

SANTA MONICA–MALIBU
UNIFIED SCHOOL DISTRICT
**MALIBU MIDDLE AND
HIGH SCHOOL CAMPUS
IMPROVEMENT PROJECT**

Environmental Impact Report

SCH No. 2008091059

Findings of Fact/Statement of Overriding Considerations

Prepared for
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1.1 ORGANIZATION OF CEQA FINDINGS OF FACT

The content and format of this California Environmental Quality Act (CEQA) Findings of Fact is designed to meet the current requirements of CEQA and the CEQA Guidelines. The Final Environmental Impact Report (EIR) for the Malibu Middle and High School Campus Improvement Project (“the Proposed Project”) identified potential significant environmental impacts that would result from the implementation of the Proposed Project. However, the Santa Monica–Malibu Unified School District (SMMUSD, or District) finds that the inclusion of certain mitigation measures, as part of project approval, would reduce most potentially significant impacts to a less-than-significant level. Those impacts that are not reduced to a less-than-significant level are identified and overridden due to specific economic, legal, social, technological, or other feasibility considerations. As required by CEQA, the District, in adopting these Findings of Fact and Statement of Overriding Considerations (findings), also adopts a Mitigation Monitoring and Reporting Plan (MMRP) for the Proposed Project. The District finds that the MMRP, which is incorporated by reference and made a part of these findings, meets the requirements of Public Resources Code (PRC) §21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Proposed Project. In accordance with CEQA and the CEQA Guidelines, the District adopts these findings as part of the certification of the Final EIR for the Proposed Project. Pursuant to PRC §21082.1(c)(3), the Board also finds that the Final EIR reflects the District’s independent judgment as the Lead Agency for the Proposed Project.

The content and format of this California Environmental Quality Act (CEQA) Findings of Fact is designed to meet the current requirements of CEQA and the CEQA Guidelines.^{1,2} The Findings of Fact is organized into the following sections:

- **Chapter 1: Introduction**—Outlines the organization of this document and identifies the location and custodian of the record of proceedings.
- **Chapter 2: Environmental Setting and Project Description**—Describes the location and characteristics of the site, Proposed Project overview, project design standards, Proposed Project objectives and benefits, and the required permits and approvals for the Proposed Project.
- **Chapter 3: CEQA Review and Public Participation**—Describes the steps the District has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the Draft and Final EIRs.
- **Chapter 4: No Environmental Effects and Less-Than-Significant Environmental Effects without Mitigation Measures** —Provides a summary of those environmental issue areas where no impacts or insignificant impacts and a finding adopting the Initial Study and EIR’s conclusions of insignificance.

¹ California Environmental Quality Act (CEQA), Public Resources Code (PRC), §§21000 et al. (2011).

² CEQA Guidelines, CCR, Title 14, Division 6, Chapter 3, §§15000 et al. (2011).

- **Chapter 5: Less-Than-Significant Environmental Effects with Mitigation Incorporated—** Provides a summary of potentially significant environmental effects for which implementation of identified feasible mitigation measures would avoid or substantially reduce the environmental effects to less-than-significant levels.
- **Chapter 6: Significant and Unavoidable Environmental Effects—**Provides a summary of significant and unavoidable effects for which there are no known feasible mitigation measures that would avoid or substantially reduce the environmental effects to less-than-significant levels.
- **Chapter 7: Findings Regarding Project Alternatives—**Provides a summary of the alternatives considered for the Proposed Project.
- **Chapter 8: Findings Regarding Changes to the Draft EIR and Recirculation—**Provides a summary of the changes to the Draft EIR in response to public comments received and finding that changes to the Draft EIR did not require recirculation of the Draft EIR for public review.
- **Chapter 9: Statement of Overriding Considerations—**Provides a summary of all of the Proposed Project’s significant unavoidable adverse impacts. In addition, this chapter identifies the Proposed Project’s substantial benefits that outweigh and override the Proposed Project’s significant unavoidable impacts, such that the impacts are considered acceptable.

1.2 STATUTORY REQUIREMENTS

CEQA (PRC §§21081 *et seq.*), and particularly the CEQA Guidelines (Guidelines) (14 Cal. Code Regulations, §§15091 *et seq.*), requires that:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.”

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the Proposed Project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the Proposed Project lies with another agency. (CEQA Guidelines, §15091 (a), (b).)

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the Proposed Project outweigh the significant effects on the environment (see PRC §21081(b)). CEQA Guidelines state in §15093(a) that:

If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

1.3 LOCATION AND CUSTODIAN OF RECORD OF PROCEEDINGS

The documents and other materials that constitute the record of proceedings upon which the SMMUSD project approval is based are located at 1651 16th Street, Santa Monica, CA 90404. The record of proceedings is provided in compliance with PRC §21081.6(a)(2), CEQA Guidelines §15091(e).

CHAPTER 2 Environmental Setting and Project Description

2.1 ENVIRONMENTAL SETTING

2.1.1 Location

The Proposed Project would be located at 30215 Morning View Drive, in the City of Malibu, on the existing MMHS campus. The MMHS campus is located approximately 0.25 mile northeast of both the Pacific Coast Highway and Zuma Beach between Merritt Drive to the west, Via Cabrillo Street to the north and Harvester Road to the east. The Proposed Project site (i.e., the campus) shares the District property with Cabrillo Elementary School to the west and Malibu Equestrian Park to the east. The MMHS campus is set amongst rolling hills and its buildings and athletic fields are terraced into its hillside setting.

2.1.2 Existing Land Uses

The Proposed Project site is located in the Zuma Beach area of the City of Malibu. As previously discussed, the Proposed Project site is comprised of the existing MMHS campus, a 40-acre property shared with Cabrillo Elementary School. The MMHS campus itself covers approximately 30 acres of the overall District property. Presently, the MMHS campus includes forty-three classrooms (including three portable classrooms); a library; an auditorium; administrative offices housed in eleven one- and two-story buildings and three portables; an athletic field; two gymnasiums; and parking for 240 vehicles in two parking lots.

The Proposed 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 with generally ascending slopes to the north and descending slopes to the Pacific Coast Highway to the south. Maximum topographic relief on-site is approximately 90 feet, with elevations ranging from 80 to 170 feet above mean sea level. The natural terrain of the area consists of rolling hills. There is limited natural vegetation on-site consisting primarily of grasses, ivy, brush, shrubs and scattered trees. The City of Malibu's Local Coastal Program (LCP) Environmentally Sensitive Habitat Area (ESHA) Map shows a stream located approximately 400 feet northwest of the campus. The stream consists of an underground pipe that flows under the school property that daylight into a natural streambed to the south of the school property. Drainage from the campus flows overland and along parking lots and driveways in a southerly direction to Morning View Drive, where it collects in existing storm drains. The campus is accessed from Pacific Coast Highway via Morning View Drive from the east or via Guernsey Avenue from the west.

2.1.3 Surrounding Land Uses

Surrounding land uses in the general vicinity of the campus include properties that are zoned Rural Residential (RR). These parcels are primarily developed with large homes on lots that range between one to 2 acres in size. Immediately adjacent to the Proposed Project site to the west is Cabrillo Elementary School, while the Malibu Equestrian Center leases the District-owned property located to the east of the campus. The entirety of the District-owned property, including the elementary school, the campus, and the equestrian center, is zoned for institutional uses. To the south, across Morning View Drive, is the Malibu United Methodist Church and Nursery School. Zuma Beach and the Pacific Coast Highway are located approximately 1,000 feet and 1,500 feet south of the Proposed Project site, respectively.

2.2 PROJECT OVERVIEW

The Proposed Project would include approximately 23.1 acres of the previously developed existing Malibu Middle and High School (MMHS) campus and would not expand the campus footprint. Instead, the Proposed Project would involve the implementation of a partial redevelopment program, which would include a net total of approximately 76,694 square feet (sf) of new construction (mostly replacement, as demolition of 15,041 sf of existing development would occur) and the renovation and/or upgrading of existing facilities and infrastructure. The schematic design space program for MMHS includes one new two-story building for classroom, library and administrative offices uses, outdoor space, rooftop garden and the renovation of the existing Building E. Additionally, a new parking lot would be constructed, existing parking lots would be reconfigured, and a new student drop-off and pick-up area would be placed along Morning View Drive in front of the replacement building and utilized in coordination with the adjacent Cabrillo Elementary School.

Specifically, the components of the Proposed Project include the following:

1. A new security lighted 150-space parking lot to the immediate south of the athletic field with a paved access road
2. Interim Housing during the construction of the Proposed Project, to be removed when work is complete
3. A new Information Technology (I.T.) Room to house the main technology infrastructure
4. A new security lighted ramp and stair with access from new 150-space parking area to the courtyard level of campus
5. Repairs to the existing perimeter fence and additional perimeter fencing to secure the campus
6. Relocated Equestrian Trail adjacent to the new 150-space parking lot
7. Stormwater Management System Upgrades
8. Upgrade on-site wastewater system
9. A new two-story Classroom/Library/Administration Building housing three new science labs, two new computer labs, and four new general classrooms to replace the Administration and Library Buildings
10. Interior renovation of Building E to house ten modernized classrooms and two new classrooms
11. A new Student drop-off and pick-up lane along Morning View Drive fronting the new Classroom/Library/Administration Building

12. Renovated middle school quad area
13. Creation of a new high school quad currently occupied with three relocatables
14. A reconfigured 119-space parking area (Parking Lot A), including an on-site turnabout and safety lighting
15. Reconfiguration of the 58-space parking lot to the south of the Library Building
16. Improvement of the athletic field with synthetic turf
17. Two new unlighted tennis courts
18. Construction of athletic fields' permanent concrete bleachers (permitted by an existing Coastal Development Permit [CDP])
 - Upgrade ventilation in the Competition Gym locker rooms
 - Upgrade technology infrastructure

The main access (entrance) to the Proposed 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 drop-off and pick-up lane would be provided along Morning View in front of the new Classroom/Library/Administration Building, with a dedicated 20-foot-long accessible drop zone. A new 150-space parking lot would be provided next to the athletic field on the eastern edge of the school campus. A new access road, accessed from the lower-level parking lot driveway at Morning View Drive would be created; this would also provide emergency vehicle access to the athletic field from Morning View Drive. The existing parking lot on Morning View Drive (Lower Lot) would be reduced from 84 parking stalls to 61 parking stalls and reconfigured to control traffic with one driveway providing access to staff and visitor parking, and the new 150-space parking lot. Additional student parking would be provided in the existing parking lot on the northwest side of campus (Parking Lot A). Parking Lot A would be reduced from 136 to 119 parking spaces. A vehicle turnaround would also be provided to accommodate cars and buses. The new and reconfigured parking lots would be provided with safety- and security- level illumination that would be programmed to turn off at 10:00 PM during school nights. Overall, with implementation of the Proposed Project the number of parking spaces available on campus would be increased from 255 spaces to 359 spaces.

2.2.1 Project Design Features

Collaborative for High Performance Schools (CHPS) Criteria

The Collaborative for High Performance Schools (CHPS) provides the nation's first green building rating program especially designed for K–12 schools. The CHPS Criteria is a comprehensive system of environmentally responsible benchmarks designed by the CHPS technical committee. A CHPS school is a school that has strived to achieve excellence in environmental efficiency and healthy building practices.

In accordance with Resolution No. 07-07 on Green Building Design & Construction for Proposition “BB” Projects, CHPS standards have been adopted as policy of SMMUSD (SMMUSD 2007). SMMUSD's commitment to environmental sustainability, green building, and design technologies were incorporated into the overall campus design and building construction plans. These include (but are not limited to): building orientation and envelope design, daylighting opportunities for the new building, the use of recycled regional low-carbon impact building materials, and stormwater collection and treatment.

An ongoing sustainability analysis is being performed for the Proposed Project to determine the effectiveness of such measures through the CHPS Rating System. CHPS recommends flexible standards to promote energy efficiency, water efficiency, site planning, materials, and indoor environmental quality. The Proposed Project CHPS Scorecard, as well as a brief discussion about Proposed Project's design with regard to CHPS, can be found in Appendix M (Sustainability Analysis).

2.3 PROJECT OBJECTIVES AND GOALS

The Proposed Project's genesis is a result of the voters' approval of Bond Measure BB in the amount of \$268 million to improve the District's students' health, safety, and classroom instruction. Currently, many of the classrooms and facilities at the MMHS do not meet California Department of Education or District standards, and the overall campus lacks a cohesive and comprehensive plan, with intermingled middle school and high school programs. Further, three classrooms are housed within temporary relocatables. The Proposed Project is intended to upgrade existing systems, bring classrooms and other facilities into compliance with state and District standards, and provide new facilities (library, administration building, computer labs, and classrooms) that would replace outdated, inadequate spaces. The Proposed Project would also provide the campus with a cohesive, coherent, and unified design, presence, and sense of place. The Proposed 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.

The ten Proposed Project objectives are as follows:

1. Replace temporary relocatable classrooms with state-of-the-art permanent classrooms that will foster high quality instruction in a safe and sound environment
2. Remove asbestos from existing buildings
3. Provide in new buildings and update remaining buildings with current fire and life safety systems and technology infrastructure
4. Enhance the overall learning environment at the campus, including integration of sustainable design principles
5. Provide a reconstructed library and administration offices that meet the District's Standards and the school's needs
6. Provide for better identity for the Middle School by restructuring the campus circulation, buildings, and open space
7. Expand the library to include computer services
8. Improve campus circulation, including drop-off and pick-up areas, as well as an increase in parking
9. Provide enhanced student athletic and recreational opportunities
10. Redevelop MMHS to create a memorable campus

2.4 PROJECT APPROVAL REQUIREMENTS

As required by California Environmental Quality Act (CEQA) Guidelines §15124(d) (California 2011), this section provides a list of the agencies that are expected to use the environmental analysis of the

Proposed Project in their decision-making. This section also lists the permits and other approvals required to implement the Proposed Project.

2.4.1 Lead Agency Approval

The SMMUSD is the Lead Agency for the Proposed Project. In order to approve the Proposed Project, the SMMUSD Board of Education (Board) must first certify the Final EIR (FEIR), make formal findings, and adopt a mitigation monitoring and reporting program (MMRP) and statement of overriding considerations (SOC). The Board will consider the information contained in the FEIR in making its decision to approve or deny the Proposed Project, or in directing modifications to the Proposed Project in response to the FEIR's determinations and mitigation measures. The FEIR is intended to disclose to the public the Proposed Project's details, analyses of the Proposed Project's potential environment impacts, and identification of feasible mitigation that will lessen or reduce significant impacts or cumulatively considerable to less-than-significant or less than cumulatively considerable levels.

2.4.2 Other Required Permits and Approvals

A public agency, other than the lead agency, that has discretionary approval power over a part of the project is known as a "Responsible Agency," as defined by CEQA Guidelines §15381 (California 2010). The Responsible Agencies, and their corresponding approvals for the Proposed Project, may include the following:

- State of California
 - > Division of State Architect (Approval of Construction Drawings)
 - > California Department of Fish and Game (CDFG)
- Regional Agencies
 - > Los Angeles RWQCB (issuance of waste discharge requirement; coverage under the Regional on-site wastewater treatment system (OWTS) waste discharge requirements (WDR); coverage under the Construction General National Pollution Discharge Elimination System (NPDES) Permit; coverage Regional Dewatering General WDR)
 - > South Coast Air Quality Management District (SCAQMD) (Rule 1166 VOC Contaminated Soil Mitigation Plan)
- County of Los Angeles
 - > Fire Department (Approval of Site Plan for Emergency Access)—Fire Flow Upgrade
 - > Los Angeles Department of Public Works (Water District 29)
- City of Malibu
 - > Public Works/Engineering (for grading permit and encroachment permit)
 - > Department of City Planning (for Coastal Development Permit)

Additionally, state agencies having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California are known as a "Trustee Agency." The CDFG has been identified as a Trustee Agency for the Proposed Project.

CHAPTER 3 CEQA Review and Public Participation

SMMUSD has complied with the CEQA Guidelines during the preparation of the Draft EIR for the Proposed Project. The Draft EIR, dated July 2011, was prepared following input from the public, responsible agencies, and affected agencies through the Draft EIR scoping process. The “scoping” of the EIR was conducted utilizing several of the tools available under CEQA. In accordance with CEQA Guidelines §15063, a Notice of Preparation (NOP) and Initial Study were prepared and distributed to the State Clearinghouse, responsible agencies, affected agencies, and other interested parties from September 12, 2008 to October 27, 2008. A scoping meeting was held on September 24, 2008. The NOP was posted in the Los Angeles County Clerk’s office for 30 days. Information requested and input provided during the 45-day NOP comment period regarding the scope of the EIR are included in this Draft EIR.

Upon completion of the Draft EIR, the document was distributed directly to numerous agencies, organizations, and interested groups and persons for comment for a 60-day review period for the Draft EIR from July 13, 2011 to September 13, 2011. In all, 16 copies were distributed. During the review period, the Draft EIR was made available to the public at the following locations:

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

Additionally, SMMUSD held a community presentation on the Proposed Project and Draft EIR on July 28, 2011, at the MMHS Library. Notice of the availability of the DEIR and community presentation was included in the Notice of Availability (NOA) of the DEIR distributed on July 12, 2011 to all residential within 500 feet of the MMHS campus, as well any individual, organization, or agency that had attended one of the several community meetings on the Proposed Project and provided their addresses. In all, 256 notices were distributed. Additionally, the NOA was printed in the Malibu Surfside News, posted on the MMHS Campus, the City of Malibu City Hall, the SMMUSD website, and the Los Angeles County Office of the Registrar. A copy of the Draft EIR was available on both the SMMUSD website (www.smmusd.org) and the City of Malibu website (www.malibucity.org).

A Final EIR has been completed and includes written comments received by mail and electronic-mail on the Draft EIR, written responses to the written comments, and changes to the Draft EIR.

CHAPTER 4 No Environmental Effects and Less-Than-Significant Environmental Effects without Mitigation Measures

Based on the Initial Study (IS), Draft EIR and Final EIR (collectively the “EIR”), the referenced documents, responses to comments, and the Record of Proceedings, the Santa Monica-Malibu Unified School District (SMMUSD) Board of Education (Board of Education) finds that the Proposed Project would have no or less than significant environmental effects for some or all of the specific areas associated with the topics identified below.

4.1 AESTHETICS

The Proposed Project site is not located within the viewshed or corridor of a state-designated scenic highway and no recognized scenic resources are located on the Proposed Project site or immediately surrounding area. As such, the Proposed Project would not damage a scenic resource within a state scenic highway, and no impact would occur.

The EIR concluded that implementation of the Proposed Project would not obstruct or degrade a scenic vista, as views of scenic resources would be maintained from public viewing areas, including public roads and trails, though views would be slightly altered as result of proposed development. Compliance with applicable LUP policies and the inclusion of project design features intended to ensure visual compatibility with the surrounding area, the Proposed Project’s impact to scenic vistas is considered less than significant.

As the Proposed Project is the enhancement and upgrade of an existing school and all project components have been designed in compliance with LUP policies that identify specific design requirements, the Proposed Project would be visually compatible with the character of the existing MMHS campus and surrounding area. Although the construction of the proposed parking lot would result in a change to the visual character of the undeveloped ridge on which it would be located, the perimeter of the parking lot would be planted with California Live Oak, which would integrate the parking lot into surrounding landscape. As such, the visual character and quality of the Proposed Project site and surrounding area would not be degraded and a less-than-significant impact would occur.

4.1.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result no impact to Aesthetics relating to scenic resources within a state scenic highway and a less-than-significant impact relating to scenic vistas and visual character and quality.

4.2 AGRICULTURAL RESOURCES

The Proposed Project site is currently developed with the existing MMHS. No agricultural uses are located on, adjacent to, or near the MMHS campus. The Proposed Project site is located in an area that is zoned Rural Residential (RR), designated by the Malibu LCP for Institutional Use, and designated by the Farmland Mapping and Monitoring Program as Urban and Built-Up. The Proposed Project site is not covered by a Williamson Act contract. Accordingly, as disclosed in the Initial Study (IS), the Proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance or farmland to non-agriculture uses and would not conflict with agricultural zoning or a Williamson Act contract, and would not convert, and no impact to agricultural resources would occur.

4.2.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would not result in impacts to Agricultural Resources.

4.3 AIR QUALITY (AQMP, OPERATION, CO HOTSPOTS, AND ODORS)

As disclosed in the IS, Proposed Project would not conflict or obstruct implementation of the applicable Air Quality Attainment Plan, as the Proposed Project would not result in an increase in local/regional growth beyond that contemplated in the current South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP) and would be required to comply with existing rules, requirements, and regulations. As such, the Proposed Project would result in less-than-significant impact to the applicable AQMP.

Operation of the Proposed Project would result in a negligible net increase in criteria pollutant emissions on the MMHS campus, as operational activities on the MMHS campus would be consistent with those existing, the Proposed Project would not increase the number of students, teachers or faculty on campus, and would therefore not result in new vehicle trips. Accordingly, daily maximum operational emissions would not exceed SCAQMD thresholds of significance, and a less-than-significant impact would occur because an air quality standard would not be violated during operation of the Proposed Project.

Additionally, the Proposed Project site would not result in objectionable odors as construction-related odors would be temporary and operational odors would be addressed through proper maintenance and the use of established SMMUSD waste management practices. Accordingly, the Proposed Project would result in less-than-significant impact related to odors.

Based on maximum carbon monoxide (CO) concentrations at the intersection of PCH and Morning View Drive calculated future with Proposed Project conditions in the EIR, CO concentrations at the intersection would not exceed the national or state ambient air quality standards. As intersection operating conditions are expected to be better at other study area intersections under future project conditions and would therefore produce lower CO concentrations than that proposed at the intersection

of PCH and Morning View Drive, implementation of the Proposed Project would not create CO hotspots at local intersections, and a less-than-significant impact would be occur.

4.3.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impacts to Air Quality related to the applicable AQMP and odors and a less-than-significant impact related to operational emissions and CO hotspots.

4.4 BIOLOGICAL RESOURCES (PROTECTED SPECIES AND CONSERVATION PLANS)

The EIR determined based on research and several field surveys that species identified or designated as an endangered, threatened, rare, candidate, protected, sensitive or special-status species in applicable plans, policies, or regulations or by regulatory agencies do not occur nor were they observed during numerous site surveys on the Proposed Project site, and therefore the Proposed Project would have a less-than-significant impact to protected species.

The EIR also concluded that the Proposed Project would not interfere substantially with the movement of native resident or migratory wildlife species, established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, and a less-than-significant impact would occur.

As disclosed in the IS, the Proposed Project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, Environmentally Sensitive Habitat Area (ESHA), or similar plan and does not conflict with the provisions of any local guidelines or plans (Malibu LUP) for environmentally sensitive habitat areas. The Proposed Project site is not located within, or proximate to, any Significant Ecological Area (SEA), Land Trust, or Conservation Plan. Accordingly, the Proposed Project would have no impact on protected species or the movement of native resident or migratory species, and would not conflict with applicable conservation plans.

4.4.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record that the Proposed Project would result in no impacts to Biological Resources relating to protected plant and animal species and conservation plans, and less-than-significant impacts the movement of native resident or migratory species.

4.5 CULTURAL RESOURCES (HISTORICAL)

The MMHS campus does not represent an historic property under Section 106 or CEQA Guidelines because it does not meet the criteria for listing on the CRHR. As such, any physical modifications made to the campus, including demolition of the existing Library and Administration buildings, would not have the potential to impact historical resources, and no impact would occur.

4.6 GEOLOGY/SOILS

Adherence to the recommendations of the Geotechnical Investigation Report prepared for the Proposed Project to meet Title 24 of the California Code of Regulations (CCR), Title 15 of the City of Malibu's Municipal Code, which adopts Title 26 (Building Code) of Los Angeles County Code, and the seismic safety provisions of the most current requirements of the California Building Code (CBC) and the State Architect would ensure that the Proposed Project would have a less-than-significant impact regarding adverse effects of faulting, strong seismic ground shaking, seismic-related ground failure, and landslides.

Adherence to the NPDES permit requirements and preparation of the Storm Water Pollution Prevention Plan (SWPPP) prepared for the Proposed Project, which satisfies the requirements of Section 8.3.J of the City of Malibu's LIP, as well as adherence to the erosion control standards of the most current CBC, would ensure that the Proposed Project would have a less-than-significant impact associated with soil erosion and loss of topsoil.

4.6.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in less-than-significant impacts to Geology and Soils relating to faulting, strong seismic ground shaking, seismic related ground failure, landslides, unstable soils erosion, and loss of top soil.

4.7 HAZARDS/HAZARDOUS MATERIALS

As disclosed in the IS and EIR, because the Proposed Project is not located in an airport land use plan area, the Proposed Project would not result in a safety hazard for people residing or working in the project area and no impact would occur.

Impacts related to the potential for the Proposed Project to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school would be less than significant, as the of hazardous materials and substances used at school facilities would be minimal and in small quantities, and would be subject to federal, State, and local health and safety requirements during both operation and construction of the Proposed Project. For this same reason, the Proposed Project would result in a less-than-significant impact related to the routine use, transport, and disposal of hazardous materials

Although the Proposed Project site is located within 2 miles of a private airstrip; the Anacapa View Estates Heliport, located approximately 1 mile northwest of the Proposed Project site, the Heliport is used for emergency purposes only by the Los Angeles County Fire Department, and as such a less-than-significant impact would occur.

As the Proposed Project does not include any uses or design features that would impair implementation of, or interfere with, an adopted emergency response plan or emergency evacuation plan and would improve emergency access to the Proposed Project site, this impact is considered a less than significant.

Although the Proposed Project is located in a Class IV, or extreme, fire hazard zone, with implementation of proposed fire protection measures and compliance with existing regulations and code requirements, the Proposed Project would not result in a fire hazard for people in the project area and a less-than-significant impact would occur.

The provision of permanent and structural BMPs for water quality treatment purposes as part of the Proposed Project could create aquatic habitat suitable for vector production, which is considered a potential health risk. However, with implementation of design features and inspection conditions identified by Greater Los Angeles County Vector Control District (GLACVCD), this impact would be less than significant.

4.7.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impacts to Hazards and Hazardous Materials relating to airport land use plans, and a less-than-significant impact to Hazards and Hazardous Materials relating to schools within 0.25 mile, emergency response plans or emergency evacuation plans, wildland fires, and vectors.

4.8 HYDROLOGY/WATER QUALITY

Implementation of the Proposed Project would not substantially deplete groundwater levels or interfere with groundwater recharge as the Proposed Project would not result in a substantial increase in water demand because the school's enrollment capacity would not be increased, and includes infiltration measures identified in the Proposed Project's landscape plan and drainage plan that would allow for groundwater recharge. As such, this impact is considered less than significant.

Adherence to applicable water quality laws, policies, and requirements, preparation of an SWPPP with specific minimum BMPs, and compliance with the Regional Dewatering General NPDES Permit would ensure that water quality standards and waste discharge requirements are not violated during construction of the Proposed Project and a less-than-significant impact would occur.

Implementation of the Proposed Project would alter the existing drainage patterns of the site and would potentially increase runoff; however, implementation of the WQMP and Hydrology Report design measure would reduce stormwater runoff from the Proposed Project to existing conditions. Approval of a Stormwater Management Plan prior to issuance of a building plan, as required by the City would ensure that Proposed Project would not result in substantial erosion, siltation or flooding due to the alternation of existing drainage patterns or increase in runoff, and a less-than-significant impact would occur.

According to a 100-year Flood Map of the City of Malibu provided by FEMA, the Proposed Project is not located within a 100-year flood hazard area. Additionally, the Proposed Project site is not located in proximity to any existing levees or within a dam inundation zone. As such, the Proposed Project would not place housing or structure in a 100-year flood hazard zone, nor would it expose people or structures to significant risk associated with flooding, and no impact would occur.

4.8.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impacts to Hydrology and Water Quality relating to flood hazard zones or flooding and less-than-significant impact to Hydrology and Water Quality relating to groundwater, water quality, waste discharge, and drainage patterns.

4.9 LAND USE/PLANNING

The Proposed Project would involve upgrading and enhancing an existing middle school and high school campus, and would therefore not divide an established community, as the MMHS campus is an existing part of established community. The Proposed Project would not conflict with any applicable habitat conservation plan or natural community conservation plan. According no impact would occur related to the division of an established community or conflict with applicable conservation plan. As disclosed in Section 4.8 (Land Use/Planning) of the EIR, the Proposed Project is consistent with the City of Malibu's General Plan, LCP, and LIP. As such, the Proposed Project's impact on land use regulations would be considered less than significant.

4.9.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impacts to Land Use relating to the division of an established community or conflict with applicable conservation plan, and a less-than-significant impact relating to land use regulations.

4.10 MINERAL RESOURCES

The Proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan, as mining recovery activities do not currently occur on the Proposed Project site and current land uses on the Proposed Project site and surrounding area preclude mining. Therefore, no impact to mineral resources would occur with implementation of the Proposed Project.

4.10.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impact to Mineral Resources.

4.11 NOISE

As the Proposed Project is not located within an airport land use plan or within 2 miles of a public airport or public use airport, nor is it located within the vicinity of a private airstrip, implementation of the Proposed Project would not exposure people residing or working in the project area to excessive noise levels, and no impact would occur.

Operation of the Proposed Project would not result in a substantial permanent or temporary increase noises levels in the vicinity of the Proposed Project. Operational noise levels are anticipated to remain consistent with existing conditions because the Proposed Project does not include any components that would generate new noise sources, would not increase human activity on the site, and would not increase traffic volumes on surrounding streets. The proposed athletic field improvements would not increase the level of noise generated nor would it increase the frequency of footballs games. Additionally, according to Section 8.24.060(C) of the Malibu Noise Ordinance, outdoor activities conducted on public school grounds including but not limited to school athletic and school entertainment events are exempt from the provisions of the Noise Ordinance. Therefore, operation of the Proposed Project would not generate permanent or temporary increased noise levels, and a less-than-significant impact would occur.

4.11.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record that the Proposed Project would result in a less-than-significant impact to Noise relating to excessive noise associated with airports or private airstrips and permanent and temporary increases in noise levels.

4.12 POPULATION/HOUSING

The Proposed Project would result in the enhancement of an existing institutional school use intended to serve the existing enrollment. Accordingly, the Proposed Project would not induce population growth nor would it result in the displacement of housing or people necessitating the construction of replacement housing elsewhere. As such, no impact to population and housing would occur.

4.12.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impact to Population and Housing.

4.13 PUBLIC SERVICES

As the Proposed Project involves the enhancement of an existing school use and would not result in additional enrollment capacity at the existing school campus, the Proposed Project would not create additional demand for public services including fire and police protection services, school, libraries, parks, above existing conditions. Additionally, the Proposed Project would provide for upgraded fire and life protection systems in all buildings and improved emergency access. Accordingly, physically altered public service facilities would not be required in order to maintain acceptable service ratios, response times, or other performance objectives for those services, and no impact would occur.

4.13.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impact to Public Services.

4.14 RECREATION

As the Proposed Project would not increase enrollment capacity, and would therefore not induce population growth, implementation of the Proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities, and no impact would occur.

4.14.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impact to Recreation relating to the increased use of existing parks and recreational facilities. The new recreational facilities a part of the Proposed Project would reduce the demand on existing parks and recreational facilities.

4.15 TRANSPORTATION/TRAFFIC

Implementation of the Proposed Project would have no impact on air traffic patterns due to the fact that the Proposed Project site is located more than 2 miles from the nearest airport, the nearest private airstrip is used for emergency purposes only, and the proposed facilities are consistent in height with existing nearby structures.

The Proposed Project would not involve an increase in student enrollment at MMHS, but would result in circulations improvements including the construction of a new 150-space parking lot and associated access road, reconfigured parking lots, and the placement of a new drop-off/pick-up zone on Morning View Drive. These project components would ensure that adequate parking is provided on campus per the City of Malibu Zoning Code and LCP minimum requirements, and improve emergency access to the campus by reducing the number of vehicles parked on Morning View Drive and allowing emergency vehicles to access the athletic field. Additionally, the Proposed Project would be required to comply with applicable regulations and standards and would be subject to review and approval by the Los Angeles County Fire Department to ensure that impacts to emergency access would not occur. Accordingly, no impact to emergency access and a less-than-significant impact to parking would occur as a result of the Proposed Project.

As the Proposed Project does not add any new vehicle trips to surrounding roadways because student enrollment would not be increased, and the provision of the new 150-Space Parking Lot and the Student Drop-Off/Pick-Up lane would reduce vehicle queuing lengths along MVD and PCH, the Proposed Project would not increase traffic on local roadways during operation of the Proposed Project and a less-than-significant impact would occur.

4.15.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in no impact to transportation relating to air traffic patterns, and a less-than-significant impact relating to the emergency access, parking, and increases in traffic.

4.16 UTILITIES/SERVICE SYSTEMS

Implementation of the Proposed Project would potentially generate additional wastewater flows. However, the installation of new facilities and a new wastewater septic tank connected to existing seepage pits designed to meet the waste discharge limits identified by the Los Angeles Regional Water Quality Control Board (LARWQCB) as part of the Proposed Project would ensure that no additional wastewater treatment facilities are needed to serve the Proposed Project and wastewater generated would not exceed wastewater treatment requirements of the LARWQCB. Accordingly, a less-than-significant impact would occur.

The Proposed Project would potentially increase runoff due to the net increase in impervious surface area on the MMHS campus. However, installation of new storm drain structures to control and contain stormwater runoff coupled with compliance with applicable requirements to retain incremental flows would ensure that no additional stormwater drainage facilities or expansion of existing facilities would be required as a result of the Proposed Project, and a less-than-significant impact would occur.

Implementation of the Proposed Project would generate additional demand for water associated with the increase in the amount of landscaped areas on the MMHS campus that require irrigation. However, this increase in water demand would be offset by the installation of artificial turf on the athletic field, an automatic master controlled irrigation system, and stormwater capture systems that would allow for water reuse. Additionally, the Proposed Project would comply with local, regional, and state water conservation policies and would follow standard BMPs to reduce water consumption. As such, sufficient water supplies are available to serve the Proposed Project site from existing entitlements and resources, and a less-than-significant impact would occur.

No impact to the wastewater treatment facility serving the Proposed Project site would occur as the Proposed Project site is served by an on-site septic system. No impact would occur related to solid waste disposal as the landfill that serves the Proposed Project site has sufficient permitted capacity to accommodate the Proposed Project's solid waste disposal needs and the Proposed Project is not expected to result in a substantial increase in the amount of solid waste generated at the Proposed Project site as compared to the existing conditions.

As, the Proposed Project would comply with local, regional, and state solid waste diversion, reduction, and recycling mandates, including compliance with the SMMUSD policies during construction and operation, this is considered to be less than significant.

4.16.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in less-than-significant impacts to Utilities and Service Systems.

4.17 GREENHOUSE GAS EMISSIONS

The Proposed Project would comply with all feasible and applicable measures as well as City of Malibu's policies and ordinances and existing federal and state programs intended to reduce greenhouse gas emissions during construction and operation. Incorporation of these measures as project design features and compliance with all other applicable polices, ordinances and programs would reduce GHG emissions compared to business as usual (BAU) and would ensure that the Proposed Project would not conflict with a plan, policy, or regulation aimed at reducing climate change emissions,. Accordingly, a less-than-significant impact to Greenhouse Gases would occur as result of the Proposed Project as the Proposed Project would not generate greenhouse as emission that would have a significant impact on the environment and would not conflict with a plan, policy, or regulation aimed at reducing climate change emissions.

4.17.1 Findings

The Board of Education finds, based on the EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in less-than-significant impacts related to Greenhouse Gas Emissions.

4.18 IRREVERSIBLE ENVIRONMENTAL CHANGES

The EIR determined that the Proposed Project would commit future generations to similar uses; however this use does not represent a change in commitment from the existing and previously planned uses for the site as the Proposed Project is the enhancement and upgrading of an existing school, and the uses are consistent with the SMMUSD's long-term planning process. Additionally, nonrenewable resources including energy (electricity and natural gas), water, and fossil fuels would be permanently and continually consumed by Proposed Project implementation. However, in compliance with applicable regulatory requirements, the Proposed Project has been designed to conserve and recycle energy and water resources to the maximum extent feasible. Further, as the Proposed Project would not result in an increase in enrollment capacity, the use of fuel resulting from Proposed Project-related travel to and from the Proposed Project would be the same as under current conditions. As such, irreversible environmental changes resulting from the Proposed Project are considered to have less-than-significant impacts.

4.18.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in less-than-significant impacts related to Irreversible Environmental Changes.

4.19 GROWTH-INDUCING IMPACTS

The Proposed Project is the enhancement and upgrading of an existing school campus in a developed community, and would not result in increased enrollment capacity at the school nor would it expand the size of the existing campus. All improvements are intended to serve the existing school and the

surrounding community and do not include any components that would remove an impediment of growth. Employment opportunities created by construction of the Proposed Project would be temporary. As such, a less-than-significant impact would occur as implementation of the Proposed Project would not be growth inducing because it would not remove an impediment to growth, implement a precedent setting action, urbanize land in a remote location, or result in economic expansion or growth

4.19.1 Findings

The Board of Education finds, based on the IS, EIR, all referenced documents, responses to comments, and the whole of the record, that the Proposed Project would result in a less-than-significant impact related to Growth-Inducing Impacts.

CHAPTER 5 Less-Than-Significant Environmental Effects with Mitigation Incorporated

The Final EIR determined that the Proposed Project 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 some or all of the environmental effects in those areas. Based on the information and analysis set forth in the Final EIR, the Proposed Project impacts would be less than significant with implementation of the identified mitigation measures.

5.1 AESTHETICS (SPILL LIGHT, OBTRUSIVE LIGHT, AND GLARE)

Under the Proposed Project, operation of the proposed 150-Space Parking Lot and access road lighting, and lighting along the new pedestrian pathways, as well as exterior/security lighting could result in spill lighting onto adjacent sensitive receptors, result in obtrusive light, and/or nighttime glare.

5.1.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant impacts related to Aesthetics regarding spill light, obtrusive light, and glare to less-than-significant levels.

- 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.*
- 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.*
- 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:*
- *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 Project Site shall provide notice to the community by posting such notice on the campus website and the school message board and marquee:*

- *When school is not in session (such as summer and winter break, and weekends) “night lighting” shall not be permitted, and only required security lighting shall be illuminated.*

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.*

5.1.2 Rationale/Explanation

With implementation of mitigation measures MM4.1-1 and MM4.1-2, which would ensure that light sources are shielded and directed downwards and away from light-sensitive receptors, and mitigation measure MM4.1-3, which would ensure that night lighting not required for security is restricted to 10:00 PM on school nights and would not be operated when school is not in session, potential impacts associated with spill light, obtrusive light, and/or glare created by new sources of nighttime lighting on the campus would be reduced to a less-than-significant level. The use of nonreflective textured surfaces on building exteriors, as required by mitigation measure MM4.1-4 would ensure that potential impacts associated with daytime glare would be less than significant.

5.2 AIR QUALITY (CONSTRUCTION EMISSIONS)

Construction of the Proposed Project would generate emissions of air pollutants (PM₁₀) that exceed South Coast Air Quality Management (SCAQMD) thresholds.

5.2.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant Air Quality impacts related to the violation of an air quality standard during construction of the Proposed Project.

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.*

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.*

MM4.2-3 *The District will require by contract specifications that the contractor shall water all disturbed surfaces throughout the construction period, but no less than twice daily.*

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.*

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.*

- 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 Project site.*
- 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 Project site during grading activities.*
- 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.*
- 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.*
- 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 project site and enter onto paved roads.*
- MM4.2-11 *The District will require by contract specifications that all trucks hauling dirt, sand, soil or other loose materials are covered.*
- 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 non-toxic soil stabilizers in accordance with manufactures direction.*
- 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.*
- MM4.2-14 *The District shall require by contract specifications that streets adjacent to the project 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.*
- 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.*
- 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 PM₁₀ generation.*

5.2.2 Rationale/Explanation

With 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.

5.3 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 and the operation of the associated nighttime lighting, as well as the replacement of an existing building, the

construction of the new commons and the removal of on-site 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 ESHA identified on the City of Malibu's LCP 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 ESHA stream identified in the City of Malibu's LCP and regulated by USACE. 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 City of Malibu's tree protection regulations due to the disturbance or loss of California native trees located on the Proposed Project site protected under the City's of Malibu LIP.

5.3.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant Biological Resource impacts related to habitat, wetlands, and local policies or ordinances protecting biological resources:

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:

- *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:*
 - > *Installation of motion-sensitive lighting*
 - > *Reprogramming timers*

> Use of lower-intensity lighting

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.*

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 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).*
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.*
3. *Completion of the nesting cycle (to determine when construction near the nest can commence) shall be determined by the biologist.*

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 Costal Development Permit (CDP) application.*

- *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 off-site mitigation through the Santa Monica Mountains Conservancy program in-lieu-fee program at \$175,000 per acre or current cost.*

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):*

- *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 throughout the wet season shall be protected to prevent erosion.*
- *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.*

MM4.3-5

Project Construction Native Tree Measures.

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.*

MM4.3-6

Native Tree Replacement.

1. *As part of the Proposed Project, the SMMUSD will plant 140 native trees.*
2. *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.

3. *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.*
4. *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:*
 - a. *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 area where there is suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area; or*
 - 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.*
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.*
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.*

5.3.2 Rationale/Explanation

Implementation of mitigation measures MM4.3-1 and MM4.1-3 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 created by the 150-space parking lot at night.

Implementation of mitigation measure MM4.3-2 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 and as a condition of the Proposed Project's Coastal Development Permit application SMMUSD will purchase 1.65 acres of coastal sage scrub coastal sage scrub of off-site 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 the wetlands through avoidance of impacts and implementing construction BMPs to reduce and/or prevent impacts to the wetlands. As such, potential adverse effects to the wetlands area would be mitigated to a less-than-significant level.

With implementation of mitigation measure MM4.3-5, which would protect native trees through avoidance of impacts, and MM4.3-6, which would ensure that replacement trees are protected by the City of Malibu's regulations, the Proposed Project would be consistent with the City of Malibu's LUP 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.

5.4 CULTURAL RESOURCES (ARCHEOLOGICAL, PALEONTOLOGICAL, AND HUMAN REMAINS)

Construction of the Proposed Project could adversely impact cultural resources that could be present on the Proposed Project site, as the Proposed Project site is located in is located in an area that is known for archeological resources and in a high paleontological sensitivity rating area. Additionally, previously undiscovered human remains may also be present within the Proposed Project site.

5.4.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant Cultural Resource impacts related to archeological and paleontological resources, and human remains:

- MM4.4-1 If evidence of an archaeological site or other suspected historic resource as defined by CEQA Guideline §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.*
- 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 §5097. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendent (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.*

5.4.2 Rationale/Explanation

In the event that potentially important cultural or paleontological 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, which requires the scientific recovery and evaluation of any cultural resources that could be encountered and compliance with the City’s 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 CHSC would be implemented as well as mitigation measure MM4.4-2, 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.

5.5 GEOLOGY/SOILS

The potential exists the Proposed Project would be constructed on a geologic unit or soil that is unstable or that would become unable as a result of the Proposed Project, and potentially result in on- or off-site 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.

5.5.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant Geology and Soils impacts related to unstable geologic units or soils, expansive soils, and septic systems:

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):

General Grading Recommendations

Clayey soils should be over excavated as necessary to permit the lacing of at least 2 feet of relatively non-expansive soils beneath concrete slabs and walks.

Shallow bedrock should be over excavated below footing elevations to establish at least 3 feet of engineered fill below footing bottoms.

The entire footprint of the proposed new Classroom/Library/Administration Building and 5 feet beyond should be over excavated and replaced as engineered fill.

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.

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.

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.

Temporary Excavations

All temporary excavations should be performed in accordance with project plans, specifications and all California Occupational Safety and Health Administration (CalOSHA) requirements.

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 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.

The sides of excavations should be shored or sloped according to CalOSHA requirements.

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.

Pipe Bedding

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 top 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.

Trench Backfill

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.

Foundations

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.

Minimum Embedment and Width

Footings for the proposed structures should have a minimum embedment of 24 inches and have a minimum width of 24 inches.

Bearing Value

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.

Settlement

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.

Lateral Resistance

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.

Modulus of Subgrade Reaction

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 cubic inch. The K values presented herein incorporate consolidation settlement and foundation size effects.

Seismic Design Parameters

The following values should be used for the seismic design method based on the site-specific method of the 2007 California Building Code.

Site-Specific Seismic Design Parameters	
S _{Ms}	2.112
S _{M1}	1.584
S _{Ds}	1.408
S _{D1}	1.056

Slabs-on-Grade

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

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.

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.

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.

Lateral Earth Pressures

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.

Condition	Equivalent Fluid Unit Weight with Granular Backfill (psf/ft.)	
	Level Backfill, Static Condition	Level Backfill, Seismic Increment
Active	35	18
At-Rest	55	20
Passive	300	—
Coefficient of Friction	0.35	—

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.

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.

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.

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 CalOSHA 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.

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.

Pavement Design

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.

Base Course

The base course for both asphalt concrete and Portland Cement Concrete paving should meet the 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.

Asphalt Concrete

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:

Traffic Index	Asphalt Concrete (inches)	Base Course (inches)
4	3	6
5	3	8
6	4	10
7	4	14

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.

Traffic Index	Asphalt Concrete (inches)	Base Course (inches)
4	3	4
5	3	4
6	4	6
7	4	8

Careful inspection is recommended to verify that the recommended thicknesses or greater are achieved, and that proper construction procedures are followed.

Portland Cement Concrete Paving

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.

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.

Additional Geotechnical Services

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.

Geotechnical observation and testing should be provided during the following activities:

- 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
- 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

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.

Percolation/Infiltration Testing

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.

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:*

- *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.*

Prior to receiving a grading permit, the SMMUSD shall

- *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.*

5.5.2 Rationale/Explanation

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 of Malibu Building Code, the Los Angeles County Building, 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 SMMUSD to obtain approval of coverage under the Regional OWTS WDR 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.

5.6 HAZARDS/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 create a significant hazard.

5.6.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant Hazards and Hazardous Materials impacts related to the release of hazardous materials and hazards to the public:

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.

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.

5.6.2 Rationale/Explanation

The removal of contaminated soils on the Proposed Project site as part of the Malibu Middle and High School Removal Action Workplan 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 SMMUSD 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 SMMUSD school safety plan, and implementation of mitigation measure MM4.6-2 would ensure that the impact would remain less than significant.

5.7 HYDROLOGY/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 on-site wastewater treatment system (OWTS) systems areas, potentially resulting in significant effects of the OWTS on violation of waste discharge requirements (WDRs) and water quality standards at the new discharge location, compared to existing conditions.

5.7.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant Hydrology and Water Quality impacts related to water quality standards and waste discharge requirements:

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:*

- *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.*

Prior to receiving a grading permit, the SMMUSD shall

- *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.*

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.

5.7.2 Rationale/Explanation

Implementation of the 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 LARWQCB's anticipated WDR for the MMHS site and reduce this impact to a less-than-significant level.

5.8 NOISE

Construction of the Proposed Project would generate noise levels higher than the established exterior noise limits for the city at both on-site and off-site sensitive receptor locations. However, construction noise can exceed those noise limits so long as it occurs between the hours of 7:00 AM and 7:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturday, according to MMC Section 8.24.050. Further, construction-related noise is intermittent in nature and would not generate continuous noise levels above the Municipal Code 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 groundborne vibration associated with construction activities.

5.8.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant Noise impacts related to construction and operation:

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 on-site 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.

- MM4.9-2 *All construction equipment shall be in proper operating condition and fitted with the best available factory noise attenuation features.*
- MM4.9-3 *Sound blankets shall be used on construction equipment where technically feasible.*
- 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.*
- MM4.9-5 *Temporary and continuous plywood sound walls of double 3/4-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.*
- MM4.9-6 *Sound blankets (fabric or foam) on sound walls, fences, or building exteriors will be used when required.*
- 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.*
- MM4.9-8 *Scheduling of interior high noise construction activities during off school hours will take place, as necessary.*
- MM4.9-9 *Stagger high noise construction activities from one another.*
- MM4.9-10 *Active noise-cancelling systems will be used, when required.*
- 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.*
- MM4.9-12 *Upgrade the seals of off-site sensitive receptor's windows and/or doors, if required.*
- MM4.9-13 *Noise-generating mechanical equipment shall not be located on the side of any building that 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.*

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.*

5.8.2 Rationale/Explanation

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 the Noise Control Ordinance of the City of Malibu, Section 8.24.050(g), 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 SMMUSD 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 groundborne vibration and groundborne 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 groundborne vibration or groundborne noise levels, and a less-than-significant impact would occur.

5.9 TRANSPORTATION/TRAFFIC

Construction of the Proposed Project would result in significant short-term impacts to 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 off-site location as a result of the duration of hauling. Further, construction of the Proposed Project could result in unsafe pedestrian conditions.

During construction of the Proposed Project, available on-site parking would be inadequate per the City of Malibu Zoning Code and/or LCP minimum requirements to serve construction workers.

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 on-site parking, and does not add any new trips, mitigation is required to reduce potential safety impacts.

5.9.1 Findings

The Board of Education 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. Specifically, the Board finds that the following mitigation measures shall be implemented to reduce potentially significant Traffic impacts related to construction and pedestrian safety to less-than-significant levels:

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-up traffic flow that includes the following elements:

- *Restrict construction activities resulting in lane closures: Construction activities that would result in potential lane closures along Morning View Drive, including, but not limited to reconstruction of the student drop-off/pick-up area and sidewalks along Morning View Drive, shall be 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 Project contractor shall post no parking signs along all impacted sections of MVD when on street parking would negatively affect the operations of MVD.*

MM4.11-2 In order to eliminate any impacts to the local traffic in and around the Proposed Project site, all construction related truck traffic, including, but not limited to, those utilized for exporting soil material and vendor deliveries, shall be prohibited 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.

- MM4.11-3 *SMMUSD shall require that construction workers park in the designated staging 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.*
- MM4.11-4 *SMMUSD shall work with the Los Angeles County Sheriff's Department to increase traffic enforcement near the school during drop-off and pick-up times.*
- *The District shall work with the Los Angeles County Sheriff's Department officers to enforce and maintain an orderly flow of traffic along MVD during the drop-off/pick-up times.*
 - *The District shall post crossing guards at all crosswalks along MVD during the student drop-off and pick-up hours, including the driveway at Intersection 5 (MVD/MMHS Driveway Access to Parking Lot A).*
- 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 EIR.*

5.9.2 Rationale/Explanation

In order to reduce construction related traffic impacts to a less-than-significant level, mitigation measures MM4.11-1 and MM4.11-2 would be implemented. Mitigation measure MM4.11-1 requires SMMUSD will work with the City of Malibu 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 MVD during the peak drop-off/pick-up hours, which would potentially result in increase 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 SMMUSD to provide off-street parking for construction workers, would reduce impacts associated with in adequate 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 SMMUSD 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.

CHAPTER 6 Significant and Unavoidable Environmental Effects

The Final EIR determined that the Proposed Project has potentially significant environmental effects that cannot be feasibly mitigated to less-than-significant levels, and such impacts would be significant and unavoidable.

6.1 AESTHETICS (SKY GLOW)

The DEIR 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, and pedestrian path required by SMMUSD Design Guidelines and the City of Malibu's LIP for navigation, safety, and pedestrian way finding 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. Proposed landscaping, which would grow to heights greater than the proposed light poles, would help to reduce the amount of light contributing sky glow and from adversely affecting nearby residents; however, sky glow would still occur.

6.1.1 Findings

The Board of Education finds that specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. The following mitigation measure shall be implemented to reduce potentially significant impacts related to sky glow, but will not eliminate their significant and unavoidable impacts. Therefore, the Board finds that there are no other feasible mitigation measures that would further lessen the impact; thus, the impact is unavoidable. The Board also finds that specific economic, social, or other considerations make infeasible additional mitigation. However, pursuant to PRC §21081(a)(3), as described in the Statement of Overriding Considerations, the Board has determined that this impact is acceptable based on specific overriding considerations found herein in Chapter 10 below.

- 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.*
- 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.*
- 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:*
- *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 Project Site shall provide notice to the community by posting such notice on the campus website and the school message board and marquee:*
- *When school is not in session (such as summer and winter break, and weekends) “night lighting” shall not be permitted, and only required security lighting shall be illuminated.*

6.1.2 Rationale/Explanation

Implementation of mitigation measures MM4.1-1 and MM4.1-2, which require lighting to be directed downward and shielded, would reduce the potential for spill lighting outside of parking lots and the access road and ensure that lighting is not direct to the sky. However, these mitigation measures would not eliminate the proposed outdoor lighting’s contribution to sky glow. Implementation of mitigation measure MM4.1-3 would ensure that night lighting not required for security is restricted to 10:00 PM on school nights with a few exceptions, and would not be operated when school is not in session. By restricting the number of nighttime hours that the MMHS campus may be illuminated, the potential contribution of the Proposed Project to existing sky glow in the area is reduced. However, between the hours of dusk and 10:00 PM on evenings when school is in session, the proposed outdoor lighting’s contribution to sky glow would be considered a significant and unavoidable impact. No additional feasible mitigation is available to reduce this impact to a less-than-significant level due to the existing below average night time lighting conditions in the surrounding area.

6.2 AIR QUALITY (SENSITIVE RECEPTORS)

During construction of the Proposed Project, on-site sensitive receptors, which include students, teachers, and faculty on the MMHS campus, would be exposed to localized emissions of PM₁₀ and PM_{2.5} and the nearest off-site residential receptor would be exposed to localized emissions of PM₁₀ that exceed the South Coast Air Quality Management District (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.

6.2.1 Findings

The Board of Education finds that specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. The following mitigation measures shall be implemented to reduce potentially significant impacts related to the exposure of sensitive receptors to substantial pollutant concentrations during project construction but will not eliminate their significant and unavoidable impacts. Therefore, the Board finds that there are no other feasible mitigation measures that would further lessen the impact; thus, the impact is unavoidable. The Board finds that specific economic, social, or other considerations make infeasible additional mitigation.

However, pursuant to PRC §21081(a)(3), as described in the Statement of Overriding Considerations, the Board has determined that this impact is acceptable based on specific overriding considerations found herein in Chapter 10 below.

- 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.*
- 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.*
- MM4.2-3 *The District will require by contract specifications that the contractor shall water all disturbed surfaces throughout the construction period, but no less than twice daily.*
- 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.*
- 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.*
- 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 Project site.*
- 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 Project site during grading activities.*
- 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.*
- 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.*
- 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 project site and enter onto paved roads.*
- MM4.2-11 *The District will require by contract specifications that all trucks hauling dirt, sand, soil or other loose materials are covered.*
- 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 non-toxic soil stabilizers in accordance with manufactures direction.*
- 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.*
- MM4.2-14 *The District shall require by contract specifications that streets adjacent to the project 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.*

- 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.*
- MM4.2-16 *The District shall appoint a construction relations officer to act as community liaison concerning on-site construction activity including resolution of issues related to PM₁₀ generation.*

6.2.2 Rationale/Explanation

Mitigation measures MM4.2-1 through MM4.2-9 would reduce PM₁₀ and PM_{2.5} emissions during construction of the Proposed Project, but not to levels below the established thresholds and no other feasible mitigation measure is available to reduce this impact. As such, the Proposed Project would expose on-site 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.

CHAPTER 7 Findings Regarding Project Alternatives

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible and, therefore, merit in-depth consideration, and which are infeasible. To identify reasonable alternatives to the Proposed Project, the SMMUSD considered the objectives of the Proposed Project, those alternatives that are feasible to accomplish, and those alternatives that could reduce one or more of the significant impacts of the Proposed Project. The EIR discussed several alternatives to the Proposed Project in order to present a reasonable range of alternatives. Alternatives analyzed in the Chapter 6 of the EIR include:

- No Project/No Development
- No Project/Reasonably Foreseeable Development
- Retrofit Building E and Administrative Buildings, with Athletic Field Improvements

7.1 ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

Consistent with CEQA Guidelines §15126.6(e)(1), this alternative assumes that no development would occur on the Proposed Project site in the foreseeable future. This No Project analysis must discuss the existing condition, as well as what would be reasonably expected to occur in the foreseeable future if the Proposed Project were not to be approved based on current plans, site zoning, and consistent with available infrastructure and community services. Since the Proposed Project is a development project, the CEQA Guidelines are directly applicable.

If the project is a development project on an identifiable property, the “no project” alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects, which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this “no project” consequence should be discussed. In certain instances, the “no project” alternative means “no build” wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.

7.1.1 Environmental Effects

The No Project Alternative would result in the continuation of existing conditions at the Proposed Project site. Compared to the Proposed Project, the No Project Alternative is superior in the areas of aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology

and water quality, land use and planning, noise, traffic, and utilities and service systems. Therefore, the No Project Alternative is considered to be environmentally superior to the Proposed Project.

7.1.2 Findings

While the No Project/No Development Alternative would not result in any significant environmental impacts, the Board of Education finds this alternative infeasible and less desirable than the Proposed Project and rejected it because it would not achieve the following Proposed Project objectives:

1. Replace temporary relocatable classrooms with state-of-the-art permanent classrooms that will foster high quality instruction in a safe and sound environment
2. Remove asbestos from existing buildings
3. Provide in new buildings and update remaining buildings with current fire and life safety systems and technology infrastructure
4. Enhance the overall learning environment at the campus, including integration of sustainable design principles
5. Provide a reconstructed library and administration offices that meet the District's Standards and the school's needs
6. Provide for better identity for the Middle School by restructuring the campus circulation, buildings, and open space
7. Expand the library to include computer services
8. Improve campus circulation, including drop-off and pick-up areas, as well as an increase in parking
9. Provide enhanced student athletic and recreational opportunities
10. Redevelop MMHS to create a memorable campus

7.2 ALTERNATIVE 2: NO PROJECT/REASONABLY FORESEEABLE DEVELOPMENT ALTERNATIVE

This alternative assumes that improvements that have been previously approved, i.e., the athletic field improvements approved in the 1999 Coastal Development Permit, would be implemented. Off-site circulation improvements could also occur, at the City's discretion. No on-site circulation or other improvements would be implemented, however. No new environmental effects would result from the selection of this alternative. The previously approved athletic field improvements have been subject to prior environmental clearance. Any off-site circulation improvements advanced by the City would be subject to appropriate environmental analysis independent of this Proposed Project. Therefore, no adverse environmental impacts directly or cumulatively associated with the Proposed Project would occur under the No Project/Reasonably Foreseeable Development Alternative.

7.2.1 Environmental Effects

Compared to the Proposed Project, the No Project/Reasonably Foreseeable Development Alternative is superior in the areas of aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, traffic, and utilities and service systems. Therefore, the No Project/Reasonably Foreseeable Development Alternative is

considered to be environmentally superior to the Proposed Project, but none of the Project Objectives would be met.

7.2.2 Findings

While the No Project/Reasonably Foreseeable Alternative would not result in any significant environmental impacts, the Board of Education finds this alternative infeasible and less desirable than the Proposed Project and rejected it because it would not achieve the following Proposed Project objectives:

1. Replace temporary relocatable classrooms with state-of-the-art permanent classrooms that will foster high quality instruction in a safe and sound environment
2. Remove asbestos from existing buildings
3. Provide in new buildings and update remaining buildings with current fire and life safety systems and technology infrastructure
4. Enhance the overall learning environment at the campus, including integration of sustainable design principles
5. Provide a reconstructed library and administration offices that meet the District's Standards and the school's needs
6. Provide for better identity for the Middle School by restructuring the campus circulation, buildings, and open space
7. Expand the library to include computer services
8. Improve campus circulation, including drop-off and pick-up areas, as well as an increase in parking
9. Provide enhanced student athletic and recreational opportunities
10. Redevelop MMHS to create a memorable campus

7.3 ALTERNATIVE 3: RETROFIT BUILDING E AND ADMINISTRATIVE BUILDINGS, WITH ATHLETIC FIELD IMPROVEMENTS

This alternative assumes that no new construction would occur at the Proposed Project site. Both Building E and the existing Library and Administrative Buildings would undergo a complete interior remodel and modernization, including retrofit with upgraded lighting and ventilation, and electrical, plumbing, and technology infrastructure. The interior renovations would also include seismic safety upgrades for current Building Code compliance. Planned improvements to the athletic field and circulation improvements would be implemented. This alternative would include all mitigation measures and applicable design features identified for the Proposed Project.

7.3.1 Environmental Effects

Overall, operational impacts identified for the Proposed Project would also apply to Alternative 3 as the school's enrollment capacity would remain unchanged, improvements and upgrades would still occur, and circulation improvements analyzed for the Proposed Project, including the new parking lot would be constructed. Accordingly, the significant and unavoidable impact identified for the Proposed Project as a result of the parking lot lighting's construction to sky glow, would also occur under Alternative 3.

As Alternative 3 would not result in new building construction, construction related impacts related to air quality, noise, and traffic would be reduced. However, the significance finding would not be reduced compared to the Proposed Project, as all construction related impacts were determined to be less than significant with the exception of the significant and avoidable air quality impact that would occur during construction of the proposed parking lot. Because Alternative 3 includes the new parking lot, on-site and adjacent residential sensitive receptors would be exposed to concentration levels of PM_{10} and $PM_{2.5}$ during construction and a significant and unavoidable impact would occur, consistent with the Proposed Project.

7.3.2 Findings

Alternative 3 would reduce construction related impacts, but would not change significance findings made for the Proposed Project including the two significant and unavoidable impacts related to sky glow and the exposure of sensitive receptors to substantial pollutant concentrations during construction. As such, the Board of Education finds this alternative infeasible and less desirable than the Proposed Project and rejected it because it would not achieve the following Proposed Project objectives:

1. Replace temporary relocatable classrooms with state-of-the-art permanent classrooms that will foster high quality instruction in a safe and sound environment
2. Remove asbestos from existing buildings
6. Provide for better identity for the Middle School by restructuring the campus circulation, buildings, and open space

CHAPTER 8 Findings Regarding Changes to the Draft EIR and Recirculation

8.1 CHANGES TO DRAFT EIR

In response to comments from the public and other public agencies, the Proposed Project has incorporated changes subsequent to publication of the Draft EIR. In addition, mitigation measures proposed in the Draft EIR were incorporated into the Final EIR. Finally, the Final EIR includes corrections to the Draft EIR. These changes are set forth in Chapter 9 of the Final EIR.

8.1.1 Findings

Pursuant to CEQA, on the basis of the review and consideration of the Final EIR, the Board of Education finds:

1. None of the comments raise any significant new information that would have to be added to the DEIR.
2. Factual corrections and minor changes set forth as addition and corrections to the Draft EIR have been made that merely clarify, amplify, and/or make insignificant modifications to the information provided in the DEIR.
3. These factual corrections and minor changes to the Draft EIR are not substantial changes that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Proposed Project, a feasible way to mitigate or avoid such an effect, or a feasible project alternative.
4. These factual corrections and minor changes to the Draft EIR will not result in new significant environmental effects or substantially increase the severity of the previously identified significant effects disclosed in the Draft EIR.
5. These factual corrections and minor changes in the Draft EIR will not involve mitigation measures or alternatives that are considerably different from those analyzed in the Draft EIR that would substantially reduce one or more significant effect on the environment.
6. These factual corrections and minor changes to the Draft EIR do not render the Draft EIR so fundamentally inadequate and conclusory in nature that meaningful public review and comment would be precluded.
7. Additional studies that are added to the DEIR do not reveal any new potentially significant environmental impacts or exacerbate the unavoidable significant environmental impacts previously disclosed in the DEIR.

Thus, none of the conditions set forth in CEQA requiring recirculation of a Draft EIR have been met. Incorporation of the factual corrections and minor changes to the Draft EIR into the Final EIR does not require the Final EIR be circulated for public comment.

CHAPTER 9 Statement of Overriding Considerations

Pursuant to CEQA §21081(b) and CEQA Guidelines §15093, the Board of Education has balanced the benefits of the proposed Malibu Middle and High School Campus Improvement Project (Proposed Project) against the following unavoidable adverse impacts associated with the Proposed Project and has adopted all feasible mitigation measures. The Board of Education has also examined alternatives to the Proposed Project, none of which meets both the Proposed Project objectives and is environmentally preferable to the Proposed Project.

9.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Based on the information and analysis set forth in the IS, EIR, and the record of proceedings, implementation of the Proposed Project would result in significant impacts related to sky glow and the exposure of sensitive receptors to substantial pollutant concentrations during project construction.

9.2 AESTHETICS (SKY GLOW)

The DEIR 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, and pedestrian path required by SMMUSD Design Guidelines and the City of Malibu's LIP for navigation, safety, and pedestrian way finding 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. Proposed landscaping, which would grow to heights greater than the proposed light poles, would help to reduce the amount of light contributing sky glow and from adversely affecting nearby residents; however, sky glow would still occur.

Implementation of mitigation measures MM4.1-1 and MM4.1-2, which require lighting to be directed downward and shielded, would reduce the potential for spill lighting outside of parking lots and the access road and ensure that lighting is not direct to the sky. However, these mitigation measures would not reduce the proposed outdoor lighting's contribution to sky glow below a significant level. Implementation of mitigation measure MM4.1-3 would ensure that night lighting not required for security is restricted to 10:00 PM on school nights with a few exceptions, and would not be operated when school is not in session. By restricting the number of nighttime hours that the MMHS campus may be illuminated, the potential contribution of the Proposed Project to existing sky glow in the area is reduced. However, between the hours of dusk and 10:00 PM on evenings when school is in session, the proposed outdoor lighting's contribution to sky glow would be considered a significant and unavoidable impact. No additional feasible mitigation is available to reduce this impact to a less-than-significant level due to the existing below average night time lighting conditions in the surrounding area.

9.3 AIR QUALITY (SENSITIVE RECEPTORS)

During construction of the Proposed Project, on-site 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 off-site residential receptor would be exposed to localized emissions of PM_{10} that exceed the South Coast Air Quality Management District (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. Mitigation measures MM4.2-1 through MM4.2-9 would reduce PM_{10} and $PM_{2.5}$ emissions, but not to levels below the established thresholds and no other feasible mitigation measure is available to reduce this impact. As such, the Proposed Project would expose on-site 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.

9.4 PROJECT BENEFITS

The SMMUSD has balanced the Proposed Project's benefits against the Proposed Project's significant and unavoidable air quality and aesthetics impacts. The Board of Education finds that the Proposed Project's benefits outweigh the Proposed Project's significant unavoidable impacts, and those impacts, therefore, are considered acceptable in light of the Proposed Project's benefits. The Board of Education finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the Proposed Project notwithstanding the Proposed Project's significant unavoidable impacts. Provision of the needed educational facilities would provide the following public benefits:

- Improve traffic flow and pedestrian safety on Morning View Drive and other nearby roadways during drop-off and pick-up at MMHS and the adjacent Cabrillo Elementary School
- Provides MMHS students with state-of-the-art, efficient educational facilities promised under Measure BB that will maximize the students' learning potential
- Provides the MMHS students and community with additional recreational facilities in a city with few playfields.
- Improves emergency access conditions on the MMHS campus and surrounding neighborhood
- Implements energy and water conservation measures that achieve District, Local, and State reduction goals

9.5 CONCLUSION

The goals of the SMMUSD are to provide the highest quality educational experiences for each of its students. The education will help them to become contributing members of society by carefully and deliberately building the knowledge, skills and values they will need to meet the challenges of a changing world.

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

Accordingly, the Board of Education adopts the following Statement of Overriding Considerations, recognizing that unavoidable significant air quality and noise impacts will result from implementation of the Proposed Project. Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the Proposed Project as discussed above, and (iii) recognized all unavoidable significant impacts, the Board of Education hereby finds that each of the separate benefits of the Proposed Project, as stated herein, is determined to be unto itself and an overriding consideration, independent of other benefits, that warrants approval of the Proposed Project and outweighs and overrides its unavoidable significant effects, and thereby justifies the approval of the Malibu Middle and High School Campus Improvement Project.

