



FINAL MITIGATED NEGATIVE DECLARATION FOR THE

# Will Rogers Learning Community Campus Expansion and Improvement Project

Prepared for:



SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

January 2023

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SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

Santa Monica-Malibu Unified School District  
2828 4th Street  
Santa Monica, CA 90405

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## LIST OF ABBREVIATIONS

|                  |   |
|------------------|---|
| ACM              | asbestos-containing materials   |
| CEQA             | California Environmental Quality Act                                    |
| dBA              | A-weighted decibel  |
| District         | Santa Monica-Malibu Unified School District                             |
| Draft IS/MND     | Draft Initial Study/Proposed Mitigated Negative Declaration             |
| DTSC             | California Department of Toxic Substances Control                       |
| ESA              | Environmental Site Assessment   |
| EV               | electric vehicle  |
| Final MND        | Final Mitigated Negative Declaration                                    |
| LBP              | lead-based paint  |
| $L_{eq}$         | Noise equivalent level  |
| NOI              | Notice of Intent  |
| OCP              | organochlorine pesticides   |
| PCB              | polychlorinated biphenyl  |
| Proposed Project | Will Rogers Learning Community Campus Expansion and Improvement Project |
| SMASH            | Santa Monica Alternative School House                                   |
| SMMUSD           | Santa Monica-Malibu Unified School District                             |
| STEM             | Science, Technology, Engineering, and Math                              |
| VMT              | vehicle miles traveled  |

# 1 INTRODUCTION

## 1.1 PURPOSE AND OVERVIEW OF THIS FINAL MITIGATED NEGATIVE DECLARATION

The Santa Monica-Malibu Unified School District (SMMUSD or District) prepared this Final Mitigated Negative Declaration (Final MND) in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations section 15000 et seq.) for the Will Rogers Learning Community Campus Expansion and Improvement Project (Proposed Project). Pursuant to CEQA Guidelines section 15074, the District must consider the Final MND together with any comments received during the public review process prior to consideration of the Proposed Project.

This Final MND incorporates by reference the Draft Initial Study/Proposed Mitigated Negative Declaration (Draft IS/MND) and supporting documents. The comment letters received during the public review period and the District's written responses to each comment are presented in Section 2, "Responses Received During Public Review Period." As noted in Section 2, the conclusions presented in the Draft IS/MND were not altered in response to comments received. The District has made minor revisions to the text of the Draft IS/MND, which are presented in Section 3, "Minor Revisions to the Draft Initial Study." As noted in Section 3, these revisions are intended to clarify or elaborate upon the findings in the Draft IS/MND and do not constitute a substantial revision of the Draft IS/MND. Together with the Draft IS/MND, these documents are intended to be used by the District Board of Education in its review and consideration of the Proposed Project.

Based on the whole record, the District should find that the comments received do not raise any new potentially significant impacts, do not identify an increase in the severity of any impacts disclosed in the Draft IS/MND, and do not require substantial revisions to the Draft IS/MND. No new mitigation measures are needed as a result of the comments received. Therefore, pursuant to section 15073.5 of the CEQA Guidelines, recirculation of the Draft IS/MND is not required. An Environmental Impact Report is not required because all potentially significant environmental impacts that may result from the Proposed Project would be mitigated to less-than-significant levels. The District should find on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Final MND reflects the District's independent judgment and analysis.

## 1.2 PROJECT SUMMARY

The District is proposing to expand the campus and make improvements to the Will Rogers Learning Community based on the 2020 Campus Master Plan (District 2020). The Campus Master Plan was developed to identify campus modernization efforts needed to align with the District's educational specifications. These redevelopment and modernization efforts include creating new indoor and outdoor spaces that promote collaboration, project-based learning, and the Science, Technology, Engineering, and Math (STEM) curriculum, while improving safety and access for the campus and surrounding community. Of the overall campus-wide modernization efforts identified in the Campus Master Plan, the District has identified one priority construction project that is currently funded and three future long-range projects to be performed as funding becomes available (Proposed Project). The Campus Master Plan identifies several other modernization efforts that are not currently proposed for implementation and are not reasonably foreseeable at this time.

Overall, the Proposed Project would result in the addition of the property located at 1515 Maple Street to campus and the removal/demolition of 16 portable and permanent buildings, construction of three new buildings, renovation and reuse of eight existing buildings (classrooms and cafetorium) and outdoor spaces, and reconfiguration of outdoor and parking/transportation areas over an approximate span of 10 to 15 years. Phase 1, which is currently funded, includes removal of six existing portable classrooms and one existing restroom building, construction of a new one-story early education classroom building and associated play yards, and construction of a new play field. Subsequent phases would be constructed as funding becomes available and would include removal of five additional existing modular classrooms,

removal of four one-story classroom buildings, expansion and reconfiguration of an existing parking lot, construction of a new student drop-off/pick-up area, repurposing existing classrooms into STEM classrooms, repurposing outdoor spaces into outdoor classrooms, construction of a new multipurpose room/food services facility, installation of a learning garden, construction of a new parking lot, and construction of a new two-story classroom building.

## 1.3 SUMMARY OF THE ENVIRONMENTAL REVIEW PROCESS

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations section 15000 et seq.), the District prepared a Draft IS/MND to evaluate the potential environmental effects of the Proposed Project. Pursuant to sections 15072 and 15073 of the CEQA Guidelines, the Draft IS/MND and Notice of Intent (NOI) to adopt the MND were circulated for a 30-day public review period that began on November 14, 2022 and ended on December 14, 2022. The District filed the NOI with the California Governor’s Office of Planning and Research State Clearinghouse on November 14, 2022 and the NOI was also posted with the Los Angeles County Clerk for the local review period. The District emailed or mailed the NOI, including a link to the Draft IS/MND, to the following public agencies and organizations:

### State Agencies

- ▶ California Air Resources Board
- ▶ California Department of Education
- ▶ California Department of Fish and Wildlife – Region 5
- ▶ California Department of Parks and Recreation
- ▶ California Department of Resources Recycling and Recovery
- ▶ California Department of Toxic Substances Control
- ▶ California Department of Transportation – District 7
- ▶ Department of General Services – Division of the State Architect
- ▶ Department of General Services – Office of Public Schools Construction
- ▶ Native American Heritage Commission
- ▶ Office of Historic Preservation
- ▶ Santa Monica Mountains Conservancy

### Regional and Local Agencies

- ▶ City of Santa Monica Department of Transportation
- ▶ City of Santa Monica Fire Department
- ▶ City of Santa Monica Landmarks Commission
- ▶ City of Santa Monica Planning and Community Development Department
- ▶ City of Santa Monica Police Department
- ▶ City of Santa Monica Public Works
- ▶ City of Santa Monica Watershed Management
- ▶ City of Santa Monica Water Office
- ▶ Los Angeles County Department of Public Works
- ▶ Los Angeles County Department of Regional Planning
- ▶ Los Angeles County Office of Education
- ▶ Los Angeles Regional Water Quality Control Board

- ▶ Metropolitan Transportation Authority of Los Angeles County
- ▶ Sanitation Districts of Los Angeles County
- ▶ South Coast Air Quality Management District
- ▶ Southern California Association of Governments

### Organizations

- ▶ Santa Monica College
- ▶ Santa Monica Conservancy

On November 14, 2022, copies of the NOI were also distributed to 556 recipients, including residences adjacent and in proximity to the Will Rogers campus. The District posted an electronic version of the NOI, Draft IS/MND, and supporting documents on its website and hard copies were made available at the Will Rogers Learning Community Main Office at 2401 14<sup>th</sup> Street, Santa Monica, California 90405, and the District's Main Office at 1651 16<sup>th</sup> Street, Santa Monica, California 90405.

The District held a public meeting to provide the community an opportunity to learn about the Proposed Project and comment on the Draft IS/MND. The meeting was held at 5:30 p.m. on December 6, 2022, at the Cafetorium on the Will Rogers campus, located at 2401 14<sup>th</sup> Street in Santa Monica, California.

## 2 COMMENTS RECEIVED DURING PUBLIC REVIEW PERIOD

During the public review period, the District received five comment letters in response to the Draft IS/MND. In addition, one comment was received during the public meeting held on December 6, 2022. Pursuant to section 15074(b) of the CEQA Guidelines, the District is required to consider the comments received during the public review period. Although written responses to comments submitted on the Draft IS/MND are not required, the District has nonetheless provided responses to each comment for the record. As documented in the responses in Section 2.1, the information provided in the comments do not constitute a fair argument that the Proposed Project, as mitigated, would potentially cause a significant environmental impact. In addition, the responses to comments demonstrate that the Proposed Project, as mitigated, would not potentially create a significant environmental impact or result in environmental impacts that would be cumulatively considerable. The responses merely provide further data and analysis that clarifies or elaborates upon the findings in the Draft IS/MND.

### 2.1 LIST OF COMMENTERS

Table 1 presents a list of the comment letters received on the Draft IS/MND during the public review period, including the numerical designation for each comment letter, the author of the comment letter, and the date of the comment letter. Comment letters and specific comments were numbered for reference purposes. A copy of the comment letter along with detailed responses to those comments is provided on the pages that follow.

**Table 1 List of Comment Letters**

| Letter No.           | Commenter   | Date       |
|----------------------|---|------------|
| <b>AGENCIES</b>      |   |            |
| A1                   | California Department of Transportation   | 12/05/2022 |
| <b>ORGANIZATIONS</b> |   |            |
| O1                   | Maple Street Neighborhood Group   | 12/12/2022 |
| <b>INDIVIDUALS</b>   |   |            |
| I1                   | Nikki Kolhoff   | 12/14/2022 |
| I2                   | Wendy Dembo   | 12/14/2022 |
| I3                   | Zina Josephs, on Behalf of the Board of Directors of the Friends of Sunset Park | 12/14/2022 |

## 2.1.1 Agencies

### Letter A1 California Department of Transportation

Miya Edmonson, LDR/CEQA Branch Chief  
December 5, 2022

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM

#### DEPARTMENT OF TRANSPORTATION

DISTRICT 7  
100 S. MAIN STREET, MS 16  
LOS ANGELES, CA 90012  
PHONE (213) 269-1124  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life*

December 5, 2022

Carey Upton, Chief Operation Officer  
Santa Monica Malibu Unified School District  
2828 Fourth Street  
Santa Monica, CA 90405

RE: Will Rogers Learning Community Campus  
Expansion and Improvement Project  
SCH #2022110246  
Vic. LA-10/PM R3.08, LA-01/PM 33.3  
GTS # LA-2022-04121-MND

Dear Carey Upton:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced environmental document. The Santa Monica-Malibu Unified School District (District) is proposing to expand and make improvements to the Will Rogers Learning Community based on the 2020 Campus Master Plan (Proposed Project). The Proposed Project would occur over four phases and would result in removal/demolition of 16 permanent and temporary buildings, construction of three new buildings, renovation and reuse of eight existing buildings and outdoor spaces, and reconfiguration of outdoor and parking/transportation areas over an approximate span of 10 to 15 years. Phase 1 includes removal of six existing portable classrooms and 1 restroom building, construction of a new one-story early education classroom building and associated play yards, and construction of a new play field. Subsequent phases would be constructed as funding becomes available and would include removal of five additional existing modular classrooms, removal of four one story classroom buildings, expansion and reconfiguration of an existing parking lot, repurposing existing classrooms into STEM classrooms and outdoor spaces into outdoor classrooms, and construction of a new student drop-off/pick-up area, multipurpose room/food services facility, learning garden, parking lot, and two-story classroom building.

A1-1

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor’s Office of Planning and Research (OPR) for more information:

“Provide a safe and reliable transportation network that serves all people and respects the environment”



Carey Upton, Chief Operation Officer  
December 5, 2022  
Page 2 of 2

<http://opr.ca.gov/ceqa/updates/guidelines/>

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Construction worker VMT is redistributed throughout the transportation network depending on the worksite, and therefore is not newly generated. The Proposed Project is a redevelopment project that would not increase student enrollment or capacity, the number of daily operational trips is not expected to increase as a result of the Proposed Project's implementation. Additionally, the Proposed Project meets the screening criteria for educational facilities based on the City's VMT screening criteria and significance thresholds, as well as the screening criteria for small projects as established by the OPR Technical Advisory. Therefore, the Proposed Project is presumed to result in a less than significant VMT impact and would not conflict or be inconsistent with CEQA Guidelines section 15064.3(b).

A1-1  
cont.

After reviewing the Notice of Intent to Adopt a Mitigated Negative Declaration, Caltrans does not expect project approval to result in a direct adverse impact on the existing State transportation facilities.

A1-2

As a reminder, any transportation of heavy construction equipment and/or materials that requires the use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend that large-size truck trips be limited to off-peak commute periods.

A1-3

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2022-04121-MND.

Sincerely,

MIYA EDMONSON  
LDR/CEQA Branch Chief

email: State Clearinghouse

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

**Response A1-1**

The comment summarizes the Proposed Project, describes the requirements to analyze vehicle miles traveled (VMT) in CEQA documents per Senate Bill 743, summarizes the VMT analysis from the Draft IS/Proposed MND for the Proposed Project, and concurs that the Proposed Project would result in a less than significant VMT impact, and therefore, would not conflict with CEQA Guidelines section 15064.3(b). The comment confirms the Draft IS/MND's analysis and conclusion that the Proposed Project would not create a significant VMT impact.

**Response A1-2**

The District acknowledges that Caltrans does not expect the Proposed Project's approval to result in a direct adverse impact on existing State transportation facilities. The comment confirms the Draft IS/MND's analysis and conclusion that there would not be a significant impact to State transportation facilities from the Proposed Project. Therefore, no further response is required.

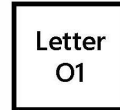
**Response A1-3**

The comment outlines Caltrans' transportation permit requirements for the use of oversized-transport vehicles on State highways and recommends that large-size truck trips be limited to off-peak commute periods. The District will comply with Caltrans' transportation permit requirements should construction of the Proposed Project require the use of oversized-transport vehicles on State highways. In addition, the District will strive to schedule large-size truck trips to off-peak commute times to the extent practical.

## 2.1.2 Organizations

### Letter O1 Maple Street Neighborhood Group

December 12, 2022



December 12, 2022

Carey Upton  
Chief Operations Officer  
Santa Monica-Malibu Unified School District  
1651 16<sup>th</sup> Street  
Santa Monica, CA 90404

**RE: Questions and Comments Regarding the Draft Mitigated Negative Declaration and Will Rogers Campus Plan**

Dear Mr. Upton,

The Maple Street Neighborhood Group has reviewed the Draft Mitigated Negative Declaration for the Will Rogers Campus Plan. We are overall supportive of the plan with some minor adjustments. The Neighborhood Group champions public education; many children on the block attend Will Rogers, and we have been personally involved in the development and maintenance of the school garden.

O1-1

1. We understand that using the MND, instead of the EIR process, will save the District time and money. We understand the MND process is allowable because it has been determined that there are no existing environmental contaminants of concern at Will Rogers and that future development will not create additional contamination for which there would no mitigation. Would you please confirm that our understanding is correct?

O1-2

2. If contaminants are later discovered at the site or created or discovered during construction, and the Maple Street Neighborhood Group requests mitigations, would the District provide mitigations? Are changes allowed to the plan after the CEQA process is completed and it is approved by the School Board?

O1-3

3. We see the new parking lot on the north side of campus.
  - a. Will there be entrances and exits on both 14<sup>th</sup> and 16<sup>th</sup> so parents can pick up/drop off in either direction? (This is a positive development for Maple Street, which is currently overwhelmed with school traffic and associated safety and environmental concerns. We would welcome this.)
  - b. The Maple Street Neighborhood Group will not block the District's use of the MND process, provided the District incorporates the pass-through in its Phase 1 building plans for Will Rogers.

O1-4

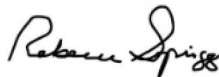
4. We see that building a new Cafeteria means losing some garden space. At one point we were told that the church parking lot would only be used *temporarily* during the time the JAMS Auditorium (Performing Arts Center) was under construction. We see that when the Auditorium is completed, but parking continues here.
  - a. We were also told at one time that the parking lot might be used as a tree nursery for the SAMOHI's Branching Out program. We would welcome this.

O1-5

- b. If you can't remove this as a parking lot, we would like to ask again that you change the entrance/exit to 16<sup>th</sup> Street, to minimize traffic on Maple. [ O1-5 cont.
  
- 5. Will the new Cafeteria be two-story? (We would like to maintain neighborhood open space and views that single-story buildings provide.) [ O1-6
  
- 6. When is the construction scheduled to happen? In the next 5-15 years? [ O1-7
  - a. What is the schedule for phasing?
  - b. Will there be construction every other year?
  
- 7. What time of day will the construction happen? [ O1-8
  - a. We noticed that some of the construction at the JAMS Performing Arts Center was done outside of normal construction hours. The neighborhood would appreciate quiet from 6 p.m. until 8 a.m.
  
- 8. Is District enrollment growing? Are more families moving to Santa Monica? [ O1-9
  
- 9. When the new Early Childhood Center is added, how much will that increase the enrollment of Will Rogers? How many additional parking spaces will be needed for faculty and staff? We would like to ask that 1:1 tree be planted for every *new* parking space added to campus. [ O1-10
  
- 10. How many parking spaces does this plan add between the north and south lots? [ O1-11
  - a. Will this parking be for the school day only? (We would prefer not to have parking for weekend field use or the JAMS Auditorium/Performing Arts Center).
  - b. What plans are you making to include EV Charging in new parking lots?

We look forward to hearing from you via email with answers to our questions.

Sincerely,



Rebecca Sprigg on behalf of the  
 Maple Street Neighborhood Group  
 Whitney Davis-Houston  
 Jennifer Faust  
 Nanette and Erich Gobel  
 Erin and Casey LaScala  
 Anne Lilburn and Bob DeMaa  
 Yaela Shamberg and Charles Adler  
 Ann and Barry Steinberg

**Response O1-1**

The District appreciates the Maple Street Neighborhood Group's concerns and hopes that the following responses address them.

**Response O1-2**

The District first prepared an Initial Study to determine whether the Proposed Project would have any potentially significant adverse effects on the environment, including contamination. Based on the results of the Initial Study, the District determined that an MND was the appropriate CEQA document because the Proposed Project would not result in any potentially significant environmental impacts with the implementation of certain mitigation measures, including ones specifically for hazardous materials/contamination. Since the mitigated Proposed Project would not cause a potentially significant environmental impact, an environmental impact report is not required under CEQA. (CEQA Guidelines, §§ 15002(f)(2), 15063(b)(2).) As described in Section 3.9, "Hazards and Hazardous Materials," of the IS/MND, the Phase I Environmental Site Assessment (ESA) did not identify any evidence of recognized environmental conditions on the campus. These are generally defined as conditions indicative of potential releases and threatened releases of hazardous substances, pollutants, contaminants, petroleum, petroleum products, and controlled substances on, at, in, or adjacent to the campus. No such conditions were revealed (see page 3-51 of the IS/MND). However, based on the age of past and current structures on the campus, there is potential for arsenic, lead from lead-based paint, asbestos, pesticides, and polychlorinated biphenyls (PCBs) that may have been used in building materials to have leached into soils along the feet of the buildings. To address these potential contaminants, the IS/MND, on pages 3-53 through 3-55, requires the implementation of mitigation measures (**MM-HAZ-1** and **MM-HAZ-2**) prior to and during construction to ensure that hazardous materials are properly identified, removed, and disposed in a manner consistent with industry and regulatory standards to protect the workers and the community. The full text of these mitigation measures is provided on pages 3-58 and 3-59 of the IS/MND.

Mitigation measure **MM-HAZ-1** requires a qualified environmental specialist to inspect existing buildings proposed for demolition and/or renovation for the presence of these hazardous building materials. If hazardous building materials are detected, abatement and removal of these materials will be conducted in accordance with applicable federal, state, and local guidelines (see page 3-58 of the IS/MND). Additionally, Mitigation measure **MM-HAZ-2** requires subsurface testing to be conducted by a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer to evaluate shallow soil conditions for contamination. This measure also requires any contaminated soils above action levels to be excavated and disposed of off-campus at a facility permitted to accept such waste, and the campus would be remediated to an acceptable level per the California Department of Toxic Substances Control's (DTSC) requirements. The removal and disposal of asbestos containing materials and lead-based paint are also regulated by Title 8 of the California Code of Regulations, which is enforced by the California Division of Occupational Safety and Health and the South Coast Air Quality Management District. The IS/MND, on pages 3-53 through 3-55, concluded that the implementation of these mitigation measures would reduce any potentially significant impacts related to hazardous materials/contamination to a less-than-significant level.

**Response O1-3**

Upon the District's decision to carry out the Proposed Project and adoption of the MND, the District is unable to modify the analysis or mitigation measures in the adopted MND without going through the formal addendum, supplemental, or subsequent MND process. This requirement would similarly apply to any substantive changes to the approved project. However, as discussed under Response O1-1 above, the IS/MND identifies the potential presence of contamination in the soils and building materials. To address these potential hazardous materials and contamination, as discussed above, mitigation measures **MM-HAZ-1** and **MM-HAZ-2** would be implemented. These mitigation measures would ensure that any potential contamination is proactively identified prior to demolition/renovation of buildings and excavation of soils. Should any contamination be identified during these initial inspections, both mitigation measures outline the requirements for removing and properly disposing of the hazardous materials at an appropriate facility permitted to accept such waste.

Lastly, in the event that unanticipated contamination is encountered during construction, federal and state regulations, as well as the construction contract, require contractors to stop work and inform the District if they encounter materials believed to be hazardous materials. Construction would not be able to continue in affected areas

until the contamination has been properly characterized, removed, and disposed of in accordance with applicable regulations. Compliance with regulatory requirements and implementation of mitigation measures **MM-HAZ-1** and **MM-HAZ-2** would avoid the potential release of hazardous building materials and soil contaminants during construction activities and would ensure that students, faculty, visitors, and nearby residents are protected.

#### **Response O1-4**

The Proposed Project would create a new parking lot on the North side of the campus and a drive-through lane connecting to an expanded Southside parking lot in Phase 2. The intent is to direct all drop-off and pick-up of students through this drive-through lane to move drop-off and pick-up off the streets. Being more mid-block, these new and expanded parking lots and drive-through lane balance school traffic between Pearl Street and Maple Street. In Phase 3, the 16<sup>th</sup> & Maple Street parking lot would be reconfigured to serve the new Café's operations and to provide ADA parking and other connected services.

The new North parking lot and drop-off/pick-up lane are scheduled for Phase 2 of the Proposed Project's construction. It cannot be constructed until Phase 1 is completed and will require additional funding than what is available from Measure SMS. The commenter has not presented any evidence that deferral of the new North parking lot, drive-through lane, and expanded South parking lot to a later phase of the Proposed Project would create a potentially significant environmental impact. The commenter only claims that the existing 16<sup>th</sup> & Maple Street parking lot has "safety and environmental concerns" associated with school traffic. The MND's analysis found no safety or environmental concern as a result of Phase 1, and the new North parking lot, drive-through lane, and expanded South parking lot would not need to be constructed in Phase 1 to mitigate any potentially significant environmental impact caused by the Proposed Project. Even if significant safety and environmental impacts exist now, which the MND does not find evidence of, CEQA does not require the District to mitigate any existing environmental impacts, only those new ones that would be caused by the Proposed Project. (Pub. Resources Code, § 21002.1(b); *Paulek v. Cal. Dept. of Water Resources* (2014) 231 Cal.App.4th 35, 44 ["Environmental problems that would continue to exist even in the absence of any project are 'part of the baseline conditions rather than program-generated environmental impacts.'"]) Thus, it is appropriate and authorized by CEQA for the District to construct the new North parking lot, drive-through lane, and expanded South parking lot in a later phase, and for the District to utilize this MND to environmentally clear this Proposed Project under CEQA.

#### **Response O1-5**

Once Phase 2 has been constructed, the District would use the 16<sup>th</sup> & Maple Street parking lot for staff parking until Phase 3 construction commences. The 16<sup>th</sup> & Maple Street parking lot was used as swing space parking for John Adams Middle School staff during the construction of the Performing Arts Center. It is currently being used as overflow parking for Will Rogers and John Adams staff. Will Rogers will need to use the 16<sup>th</sup> & Maple Street parking lot as swing space parking during the construction of Phases 1 and 2. As part of the Phase 3 construction, the 16<sup>th</sup> & Maple Street parking lot will be reduced in size and the entry will be moved from Maple Street to 16<sup>th</sup> Street with no access from Maple Street.

#### **Response O1-6**

The proposed Café would be a one-story building; however, it will have a taller volume and height to meet its operational needs as a cafeteria. The Café would be approximately 28 feet tall.

#### **Response O1-7**

As detailed on pages 2-22 and 2-23 of the IS/MND, the Proposed Project would be constructed in four phases, with construction activities anticipated to begin in June 2023 and end in December 2030. Phase 1 of the Proposed Project is funded and will begin construction in the summer of 2023 and should be completed in December 2024. Additional construction would be dependent on the passage of future bonds; however, as identified in Table 2-3 (Construction Phasing) on page 2-23 of the IS/MND and shown below, construction of future phases is anticipated to last no longer than 18 months. This is a proposed schedule that will be subject to change due to funding constraints and other priorities.

**Table 2-3 Construction Phasing**

| Phase   | Construction Start Date | Completion Date | Duration  |
|---|-------------------------|-----------------|-----------|
| Phase 1 – Early Learning Classroom and Play Field   | June 2023               | December 2024   | 19 months |
| Phase 2 – STEM Maker Space Classrooms, Outdoor Classrooms, Parking, and Drop-Off/Pick-Up Area | January 2025            | December 2025   | 12 months |
| Phase 3 – Multipurpose Culinary Café, Learning Garden, and Parking                            | June 2026               | December 2027   | 18 months |
| Phase 4 – Elementary Classroom Building   | June 2029               | December 2030   | 18 months |

Source: Provided by Santa-Monica Malibu Unified School District in 2022.

**Response O1-8**

As detailed on page 2-23 of the IS/MND, City of Santa Monica Municipal Code section 4.12.110 limits construction to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. Construction is not allowed on Sundays or on holidays. The City may grant the District a permit to allow construction to occur from 7:00 a.m. to 6:00 p.m. The District would be required to follow this code and any allowances made by the City. This permit may be needed to improve traffic safety and congestion, allowing the contractor to arrive and begin to minimize conflicts with drop-off and pickup of students. In accordance with the City’s Municipal Code, there would be no nighttime construction for the Proposed Project outside the City’s construction time limits. In addition, these requirements would be further enforced through mitigation measure **MM-NOISE-1**, which would be implemented during construction and would prohibit construction activities involving the use of heavy-duty equipment, haul trucks, or other work trucks from operating onsite outside of the following times: 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday (see page 3-83 of the IS/MND).

**Response O1-9**

The current enrollment is 547 students. This is up from 398 students in 2021 and down from the 2006 high of 553 students. The increase is due to return of students after COVID-19 and the temporary closure of John Muir Elementary School. DecisionInstite projects the enrollment to stabilize around 450 students. Their analysis does not incorporate what will occur with John Muir Elementary School. This remains to be determined.

The Proposed Project prepares for a steady enrollment of 550 students. Based on the experienced changes and preparing for the unexpected needs, this enrollment goal seems prudent.

**Response O1-10**

The addition of Universal Transitional Kindergarten where all 4 year olds may attend a full day of school will increase enrollment and staffing. However, the decline in Kindergarten through 5<sup>th</sup> grade enrollment should not cause a net increase of students or staffing due to addition of Universal Transitional Kindergarten.

The Proposed Project will increase the number of trees on campus and the urban forest by over 50% of existing trees. While the number of added trees might match the number of added parking spaces, this is not guaranteed.

**Response O1-11**

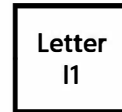
The campus currently has 79 dedicated parking spots. As identified on page 2-22 of the IS/MND, upon completion of the Proposed Project, it is anticipated that the new North and expanded South parking lots would have approximately 80 parking spaces, while the 16<sup>th</sup> & Maple Street parking lot will have approximately 18 spaces. As under current conditions, the parking lots at the campus would continue to serve the school uses, which includes afterschool, facility permit use, and joint use agreements approved by the Board of Education.

The new parking lots will have electric vehicle (EV) Charging stations as required by Title 24 of the California Code of Regulations.

## 2.1.3 Individuals

### Letter I1 Nikki Kolhoff

December 14, 2022



**From:** [Tristan Evert](#)  
**To:** [Tristan Evert](#)  
**Subject:** RE: Comment to Initial Study and Mitigated Negative Declaration for each of Will Rogers Elementary School, John Adams Middle School, and Franklin Elementary School  
**Date:** Thursday, December 15, 2022 2:39:59 PM

---

**From:** Nikki Kolhoff <[nhkolhoff@yahoo.com](mailto:nhkolhoff@yahoo.com)>  
**Sent:** Wednesday, December 14, 2022 4:55 PM  
**To:** Upton, Carey <[cupton@smmusd.org](mailto:cupton@smmusd.org)>  
**Cc:** Board of Education <[brd@smmusd.org](mailto:brd@smmusd.org)>  
**Subject:** Comment to Initial Study and Mitigated Negative Declaration for each of Will Rogers Elementary School, John Adams Middle School, and Franklin Elementary School

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Date: December 14, 2022

To: Carey Upton, Chief Operations Officer, Santa Monica-Malibu Unified School District  
CC: School Board

Re: Comment to Initial Study and Mitigated Negative Declaration for each of Will Rogers Elementary School, John Adams Middle School, and Franklin Elementary School

I am writing with respect to the Draft Initial Study/ Proposed Mitigated Negative Declaration for each of Will Rogers Elementary School, John Adams Middle School, and Franklin Elementary School dated November 2022 (the “MNDs”). Please consider this a comment to each MND.

I ask that the impact of the John Adams Middle School (“JAMS”) Campus Improvements, the Will Rogers Elementary School (“Will Rogers”) Campus Expansion and Improvements, and the Franklin Elementary School (“Franklin”) Campus Improvements, along with the remaining improvements in process at Grant Elementary School, Edison Language Academy, Muir/SMASH, Roosevelt Elementary School, McKinley Elementary School, Lincoln Middle School (collectively, the “Other Santa Monica Campuses”) be treated as one Project under CEQA.

Historically, the District had been working on a master plan for facilities improvements. It is only recently that the District has chosen to break each school out into separate projects. This current approach is impermissible piecemealing under CEQA. Section 15378 of the CEQA Guidelines provides that a “Project” is “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The whole of the action in this case is the

I1-1



renovation of all campuses pursuant to the Education Specifications and Sustainability Plan.

Santa Monica is only 9 square miles and these campuses are located in an area even smaller than that. The aggregate size of the campuses undergoing renovations that will impact overlapping surrounding neighborhoods for the next 10-15 years is approximately 28 acres north of the 10 freeway, 39 acres south of the 10 freeway, and 67 acres total (excluding Samohi and Olympic).

Overlapping surrounding neighborhoods will be impacted by not only the JAMS, Will Rogers and Franklin construction, but also the planned construction at the Other Santa Monica Campuses because of their proximity to each other. The following environmental areas will be impacted: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology /Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology / Water Quality, Land Use / Planning, Noise, Public Services, Recreation, Transportation/Traffic, Cultural Resources, and Utilities / Service Systems.

As a result, the aggregate impact of the work at JAMS, Will Rogers, Franklin, and the Other Santa Monica Campuses must be evaluated as one Project. **I am requesting that the Initial Study be redone for the combined Project and that the District prepare an Environmental Impact Report for the combined Project.**

Thanks,  
Nikki Kolhoff,  
Santa Monica Resident and SMMUSD Parent

I1-1  
cont.

### Response I1-1

As noted by the comment, section 15378 of the CEQA guidelines defines a project under CEQA as the "whole of an action" that may result in either direct or indirect physical changes to the environment. However, in this case, the Will Rogers Learning Community Campus Expansion and Improvement project (Proposed Project), proposed improvements to John Adams Middle School and Franklin Elementary School, as well as the other schools noted in the comment are not considered one project under CEQA, nor is evaluating each school independently as separate projects considered piecemealing under CEQA, for the following reasons.

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in separate environmental documents for the purposes of underestimating environmental impacts, rather than evaluating the whole of the project in one environmental document. The concept of "piecemealing" under CEQA requires a demonstration that the allegedly piecemealed project is "a reasonably foreseeable consequence of the initial project." (*East Sacramento Partnership for a Livable City v. City of Sacramento* [2016] 5 Cal.App.5th 281, 293.) It should be noted that the Draft IS/Proposed MND for the Proposed Project analyzed the potential environmental impacts from buildout of the campus plan as one singular project even though future phases are not funded or designed expressly because they are reasonably foreseeable future actions.

The primary test for determining if improper piecemealing would occur is whether two or more projects have "independent utility," meaning that each proposed project operates independently of each other and can be implemented separately. Two or more projects are considered to have "independent utility" and may properly undergo separate environmental review when the projects have different proponents, serve different purposes, or can be implemented independently. (*Banning Ranch Conservancy v. City of Newport Beach* [2012] 211 Cal.App.4th 1209.) In the case of the proposed campus plans, each project is within a separate, distinct, and complete school campus, which has completely different students, faculty, and staff and operates at a separate location. Each campus project has

“independent utility” because the improvement project at each school campus can be implemented independently, irrespective of whether any of the other campus plans are ever approved or implemented. The school projects are not phases of an overall project. The Education Specifications are provisions that identify general facility needs for modern learning that simply guide the future development of improvements for the schools. Approval of the Education Specifications had no environmental impact and thus, did not require CEQA review at the time of approval. If the Education Specifications were the whole of the project, no further environmental review would be required once the Board approved them. As such, the Education Specifications are not, and cannot be, the whole of the project.

Here, the approval and implementation of the Proposed Project is neither a part of any other campus project nor dependent on the approval or implementation of any other campus project, and vice versa. Accordingly, none of the other campus projects are a reasonably foreseeable consequence of the Proposed Project.

The proper way to address multiple independent projects that have the potential to result in combined environmental impacts is through a cumulative impact analysis. This analysis is required under CEQA Guidelines section 15065 (a)(3) to determine the cumulative impacts of past, present, and probable future projects producing related or cumulative impacts. CEQA acknowledges that a project may have possible environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

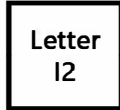
The Draft IS/Proposed MND for the Proposed Project includes a cumulative impact analysis in Section 3.21 that determines the combined cumulative effects of the Proposed Project with the proposed improvements at several school campuses within the City of Santa Monica identified in the comment, including Franklin Elementary School, Grant Elementary School, McKinley Elementary School, John Adams Middle School, and Roosevelt Elementary School. Similar to the Proposed Project, the proposed improvements at these schools constitute individual projects under CEQA for the same reasons described above. The comment also suggests that there are improvements in process at Edison Language Academy, John Muir Elementary School/Santa Monica Alternative School House (SMASH), and Lincoln Middle School. However, there are currently no plans for improvements at Edison Language Academy or Lincoln Middle School, nor are any projects currently in process at these schools. In addition, improvements that would be implemented at John Muir Elementary School/SMASH beginning in August 2023 are limited to emergency repairs and interior work to address water damage that occurred previously on the campus. As such, the improvements at John Muir/SMASH are exempt from the requirements of CEQA. Accordingly, Edison Language Academy, John Muir Elementary School/SMASH, and Lincoln Middle School were not and need not be considered in the cumulative impact analysis for the Proposed Project.

As required under CEQA, the cumulative analysis in the Draft IS/Proposed MND considers both direct and indirect, as well as, short-term and long-term cumulative impacts. Based on the analysis in the Draft IS/Proposed MND in Section 3.21, “Mandatory Findings of Significance,” on pages 3-114 through 3-121, it was concluded that the Proposed Project’s contribution to cumulative environmental impacts would be less than cumulatively considerable with the implementation of the following mitigation measures: **MM-BIO-1** (pages 3-25 and 3-26 of the Draft IS/Proposed MND); **MM-CUL-1** (page 3-30 of the Draft IS/Proposed MND); **MM-PALEO-1** (page 3-41 of the Draft IS/Proposed MND); **MM-HAZ-1**, **MM-HAZ-2**, and **MM-HAZ-3** (pages 3-58 and 3-59 of the Draft IS/Proposed MND); **MM-NOISE-1**, **MM-NOISE 2**, and **MM-NOISE-3** (pages 3-83 through 3-85 of the Draft IS/Proposed MND); and **MM-TRAN-1** (pages 3-102 and 3-103 of the Draft IS/Proposed MND). The District’s inclusion of the proposed improvements to Franklin Elementary School, Grant Elementary School, McKinley Elementary School, John Adams Middle School, and Roosevelt Elementary School in the Draft IS/Proposed MND’s analysis of cumulative impacts ensures that that the potential combined effects of these projects are not underestimated.

For these reasons, the proposed improvements to the Will Rogers Learning Community, John Adams Middle School, and Franklin Elementary School, as well as the other schools noted in the comment are not considered one project under CEQA. Accordingly, the District’s approach to conduct a separate environmental review of each project is appropriate and does not constitute improper piecemealing.

# Letter I2 Wendy Dembo

December 14, 2022



**From:** [Tristan Evert](#)  
**To:** [Tristan Evert](#)  
**Subject:** FW: Comment to Initial Study and Mitigated Negative Declaration for Will Rogers Elementary School, John Adams Middle School, and Franklin Elementary School  
**Date:** Thursday, December 15, 2022 3:00:00 PM

**From:** Wendy Dembo <[wendydembo@gmail.com](mailto:wendydembo@gmail.com)>  
**Date:** December 14, 2022 at 7:34:13 PM EST  
**To:** "Upton, Carey" <[cupton@smmusd.org](mailto:cupton@smmusd.org)>, Board of Education <[brd@smmusd.org](mailto:brd@smmusd.org)>  
**Subject: Re: Comment to Initial Study and Mitigated Negative Declaration for Will Rogers Elementary School, John Adams Middle School, and Franklin Elementary School**

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Date: December 14, 2022

Dear Mr. Upton and Board Members,

I am writing with respect to the Draft Initial Study/ Proposed Mitigated Negative Declaration for each of Will Rogers Elementary School, John Adams Middle School, and Franklin Elementary School dated November 2022 (the "MNDs"). Please consider this a comment to each MND.

I ask that the impact of the John Adams Middle School ("JAMS") Campus Improvements, the Will Rogers Elementary School ("Will Rogers") Campus Expansion and Improvements, and the Franklin Elementary School ("Franklin") Campus Improvements, along with the remaining improvements in process at Grant Elementary School, Edison Language Academy, Muir/SMASH, Roosevelt Elementary School, McKinley Elementary School, Lincoln Middle School (collectively, the "Other Santa Monica Campuses") be treated as one Project under CEQA.

Historically, the District had been working on a master plan for facility improvements. It is only recently that the District has chosen to break each school out into separate projects. This current approach is impermissible piecemealing under CEQA. Section 15378 of the CEQA Guidelines provides that a "Project" is "the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." The whole of the action, in this case, is the renovation of all campuses pursuant to the Education Specifications and Sustainability Plan.

Santa Monica is only 9 square miles and these campuses are located in an area even smaller than that. The aggregate size of the campuses undergoing renovations that will impact overlapping surrounding neighborhoods for the next 10-15 years is approximately 28 acres north of the 10 freeway, 29 acres south of

I2-1

the 10 freeway, and 67 acres total (excluding Samohi and Olympic).

Overlapping surrounding neighborhoods will be impacted by not only the JAMS, Will Rogers, and Franklin construction, but also the planned construction at the Other Santa Monica Campuses. The following environmental areas will be impacted: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology /Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology / Water Quality, Land Use / Planning, Noise, Public Services, Recreation, Transportation/Traffic, Cultural Resources, and Utilities / Service Systems.

As a result, the aggregate impact of the work at JAMS, Will Rogers, Franklin, and the Other Santa Monica Campuses must be evaluated as one Project. **I am requesting that the Initial Study be redone for the combined Project and that the District prepare an Environmental Impact Report for the combined Project.**

Thanks,  
Wendy Dembo,  
Santa Monica Resident and SMMUSD Parent

I2-1  
cont.

**Response I2-1**

This comment is similar to comment I1-1 of Comment Letter I1 (Nikki Kolhoff). Please see Response I1-1 above.

# Letter I3 Zina Josephs, on behalf of the Board of Directors of the Friends of Sunset Park

December 14, 2022

Letter  
I3

**From:** [Tristan Evert](#)  
**To:** [Tristan Evert](#)  
**Subject:** FW: Comment to Initial Study and MND for Will Rogers Elementary School  
**Date:** Thursday, December 15, 2022 2:51:35 PM

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**From:** [zinajosephs@aol.com](mailto:zinajosephs@aol.com)  
**Date:** December 14, 2022 at 7:39:33 PM EST  
**To:** "Upton, Carey" <[cupton@smmusd.org](mailto:cupton@smmusd.org)>  
**Cc:** [zinajosephs@aol.com](mailto:zinajosephs@aol.com)  
**Subject:** Comment to Initial Study and MND for Will Rogers Elementary School  
**Reply-To:** [zinajosephs@aol.com](mailto:zinajosephs@aol.com)

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Date: December 14, 2022

To: Carey Upton, Chief Operations Officer, Santa Monica-Malibu Unified School District  
CC: School Board

From: Board of Directors, Friends of Sunset Park (FOSP)

Re: Board of Friends of Sunset Park Comment to Initial Study and Mitigated Negative Declaration for Will Rogers Elementary School

We, a majority of the Board of the Friends of Sunset Park, are writing with respect to the Draft Initial Study/ Proposed Mitigated Negative Declaration for Will Rogers Elementary School dated November 2022 (the "MND").

Both Will Rogers and John Adams Middle School are located within the Sunset Park neighborhood. FOSP is the city-recognized neighborhood organization for Sunset Park.

We ask that the impact of the John Adams Middle School ("JAMS") Campus Improvements and the Will Rogers Elementary School ("Will Rogers") Campus Expansion and Improvements be treated as one Project under CEQA. The District's current approach, treating them as separate projects, is piece-mealing under CEQA. Section 15378 of the CEQA Guidelines provides that a "Project" is "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The whole of the action in this case is the combined

I3-1

project at both JAMS and Will Rogers.

JAMS and Will Rogers may be two school sites, but they are approximately 12 acres of construction area over three (3) contiguous blocks, separated only by the narrow 16<sup>th</sup> Street. The MNDs even use the same map to show the project location and surrounding area. In addition, the work at both schools is scheduled to occur in overlapping periods over the next eight (8) years.

Furthermore, the same surrounding neighborhood will be impacted by both the JAMS and Will Rogers construction in terms of the following environmental areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology /Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology / Water Quality, Land Use / Planning, Noise, Public Services, Recreation, Transportation/Traffic, Cultural Resources, and Utilities / Service Systems.

As a result, the aggregate impact of the work at both JAMS and Will Rogers must be evaluated as one Project. **We are requesting that the Initial Study be redone for the combined Project and that the District prepare an Environmental Impact Report for the combined JAMS/Will Rogers Project.**

I3-1  
cont.

### Response I3-1

This comment is similar to comment I1-1 of Comment Letter I1 (Nikki Kolhoff). Please see Response I1-1 above.

# 3 MINOR REVISIONS TO THE DRAFT INITIAL STUDY

## 3.1 INTRODUCTION

This Section contains minor revisions to the text of the Draft IS/MND that have been made either in response to comments received during public review or to provide clarification. The changes are presented in the order in which they appear in the original document and are identified by the Draft IS/MND page number. Text deletions are shown in strikethrough (~~strikethrough~~), and text additions are shown in underline (underline).

These revisions do not alter the significance conclusions of the environmental analysis or the effectiveness of mitigation measures presented in the Draft IS/MND, nor do they constitute significant new information requiring recirculation. This chapter is intended to be used in conjunction with the analysis contained within the Draft IS/MND.

## 3.2 DRAFT IS/MND REVISIONS

Pages 2-23, 3-78, and 3-100 of the Draft IS/MND cite a section of the Santa Monica Municipal Code that sets forth the City's restrictions on construction activities. The text has been revised as follows to correct an error in the citation of the code section: Santa Monica Municipal Code section ~~4.12.110~~4.12.110.

The following has been revised in response to comments received on the Draft IS/MND, and to provide minor clarifications or to correct errors made in the Draft IS/MND.

### PAGE 2-7

## 2.4 EXISTING SETTING

The Will Rogers Learning Community campus currently consists of 14 permanent buildings, 11 portable buildings, three parking lots, three play fields, and playgrounds on approximately 6.7 acres. Figure 2-4 shows the existing campus facilities onsite. The campus serves students attending preschool through fifth grade. Current 2021-2022 student enrollment is 398 students, with the highest enrollment occurring in ~~2015-2016-2006~~ at ~~564~~553 students. The expansion parcel located at 1515 Maple Street is approximately 0.55 acres and contains a gravel parking lot and a garden.

### PAGE 2-23

## 2.8 PROJECT CONSTRUCTION

....

The Will Rogers Learning Community campus would remain open and continue operations during construction activities. Santa Monica Municipal Code section ~~4.12.110~~4.12.110 limits construction to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. Construction is not allowed on Sundays or on holidays. The City may grant the District a ~~waiver permit~~ to allow construction to occur from 7:00 a.m. to ~~5:00~~6:00 p.m. The District would be required to follow this code and any allowances made by the City. This ~~waiver permit~~ is needed to improve safety and congestion, allowing the contractor to arrive and begin before major drop-off of students.

## PAGE 3-58 AND 3-59

### MM-HAZ-2: Limited Phase II Environmental Site Assessment and Contaminated Soils Work Plan

As recommended in the Phase I Environmental Site Assessment (ESA) prepared for the Proposed Project, the District will retain a licensed Professional Geologist, Professional Engineering Geologist, or Professional Engineer with more than 2 years of experience conducting hazardous material and contamination assessments to conduct a limited Phase II ESA subsurface investigation. The Phase II ESA subsurface investigation will be conducted prior to any disturbance of the area(s) suspected of potential contamination to evaluate shallow soil conditions with respect to the chemicals of concern for the campus, as indicated by the Phase I ESA. If the Phase II ESA identifies the presence of contaminated media, the contractor shall prepare and implement a Contaminated Soils Work Plan (Work Plan) for the removal of arsenic, asbestos-containing materials (ACM), lead-based paint (LBP), polychlorinated biphenyls (PCB), and/or organochlorine pesticides (OCP) residues from the on-site soils. The contractor will prepare and submit the Work Plan to the District for approval prior to commencing ground-disturbing construction activities in areas of contamination identified by the Phase II ESA. ~~Affected Contaminated soils above action levels~~ will be excavated and disposed of off-campus at a ~~landfill facility~~ permitted to accept such waste, and the campus would be ~~cleaned~~ remediated to an acceptable level per California Department of Toxic Substances Control (DTSC) requirements.

After the District confirms that the affected soils have been removed, through the collection of soil samples in the excavation areas, the excavation will be backfilled and compacted with clean soil, and a Completion Report will be prepared documenting the removal and present analytical result for the confirmation samples.

## PAGES 3-83 AND 3-84

### Mitigation Measures

#### MM-NOISE-1: Reduce Construction-Related Noise

To reduce noise from construction activities, the District will require all construction contractors to implement the following measures to the extent needed to reduce the noise impact to less than significant:

##### Construction Restrictions

- ▶ No construction activities involving the use of heavy-duty equipment, haul trucks, or other work trucks shall operate onsite outside of the following times: 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. No ~~nighttime~~ construction shall occur on Sundays or on holidays.

....

##### Quieter Alternative Methods and Equipment

....

- ▶ In all cases, regardless of the construction methods and equipment used and construction scheduling and phasing, the above measures will be implemented by the construction contractor(s), and based on finalized construction work plans, will be verified by an acoustic professional either through on-the-ground noise monitoring during construction activities, or based on the construction work plan and specific equipment/methods to be used. At any time that established thresholds (Nighttime: 70 dBA  $L_{eq}$ ; Daytime: 80 dBA  $L_{eq}$ ) are exceeded at nearby sensitive receptors, construction activity must be halted until alternative methods that would reduce ~~vibration noise~~ noise levels are implemented.



**PAGE 3-109****d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

**Less-than-significant Impact.** The Proposed Project's construction would include the removal of existing pavement, building materials, soils, and other debris, which would temporarily increase generation of solid waste. As shown in Table 2-2, construction of the Proposed Project would generate a total of approximately 25,900 cubic yards of solid waste.

As described in the Districtwide Plan for Sustainability, the District manages construction and demolition waste using waste prevention and diversion principles that exceed California Green Building Standards Code (CalGreen) waste diversion requirements. The District's Construction Waste Management and Disposal specifications require that all projects develop a waste management plan to identify strategies for reusing, salvaging, or disposing of non-hazardous waste materials generated during construction and demolition activities. Projects generating construction and demolition waste must collect and separate the waste, track and report on all waste generated, and recycle or salvage a minimum of 75 percent of the waste. This policy is intended to prioritize material recovery and re-use waste management strategies and minimize the disposal of construction and demolition waste in landfills (District 2019). Additionally, hazardous materials would be properly characterized, removed, and disposed of in accordance with applicable regulations, including the Resource Conservation and Recovery Act. The remaining solid waste would be sent to existing nearby landfills. As shown in Table 3.19-1, the Calabasas Landfill and Scholl Canyon Landfill would have sufficient remaining capacity to accommodate the solid waste generated from the Proposed Project's construction.

## 4 REFERENCES

Santa Monica-Malibu Unified School District. 2019 (March). *Districtwide Educational Specifications*. Available: <http://fip.smmusd.org/pdf/SMMUSD-EDSPECS031519.pdf>. Accessed August 30, 2022.

———. 2020 (September). *Will Rogers Learning Community Campus Master Plan*. Prepared by Johnson Favaro. Available: <https://www.smmusd.org/cms/lib/CA50000164/Centricity/Domain/4259/ROGERSfinalreport.pdf>. Accessed November 17, 2021.

District. See Santa Monica-Malibu Unified School District.

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