects approximately 23.1 acres of the 40-acre MMHS campus. VAR No. 10-016 grants relief from a technical development standard applicable to residential development and use which would otherwise render the project infeasible.

Finding B4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The variance is not contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. As previously discussed in *Finding B1*, the variance allows the subject property to conform to LCP-required parking and access, improve traffic circulation in and around the MMHS campus, improve athletics facilities, and to update pathways and common areas on campus for students, staff, and visitors. The variance allows the subject property to continue to be used and developed in a similar manner as it has been since 1963. Given the characteristics of the site and need for additional parking and facilities, no alternatives or alternative locations on campus were identified that would adequately eliminate the need for the requested variance. The proposed project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed and conditioned, was found to be consistent with applicable City goals and policies with the associated CUPs, VARs, SPR, and MM.

Finding B5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The variance does not affect ESHA protection standards. Therefore, this finding is not applicable.

Finding B6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The variance is not associated with stringline development standards. Therefore, this finding is not applicable.

Finding B7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The MMHS campus covers approximately 40 acres in the Malibu Park neighborhood and is entirely within the Institutional zone. Section 1.5.8 of the General Plan Land Use Element and LCP Land Use Plan (LUP) Chapter 5 provide that the Institutional land use designation accommodates public and quasi-public facilities in the City. This designation includes educational, cultural, athletic, religious, and governmental facilities. The requested variance is for relief from a technical development standard applicable to residential development and use. It does not authorize a use not otherwise permitted in the Institutional zoning district. Further, the variance does not result in the expansion of the boundaries of MMHS or increase student enrollment capacity. As previously discussed in *Finding B1*, the variance allows the subject property to conform to LCP-required parking and access, improve traffic circulation in and around the MMHS campus, and update pathways and common areas on campus for students, staff, and visitors.

Finding B8. The subject site is physically suitable for the proposed variance.

As previously discussed in *Finding B1*, the location of the new 150-space parking lot, access road, walkways, ramps, stairs, outdoor common areas, and tennis courts have been minimized to the maximum extent feasible to limit landform alteration and disturbance to the project site. The proposed project has been reviewed by the appropriate City and County agencies, including the City Public Works Department, the City Geologist, and the LACFD. As discussed in *Finding B9*, construction of the proposed improvements will comply with all building/safety code requirements and will incorporate all recommendations from applicable City, County, and State agencies. As discussed in *Finding K1*, the subject site is physically suitable for the proposed use and the project has been determined to be in conformance with the applicable development standards for the parcel with the associated VARs. No alternative sites were identified that would result in a more suitable location for development. All final recommendations of the applicant's geotechnical engineer as well as those required by the City Public Works Department and DSA will be incorporated into the project.

Finding B9. The variance complies with all requirements of State and local law.

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies. The project also complies with the ADA, California Department of Education Guidelines, District standards, and Collaborative for High Performance Schools (CHPS). The project requires plan review and approval from DSA prior to the commencement of construction. DSA provides design and construction oversight for K-12 schools and develops accessibility, structural safety, fire and life safety, and building codes and standards utilized in various public buildings throughout the state. Accordingly, the proposed use is not anticipated to be detrimental to the public interest, health, safety, convenience or welfare and will be in compliance with DSA requirements for improvements and new construction at a public school.

Finding B10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The requested variance is for relief from a technical development standard applicable to residential development and use. It does not involve the reduction or elimination of public parking designated for beach, trail, or parkland access. Therefore, this finding is not applicable. Nonetheless, the variance allows the subject property to conform to LCP-required onsite parking and access for a public educational institution and improve traffic circulation in and around the MMHS campus.

C. Variance for Grading in Excess of 1,000 Cubic Yards (LIP Section 13.26.5)

The LCP requires that the City make ten findings in the consideration and approval of a variance to allow for non-exempt grading in excess of 1,000 cubic yards per parcel. A new 150-space parking lot and access road are proposed to accommodate LCP-required parking and access, improve traffic circulation in and around the MMHS campus, and provide accessible pedestrian access to the lot. Approximately 106,340 cubic yards of non-exempt grading is required to facilitate these improvements. This amount exceeds the base maximum of 1,000 cubic yards per parcel. The LCP does not provide specific development regulations for grading on Institutionally-zoned parcels. Rather, Institutionally-zoned projects default to residential development standards for grading provided in LIP Section 8.3(B) which sets a base maximum of 1,000 cubic yards of non-exempt grading per parcel. In context, the LIP's commercial development standards for grading allow a base maximum of 1,000 cubic yards of non-exempt grading per acre.

Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes ten findings of fact. Based on the evidence contained within the record, the Planning Commission approves VAR No.10-017 for grading in excess of 1,000 cubic yards based on the following findings.

Finding C1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

As previously discussed in *Finding B1*, several special and exceptional characteristics exist on the MMHS campus which limits feasible locations for development of additional parking areas, access roads, and accessible routes for students, staff, and visitors. The project involves non-exempt grading in the amount of 106,340 cubic yards to facilitate construction of a new 150-space parking lot, access road, and associated drainage. As previously discussed in *Finding B3*, the project includes 408 spaces divided between new and reconfigured parking lots throughout the MMHS campus. As previously discussed in *Finding A3 (Proposed Project)*, a new 150-space parking lot would be constructed next to the main sports field on the eastern portion of campus. The new parking lot would include one van- and four standard-ADA accessible parking spaces. A new gated access road beginning at the Lower Lot along Morning View Drive would be created. The new access road would also provide emergency vehicle access to the main sports field from Morning View Drive. A pedestrian ramp and stairs up to the parking lot are also proposed for students, staff, and visitors.

The new parking lot is proposed to accommodate LCP-required parking and access, improve traffic circulation in and around the MMHS campus, and provide accessible pedestrian access to the lot. Approximately 106,340 cubic yards of non-exempt grading is required to facilitate these improvements. This amount exceeds the base maximum of 1,000 cubic yards per parcel. However, the LCP does not provide specific development regulations for grading on Institutionally-zoned parcels. Rather, Institutionally-zoned projects default to residential development standards for grading provided in LIP Section 8.3(B). In context, commercial development standards for grading allow no more than 1,000 cubic yards of non-exempt grading per acre. As discussed herein, VAR No. 10-017 grants relief from a technical development standard applicable to residential development and use which would otherwise render the project infeasible.

Finding C2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

As previously discussed in *Finding B2*, the variance allows the improvements of an existing public educational institution in an area that has been facilitating such use since 1963. The variance allows the District to improve campus circulation and parking consistent with LCP requirements for onsite parking and access. The parking and circulation improvements permitted by this variance will continue to keep MMHS compatible with the existing institutional, residential, and public land uses in the region of west Malibu and the City as a whole. The proposed project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed and conditioned, was found to be consistent with applicable City goals and policies with the associated CUPs, VARs, SPR, and MM.

Finding C3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

As previously discussed in *Finding B3*, the variance does not constitute a special privilege to the applicant or property owner in that the project site is an Institutionally-zoned parcel that has been in operation as a public educational facility since 1963. As discussed in *Finding C1*, the LCP does not provide specific development regulations for non-exempt grading on Institutionally-zoned parcels. The project, as a whole, affects approximately 23.1 acres of the 40-acre MMHS campus. VAR No. 10-017 grants relief from a technical development standard applicable to residential development and use which would otherwise render the project infeasible.

Finding C4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The variance is not contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. As previously discussed in *Finding C1*, the variance allows the subject property to conform to LCP-required parking and access and improve traffic circulation in and around the MMHS campus. The variance allows the subject property to continue to be used and developed in a similar manner as it has been since 1963. Given the characteristics of the site and need for additional parking and facilities, no alternatives or alternative locations on campus were identified that would adequately

eliminate the need for the requested variance. The proposed project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed and conditioned, was found to be consistent with applicable City goals and policies subject with the associated CUPs, VARs, SPR, and MM.

Finding C5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The variance does not affect ESHA protection standards. Therefore, this finding is not applicable.

Finding C6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The variance is not associated with stringline development standards. Therefore, this finding is not applicable.

Finding C7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The MMHS campus covers approximately 40 acres in the Malibu Park neighborhood and is entirely within the Institutional zone. Section 1.5.8 of the General Plan Land Use Element and LUP Chapter 5 provide that the Institutional land use designation accommodates public and quasi-public facilities in the City. This designation includes educational, cultural, athletic, religious, and governmental facilities. The requested variance is for relief from a technical development standard applicable to residential development and use. It does not authorize a use not otherwise permitted in the Institutional zoning district. Further, the variance does not result in the expansion of the boundaries of MMHS or increase student enrollment capacity. As previously discussed in *Finding C1*, the variance allows the subject property to conform to LCP-required parking and access and improve traffic circulation in and around the MMHS campus.

Finding C8. The subject site is physically suitable for the proposed variance.

As previously discussed in *Finding C1*, the location of the new 150-space parking lot, access road, and associated drainage have been minimized to the maximum extent feasible to avoid retaining walls and limit landform alteration and disturbance to the project site; however, the parking lot and access road are proposed on an area of the MMHS campus that is currently undeveloped with varying topography. The proposed project has been reviewed by the appropriate City and County agencies, including the City Public Works Department, the City Geologist, and the LACFD. As discussed in *Finding C9*, construction of the proposed improvements will comply with all building/safety code requirements and will incorporate all recommendations from applicable City, County, and State agencies. As discussed in *Finding K1*, the subject site is physically suitable for the proposed use and the project has been determined to be in conformance with the applicable development standards for the parcel subject to the approval of the associated VARs. No alternative sites were identified that would result in a more suitable location for development. All final recommendations of the

applicant's geotechnical engineer as well as those required by the City Public Works Department and DSA will be incorporated into the project.

Finding C9. The variance complies with all requirements of State and local law.

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building/safety code requirements and will incorporate all recommendations from applicable City and County agencies. The project also complies with ADA, California Department of Education Guidelines, District standards, and CHPS. The project requires plan review and approval from DSA prior to the commencement of construction. DSA provides design and construction oversight for K-12 schools and develops accessibility, structural safety, fire and life safety, and building codes and standards utilized in various public buildings throughout the state. Accordingly, the proposed use is not anticipated to be detrimental to the public interest, health, safety, convenience or welfare and will be in compliance with DSA requirements for new construction at a public school.

Finding C10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The requested variance is for relief from a technical development standard applicable to residential development and use. It does not involve the reduction or elimination of public parking designated for beach, trail, or parkland access. Therefore, this finding is not applicable. Nonetheless, the variance allows the subject property to conform to LCP-required onsite parking and access for a public educational institution and improve traffic circulation in and around the MMHS campus.

D. Variance for Construction on Slopes of 2.5 to 1 (LIP Section 13.26.5)

The LCP requires that the City make ten findings in the consideration and approval of a variance to allow for the construction of structures on slopes of 2.5 to 1 (40 percent). An accessible path of travel from the new 150-space parking lot to the main campus courtyard is required pursuant to ADA and DSA. The pedestrian ramp and stairs will serve as safe access for students, staff, and visitors between the main campus courtyard, the main sports field, and the new parking lot; however, the location of the pedestrian ramp and stairs require placement on slopes of 2.5 to 1. Since the placement of the pedestrian ramp and stairs exceeds the LIP's base maximum range of 3 to 1 – to – 2.5 to 1 (which would normally require a site plan review to be sited in this range), a variance is required to place structures on slopes 2.5 to 1 and steeper.

Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes ten findings of fact. Based on the evidence contained within the record, the Planning Commission approves VAR No. 10-018 for the construction of a pedestrian ramp and stairs between the main campus courtyard, the main sports field, and the new 150-space parking lot based on the following findings.

Finding D1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

As previously discussed in *Finding B1*, several special and exceptional characteristics exist on the MMHS campus which limits feasible locations for development of accessible routes for students, staff, and visitors. An accessible path of travel from the new 150-space parking lot is required pursuant to ADA and DSA. The pedestrian ramp and stairs will serve as safe access for students, staff, and visitors between the main campus courtyard, the main sports field, and the new parking lot. The location of the pedestrian ramp and stairs are minimized to the maximum extent feasible and, as designed with the use of support piers, reduces landform alteration and disturbance to the site. The existing 2.5 to 1 slope was previously permitted and graded for the development of the athletic field and is not considered a natural slope. As discussed herein, VAR No. 10-018 grants relief from a technical development standard which restricts the construction of structures on slopes 2.5 to 1 and steeper; otherwise, without the accessible ramp and stair, the project would be rendered infeasible and the required-accessible pedestrian access between the main campus courtyard, the main sports field, and the new 150-space parking lot would not be provided.

Finding D2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

As previously discussed in *Finding B2*, the variance allows the improvements of an existing public educational institution in an area that has been facilitating such use since 1963. The variance allows the District to provide required accessible pedestrian access between the main campus courtyard, the main sports field, and the new 150-space parking lot. The access improvements permitted by this variance will continue to keep MMHS compatible with the existing institutional, residential, and public land uses in the region of west Malibu and the City as a whole. The proposed project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed and conditioned, was found to be consistent with applicable City goals and policies with the associated VARs.

Finding D3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

As previously discussed in *Finding B3*, the variance does not constitute a special privilege to the applicant or property owner in that the project site is an Institutionally-zoned parcel that has been in operation as a public educational facility since 1963. The project, as a whole, affects approximately 23.1 acres of the 40-acre MMHS campus. VAR No. 10-018 grants relief from a technical development standard which restricts the construction of structures on slopes 2.5 to 1 and steeper; otherwise, without the accessible ramp and stair, the project would be rendered infeasible and the required-accessible pedestrian access between the main campus courtyard, the main sports field, and the new 150-space parking lot would not be provided.

Finding D4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The variance is not contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. As previously discussed in *Finding D1*, the variance allows the subject property to conform to ADA and DSA requirements for accessible pedestrian access between the main campus courtyard, the main sports field, and the new 150-space parking lot would not be provided. The variance allows the subject property to continue to be used and developed in a similar manner as it has been since 1963. Given the characteristics of the site and need for additional parking and facilities, no alternatives or alternative locations on campus were identified that would adequately eliminate the need for the requested variance. The proposed project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed and conditioned, was found to be consistent with applicable City goals and policies with the associated VARs.

Finding D5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The variance does not affect ESHA protection standards. Therefore, this finding is not applicable.

Finding D6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The variance is not associated with stringline development standards. Therefore, this finding is not applicable.

Finding D7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The MMHS campus covers approximately 40 acres in the Malibu Park neighborhood and is entirely within the Institutional zone. Section 1.5.8 of the General Plan Land Use Element and LUP Chapter 5 provide that the Institutional land use designation accommodates public and quasi-public facilities in the City. This designation includes educational, cultural, athletic, religious, and governmental facilities. The requested variance is for relief from a technical development standard applicable to residential development and use. It does not authorize a use not otherwise permitted in the Institutional zoning district. Further, the variance does not result in the expansion of the boundaries of MMHS or increase student enrollment capacity. As previously discussed in *Finding D1*, the variance allows the subject property to conform to ADA and DSA requirements for accessible pedestrian access.

Finding D8. The subject site is physically suitable for the proposed variance.

As previously discussed in *Finding D1*, the location of the pedestrian ramp and stairs are minimized

to the maximum extent feasible and, as designed with the use of support piers, reduces landform alteration and disturbance to the site. The existing 2.5 to 1 slope was previously permitted and graded for the development of the athletic field and is not considered a natural slope. No alternative sites were identified that would result in a more suitable location for development. The proposed project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed and conditioned, was found to be consistent with applicable City goals and policies with the associated. All final recommendations of the applicant's structural engineer as well as those required by DSA will be incorporated into the project.

Finding D9. The variance complies with all requirements of State and local law.

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building/safety code requirements and will incorporate all recommendations from applicable City and County agencies. The project also complies with ADA, California Department of Education Guidelines, District standards, and CHPS. The project requires plan review and approval from DSA prior to the commencement of construction. DSA provides design and construction oversight for K-12 schools and develops accessibility, structural safety, fire and life safety, and building codes and standards utilized in various public buildings throughout the state. Accordingly, the proposed use is not anticipated to be detrimental to the public interest, health, safety, convenience or welfare and will be in compliance with DSA requirements for new construction at a public school.

Finding D10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The requested variance is for relief from a specific development standard and does not involve the reduction or elimination of public parking. Therefore, this finding is not applicable.

E. Minor Modification to Reduce the Required Front Yard Setback (LIP Section 13.27.5)

The LCP requires that the City make three findings in the consideration and approval of a MM to reduce the required front yard setback. The required front yard setback for the proposed classroom/library/administration building is 65 feet; however, this requirement can be reduced by 50 percent to 32.5 feet subject to the approval of a minor modification. Based on the evidence contained within the record, the Planning Commission approves MM No. 10-003 for the reduction of the required front yard setback by 50 percent (from 65 feet to 32.5 feet) based on the following findings.

Finding E1. That the project is consistent with the policies of the Malibu LCP.

The project has received LCP conformance review by Planning Department staff, the City Biologist, City Environmental Health Administrator, City Geologist, and the City Public Works Department and has been determined to be consistent with the policies and provisions of the LCP. The project design proposes a 50 percent reduction in the front yard setback from 65 feet (required) to 32.5 feet (proposed) to setback the development from an additional five foot right-of-way easement adjacent to the Morning View Drive public right-of-way. The selected building location is on geologically stable land and will replace two existing library and administration buildings, thereby minimizing landform

alteration and other disturbances to adjacent property owners, visual, and environmental resources. Based on the submitted analysis in the record, Department reviews, visual analysis, and onsite review, the project with a reduced front yard setback remain consistent with all LCP policies and provisions with the associated CUPs and SPR.

Finding E2. That the project does not adversely affect neighborhood character.

As described in *Finding Q2*, the proposed location for the new classroom/library/administration building occupies a portion of the MMHS campus currently utilized for library and administrative uses. The proposed building is entirely within the Institutional land use designation, on property that has been in operation as a public educational institution since 1963, and provides new facilities that would replace outdated and inadequate spaces on the MMHS campus. While residential and public land uses exist around the 40 acre MMHS campus area, the proposed use is considered compatible with the existing property and surrounding Malibu Park neighborhood. Story poles were placed on the subject property on June 18, 2012 to demonstrate the new classroom/library/administration building's potential for aesthetic changes to the site relative to neighboring properties. The Planning Department inspected and photographed the story poles on July 12, 2012. As demonstrated by the story poles, the project's height/mass and orientation to Morning View Drive are characteristic of existing development (library and administration building) in the neighborhood. Currently, three existing buildings on the MMHS campus have front yard setbacks less than the required 65 foot setback. Those buildings include the Cabrillo Elementary administration building which has a setback of 48.9 feet; the auditorium which has a setback of 31.7 feet; and the existing library and administration buildings (to be replaced) which have a setback of 15 feet. The new classroom/library/administration building will be setback an additional 17.5 feet from the existing library and administration buildings' frontages along Morning View Drive.

Finding E3. The proposed project complies with all applicable requirements of state and local law.

The proposed classroom/library/administration building has been reviewed by the appropriate City and County agencies, including the City Public Works Department, the City Geologist, and the LACFD. Construction of the proposed building will comply with all building/safety code requirements and will incorporate all recommendations from applicable City, County, and State agencies, including the required mitigation measures identified in the project's final EIR and MMRP. The project also complies with ADA, California Department of Education Guidelines, District standards, and CHPS. The project requires plan review and approval from DSA prior to the commencement of construction. DSA provides design and construction oversight for K-12 schools and develops accessibility, structural safety, fire and life safety, and building codes and standards utilized in various public buildings throughout the state. As discussed in *Finding K1*, the subject site is physically suitable for the proposed building and the project has been determined to be in conformance with the applicable development standards for the parcel subject with the associated CUPs and SPR.

F. Site Plan Review for Height in Excess of 18 Feet (LIP Section 13.27.5)

LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of an SPR for construction in excess of the City's base 18 feet in height up to a maximum height of 28 feet for a pitched or flat roof in the Institutional zone. Two additional findings are required pursuant

to M.M.C. Section 17.62.050. The proposed classroom/library/administration building along Morning View Drive includes a varying flat roof between 24 feet to 27.5 feet in height. No other buildings or increases in height to existing buildings are proposed. Based on the evidence contained within the record, the Planning Commission approves SPR No. 10-021 based on the following findings.

Finding F1. The project is consistent with policies and provisions of the Malibu LCP.

The project has been reviewed for all relevant policies and provisions of the LCP by the Planning Department, the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. Based on the submitted analysis in the record, Department reviews, visual analysis, and onsite review, the project with heights ranging between 24 to 27.5 feet remain consistent with all LCP policies and provisions with the associated CUPs and MM.

Finding F2. The project does not adversely affect neighborhood character.

As described in *Finding Q2*, the proposed location for new classroom/library/administration building occupies a portion of the MMHS campus currently utilized for library and administrative uses. The proposed building is entirely within the Institutional land use designation, on property that has been in operation as a public educational institution since 1963, and provides new facilities that would replace outdated and inadequate spaces on the MMHS campus. While residential and public land uses exist around the 40 acre MMHS campus area, the proposed use is considered compatible with the subject property and surrounding Malibu Park neighborhood. Story poles were placed on the subject property on June 18, 2012 to demonstrate the new classroom/library/administration building's potential for aesthetic changes to the site relative to neighboring properties. The Planning Department inspected and photographed the story poles on July 12, 2012. As demonstrated by the story poles, the project's height and mass are characteristic of existing development (library, administration building, and auditorium/gym) currently on the MMHS campus.

Finding F3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

Based on the proposed classroom/library/administration building's finished elevation, orientation to Morning View Drive, height and roof design, placement within the central MMHS campus (which include other buildings of similar height), and distance from nearby residences in the area, it was determined that the new classroom/library/administration building provides maximum feasible protection to significant public views as required by LIP Chapter 6. As discussed in *Finding A3 (Proposed Project)* and *Finding I2*, the project has been designed and conditioned to satisfy LCP Chapter 6 scenic resource protections and polices.

Finding F4. The proposed project complies with all applicable requirements of state and local law.

The proposed classroom/library/administration building has been reviewed by the appropriate City and County agencies, including the City Public Works Department, the City Geologist, and the LACFD. Construction of the proposed improvements will comply with all building/safety code requirements and will incorporate all recommendations from applicable City, County, and State

agencies, including the required mitigation measures identified in the project's final EIR. The project also complies ADA, California Department of Education Guidelines, District standards, and CHPS. The project requires plan review and approval from DSA prior to the commencement of construction. DSA provides design and construction oversight for K-12 schools and develops accessibility, structural safety, fire and life safety, and building codes and standards utilized in various public buildings throughout the state. As discussed in *Finding K1*, the subject site is physically suitable for the proposed building and the project has been determined to be in conformance with the applicable development standards for the parcel with the associated CUPs and MM.

Finding F5. The project is consistent with the City's general plan and local coastal program.

The project is consistent with the institutional designation for the site as noted in the institutional land use designation of the General Plan and LUP. As provided herein, the project is consistent with the land use policies of the General Plan and LUP.

Finding F6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The Planning Department visited the site after story poles were placed and evaluated the proposed classroom/library/administration building as it relates to private views from nearby residences to the maximum extent available. Based on the Planning Department's evaluation and onsite analysis of the building's finished elevation, orientation to Morning View Drive, height and roof design, placement within the central MMHS campus (which include other buildings of similar height), and distance from nearby residences in the area, it was determined that the new classroom/library/ administration building will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in M.M.C. Section 17.40.040(A)(17). Further, a primary view determination pursuant to M.M.C. Section 17.40.040(A)(17) has not been requested by any neighboring property owners.

G. Environmentally Sensitive Habitat Area (LIP Chapter 4)

As discussed in *Finding A4*, the project site is not located in ESHA or encroaches into ESHA buffer. Nonetheless, the supplemental ESHA findings required by LIP Section 4.7.6 can be made as follows.

Finding G1. Application of the ESHA overlay ordinance would not allow construction of a residence on an undeveloped parcel.

The project does not include the construction of a residence and the reconfiguration of Parking Lot A is not proposed on undeveloped land. The proposed reconfiguration of Parking Lot A occurs entirely within the existing developed area which is currently occupied by asphalt paving and storage structures. The project also includes the construction of a new classroom/library/administration building and several upgrades and improvements to facilities on the existing MMHS campus. As discussed in *Finding A4*, the project site is not located in ESHA or encroaches into ESHA buffer.

Finding G2. The project is consistent with all provisions of the certified LCP with the exception of the ESHA overlay ordinance and it complies with the provisions of LIP Section 4.7.

As previously discussed in *Finding A4*, a portion of the project (the reconfiguration of Parking Lot A west of the Boys & Girls Club) is located adjacent to a natural drainage course along the west campus boundary. The drainage course is identified as an intermittent blue-line stream pursuant to the LCP ESHA Overlay Map and contains highly degraded riparian vegetation. The proposed reconfiguration of Parking Lot A occurs entirely within the existing developed area which is currently occupied by asphalt paving and storage structures. The reconfigured Parking Lot A will not be located in ESHA or encroach any further toward ESHA or ESHA buffer. The project, final EIR, and Biological Assessment prepared by Glenn Lukos Associates in December 2009 were reviewed and analyzed by the City Biologist, where it was determined that all proposed development occurs within the existing development area.

H. Native Tree Protection (LIP Chapter 5)

The project includes the unavoidable removal of eight native trees, including seven western sycamore trees due to grading required for the new 150-space parking lot and access road, and one California black walnut due to placement of the proposed classroom/library/administration building. Out of 50 native trees identified in the project site, 42 trees will be preserved and protected. The eight trees removed qualify under the native tree protections in LIP Chapter 5 given that each has 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, measured at four and one-half feet above natural grade.

Finding H1. The proposed project is sited and designed to minimize removal of or encroachment in the protected zone of native trees to the maximum extent feasible.

A Tree Report, dated October 20, 2009, was prepared by consulting arborist Cy Carlberg with subsequent reviews by the City Biologist and ERB. Pursuant to the Carlberg report, a total of 50 native trees were recorded on the project site. As a result of siting and design to avoid impacts to native trees to the maximum extent feasible, 42 of the 50 native trees will be preserved and protected. However, as noted in the City Biologist review dated May 15, 2012, the project will result in the unavoidable removal of eight trees consisting of seven western sycamores and one black walnut due to required grading of the new 150-space parking lot, access road, and building construction. The removal and required mitigation pursuant to LIP Chapter 5 are assessed in the final EIR and MMRP, and confirmed by the City Biologist. Further, the project was reviewed by the ERB. No feasible siting and design alternatives exist to further minimize removal of the eight protected trees.

Finding H2. The adverse impact of tree removal and/or encroachment cannot be avoided because there is no other feasible alternative.

As discussed in *Finding H1*, no feasible alternative to development is available that would allow the eight native trees to remain in their present condition and preserved. Of the 50 trees identified in the project area, 42 will be preserved and protected as a result of project siting and design to avoid adverse impacts to existing native trees.

Finding H3. All feasible mitigation measures that would substantially lessen any significant impact on native trees have been incorporated into the approved project through design or conditions of approval.

As discussed in *Finding H1*, the native tree protection requirements of LIP Chapter 5 require mitigation for the removal of the eight native trees. The project is conditioned to provide mitigation in compliance with LIP Chapter 5 requirements. In compliance with LIP Section 5.5.1.B (10 to 1 replacement mitigation), the project includes 70 replacement western sycamore seedlings and 10 California black walnut seedlings. The project also includes additional native trees beyond the required mitigation including approximately 57 coast live oak trees distributed throughout the project site. In compliance with LIP Section 5.6, the 70 western sycamore and 10 California black walnut replacement trees shall be monitored for a period of ten years with annual reports provided to the City.

I. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. Pursuant to LIP Section 6.4(A), written findings of fact, analysis and conclusions addressing scenic or visual resources must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon scenic areas from or along scenic roads and public viewing areas. The project site has limited visibility from LCP-designated scenic areas including the SMMNRA/Zuma and Trancas Canyons, Zuma County Beach, PCH, and public trails. Therefore, the five findings set forth in LIP Section 6.4 are made as follows.

Finding II. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

The project, as proposed and modified since the August 7, 2012 Planning commission meeting, as described in *Finding A3 (Proposed Project)* and *Section 3 (CEQA Findings)*, was determined to result in substantially less adverse scenic and visual impacts from the project site than the original proposal considered in *Finding A3 (Finding 12)*. MMHS is a full-service middle and high school campus located in an existing developed area of the Malibu Park neighborhood of west Malibu. MMHS is the only public middle and high school in the City. Security- and safety-illumination of parking lots, driveways, pedestrian pathways, and buildings are associated with a full-service middle and high school campus. In context to the larger coastal zone region in which MMHS is located, which includes SMMNRA/Zuma and Trancas Canyons, Zuma County Beach, PCH, and public trails, the largely developed and built-out area along the coastal terrace where MMHS is situated is considered appropriate for an environmentally sensitive use of safety- and security-illumination of these areas to the maximum extent feasible. Generally, such uses should always be visually compatible with the character of the surrounding area and balance the needs of the institutional, residential, and public uses in the area to the maximum extent feasible.

The location proposed for the new 150-space parking lot is situated on a vacant, prominent topographical feature at the highest elevation on the MMHS campus. Existing elevations range from +176 to 160 ft above sea level (averaging +168 ft). With the addition of a new parking lot, the

proposed finish grade will vary between +169 to 154 feet (averaging +161.5 ft). In context, elevations at the main sports field range from +152 to 150 (averaging +151 ft); elevations at the new classroom/library/administration building range from +102 to +90 feet (averaging +96 ft); and elevations of the Lower Lot at the base of the new access road range from +94 to 85 feet (averaging +89.5 ft).

Foreseeable lighting uses on the MMHS campus include the limited operation of permanent lighting on the main sports field approved by the City under CDP No. 12-024 and CUP No. 12-001. The main sports field is located at approximately elevation +151 feet and downslope from the proposed location of the new parking lot. As approved, the limited operation of field lighting is exclusive to school-related practices and games only and may not occur between June 1 and August 31 each year. As required by CUP No. 12-001, limited field lighting is permitted as follows: (1) until 7:30 p.m. during Pacific Standard Time (PST) (defined as the first Sunday in November to the second Sunday in March) so long as they are not used for more than 45 nights during PST (regardless, the maximum allowed lighting per week until 7:30 p.m. or 10:30 p.m. may not exceed three nights per week, combined); (2) until 10:30 p.m. during PST so long as they are not used for more than 16 nights per year, may not be used until 10:30 p.m. on consecutive(back-to-back) nights, or used until 10:30 p.m. for more than two non-consecutive nights per week; and (3) until 10:30 p.m. outside of PST from September 1 through May 31, subject to the avian monitoring requirements in LIP Section 4.6.2(G)(3) (lighting outside of PST would count against the maximum allotment of 16 nights per year and is subject to the same restrictions for 10:30 p.m. usage).

Scenic resource provisions within LCP Chapter 6, specifically LUP Policies 6.5, 6.6, 6.12(a), 6.20 and 6.23, identify the nearby mountain, canyon, beach, and ocean as important scenic elements that must be protected to the maximum extent feasible in order to minimize adverse impacts upon these elements. In the case where new development (i.e., the illumination component of the new parking lot, upper pedestrian ramp/stair between the main sports field and new parking lot, Parking Lot A and the Lower Lot) have been designed to minimize impacts on scenic areas visible from these scenic elements through the use of IDA-compliant LED fixtures with full cut-off performance designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible in Parking Lot A and the Lower Lot, and IDA/IES MLO lighting to LZ1 standards in the new 150-space parking lot and upper walkways subject to the lighting use regulations required by Condition No. 11, adequate design measures are included in the project to substantially reduce impacts to scenic elements resulting from sky glow, light spill, obtrusive light, and glare.

Given the new parking lot's potential frequency of use throughout the active school year, the height and number of light standards proposed as part of the project, and elevated topography of the project site east of the main sports field, the use of night lighting circuitry controls, landscape screening, and down-shielded fixtures as discussed in the EIR and in *Finding A3 (Alternative 12)* were not considered adequate design measures to fully minimize impacts to scenic elements as protected by the LCP. However, as currently proposed and conditioned under the redesigned lighting plan, the proposed project is anticipated to result in substantially less lighting effects within the west Malibu coastal terrace area and is found to conform to LCP Chapter 6 provisions for scenic resources with consideration for individual and cumulative impacts to nearby scenic resources from existing and foreseeable lighting on/around the MMHS campus.

The new parking lot, access road, and pedestrian ramp/stair are considered vital to the day and

evening operation of MMHS (i.e., evening operation is considered after 3 p.m.), improved traffic circulation onsite and within the surrounding neighborhood, and necessary for compliance with LIP zoning requirements for onsite parking at public educational facilities. With the incorporation of the other proposed lighting and circulation modifications proposed for Parking Lot A and the Lower Lot, nighttime parking availability on the MMHS campus appears adequate and feasible for evening non-sport and sporting activities, including parking for evening MMHS home games (as authorized pursuant to City-issued CUP No. 12-001).

Finding I2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As previously discussed in *Finding A3 (Proposed Project)*, the project as modified and conditioned since the August 7, 2012 Planning Commission meeting, is determined to result in substantially less impacts to scenic and visual impacts from the project site due to significant modifications to the proposed lighting scheme to reduce sky glow, light spill, obtrusive light, and glare impacts to public views. The project, as modified and conditioned, is found to be compatible with the developed institutional, residential, and public character of the surrounding Malibu Park neighborhood.

Finding I3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As previously discussed in *Finding A3 (Proposed Project)* and *Finding I2*, the project was designed to minimize all existing and proposed exterior lighting sources and has been identified as the least environmentally damaging alternative to permit the continuous day and evening educational uses at the MMHS campus.

Finding I4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As previously discussed in *Finding A3 (Proposed Project)*, the project has been identified as the most feasible alternative to development that would substantially lessen any significant adverse impacts on scenic and visual resources.

Finding I5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

As previously discussed in *Finding A3 (Proposed Project)* and *Finding I2*, the project was designed to minimize all existing and proposed exterior lighting sources and is not anticipated to result in adverse scenic and visual impacts. Illumination of Parking Lot A and the Lower Lot will utilize IDA-complaint LED fixtures with full cut-off performance designed to meet an LZ1 standard under of the IDA/IES MLO to the maximum extent feasible. Illumination of the new 150-space parking lot and upper walkways conforms to IDA/IES MLO lighting for LZ1 standards and is regulated by three-motion sensitive controls for the three lighting areas within the new parking lot. The three lighting areas are subject to lighting use regulations required by Condition No. 11. Further, the District is replacing 217 existing exterior fixtures with IDA-compliant 26 watt LED fixtures to reduce existing light pollution from the MMHS campus. The proposed project has been found to be in conformance

with the LCP's sensitive resource protection policies.

J. Transfer of Development Credit (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credits only applies to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development. Therefore, LIP Chapter 7 does not apply.

K. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all approvals, denials or conditional approvals of development located in or near an area subject to these hazards. The project was analyzed for the hazards listed in the LIP Section 9.2.A.1-7 by the City Geologist and City Public Works Department, as well as the LACFD, and has been determined to be consistent with all relevant policies and regulations of the LCP. Nonetheless, the findings set forth in LIP Chapter 9 are made as follows.

Finding K1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

Analysis of the project for hazards included review of the General Plan and LCP, City Geographical Information System (GIS), topographic maps, information published by the California Geological Survey (CGS) and the United States Geological Survey (USGS) and a geotechnical report with addendums prepared for the project by Leighton Consulting Inc. as summarized in the final EIR. Pursuant to the requirements in LIP Section 9.4, the referenced geotechnical report and final EIR reviewed potential geologic hazards including earthquake, landslides and slope stability, liquefaction, groundwater, lateral spreading, and settlement, as well as fire hazards as summarized below.

Earthquake

According to the Leighton report, the project site is located within five miles of two significant active faults – the onshore Malibu Coast Fault and offshore Anacapa Fault. The Malibu Coast Fault is the closest mapped active fault with a surface trace located approximately 1.1 miles north of the project site. The fault exhibits left-lateral oblique displacement, with a reported vertical slip rate of about 0.4 millimeter per year and a horizontal slip rate of 0.3 millimeter per year. The entire 23 mile long fault zone is considered to be a potential seismic source capable of generating an earthquake of magnitude 6.7. The offsite Anacapa Fault is located approximately five miles south of the project site and is considered active. The 46 mile long fault is assigned a poorly constrained slip rate of 3 millimeters per year and a calculated maximum earthquake magnitude of 7.3.

Seismically-Induced Landslide and Slope Stability

According to the CGS Seismic Hazard Zone Map for the Point Dume Quadrangle, the project site is not in an area mapped as potentially susceptible to seismically-induced landslides. The Leighton report assessed the geologic stability of the site, including slope stability, and found “no adversely oriented geologic structures or evidence of past landslide activity or slope failure.” As such, the Leighton report notes that “the probability of the site being affected by land sliding is thus judged to

be very low.” Based on review of the project and associated technical submittals, on June 10, 2011, the City Geologist conceptually approved the project from a geotechnical perspective. An MMRP included in the final EIR lists Mitigation Measure (MM) MM4.5-1 which requires the District to implement all recommendations included in the Leighton report for the project including those related to grading, temporary excavations, pipe bedding, trench backfill, foundations, on-grade slabs, embedment and width, bearing value, settlement, lateral resistance, lateral earth pressure, subgrade reaction, seismic design, pavement design, and percolation/ infiltration.

Liquefaction, Groundwater, Lateral Spreading, and Settlement

According to the CGS Seismic Hazard Zone Map for the Point Dume Quadrangle, the project site is not in an area mapped as potentially susceptible to liquefaction. The Leighton report identifies groundwater encountered at 48.5 feet bgs. The Leighton report notes the potential for liquefaction and/or lateral spreading to occur at the project site is considered low. Further, seismically-induced settlement at the project site is expected to be approximately 0.25 inch or less.

Fire Hazard

The renovations and new construction of the project proposes to upgrade the site’s fire systems and install state-of-the-art fire suppression and protection devices. In addition, the proposed new 150-space parking lot would replace an undeveloped open space with a paved area, which would provide a firebreak and potential staging area between the MMHS campus and higher elevations above. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has mutual aid agreements with cities and counties throughout the state so that additional personnel and firefighting equipment can augment the LACFD. As such, the proposed project as conditioned is not anticipated to be subject to nor increase the instability of the site or structural integrity involving wild fire hazards. Nonetheless, a condition of approval has been included which requires that the property owner indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

Finding K2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As discussed in *Finding K1*, the proposed project will incorporate all recommendations contained in the Leighton report as required by MM4.5-1 in the MMRP. Further, the project has been conceptually approved by the City Geologist and City Public Works Department for conformance with the hazards provisions of the LCP, as well as the LACFD. It is not anticipated that the project will result in significant adverse impacts on site stability or structural integrity.

Finding K3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in *Finding A3*, the project as proposed and conditioned is the least environmentally damaging alternative.

Finding K4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

The Leighton report referenced in *Finding K1* concludes that the proposed development is suitable for the site providing that the geotechnical recommendations and governing agency's building codes are followed. As discussed in *Finding A3*, there are no feasible alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

Finding K5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As discussed in *Finding A3 (Proposed Project)*, the proposed development as conditioned is the least environmentally damaging alternative. The project, as proposed and conditioned, is not anticipated to result in significant adverse effects on site stability or structural integrity. As discussed in *Finding A4*, the project is not occurring within ESHA or encroaching into ESHA or ESHA buffer. Therefore, this finding is not applicable.

L. Shoreline and Bluff Development (LIP Chapter 10)

LIP Chapter 10 applies to land that is located on or along the shoreline, a coastal bluff, or bluff-top fronting the shoreline. The proposed project is not located near the shore. Therefore, LIP Chapter 10 does not apply.

M. Public Access (LIP Chapter 12)

As shown on the 2002 LCP Parks Lands Map, the project is not located between the first public road and the sea or immediately adjacent to LCP-designated parkland or trails. The nearest LCP-designated public trail (Zuma Ridge Trail) is mapped in an east-west alignment approximately 2,500 feet north of the project site along Harvester Road, trending north-south near Filaree Heights Avenue, and then continuing in an east-west alignment along Cuthbert Road approximately 3,500 feet north of the project site. The nearest LCP-designated parkland (Zuma County Beach) is located approximately 1,100 feet south of the project site. Additional LCP-designated parkland (SMMNRA/Zuma and Trancas Canyons) is located approximately 3,400 feet north of the project site. Given the distances and varying topography between LCP-designated public recreation and the project site, as well as the existing build-out of residential development within the Malibu Park neighborhood, the project, as modified and conditioned, is not anticipated to disrupt or impede upon LCP-designated public access or recreation.

On April 25, 2011, the City adopted an updated Parkland and Trails System Map intended to amend the 2002 LCP Park Lands Map with updated trails and parkland across the City. To date, the updated map is pending review by the CCC as part of City LCP Amendment No. 10-003. Nevertheless, the updated map identifies additional trails recognized by the City that are aligned in the project site (Malibu Equestrian Center Trail) and adjacent to the project site (Morning View Trail, Merritt Drive Trail, and Clover Heights Trail). In order to accommodate the location of the proposed 150-space parking lot, the project includes the relocation and construction of the Malibu Equestrian Center Trail within 100 feet of the existing trail. The relocated trail would be similar to the existing trail and

would continue to provide public trail access between the Malibu Park neighborhood, the MMHS campus, the Malibu Equestrian Center, and Zuma County Beach with access points remaining at the Clover Heights cul-de-sac to the north and Morning View Drive to the south. As proposed, modified, and conditioned, the project is not anticipated to disrupt or impede on the additional trail alignments surrounding the project site (Morning View Trail, Merritt Drive Trail, and Clover Heights Trail).

N. Land Division (LIP Chapter 15)

The project does not include any division of land. Therefore, LIP Chapter 15 does not apply.

O. Water Quality (LIP Chapter 17)

The City Public Works Department has reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. In addition, the project was reviewed by the City Biologist for conformance with the LCP. A Water Quality Mitigation Plan (WQMP) and Hydrology Report were prepared by Breen Engineering, Inc. in 2011 for the proposed project.

The project site is relatively flat and slopes gently downward to the southwest. Previous grading and construction on the campus has created stepped (terraced) building pads and parking lots. The project site consists of several near-level pad areas with generally ascending slopes to the north and descending slopes to PCH to the south. Maximum topographic relief on site is approximately +90 feet, with elevations ranging from +170 to 80 feet. The natural terrain of the area consists of rolling hills. The Breen report identifies that the existing project site is about 31 percent impervious surfaces (69 percent pervious). Drainage from the majority of the proposed project site, including the new 150-space parking lot and access road, proposed classroom/library/administration building, Lower Lot, and outdoor common areas, flow generally in a southward direction and to a network of storm drain systems and catch basins that outlet through the curb face to the adjacent Morning View Drive. A portion of the project site (Parking Lot A and tennis courts) flow north to northwest to a natural drainage course along the west campus boundary identified as ESHA pursuant to the LCP ESHA Overlay Map. In March 2012, the City issued CDP No. 11-054 for a native garden, drainage, and restoration project for surface flows entering the natural drainage course from this area of the project site. That project is funded by a grant provided by the State Water Resources Control Board (SWRCB) and managed by the Resource Conservation District of the Santa Monica Mountains (RCDSMM). The project includes a series of retention/infiltration pools and native vegetation to reduce runoff entering the drainage course.

As required by LIP Chapter 17, the project includes several measures to ensure that all permitted development is sited and designed to conserve natural drainage features and vegetation, prevent the introduction of pollutants into coastal waters, and protect the overall quality of coastal waters and resources. Measures include best management practices (BMPs) related to site design, source control, and treatment control and design features described in the WQMP to ensure that water quality would not be degraded with post-development runoff. Compliance with BMPs identified in the WQMP and the Breen report, and MM4.7-2 in the MMRP would ensure that dry weather runoff is not increased, hillside erosion does not occur, use of the existing drainage system occurs, and monitoring and maintenance of stormwater quality BMPs and detention facilities are ongoing. With implementation of the WQMP, the project has been determined to conform to the water quality protection standards of LIP Chapter 17.

P. Onsite Wastewater Treatment Systems (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an upgraded conventional OWTS which has been reviewed by the City Environmental Health Administrator, as well as the installation of an advanced wastewater treatment system with ultra-violet (UV) disinfection. Eleven septic systems currently exist across the campus and serve MMHS and Cabrillo Elementary. Some systems include septic tanks and seepage pits, while others only consist of seepage pits or a cesspool. Some of the existing septic tanks have reached capacity and will either be abandoned/ redirected or replaced as part of the project.

As detailed on the project OWTS site plan, the project proposes to reconfigure and/or upgrade the eleven existing systems. System 1 (located in the Lower Lot) will include a new pump station and the replacement of two existing 4,800 gallon septic tanks with a new 12,000 gallon septic tank. Several other systems, mostly consisting of existing seepage pits, will be abandoned with flow being redirected through the new pump station; however, existing connections to some seepage pits will be maintained for possible future use. A new 6,000 gallon grease interceptor will also be installed. The new classroom/ library/administration building sewer will be diverted to System 1 in the Lower Lot where a new 12,000 gallon septic tank will be installed.

The District's overall goal is to achieve, at a minimum, the effluent quality that meets the effluent limits given to the District from RWQCB. If effluent standards warrant a different level of treatment, the District will further modify the wastewater treatment system design to incorporate the effluent limits given to the District by RWQCB. The full range of upgrades are provided within the CDP scope and divided into two phases. In coordination with RWQCB requirements, the project includes treatment capability for the existing conventional OWTS as part of Phase I. Phase II includes the upgraded system consisting of an advanced treatment facility installed in the center of the new 150-space parking lot. Discharge from the new tank in the Lower Lot, along with other new and existing tanks throughout the site, would be pumped to the advanced treatment facility and returned to existing seepage pits via gravity flow. Neither the upgraded OWTS nor the advanced treatment component will increase the capacity of the system. As proposed, the project has been found to meet the minimum requirements of the LCP.

Section 5. Conditional Use Permit Approval and Findings.

Q. Conditional Use Permit to Allow for the Construction of More than 500 Square Feet of Building Area in the Institutional Zone (M.M.C. Section 17.66.080)

A CUP is requested to allow for the construction of more than 500 square feet of building area in the Institutional zone. Pursuant to M.M.C. Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. Based on the evidence within the record, the Planning Commission approves CUP No. 10-008.

Finding Q1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

Construction of more than 500 sf of building area is a conditionally permitted use in the Institutional zone pursuant to M.M.C. Section 17.34.030(J) and LIP Table B (Permitted Uses). The project has been designed and conditioned to comply with all applicable provisions of the M.M.C. and LIP with the associated SPR and MM.

Finding Q2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

The MMHS campus covers approximately 40 acres in the Malibu Park neighborhood and is entirely within the Institutional zone. Section 1.5.8 of the General Plan Land Use Element and LUP Chapter 5 provide that the Institutional land use designation accommodates public and quasi-public facilities in the City. This designation includes educational, cultural, athletic, religious, and governmental facilities. The new classroom/library/administration building is located in the middle of a full-service middle and high school campus, and is the only public middle and high school in the City. The conditional use permit allows the improvements of an existing public educational institution in an area that has been facilitating such use since 1963. The MMHS campus is located on land that was originally part of Cabrillo Elementary, which continues to occupy the site adjacent to the MMHS campus. The original elementary school property was partitioned in 1963 to create Malibu Park Junior High School. During the 1992/93 school year, the District converted the Malibu Park Junior High School campus into a combined middle and high school. In 2000, the existing MMHS facilities were renovated and modernized under CCC-issued CDP No. 4-99-276.

The project is the result of a bond measure (Measure BB) approved by voters in 2006 for \$268 million targeted to improving the District students' health, safety, and classroom instruction. Approximately \$33.475 million was earmarked for MMHS. As discussed, many of the classrooms and facilities at MMHS do not meet the standards set by the District and California Department of Education. The project is intended to upgrade existing systems, bring classrooms and other facilities into compliance with District and State standards, and provide new and upgraded facilities (library, administration building, computer labs, and classrooms) that would replace outdated and inadequate spaces. The project would also provide the campus with a cohesive and unified design, presence, and sense of place for middle and high school students. The project scope also proposes to separate the middle school program from the existing high school program to strengthen MMHS' sense of identity by creating separate and upgraded spaces for each program.

The new classroom/library/administration building is a two-story design totaling approximately 35,315 sf. The building will house three new science labs (1,450 sf each), two new computer labs (960 sf each), and nine general classrooms (960 sf each; four new and five replacement classrooms) to replace the existing 9,169 sf library (Building A) and 5,872 sf administration buildings (Buildings B and C). Net new construction for the new building is 20,272 sf. Currently, 177 out of 1,207 students at MMHS utilize classrooms that are below educational standards, including three 960 sf relocatable classrooms which would be removed as part of the project. The construction of the new classroom/library/administration building will not result in the expansion of the boundaries of MMHS or increase student enrollment capacity.

Finding Q3. The subject site is physically suitable for the type of land use being proposed.

The proposed project has been reviewed by the appropriate City and County agencies, including the City Public Works Department, the City Geologist, and the LACFD. Construction of the proposed improvements will comply with all building/safety code requirements and will incorporate all recommendations from applicable City, County, and State agencies, including the required mitigation measures identified in the project's final EIR. The project also complies with ADA, California Department of Education Guidelines, District standards, and CHPS. The project requires plan review and approval from DSA prior to the commencement of construction. DSA provides design and construction oversight for K-12 schools and develops accessibility, structural safety, fire and life safety, and building codes and standards utilized in various public buildings throughout the state. As previously discussed in *Finding K1*, the subject site is physically suitable for the proposed use and the project has been determined to be in conformance with the applicable development standards for the parcel with the associated SPR and MM.

Finding Q4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

As previously described in *Finding Q2*, the proposed location for new classroom/library/administration building occupies a portion of the MMHS campus currently utilized for library and administrative uses. The proposed building is entirely within the Institutional land use designation, on property that has been in operation as a public educational institution since 1963, and provides new facilities that would replace outdated and inadequate spaces on the MMHS campus. While residential and public land uses exist around the 40 acre MMHS campus area, the proposed use is considered compatible with the subject property and surrounding Malibu Park neighborhood.

Finding Q5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

As previously discussed in *Finding Q2*, the proposed use is compatible with the existing and future land uses in the Institutional zoning district and City as a whole.

Finding Q6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the staff.

As previously discussed under *Finding A3 (Proposed Project)*, adequate provisions for water, sanitation, and public utilities and services are provided in the project scope. The project has been reviewed and approved by the City Environmental Health Administrator, City Public Works Department, and the LACFD. Further, the construction of the new classroom/library/administration building will not result in the expansion of the boundaries of MMHS or increase student enrollment capacity. Additionally, the new building's orientation to Morning View Drive, height and design, finished elevation, placement within the central MMHS campus, and distance from nearby residences in the area is not anticipated to impact solar access, public or private views.

Finding Q7. There would be adequate provisions for public access to serve the subject proposal.

As previously discussed under *Finding A3 (Proposed Project)*, adequate provisions for public access to serve the new classroom/library/administration building are provided in the project scope. The project has been reviewed and approved by the City Public Works Department and LACFD.

Finding Q8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

The construction of more than 500 sf of new building area is a conditionally permitted use in the Institutional zone and, as conditioned, is consistent with goals, objectives and policies of the General Plan as previously discussed in *Finding Q2*.

Finding Q9. The proposed project complies with all applicable requirements of state and local law.

As previously discussed in *Finding Q3*, the project complies with all applicable requirements of state and local law.

Finding Q10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

As previously discussed in *Finding A3 (Proposed Project)* and *Finding K1*, the proposed project is not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare. In addition, adequate onsite parking and access are being provided for the new classroom/library/administration building consistent with the parking use requirements for public educational facilities in the Institutional zone.

Finding Q11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

As previously discussed in *Finding K1*, the proposed development is not anticipated to be at risk from earth movement, flooding, landslide, slippage, or settlement.

R. Conditional Use Permit for the Operation of a Public Educational Institution in the Institutional Zone (M.M.C. Section 17.66.080)

A CUP is requested for the operation of a public educational institution in the Institutional zone. Pursuant to M.M.C. Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. Based on the evidence within the record, the Planning Commission approves CUP No. 10-009.

Finding R1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

The operation of a public educational institution is a conditionally permitted use in the Institutional

zone pursuant to M.M.C. Section 17.34.030(A) and LIP Table B (Permitted Uses). The project has been designed and conditioned to comply with all applicable provisions of the M.M.C. and LIP with the associated SPR and MM.

Finding R2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

The MMHS campus covers approximately 40 acres in the Malibu Park neighborhood and is entirely within the Institutional zone. Section 1.5.8 of the General Plan Land Use Element and LUP Chapter 5 provide that the Institutional land use designation accommodates public and quasi-public facilities in the City. This designation includes educational, cultural, athletic, religious, and governmental facilities. The project is located in the middle of a full-service middle and high school campus, and is the only public middle and high school in the City. The conditional use permit allows the improvements of an existing public educational institution in an area that has been facilitating such use since 1963 and its ongoing operation thereafter. The MMHS campus is located on land that was originally part of Cabrillo Elementary, which continues to occupy the site adjacent to the MMHS campus. The original elementary school property was partitioned in 1963 to create Malibu Park Junior High School. During the 1992/93 school year, the District converted the Malibu Park Junior High School campus into a combined middle and high school. In 2000, the existing MMHS facilities were renovated and modernized under CCC-issued CDP No. 4-99-276.

The project is the result of a bond measure (Measure BB) approved by voters in 2006 for \$268 million targeted to improving the District students' health, safety, and classroom instruction. Approximately \$33.475 million was earmarked for MMHS. As discussed, many of the classrooms and facilities at MMHS do not meet the standards set by the District and California Department of Education. The project is intended to upgrade existing systems, bring classrooms and other facilities into compliance with District and State standards, and provide new and upgraded facilities (library, administration building, computer labs, and classrooms that will foster high quality instruction in a safe and sound environment) that would replace outdated and inadequate spaces.

The project will provide in new buildings and update remaining buildings with current fire and life safety systems and technology infrastructure; remove asbestos from existing buildings; enhance the overall learning environment at the campus, including integration of sustainable design principles; provide a reconstructed library and administration offices that meet the District's Standards and the school's needs; provide better identity for the middle school by restructuring the campus circulation, buildings, and open space; expand the library to include computer services; improve campus circulation, including drop-off and pick-up areas, as well as an increase in daytime and evening parking; provide enhanced student athletic and recreational opportunities; and redevelop MMHS to create a memorable campus. The project would also provide the campus with a cohesive and unified design, presence, and sense of place for middle and high school students. The project scope proposes the separation of the middle school program from the existing high school program to strengthen MMHS' sense of identity by creating separate and upgraded spaces for each program.

Finding R3. The subject site is physically suitable for the type of land use being proposed.

As previously discussed in *Findings B8, C8, D8, K1, Q3, and R3*, the subject site is physically suitable for the type of land use being proposed. The conditional use permit allows the improvements

of an existing public educational institution in an area that has been facilitating such use since 1963. The proposed project has been reviewed by the appropriate City and County agencies, including the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. Construction of the proposed improvements will comply with all building/safety code requirements and will incorporate all recommendations from applicable City, County, and State agencies, including the required mitigation measures identified in the project's final EIR. The project also complies with ADA, California Department of Education Guidelines, District standards, and CHPS. The project requires plan review and approval from DSA prior to the commencement of construction. DSA provides design and construction oversight for K-12 schools and develops accessibility, structural safety, fire and life safety, and building codes and standards utilized in various public buildings throughout the state. As previously discussed in *Finding K1*, the subject site is physically suitable for the proposed use and the project has been determined to be in conformance with the applicable development standards for the parcel subject to the approval of the requested VARs, SPR, and MM.

Finding R4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

As previously discussed in *Finding R2*, the proposed use is compatible with land uses presently on the subject property and surrounding neighborhood. The proposed use is entirely within the Institutional land use designation, on property that has been in operation as a public educational institution since 1963, and provides new facilities that would replace outdated and inadequate spaces on the MMHS campus. While residential and public land uses exist around the 40 acre MMHS campus area, the proposed use is considered compatible with the subject property and surrounding Malibu Park neighborhood.

Finding R5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

As previously discussed in *Finding R2*, the proposed use is compatible with the existing and future land uses in the Institutional zone and City as a whole.

Finding R6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the staff.

As previously discussed under *Finding A3 (Proposed Project)*, adequate provisions for water, sanitation, and public utilities and services are provided in the project scope. The project has been reviewed and approved by the City Environmental Health Administrator, City Public Works Department, and the LACFD. Further, the construction of the project components will not result in the expansion of the boundaries of MMHS or increase student enrollment capacity. Additionally, the new classroom/library/administration building's orientation to Morning View Drive, height and design, finished elevation, placement within the central MMHS campus, and distance from nearby residences in the area is not anticipated to impact solar access or views. In order to protect views over the project site (i.e., location of the 150-space parking lot), Condition No. 18 requires that no landscaping or trees with the potential of growing more than six feet in height (given consideration of

its future growth) are allowed on the upper berm surrounding/within the new 150-space parking lot. As previously discussed in *Finding A3 (Proposed Project)* and *Finding I2*, the project as modified and conditioned is not anticipated public views from scenic areas.

Finding R7. There would be adequate provisions for public access to serve the subject proposal.

As previously discussed under *Finding A3 (Proposed Project)*, adequate provisions for public access to serve the new classroom/library/administration building are provided in the project scope. The project has been reviewed and approved by the City Public Works Department and LACFD.

Finding R8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

The operation of a public educational institution is a conditionally permitted use in the Institutional zone and, as conditioned, is consistent with goals, objectives and policies of the General Plan as previously discussed in *Finding R2*.

Finding R9. The proposed project complies with all applicable requirements of state and local law.

As previously discussed in *Finding R3*, the project complies with all applicable requirements of state and local law.

Finding R10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

As previously discussed in *Finding A3 (Proposed Project)* and *Finding K1*, the proposed project, as conditioned, is not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare. Adequate onsite parking and access are being provided as part of the MMHS campus improvement project consistent with the parking use requirements for public educational facilities in the Institutional zone. In order to reduce vehicle and pedestrian conflicts resulting from construction, mitigation measure MM4.11-1 requires the District, in consultation with the City, to prepare a Construction Impact Traffic Mitigation Plan. In order to reduce vehicle congestion resulting from construction of the project and operation of the MMHS following project completion, Condition No. 16 requires the 700 foot, dedicated right-hand turn lane to be installed as part of Phase I of the project construction schedule. In addition mitigation measures MM4.11-4 and MM4.11-5 require the District to work with the Los Angeles County Sheriff's Department to increase traffic enforcement near the school during drop-off and pick-up times, as well as the implementation of a student drop-off and pick-up program.

Finding R11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

As previously discussed in *Finding K1*, the proposed development is not anticipated to be at risk from earth movement, flooding, landslide, slippage, or settlement.

S. Demolition Permit (M.M.C. Section 17.70.060)

M.M.C. Section 17.70 requires that a demolition permit be issued for projects that result in the demolition of any structure. The project proposes the demolition of the library and administration buildings, and the interior renovation of Building E. Based on the evidence within the record, the Planning Commission approves DP No. 10-024.

Finding S1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval included in resolution that will ensure that the project will not create significant adverse environmental impacts.

Finding S2. A development plan has been approved or the requirement waived by the City.

The subject CDP is being processed concurrently with DP No. 12-024. Therefore, approval of the DP is subject to the approval of CDP No. 10-004.

Section 6. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 10-004, CUP Nos. 10-008 and 10-009, VAR Nos. 10-016, 10-017, and 10-018, SPR No. 10-021, MM No. 10-003, and DP No. 10-024, subject to the following conditions.

Section 7. Conditions of Approval.

Standard Conditions

1. The applicants and property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is for the MMHS Campus Improvement Project as summarized below:
 - a. New 35,315 sf, two-story classroom/library/administration building housing three new science labs, two new computer labs, and four new general classrooms to replace the existing 9,169 sf library (Building A) and 5,872 sf administration buildings (Buildings B and C) (*net new construction is 20,272 sf*);
 - b. Interior renovation of Building E (12,509 sf) to house ten modernized classrooms and two new classrooms;
 - c. New information technology room to house the main technology infrastructure;

- d. Interim housing during the construction of the project (*to be removed when work is complete*);
- e. New high school quad area (*currently occupied with three relocatable classrooms*);
- f. Renovated middle school quad area;
- g. New student drop-off and pick-up lane along Morning View Drive fronting the new classroom/library/administration building (*400 feet long by 15 feet wide with a dedicated 20 foot long accessible drop zone; lane to queue approximately 20 vehicles at a time*);
- h. Dedicated right-hand turn lane along the south side of Morning View Drive from Merritt Drive to the entrance of the new 150-space parking lot access road (*approximately 700 feet long turn lane within the public right-of-way to be repaved and restriped; additional improvements will include a new curb, gutter and pathway along the north stretch of Morning View Drive, with an additional pathway along part of the south side*);
- i. New 150-space lighted parking lot to the immediate south of the main sports field, upper walkways accessing the lot, and an unlit, gated paved access road (*parking lot and upper walkways are consistent shall be designed and operated in conformance with the details submitted in the lighting plans dated January 18, 2013 and the regulations in Condition No. 11; utilizes LED fixtures; no lighting is proposed on the access road*);
- j. New lighted lower ramp, stair, and walkway providing access from main sports field to the courtyard level of campus (*utilizes full IDA-compliant LED fixtures with full cut-off performance*);
- k. Reconfigured 119-space lighted parking area (Parking Lot A) with new safety lighting and an onsite roundabout (*Parking Lot A is located west of the Boys & Girls Club; utilizes full IDA-compliant LED fixtures with full cut-off performance; lighting shall be designed by the District to meet an LZ1 standard under the MLO to the maximum extent feasible consistent with Condition No. 14*);
- l. Reconfigured 61-space lighted parking area (Lower Lot)with replacement security lighting (*the Lower Lot is located south of the existing library; utilizes full IDA-compliant LED fixtures with full cut-off performance; lighting shall be designed by the District to meet an LZ1 standard under the MLO to the maximum extent feasible consistent with Condition No. 14*);
- m. Repairs to the existing perimeter fence and additional perimeter fencing to secure the campus;
- n. Relocated equestrian trail east of the new 150-space parking lot;
- o. New landscaping;
- p. Grading;
- q. Upgraded stormwater management system;
- r. Upgraded OWTS (*separated into two phases: Phase I – renovation of the conventional OWTS; Phase II – installation of advanced treatment*);
- s. Two new unlighted tennis courts (*north of the existing tennis courts*);
- t. Installation of synthetic turf on the main sports field;

- u. Replacement of 217 existing exterior lighting fixtures at MMHS and Juan Cabrillo Elementary School with IDA-compliant, 26 watt LED fixtures with full cut-off performance (*all fixtures to be replaced by completion of Phase V of the project*); and
 - v. Construction of concrete bleachers on the east slope adjacent to the main sports field, upgraded ventilation in the competition gym locker rooms, and upgraded technology infrastructure (*the concrete bleachers component were previously permitted by CDP No. 4-99-276 previously-issued by the California Coastal Commission and are not a part of this CDP scope of work*).
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
 4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision.
 5. This resolution, signed Affidavit and all referral sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans.
 6. The CDP shall be null and void if the project has not commenced within two years after the effective date of the permit, March 18, 2013 (**expiring March 18, 2015**), unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the Planning Director). Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the two year period and shall set forth the reasons for the request.
 7. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
 8. All structures shall conform to requirements of the City Biologist and City Public Works Department, as applicable. Notwithstanding this review, all required permits shall be secured from all applicable agencies including the California Division of the State Architect (DSA).
 9. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
 10. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.

Site Specific Conditions

11. Lighting proposed within the new 150-space parking lot and upper walkways shall be designed and operated in conformance with the details submitted in the lighting plans date-stamped January 18, 2013 and separated into three lighting areas controlled by occupancy/motion sensors. Motion-activated lighting in Areas 1, 2, and 3 shall automatically turn off no later than 15 minutes after the lighting is activated. Areas 1, 2, and 3 are subject to the following use restrictions:
 - a. Area 1 (south section with ADA spaces) may be lighted until 10 p.m. nightly. All lighting shall be deactivated and vehicular access to Area 1 shall be gated and locked by 10 p.m.; and
 - b. Areas 2 and 3 (west and east sections) may be lighted until 8 p.m. nightly. All lighting shall be deactivated and vehicular access to Areas 2 and 3 shall be gated and locked by 8 p.m.; except that
 - c. Areas 1, 2, and 3 may be lighted until 10:30 p.m. in combination with the evening use of the main sports field lighting authorized by CUP No. 12-001 plus an additional 15 nights per year for special events. All lighting shall be deactivated and vehicular access to Areas 1, 2, and 3 shall be gated and locked by 10:30 p.m. on these nights.
12. Within one year following the initial use of the new 150-space parking lot by students, the District shall submit a detailed report to the Planning Department for review by the Planning Commission. The report shall document the lighted use of the parking lot over the year and evaluate how the regulations required by Condition No. 11 have impacted residents in the surrounding area and the evening parking needs experienced by the District, students, and visitors.
13. No lighting shall be installed along the new access road from Morning View Drive to the new 150-space parking lot.
14. Lighting proposed within Parking Lot A and the Lower Lot shall utilize IDA-compliant LED fixtures with full cut-off performance. The lighting plans for Parking Lot A and the Lower Lot shall, to the maximum extent feasible, be designed by the District to meet an LZ1 standard under the MLO. Prior to the commencement of Phase IV of the project schedule (as discussed under *Finding A3 – Proposed Project*), the lighting plans shall be submitted to the Planning Department. The Planning Director, in his/her sole discretion, shall determine whether that the proposed lighting plans meet an LZ1 standard of the MLO to the maximum extent feasible.
15. Lighting along the new pedestrian lower ramp, stair, and walkway providing access from main sports field to the courtyard level of campus shall utilize bollards incorporating IDA-compliant LED lighting fixtures with full cut-off performance.
16. Replacement lighting of 217 existing exterior lighting fixtures at MMHS shall utilize IDA-compliant LED fixtures with full cut-off performance. All fixtures shall be replaced by the completion of Phase V of the project schedule (as discussed under *Finding A3 – Proposed Project*).

17. A nighttime "security lighting" plan shall be prepared by the District demonstrating all areas proposed to be lighted throughout the evening. Prior to the commencement of Phase 3 of the project schedule (as discussed under *Finding A3 – Proposed Project*), the lighting plans shall be submitted to the Planning Department. The Planning Director, in his/her sole discretion, shall determine whether the security lighting plan demonstrates the least amount of light feasible for nighttime security.
18. No landscaping or trees with the potential of growing more than six feet in height (given consideration of its future growth) are allowed on the upper berm surrounding/within the new 150-space parking lot. All landscaping and trees along the upper berm shall be continuously maintained to a maximum height of six feet.
19. In coordination with the City Public Works Department, the 700 foot, dedicated right-hand turn lane shall be installed along the Morning View Drive public right-of-way as part of Phase I of the project schedule (as discussed under *Finding A3 – Proposed Project*).
20. The project shall comply with all recommended mitigation measures listed in the Mitigation Monitoring and Reporting Program (MMRP) associated with the final EIR, attached hereto as Exhibit A.

Cultural Resources

21. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in M.M.C. Section 17.54.040(D)(4)(b) shall be followed.
22. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Biology

23. The Maximum Applied Water Allowance (MAWA) for this project totals 3,691,138 gallons per year. The Estimated Applied Water Use (EAWU) totals 2,894,367 gallons per year. The project conforms to the City's Landscape Water Conservation Ordinance requirements.
24. The project landscape plan shall include planting of at least 70 western sycamore trees and at least 10 California black walnut trees. Pursuant to LIP Section 5.5.1.B., one option for mitigation of impacts to protected trees states: "Where the removal of native trees cannot be avoided or where development encroachments into the protected zone of native trees result in

the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on site, if suitable area exists on the project site, at a ratio of no less than 10 replacement trees for every one tree removed.” The proposed project would require the unavoidable removal of seven western sycamore trees and one California black walnut tree. The applicant has elected to implement the option described above.

25. Monitoring reports of the replacement native trees shall be provided to the City annually and at the conclusion of the ten-year monitoring period that document the success or failure of the mitigation. Pursuant to LIP Section 5.6: “Where the planting of replacement trees is required as mitigation, as required by Section 5.5 of the Malibu LIP, each replacement tree shall be monitored annually for a period of not less than ten years. An annual monitoring report shall be submitted for the review and approval of the City for each of the ten years. The monitoring report shall identify the size and health of each replacement tree, comparing this information with the criteria provided in the native tree replacement planting program required in Section 5.5.1 (A) of the Malibu LIP for determining that replacement trees are healthy and growing normally. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City annually and at the conclusion of the ten-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of ten years, the monitoring period shall be extended until the standards are met.”
26. No new development, planting, or irrigation is permitted within public easements. Any new structure, plant or irrigation system occurring in the public easement shall be removed at the owner’s expense.
27. Invasive plant species, as determined by the City, are prohibited.
28. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
29. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
30. The project landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.
31. Grading shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct grading activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
32. Grading, excavation, or any other site preparation requiring vegetation removal scheduled between February 1 through August 30 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Should active nests be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a

qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal onsite.

33. Up-lighting of trees is prohibited.

Public Works

34. The applicant shall obtain encroachment permits from the City Public Works Department prior to the commencement of any work within the public right-of-way.
35. Since the project proposes grading on slopes equal to or greater than 25 percent, grading permits shall not be issued between November 1 through March 31 each year. Projects approved for grading permit issuance shall not receive grading permits unless the project can be rough graded before November 1.
36. A water quality mitigation plan (WQMP) shall be submitted for review and approval by the Public Works Department prior to issuance of grading permits. This plan is also commonly known as a standard urban stormwater management plan (SUSMP). The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site.

The following elements shall be included within the WQMP:

- a. Site design Best Management Practices (BMPs), source control BMPs, and treatment control BMPs as provided in LIP Chapter 17;
- b. Drainage improvements;
- c. Methods for onsite percolation, site re-vegetation (when proposed), and an analysis for offsite project impacts;
- d. Measured to treat and infiltrate runoff from impervious areas; and
- e. Plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure.

Properly designed parking lots (5,000 sf of impervious surface or 25 parking spaces) shall:

- f. Minimize impervious surfacing for parking areas;
- g. Infiltrate runoff before it reaches a storm drain system;
- h. Treat to remove all oil and petroleum hydrocarbons at parking lots that are heavily used; and
- i. Ensure adequate operation and maintenance of treatment systems, particularly sludge and oil removal and system founding and plugging prevention control.

Food preparation facilities / properly designed equipment/accessory wash areas shall:

- j. Install self-contained wash areas, equipped with grease traps, and properly connected to a sanitary sewer system. If the wash area is located outdoors, it shall be covered, paved, include secondary containment, and shall be connected to the sanitary sewer system.

Trash storage areas shall:

- k. Include drainage from adjoining roofs and pavement diverted around the area; and
 - l. Include screening or be walled to prevent offsite transport of trash.
37. Prior to the issuance of a grading permit, a copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction. Once the WQMP is approved and stamped by the City Public Works Department, the original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted prior to final City Public Works Department approval of the project plans.
 38. A State Construction Activity permit is required for this project due to the disturbance of more than once acre of land.
 39. The property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.
 40. A Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Public Works Department for review and approval. The WRRP shall indicate means and measures for a minimum of 50 percent diversion goal and shall designate all materials that were land filled and recycled, broken down into material types

Fire Department

41. A final fuel modification plan is required. Should changes to approved landscaping occur as a result of fuel modification requirements, all changes shall be reviewed by the City Biologist prior to their installation.

Colors / Materials

42. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no bright white or bright tones.
43. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
44. All windows shall be comprised of non-glare glass.

Construction

45. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

46. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code.

Deed Restriction

47. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The applicant/property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning inspection (Condition No. 50).

Prior to Project Completion

48. Prior to final project completion, the applicant shall request final inspections from the City Biologist. The City Biologist shall inspect the project site and determine that all planting conditions to protect natural resources are in compliance with the approved landscape plans. The applicant shall provide the City Biologist with certification that the irrigation installation and operational efficiency is consistent with the approved landscaping and irrigation plans.
49. Prior to final project completion, the applicant shall request final inspections from the City Public Works Department in order to inspect the project and to ensure project compliance in accordance with the CDP. The applicant shall provide the City Public Works Department with a Final Waste Reduction and Recycling Report. This report shall designate all materials that were land filled and recycled, broken down into material types. The final report shall be approved by the City Public Works Department.
50. Prior to final project completion, the applicant shall request final inspections from the City Planning Department in order to inspect the project and to ensure project compliance in accordance with the CDP and confirm that final inspections were satisfactorily completed by the City Biologist and City Public Works Department. The applicant shall provide the Planning Department a copy of the recorded document referenced in Condition No. 47 prior to the final Planning inspection. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to the final Planning inspection.

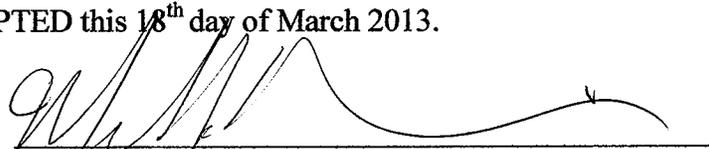
Fixed Conditions

51. This CDP shall run with the land and bind all future owners and/or operators of the property.
52. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

Section 8. Certification.

The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 18th day of March 2013.



MIKKE PIERSON, Planning Commission Vice Chair

ATTEST:



JESSICA BLAIR, Recording Secretary

LOCAL APPEAL – A decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's decision to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 13-15 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 18th day of March 2013, by the following vote:

AYES: COMMISSIONERS: BROTMAN, MAZZA, STACK AND PIERSON

NOES:

ABSTAIN:

ABSENT: COMMISSIONERS: JENNINGS



A handwritten signature in cursive script, appearing to read "J. Blair", is written over a horizontal line.

JESSICA BLAIR, Recording Secretary

EXHIBIT "A"

Chapter 11 Mitigation Monitoring and Reporting Program

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
Aesthetics					
<p>MM4.1-1 To reduce spill lighting and glare impacts, all lighting from the Proposed Project shall be directed onto the campus, and all lighting shall be shielded from public uses.</p>	<ul style="list-style-type: none"> ■ Review lighting plans for inclusion 	<ul style="list-style-type: none"> ■ Prior to operation 	SMMUSD		
<p>MM4.1-2 Atmospheric lighting pollution shall be reduced by utilizing full cut-off shielded lighting fixtures that cut off light directed to the sky.</p>	<ul style="list-style-type: none"> ■ Review lighting plans for inclusion 	<ul style="list-style-type: none"> ■ Prior to operation 	SMMUSD		
<p>MM4.1-3 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 the Proposed Project's design and operation:</p> <ul style="list-style-type: none"> ■ 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 MMHS campus Principle, Security, and Facility Manager. ■ All lighting delineated as "night-lighting" shall be shut off automatically at 10:00 PM on school nights. ■ When operation of "night-lighting" is necessary after 10:00 pm, SMMUSD as operator of the site shall provide notice to the community by posting such notice on the campus website and the school message board and marquee: <p>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.</p>	<ul style="list-style-type: none"> ■ Incorporate into Proposed Project's design and operation ■ Delineate exterior lighting as either "night-lighting" or "security lighting" ■ Program automatic "night-lighting" shut-off. ■ Provide notice to community prior to operation of night-lighting after 10:00 pm 	<ul style="list-style-type: none"> ■ Prior to operation of night-lighting ■ Ongoing during operation 	SMMUSD		
<p>MM4.1-4 All structures shall incorporate nonreflective exterior building materials in their designs. Glass facades fronting adjacent receptors shall be screened of low reflectivity or accompanied by a nonglare coating.</p>	<ul style="list-style-type: none"> ■ Review building design plans for inclusion 	<ul style="list-style-type: none"> ■ Prior to issuance of building permit 	SMMUSD		
Air Quality					
<p>MM4.2-1 The District will require by contract specifications that the contractor apply soils stabilizers to all disturbed areas that will remain inactive for more than five consecutive days. For prolonged periods of inactivity, re-application of soil stabilizer shall be conducted monthly.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
<p>MM4.2-2 The District will require by contract specifications that the contractor shall replace all ground cover in disturbed areas as soon as construction in that area is completed.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.2-3 The District will require by contract specifications that the contractor shall water all disturbed surfaces throughout the construction period to keep the soil moist, but no less than twice daily.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.2-4 The District will require by contract specifications that the contractor shall water all soils/debris/fill materials being loaded or unloaded at the site within 15 minutes of its loading/unloading. The materials shall be saturated to the point where no visible dust plumes are generated during loading/unloading activities.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.2-5 The District will require by contract specifications that all construction-related traffic on unpaved roads shall be limited to a speed of 15 mph or less.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.2-6 The District will require by contract specifications that the contractor shall utilize only paved roads during hauling activities to and from the site.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.2-7 The District will require by contract specifications that the contractor shall utilize diesel particulate filters on any and all rubber-tired dozers, rollers, and/or graders in operation at the site during grading activities.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.2-8 The District will require by contract specifications that all construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
MM4.2-9 The District will provide signs within loading areas clearly visible to truck drivers. These signs shall state that trucks cannot idle in excess of 5 minutes on or off site.	<ul style="list-style-type: none"> ■ Provide signs within loading areas ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			
MM4.2-10 The District will require by contract specifications that wheel washers are installed at all entrances and exits where construction vehicles leave the site and enter onto paved roads.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			
MM4.2-11 The District will require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are covered.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			
MM4.2-12 The District will require by contract specification that all unpaved parking and staging areas be watered three times daily or treated with nontoxic soil stabilizers in accordance with manufactures' direction.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			
MM4.2-13 The District shall require by contract specifications that all planned access roads or shoulders constructed as part of the Proposed Project are paved as soon as practicable and feasible.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			
MM4.2-14 The District shall require by contract specifications that streets adjacent to the site at the end of the day, if visible soil material is carried over to adjacent paved roads, are swept (using sweepers that comply with SCAQMD Rules 1186 and 1186.1.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			
MM4.2-15 The District shall require by contract specifications that all excavation and grading activities shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			
MM4.2-16 The District shall appoint a constructions relations officer to act as community liaison concerning on-site construction activity including resolution of issues related to PM ₁₀ generation.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
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<p>Biological Resources</p> <p>MM4.3-1 Lighting Measures to Reduce Artificial Lighting. During design of the Proposed Project, the SMMUSD and architect shall consult with a qualified biologist to minimize the effects of the additional artificial lighting created by the nighttime operation of the parking lighting on common wildlife species. Such measures, which may include the following and/or other measures, will be incorporated into the Proposed Project's design and operation:</p> <ul style="list-style-type: none"> ■ Extinguish all exterior lighting (i.e., rooftop floods, perimeter spots) not required for public safety (delineated as "night" lighting in this EIR) ■ All lighting delineated as "night-lighting" shall be shut off automatically at 10:00 PM on school nights. ■ 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. ■ When exterior lights must be left on at night, the SMMUSD as operator of the parking lot shall examine and adopt alternatives to bright, all-night lighting, which may include: <ul style="list-style-type: none"> > Installation motion-sensitive lighting > Reprogramming timers > Use of lower-intensity lighting <p>MM4.3-2 Impact Avoidance and Pre-Construction Surveys for Nesting Special-Status and Legally Protected Avian Species. The following measures shall be implemented by the Project Construction Contractor to avoid impacts to nesting birds.</p> <ol style="list-style-type: none"> 1. Not more than 15 days prior to construction activities that occur between February 1 and August 31, surveys for nesting birds shall be conducted by a qualified biologist (one familiar with the breeding biology and nesting habits of birds that may breed in the Project vicinity). Nest surveys shall cover the entire area to be affected by construction and the area within a 250-foot buffer of construction or ground-disturbing activities. The results of the nest surveys, including survey dates, times, methods, species observed, and a 	<ul style="list-style-type: none"> ■ Incorporate measures identified in consultation with a qualified biologist into Proposed Project's design and operation. 	<ul style="list-style-type: none"> ■ Prior to operation of night-lighting ■ Ongoing during operation 	SMMUSD		
	<ul style="list-style-type: none"> ■ Conduct pre-construction surveys ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
Comments					
<p>map of any discovered nests, shall be submitted to the SMMUSD. If no active avian nests (i.e., nests with eggs or young) are identified on or within 250 feet of the limits of the disturbance area, no further mitigation is necessary. Phased construction work shall require additional surveys if vegetation or building removal has not occurred within 15 days of the initial survey or is planned for an area that was not previously surveyed. Alternatively, to avoid impacts, the Project Construction Contractor shall begin construction after the previous breeding season for local raptors and other special-status species has ended (after August 31) and before the next breeding season begins (before February 1).</p> <p>2. If active nests (with eggs or young) of avian species are found within 250 feet of the proposed disturbance area, a minimum 250-foot no-disturbance buffer zone surrounding active raptor nests and a minimum 100-foot buffer zone surrounding nests of other avian species shall be established until the young have fledged. Project activities shall not occur within the buffer as long as the nest is active. The size of the buffer area may be reduced if the biologist determines it would not be likely to have adverse effects on the particular species. Alternatively, certain activities may occur within the aforementioned buffers, with biologist concurrence, if the biologist monitors the activity of nesting birds for signs of agitation while those activities are being performed. If the birds show signs of agitation suggesting that they could abandon the nest, activities would cease within the buffer area. No action other than avoidance shall be taken without biologist consultation.</p> <p>3. Completion of the nesting cycle (to determine when construction near the nest can commence) shall be determined by the biologist.</p>					

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
<p>MM4.3-3 Coastal Sage Scrub Mitigation. The SMMUSD has agreed to mitigate for impacts to 1.65 acres of Venturan coastal sage scrub as part of the Coastal Development Permit (CDP) application.</p> <ul style="list-style-type: none"> Construction of the 150-space parking lot, access road, and relocated equestrian/hiking trail will result in the removal of 1.65 acres of Venturan coastal sage scrub. As a condition of the CDP application, the SMMUSD will purchase 1.65 acres of coastal sage scrub of offsite mitigation through the Santa Monica Mountains Conservancy program in-lieu-fee program at \$175,000 per acre or current cost. 	<ul style="list-style-type: none"> Review CDP application for inclusion as a condition of approval Purchase required amount of coastal sage scrub 	<ul style="list-style-type: none"> Prior to issuance of CDP 	SMMUSD		
<p>MM4.3-4 Wetlands Impact Minimization for Construction-Related Impacts. The Contractor shall minimize indirect construction-related impacts on the wetlands by implementing the following Best Management Practices (BMPs):</p> <ul style="list-style-type: none"> Prior to any construction activities on the site, a protective fence shall be installed a minimum of 1 foot (or greater, if feasible) from the edge of the wetland to be avoided in the immediate vicinity of the proposed construction areas. Prior to initiation of construction activities, a qualified biologist shall inspect the protective fencing to ensure that all wetland features have been appropriately protected. No encroachment into fenced areas shall be permitted during construction and the fence shall remain in place until all construction activities within 50 feet of the protected feature have been completed. Construction inspectors shall routinely inspect protected areas to ensure that protective measures remain in place and effective until all construction activities near the protected resource have been completed. The fencing shall be removed immediately following construction activities. Sediment control measures shall be in place prior to the onset of Project construction and shall be monitored and maintained until construction activities have been completed. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be disposed of at a regional landfill or at another approved and/or properly permitted location. Stockpiles that are to remain on the site 	<ul style="list-style-type: none"> Incorporate BMPs into construction contract documents Prepare Stormwater Pollutant Prevention Plan 	<ul style="list-style-type: none"> Pre-construction and construction 			

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
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<p>throughout the wet season shall be protected to prevent erosion.</p> <ul style="list-style-type: none"> ■ Exposed slopes and banks shall be stabilized immediately following completion of construction activities to reduce the effects of erosion on the drainage system. ■ The contractors shall develop a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. As discussed in the Regulatory Framework of the Hydrology and Water Quality section of this EIR, the SWPPP will comply with applicable local, state, and federal requirements. Erosion control BMPs may include, but are not limited to, the application of straw mulch; seeding with fast growing grasses; construction of berms, silt fences, hay bale dikes, stormwater detention basins, and other energy dissipaters. BMPs shall be selected and implemented to ensure that contaminants are prevented from entering the wetlands during construction and operation of the facilities shall protect water quality and the marine species in accordance with all regulatory standards and requirements. 					
<p>MM4.3-5 Project Construction Native Tree Measures.</p> <ol style="list-style-type: none"> 1. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any on-site native trees. 2. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be constructed using only hand-held tools. 3. A qualified independent biological consultant or arborist will monitor native trees that are within or adjacent to the construction area. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced. 	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Hire a qualified independent biological consultant or arborist 	<ul style="list-style-type: none"> ■ Pre-construction and construction 			

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
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<p>MM4.3-6 Native Tree Replacement.</p> <ol style="list-style-type: none"> As part of the Proposed Project, the SMMUSD will plant 140 native trees. Prior to the issuance of the coastal development permit that includes native tree removal or the loss or worsened health of native trees resulting from encroachment, the SMMUSD shall submit a native tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size, planting specifications, and a monitoring program to ensure that the replacement planting program is successful, including performance standards for determining whether replacement trees are healthy and growing normally, and procedures for periodic monitoring and implementation of corrective measures in the event that the health of replacement trees declines. Per LUP 3.65, where the removal of native trees cannot be avoided or where development encroachments into the protected zone of native trees that results in the loss or worsened health of the native trees, mitigation measures shall include, at a minimum, the planting of replacement native trees on site, if suitable area exists on the Proposed Project site, at a ratio of no less than ten replacement trees for every one native tree removed of the same species. Therefore, the SMMUSD shall plant 10 Southern California black walnut tree seedlings and 60 California sycamore tree seedlings, less than one year old on an area of the Proposed Project site where there is suitable habitat or other suitable area. In the case of oak trees, the seedlings shall be grown from acorns collected in the area. Where on-site mitigation through planting replacement Southern California black walnut and California sycamore trees is not feasible, mitigation shall be provided by one of the following methods: <ol style="list-style-type: none"> Off-site mitigation shall be provided by planting no less than ten replacement native trees for every one native tree removed of the same species, at a suitable site that is restricted from development or is public parkland. The applicant shall plant 10 Southern California black walnut tree seedlings and 60 California sycamore tree seedlings, less than one year old in an 	<ul style="list-style-type: none"> ■ Submit a native tree replacement program ■ Incorporate into landscape plan ■ Plant off-site replacement trees or pay in-lieu fee to the Native Tree Impact Mitigation Fund ■ Conduct annual monitoring of replacement trees ■ Submit annual monitoring report to the City of Malibu 	<ul style="list-style-type: none"> ■ Prior to issuance of CDP ■ Ongoing annual for 10 years or until performance standards are met 	SMMUSD		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>area where there is suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area; or</p> <p>b. An in-lieu fee shall be provided for the unavoidable impacts of the loss of native tree habitat. The fee shall be based on the type, size, and age of the tree(s) removed.</p> <p>5. The fee shall be paid into the Native Tree Impact Mitigation Fund, administered by the Santa Monica Mountains Conservancy. The accumulated fees shall be used for the restoration or creation of native tree woodland or savanna habitat areas within the Santa Monica Mountains Coastal Zone. Fees paid to mitigate impacts of development approved within the City of Malibu may be used to restore native tree habitat anywhere within this area. Priority shall be given to restoration or creation on properties containing areas designated ESHA, and to properties contiguous with existing parklands containing suitable native tree habitat.</p> <p>6. Where the planting of replacement native trees is required as mitigation, as required by Section 5.5 of the City of Malibu's LIP LCP above, each replacement native tree shall be monitored annually for a period of not less than ten years. An annual monitoring report shall be submitted for the review and approval of the City of Malibu for each of the ten years. The monitoring report shall identify the size and health of each replacement tree, comparing this information with the criteria provided in the native tree replacement planting program required in Section 5.5.1(A) of the City of Malibu's LIP LCP for determining that replacement trees are healthy and growing normally. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the City of Malibu annually and at the conclusion of the ten-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of ten years, the monitoring period shall be extended until the standards are met.</p>						

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
Comments					
Cultural Resources					
<p>MM4.4-1 If evidence of an archaeological site or other suspected historic resource as defined by CEQA Guideline Section 15064.5 or important cultural resource as defined by the LIP, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and SMMUSD shall be notified. SMMUSD shall hire a qualified archaeologist to assess the significance of the find. Preservation and recovery of an encountered archaeological resource shall be determined by the archaeologist and shall be consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified archaeological resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the appropriate Information Center.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Retain qualified archeologist if necessary ■ Record archeologist resources as appropriate 	<ul style="list-style-type: none"> ■ Prior to issuance of a grading permit ■ During construction 	SMMUSD		
<p>MM4.4-2 In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and SMMUSD shall immediately notify the City and the Los Angeles County Coroner of the find and comply with the provisions of PRC Section 5097. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Notify the City of Malibu and the Los Angeles County Coroner, if necessary ■ Allow for inspection of the site, if necessary 	<ul style="list-style-type: none"> ■ Prior to issuance of a grading permit ■ During construction 			
Geology and Soils					
<p>MM4.5-1 As required, SMMUSD shall implement all recommendations included in the Geotechnical Investigation Report prepared for the Proposed Project site as summarized below (full recommendations are included in Appendix F):</p> <p><u>General Grading Recommendations</u></p> <p>Clayey soils should be over excavated as necessary to permit the facing</p>	<ul style="list-style-type: none"> ■ Incorporate into grading, construction, and building plans 	<ul style="list-style-type: none"> ■ Prior to issuance of permits 	SMMUSD		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
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<p>of at least 2 feet of relatively non-expansive soils beneath concrete slabs and walks.</p> <p>Shallow bedrock should be over excavated below footing elevations to establish at least 3 feet of engineered fill below footing bottoms.</p> <p>The entire footprint of the proposed new Classroom/Library/Administration Building and 5 feet beyond should be over excavated and replaced as engineered fill.</p> <p>After excavation, the moisture content of the clayey soils should be brought to approximately 3 to 5 percent over optimum moisture content to a depth of 12 inches below grade. The moisture content of the subgrade should be checked and approved prior to placing required fill.</p> <p>After moisture conditioning, at least the upper 12 inches of the exposed soils should be compacted to at least 90 percent relative compaction based on ASTM Test Method D 1557. If subgrade soils are wet and soft, it may be necessary to place a layer of crushed rock or a geomembrane, or both, over exposed soils to provide a base for compaction of the required fill. In this case, the soft natural soils should be excavated prior to placing the crushed rock layer. When grading is interrupted by heavy rains, fill operations should not be resumed until the moisture content and the dry density of the placed fill are satisfactory.</p> <p>All proposed import materials should be approved by the geotechnical engineer of record prior to being placed at the site. On-site soils, less any deleterious material or organic matter can be used in required fills. Cobbles larger than 6 inches in largest diameter should not be used in the fill. Any required import material should consist of relatively non-expansive soils with an Expansion Index less than 20. Imported materials should contain sufficient fines (binder material), as to be relatively impermeable and result in a stable subgrade when compacted.</p> <p><u>Temporary Excavations</u></p> <p>All temporary excavations should be performed in accordance with project plans, specifications and all California Occupational Safety and Health Administration (CalOSHA) requirements.</p> <p>No surcharge loads should be permitted within a horizontal distance equal to the height of cut or 5 feet, which is greater from the top of the slope, unless the cut is shored appropriately. Excavations that extend</p>						

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
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<p>Mitigation Measure</p> <p>below an imaginary plane inclined at 45 degrees below the edge of any adjacent existing site foundations should be properly shored to maintain support of these structures.</p> <p>The sides of excavations should be shored or sloped according to CalOSHA requirements.</p> <p>Shoring should be designed for areas with deformation restrictions. The soil type should be verified or revised based on geotechnical observation and testing during construction, as soil classification may vary over short horizontal distances. Heavy construction loads should be kept a minimum distance equivalent to the excavation height or 5 feet, whichever is greater from the excavation unless the excavation is shored and these surcharges are considered in the design of the shoring system.</p> <p><u>Pipe Bedding</u></p> <p>Any proposed pipe should be placed on properly placed bedding materials. Pipe bedding should extend to a depth in accordance to the pipe manufacturer's specification. The pipe bedding should extend to at least 12 inches over the tip of the pipeline. The bedding material may consist of compacted free-draining sand, gravel, or crushed rock. Pipe bedding material should have a Sand Equivalent of at least 30.</p> <p><u>Trench Backfill</u></p> <p>Trench excavations above pipe bedding may be backfilled with on-site soils under the observation of the geotechnical consultant. All fill soils should be placed in loose lifts, moisture conditions as required and compacted to a minimum of 90 percent relative compaction based on ASTM Test Method D 1557. The fill soils should extend to the bottom of the aggregate base for new pavement, or to finished grade.</p> <p><u>Foundations</u></p> <p>The proposed New Classroom/Library/Administration Building and new bleachers may be supported on spread-type shallow foundation systems such as footings or post-tensioned concrete slabs with thickened edges established on engineered fill or undisturbed natural soils.</p> <p><u>Minimum Embedment and Width</u></p> <p>Footings for the proposed structures should have a minimum embedment of 24 inches and have a minimum width of 24 inches.</p>					

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Initial	Date	Comments
<p><u>Bearing Value</u> Spread-type footings or post-tensioned concrete slabs with thickened edges established on engineered fill may be designed to impose a net dead-plus-live load pressure of 3,000 pounds per square foot. The excavations should be deepened as necessary to extend into satisfactory soils. The ultimate bearing capacity can be taken as 9,000 pounds per square foot. This value does not incorporate a factor of safety and may only be used for an ultimate bearing capacity check with appropriate factored loads. A one-third increase in the allowable bearing may be used for wind or seismic loading. The recommended bearing value is a net value, and the weight of concrete in the footings can be taken as 50 pounds of cubic foot; the weight of soil backfill can be neglected when determining the downward loads.</p>						
<p><u>Settlement</u> The estimated total settlement of the structures supported on spread footings or mat foundations as recommended above is less than 1 inch. The differential settlement between adjacent columns is estimated to be less than 0.5 inch over a horizontal distance of 40 feet.</p>						
<p><u>Lateral Resistance</u> Lateral loads can be resisted by soil friction and by passive resistance of the soils. A coefficient of friction of 0.35 can be used between the footings and the floor slab and the supporting soils. The passive resistance of undisturbed natural soils or engineered fill soils can be assumed to be equal to the pressure developed by a fluid with a density of 300 pounds per cubic foot. A one-third increase in the passive value can be used for wind or seismic load. The friction resistance and the passive resistance of the soils can be combined without reduction in determining the total lateral resistance.</p>						
<p><u>Modulus of Subgrade Reaction</u> For design of mat foundations, a lower bound and upper bound values of K (modulus of subgrade reaction) should be considered to optimize foundation performance. For mat foundations established in undisturbed bedrock or engineered fill, K values will range from 30 to 50 pounds per</p>						

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification											
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<p>Mitigation Measure</p> <p>cubic inch. The K values presented herein incorporate consolidation settlement and foundation size effects.</p> <p>Seismic Design Parameters</p> <p>The following values should be used for the seismic design method based on the site-specific method of the 2007 California Building Code.</p> <table border="1"> <thead> <tr> <th colspan="2">Site-Specific Seismic Design Parameters</th> </tr> </thead> <tbody> <tr> <td>S_{Ms}</td> <td>2.112</td> </tr> <tr> <td>S_{M1}</td> <td>1.584</td> </tr> <tr> <td>S_{Bs}</td> <td>1.408</td> </tr> <tr> <td>S_{D1}</td> <td>1.056</td> </tr> </tbody> </table> <p>Slabs-on-Grade</p> <p>Slabs-on-grade should be established over at 2 feet of relatively non-expansive engineered fill. Slabs subjected to special loads should be designed by the structural engineer</p> <p>Concrete slabs-on-grade should have a minimum thickness of 4 inches and include minimum steel reinforcing of No. 4 bars spaced 18 inches on-center in two perpendicular directions.</p> <p>Slabs-on-grade should be provided with expansion joints at regular intervals no more than 10 feet in each direction. Load transfer devices, such as dowels or keys, are recommended at joints to reduce possible offsets.</p> <p>Minor cracking of concrete after curing due to drying and shrinkage is normal and should be expected. Cracking due to temperature and moisture fluctuations can also be expected. The use of low-slump concrete or low water/cement ratios can reduce the potential for shrinkage cracking.</p> <p>Lateral Earth Pressures</p> <p>On-site soils are not suitable to be used as retaining wall backfill due to its cohesive and expansive nature. Recommended lateral earth pressures for retaining walls backfilled with sandy soils with drained conditions are as follows.</p>	Site-Specific Seismic Design Parameters		S _{Ms}	2.112	S _{M1}	1.584	S _{Bs}	1.408	S _{D1}	1.056					
Site-Specific Seismic Design Parameters															
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Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure		Action Required	Monitoring Phase	Responsible Agency/ Party	Initial	Date	Comments
Level Backfill, Static Condition	Level Backfill, Seismic Increment						
Active	35	18					
At-Rest	55	20					
Passive	300	—					
Coefficient of Friction	0.35	—					
<p>Walls that are free to rotate or deflect may be designed use active earth pressures. For the basement walls or walls that are fixed against rotation, the at-rest pressure should be used. For the seismic increment, the pressure should be distributed as an inverted triangular distribution and the dynamic thrust should be applied to a height of 0.6H above the base of the wall.</p> <p>If proper drainage cannot be provided over the full height/length of the wall, an additional equivalent fluid pressure of 35 psf/ft should be applied to accommodate the hydrostatic pressure due to water accumulation behind the wall.</p> <p>In addition to the above lateral pressure from retained earth, lateral pressure from other superimposed loads, such as those from vehicle traffic and adjacent structures should be added, if the surcharge loads fall within a horizontal distance behind the wall equal to the full height of the wall from the foundation level. The surcharge loads should be added to the above recommended lateral earth pressures.</p> <p>Backfills for retaining walls should be compacted to a minimum of 90 percent relative compaction. During construction retaining walls, the back cut should be made in accordance with the requirements of Cal/OSHA Construction Safety Orders. Relatively light construction equipment should be used to backfill retaining walls. Using at-rest pressured for design walls supporting settlement-sensitive structures is also recommended.</p> <p>Earth pressures used in the design of the walls should be indicated on the retaining wall plans. All retaining wall designs and plans should be reviewed by the project geotechnical consultant to confirm that the appropriate soil parameters are being used.</p>							
<p><u>Pavement Design</u></p>							

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Initial	Date	Comments															
<p>Mitigation Measure</p> <p>The preparation of the paving area subgrade should be performed immediately prior to placement of the base course. Proper drainage of the paved areas should be provided since this will reduce moisture infiltration into the subgrade and increase the life of the paving.</p> <p>Base Course</p> <p>The base course for both asphalt concrete and Portland Cement Concrete paving should meet the specifications for Class 2 Aggregate Base as define in Section 26 of the latest edition of the California Department of Transportation, Standard Specifications. Alternatively, the base course could meet the specifications for untreated based as defined Section 200-2 of the latest edition of Standard Specifications for Public Works Construction (Greenbook). Crushed Miscellaneous Base may be used for the base course provided the geotechnical consultant evaluates and tests it before delivery to the site.</p> <p>Asphalt Concrete</p> <p>The required asphalt paving and base thickness will depend on the expected wheel loads and volume of traffic. Assuming that the paving subgrade will consist of the clayey on-site or comparable soils with an R-value of 26 compacted to at least 90 percent relative compaction based on ASTM Test Method D 1557, the minimum recommended paving thicknesses are presented below:</p> <table border="1" data-bbox="958 1291 1177 1932"> <thead> <tr> <th>Traffic Index</th> <th>Asphalt Concrete (inches)</th> <th>Base Course (inches)</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>3</td> <td>6</td> </tr> <tr> <td>5</td> <td>3</td> <td>8</td> </tr> <tr> <td>6</td> <td>4</td> <td>10</td> </tr> <tr> <td>7</td> <td>4</td> <td>14</td> </tr> </tbody> </table> <p>However, if the upper 12 inches of the clayey subgrade soils are removed and replaced with relatively non-expansive soils or in areas where the upper 12 inches consist of on-site sandy soils, the following paving sections may be used. It is assumed that such a subgrade will have an R-value of 40, which has to be verified during site grading.</p>	Traffic Index	Asphalt Concrete (inches)	Base Course (inches)	4	3	6	5	3	8	6	4	10	7	4	14						
Traffic Index	Asphalt Concrete (inches)	Base Course (inches)																			
4	3	6																			
5	3	8																			
6	4	10																			
7	4	14																			

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Initial	Date	Compliance Verification	Comments
4	3						
5	3						
6	4						
7	4						
<p>Careful inspection is recommended to verify that the recommended thicknesses or greater are achieved, and that proper construction procedures are followed.</p> <p><u>Portland Cement Concrete Paving</u></p> <p>Portland Cement Concrete (PCC) paving and walks may be supported directly on sandy on-site soils or compacted fill. PCC paving and walks supported on clayey on-site soils should be underlain by at least 2 feet of engineered fill consisting of relatively non-expansive soils.</p> <p>Paving should be provided with expansion joints at regular intervals no more than 15 feet in each direction. Load transfer devices, such as dowels or keys, are recommended at joints in the paving to reduce possible offsets. The paving sections in the following table have been developed based on the strength of unreinforced concrete. Steel reinforcing may be added to the paving to reduce cracking and to prolong the life of the paving.</p> <p><u>Additional Geotechnical Services</u></p> <p>Conclusions and Recommendations should be verified during site construction and revised accordingly if exposed geotechnical conditions vary from findings and interpretation contained in the Geotechnical Investigation Report.</p> <p>Geotechnical observation and testing should be provided during the following activities:</p> <ul style="list-style-type: none"> ■ Grading and excavation of the site ■ Over excavation and compaction ■ Compaction of all fill materials ■ Excavation and installation of foundations; after excavation of all slabs and footings and prior to placement of steel or concrete to confirm the slabs and footings are founded in firm, compacted fill 							

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
Comments					
<ul style="list-style-type: none"> ■ Utility trench backfilling and compaction ■ Pavement subgrade preparation and base course compaction ■ When any conditions are encountered that varies significant from conditions described in the Geotechnical Investigation Report <p>Grading and foundation plans and specifications, when available, should be reviewed by a certified Geotechnical Engineer. Recommendations should be revised as necessary, based on future plans, and incorporated into the final design plans and specifications.</p> <p><u>Percolation/Infiltration Testing</u></p> <p>Percolation/infiltration testing will be performed when the location and details of the proposed drywells for use as stormwater runoff mitigation for the proposed access road and overflow parking lot are available.</p>					
<p>Hazards/Hazardous Materials</p> <p>MM4.6-1 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction in the project area, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., Los Angeles County Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.</p>					
	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Prepare Risk Management Plan, if necessary ■ Prepare Site Health and Safety Plan, if necessary 	<ul style="list-style-type: none"> ■ Pre-construction and during construction 	SMMUSD		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
<p>MM4.6-2 Testing of Synthetic Turf Materials. No synthetic turf material meeting or exceeding California Code of Regulations Title 22 criteria for characterizing hazardous wastes shall be permitted. Prior to receiving a grading permit, the Vendor or Contractor shall provide the SMMUSD test with results of the synthetic turf material, in accordance with Title 22 testing procedures for hazardous waste characterization, demonstrating that selected materials do not meet or exceed Title 22 criteria for hazardous waste.</p>	<ul style="list-style-type: none"> ■ Receive synthetic turf material test results ■ Confirm that selected materials are below Title 22 criteria for hazardous waste 	<ul style="list-style-type: none"> ■ Prior to issuance of a grading permit 	SMMUSD		
<p>Hydrology and Water Quality</p>					
<p>MM4.7-1 OWTS Discharge Limitations. Prior to receiving Proposed Project approval, the SMMUSD shall design subsurface discharge locations into the Proposed Project design such that:</p> <ul style="list-style-type: none"> ■ The area is protected from surface run-on (e.g., runoff from surrounding areas is directed around the subsurface discharge location) ■ The bottom of discharge facilities are at least 10 feet above the seasonal high groundwater level ■ The percolation rates are at least 0.83 gallon per square foot per day and no more than 60 minutes per inch without additional treatment prior to discharge ■ Demonstrate to the satisfaction of the City of Malibu that alternative locations for the existing seepage pit for System 1 would not be feasible. Apply for a variance with the City of Malibu to allow the existing seepage pit to remain and comply with all conditions required by the City of Malibu to approve the variance. <p>Prior to receiving a grading permit, the SMMUSD shall:</p> <p>Prepare an ROWD documenting the Proposed Project change in discharge location, expected effluent quantities, and associated water quality monitoring data, including the Regional OWTS WDR constituents with receiving water limitations and associated treatment measures. The SMMUSD shall obtain approval of coverage under the Regional OWTS WDR for this change in discharge location prior receiving a grading or building permit.</p>	<ul style="list-style-type: none"> ■ Incorporate into project design and building plans ■ Obtain approval of variance from the City of Malibu ■ Prepare a ROWD ■ Obtain approval of coverage under the Regional OWTS WDR 	<ul style="list-style-type: none"> ■ Prior to project approval ■ Prior to issuance of a grading permit 	SMMUSD and city of Malibu		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
Land Use and Planning						
No mitigation measures required.	N/A	N/A	N/A	N/A	N/A	N/A
Noise						
MM4.9-1 Prior to construction, the contractor shall submit a list of equipment and activities required during construction to the SMMUSD in order to ensure proper planning of the most intense construction activities during time periods that would least impact the campus operation. 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 that will occur through the duration of the construction period. A construction relations officer shall be appointed by the SMMUSD to act as a public liaison concerning on-site construction activity. In addition, the notification will include the identification and contact number of the public liaison and designated construction manager who would be available on site to monitor construction activities. The construction manager will be located at the onsite construction office during construction hours for the duration of all construction activities. Contact information for the public liaison and construction manager will be located at the construction office, City Hall, and the SMMUSD District office.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Mail notification to owners and occupants ■ Appoint a construction relations officer ■ Field check to confirm presence of construction manager 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD			
MM4.9-2 All construction equipment shall be in proper operating condition and fitted with the best available factory noise attenuation features.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented, as necessary 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD			
MM4.9-3 Sound blankets shall be used on construction equipment where technically feasible.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented, as necessary 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD			

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
<p>MM4.9-4 If complaints regarding exterior noise are received by the construction relations officer from either persons on campus or adjacent residential uses, SMMUSD shall enforce all mitigation measures and noise maximums that will be included in the construction contract(s). If complaints regarding interior classroom noise levels are received by the construction relations officer, additional intermittent noise monitoring will take place on site to ensure that a sustained noise level equivalent to 50 dBA is maintained within operating classrooms. If a sustained interior noise level equivalent to 50 dBA is not maintained, construction activities must be altered, rescheduled, or reduced to ensure that this noise level is attained.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented, as necessary ■ Conduct additional noise monitoring, if required 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.9-5 Temporary and continuous plywood sound walls of double ¾-inch panel construction. The height of the proposed barriers varies between 2 feet, 9 inches above the higher of either (1) existing tops of windows or (2) construction equipment, consistent upon acoustical studies prepared for SMMUSD Projects.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.9-6 Sound blankets (fabric or foam) on sound walls, fences, or building exteriors will be used when required.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.9-7 Classroom use rescheduling to move active classes away from high noise construction activities will take place, as necessary. Construction activities taking place within 50 feet of occupied classrooms would be prohibited during preparation and testing for National Standardized testing days of students at MMHS.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.9-8 Scheduling of interior high noise construction activities during off school hours will take place, as necessary.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.9-9 Stagger high noise construction activities from one another.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
MM4.9-10 Active noise-cancelling systems will be used, when required.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
MM4.9-11 SMMUSD'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.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
MM4.9-12 Upgrade the seals of off-site sensitive receptor's windows and/or doors, if required.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented, if required 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
MM4.9-13 Noise-generating mechanical equipment shall not be located on the side of any building which is adjacent to on-site classrooms or facing any off-site residential use. Roof locations may be used when the mechanical equipment is installed within a sound-rated, parapet enclosure.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
MM4.9-14 SMMUSD shall, through specification in contract documents, prohibit the use of any construction equipment generating greater than 85 VdB within 25 feet of the exterior wall of any classroom during school operation.	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
Recreation	N/A	N/A	N/A	N/A	N/A
No mitigation measures required.					
Transportation/Traffic					
MM4.11-1 In order to reduce vehicle and pedestrian conflicts resulting from construction of the Proposed Project, SMMUSD work with the City of Malibu to develop a Construction Impact Traffic Mitigation Plan that would temporarily require the contractor to reconfigure the drop-off/pick-	<ul style="list-style-type: none"> ■ Prepare a Construction Impact Traffic Mitigation Plan ■ Field check to confirm measures are 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD, City of Malibu, Affected		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>up traffic flow that includes the following elements:</p> <ul style="list-style-type: none"> ■ Restrict construction activities resulting in lane closures: Construction activities that would result potential lane closures along Morning View Drive, including, but not limited to reconstruction of the student drop-off/pick-up lane and sidewalks along Morning View Drive, shall be schedule to occur during summer months when the MMHS is not in session in order to eliminate conflicts with local traffic and pedestrian activities. ■ Public Information Program: A public information program shall be developed to advise motorists and pedestrians, local residents, and the MMHS administration, well in advance of impending construction activity. This could include the use of portable message signs and information signs along MVD. ■ Coordination with the City of Malibu, the School, and all Affected Agencies: All construction work shall be coordinated with affected agencies 5 to 10 days prior to the start of the construction work. SMMUSD shall coordinate with the city in the event that construction detours are needed, construction work encroaches into the public right-of-way, or any use of public streets surrounding the Proposed Project site for construction-related activities is needed. Preconstruction meetings will be held with affected agencies to adequately anticipate and plan for traffic control. Timely notification of schedule changes shall be provided to all involved City of Malibu and Los Angeles County departments, such as City of Malibu Public Works and Planning departments, and Los Angeles County Sheriff and Los Angeles County Fire Departments. > A traffic control plan shall be prepared and shall conform with the California Manual on Uniform Traffic Control Devices (MUTCD) and submitted the City of Malibu Public Works Department for acceptance when obtaining the City Encroachment Permit for any and all work that will be performed in the City's public right of ways. The traffic control plan shall include, but no be limited to, changeable message boards and full-time flagmen at the beginning and ends of all construction work zones. > The contractor shall post no parking signs along all impacted 	Implemented		Agencies			

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification	
				Initial	Date
<p>sections of MVD when on street parking would negatively affect the operations of MVD.</p> <p>MM4.11-2 In order to eliminate any impacts to the local traffic in and around the Proposed Project site, all construction related trucks, including, but not limited to those utilized for exporting soil material and vendor deliveries, shall not do so during the drop-off/pick-up hours of 7:00 to 9:00 AM and 2:30 to 4:30 PM, Monday through Thursday, and 12:00 PM to 2:00 PM on Friday and Minimum Days.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.11-3 SMMUSD shall require that construction workers park in the designated staging area to provide adequate parking for all employees and visitors to the campus throughout the duration of construction activities of the Proposed Project. In the event that adequate parking cannot be provided at the Proposed Project site due to displacement of parking spaces by construction activities, a satellite parking area shall be designated, and a shuttle bus shall be operated to transfer employees and visitors to and from the campus.</p>	<ul style="list-style-type: none"> ■ Incorporate into construction contract documents ■ Field check to confirm measures are implemented 	<ul style="list-style-type: none"> ■ Pre-construction and construction 	SMMUSD		
<p>MM4.11-4 SMMUSD shall work with the Los Angeles County Sheriff's Department to increase traffic enforcement near the school during the drop-off/pick-up times.</p> <ul style="list-style-type: none"> ■ The District shall work with the Los Angeles County Sheriff's Department officers to enforce and maintain an orderly flow of traffic along Morning View Drive during the drop-off/pick-up times. ■ The District shall post crossing guards at all crosswalks along Morning View Drive during the student drop-off and pick-up hours, including the driveway at intersection 5 (MVD/MMHS Driveway Access to Parking Lot A). 	<ul style="list-style-type: none"> ■ Coordinate with Los Angeles County Sheriff's Department 	<ul style="list-style-type: none"> ■ Prior to operation and ongoing during lifetime of project 	SMMUSD, Los Angeles county Sheriff's Department		

Table 11-1 Mitigation Monitoring and Reporting Program Matrix

Mitigation Measure	Action Required	Monitoring Phase	Responsible Agency/ Party	Compliance Verification		
				Initial	Date	Comments
<p>MM4.11-5 SMMUSD shall implement a Student Drop-off/Pick-up program that informs parents and students of MMHS to utilize the newly constructed Student Drop-Off/Pick-Up lane and then proceed to the "round-about" located within the Parking Lot A driveway to turn around via a "U" turn. Instructions describing the Student Drop-off/Pick-up procedures shall be provided to each student and mailed to the legal guardian of each student at the start of each new semester. This description shall be consistent with the traffic patterns illustrated in Figure 4.11-7 in the FEIR.</p>	<ul style="list-style-type: none"> ■ Implement Student Drop-off/Pick-up program ■ Provide students and guardians with Study Drop-off/Pick-up procedures 	<ul style="list-style-type: none"> ■ Prior to operation ■ bi-annually, at the start of each new semester 	SMMUSD			
Utilities/Service Systems						
No mitigation measures required.	N/A	N/A	N/A	N/A	N/A	N/A
Greenhouse Gas Emissions						
No mitigation measures required.	N/A	N/A	N/A	N/A	N/A	N/A