

**CRAWFORD HIGH SCHOOL AND MANN MIDDLE SCHOOL
(SCH No. 2013031019)**

FINDINGS

For

Athletic Facility Upgrade and Modernization Project

1.0 INTRODUCTION

The Crawford High School and Mann Middle School Athletic Facility Upgrade and Modernization Project Final Environmental Impact Report (Final EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA) to address the potential environmental effects of the Crawford High School and Mann Middle School Athletic Facility Upgrade and Modernization Project and associated actions (hereafter “proposed project”) and considered by the San Diego Unified School District (District) in connection with its public consideration of requested approvals for the proposed project. The Final EIR also disclosed the environmental effects of a range of project alternatives to the proposed project. The Final EIR and the technical appendices are incorporated herein by reference as through fully set forth.

1.1 Purpose of CEQA Findings; Terminology

CEQA Findings play an important role in the consideration of projects for which an EIR is prepared. Under Public Resources Code (PRC) §21081 and CEQA Guidelines §15091 below, where a Final EIR identifies one or more significant environmental effects, a project may not be approved until the public agency makes written findings supported by substantial evidence in the administrative record regarding each of the significant effects. The specific text about Findings in CEQA Guidelines §15091 is as follows:

- (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.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

In turn, Guidelines §15092(b) provides that no agency shall approve a project for which an EIR was prepared unless either:

- (1) The project as approved would not have a significant effect on the environment, or
- (2) The agency has:
 - A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in the findings under Section 15091, and
 - B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Based on the foregoing, the Guidelines do not provide a bright distinction between the meaning of “avoid” or “substantially lessen.” The applicable Guidelines are based on PRC §21081, which uses the phrase “mitigate or avoid”; therefore, it is generally considered that to “avoid” is to include changes or alterations that result in the significant effect being reduced to below a level of significance. In contrast, the phrase “substantially lessen” is used to describe changes or alterations that materially reduce the significant effect, but not below a level of significance; thus, while mitigated, the effect remains significant. These Findings would distinguish, for the purposes of clarity, between effects that have been “avoided” (thereby reduced below a level of significance) and those that have been “substantially lessened” (and thus remain significant).

In combination with the mitigation and monitoring program discussed in Section 1.7, the following Findings and Statement of Overriding Considerations are binding obligations of the project to implement all required mitigation measures.

1.2 Purpose and Legal Authorities

CEQA was adopted in 1970 and is codified in PRC §§21000 et seq. CEQA is an important environmental law applicable to most public agency decisions to carry out, authorize, or approve projects that could have adverse effects on the environment. CEQA does not directly regulate project implementation or approvals through substantive standards or prohibitions; rather, CEQA generally requires only that agencies inform themselves about the potential environmental effects of a proposed project, carefully consider all pertinent environmental information effects of a proposed project, carefully consider all pertinent environmental information before they act,

provide the public an opportunity to review and comment on any environmental issues, and include conditions or other requirements to avoid or reduce potential significant adverse effects of the project or action when feasible.

The District has codified environmental protection procedures implementing CEQA and the state administrative guidelines issued pursuant to CEQA. The District's consideration of Findings of Fact and a Statement of Overriding Considerations are key steps in the process of considering the approval of the proposed project while concurrently protecting and enhancing the environment. The applicable standards and scope of the District's responsibilities are detailed in the following excerpts from the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§15000 et seq. [Guidelines §15000]).

Guidelines §15040. Authority Provided by CEQA

- (a) CEQA is intended to be used in conjunction with discretionary powers granted to public agencies by other laws.
- (b) CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws.
- (c) Where another law grants an agency discretionary powers, CEQA supplements those discretionary powers by authorizing the agency to use the discretionary powers to mitigate or avoid significant effects on the environment when it is feasible to do so with respect to projects subject to the powers of the agency. Prior to January 1, 1983, CEQA provided implied authority for an agency to use its discretionary powers to mitigate or avoid significant effects on the environment. Effective January 1, 1983, CEQA provides express authority to do so.
- (d) The exercise of the discretionary powers may take forms that had not been expected before the enactment of CEQA, but the exercise must be within the scope of the power.
- (e) The exercise of discretionary powers for environmental protection shall be consistent with express or implied limitations provided by other laws.

Guidelines §15041. Authority to Mitigate

Within the limitations described in Section 15040,

- (a) A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law (Nollan v. California Coastal Commission (1987) 483 U.S. 825; Dolan v. City of Tigard, (1994) 512 U.S. 374; Ehrlich v. City of Culver City, (1996) 12 Cal. 4th 854.).
- (b) When a public agency acts as a responsible agency for a project, the agency shall have more limited authority than a lead agency. The responsible agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project that the agency would be called on to carry out or approve.
- (c) With respect to a project which includes housing development, a lead or responsible agency shall not reduce the proposed number of housing units as a mitigation measure or alternative to lessen a particular significant effect on the environment if that agency determines that there is another feasible, specific mitigation measure or alternative that would provide a comparable lessening of the significant effect.

Guidelines §15042. Authority to Disapprove Projects

A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed. A lead agency has broader authority to disapprove a project than does a responsible agency. A responsible agency may refuse to approve a project in order to avoid direct or indirect environmental effects of that part of the project that the responsible agency would be called on to carry out or approve. For example, an air quality management district acting as a responsible agency would not have authority to disapprove a project for water pollution effects that were unrelated to the air quality aspects of the project regulated by the district.

Guidelines §15043. Authority to Approve Projects Despite Significant Effects

A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

- (a) There is no feasible way to lessen or avoid the significant effect (see Section 15091); and
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (See Section 15093)

Guidelines §15090. Certification of the Final EIR

- (a) Prior to approving a project the lead agency shall certify that:
 - (1) The Final EIR has been completed in compliance with CEQA;
 - (2) The Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
 - (3) The Final EIR reflects the lead agency's independent judgment and analysis.
- (b) When an EIR is certified by a non-elected decision-making body within a local lead agency, that certification may be appealed to the local lead agency's elected decision-making body, if one exists. For example, certification of an EIR for a tentative subdivision map by a city's planning commission may be appealed to the city council. Each local lead agency shall provide for such appeals.

Guidelines §15091. Findings

The purpose of this resolution is to adopt the findings required by this CEQA Guideline section and the underlying California Public Resource Code § 20181.

- (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.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Guidelines §15364. Feasible

Feasible means “capable of being accomplished in a successful manner within a reasonable period of time taking into consideration economic, environmental, legal, social and technological factors.” Feasibility must also be considered in the context of alternatives, which obtain most of the basic objectives of the proposed project, but would avoid and substantially lessen any significant effects of the project. See Guideline §15126.6(a).

Guidelines §15092. Approval

- (a) After considering the Final EIR and in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the project.
- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:
 - (1) The project as approved would not have a significant effect on the environment, or
 - (2) The agency has:
 - (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
 - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.
- (c) With respect to a project, which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible mitigation measure available that would provide a comparable level of mitigation.

1.3 Environmental Impact Report Process

Based on preliminary review of the proposed project, the District concluded that the proposed project could have a significant impact on the environment and that preparation of an environmental impact report was necessary. The District issued its Notice of Preparation (NOP) in accordance with CEQA, on March 6, 2013. The NOP was mailed to the state clearinghouse, county, city, and state and federal agencies, other public agencies, and various interested private organizations and individuals. A scoping meeting was held on March 4, 2013. A copy of the NOP and the written comments received in response to the NOP are included in Appendix A to the Final EIR.

After consideration of the scoping meeting comments and other comments in response to the NOP process, the District identified that the Draft EIR should analyze the potential for environmental impacts associated with the following two substantive potential impact areas in the Environmental Analysis section:

- Aesthetics
- Noise

Additionally, the Draft EIR was directed to include other CEQA substantive sections, including Executive Summary; Project Description, Location, and Environmental Setting; Significant Effects of the Proposed Project; Effects Found Not to Be Significant; Project Alternatives; References; and Preparers Persons and Organizations Contacted.

1.4 Project Description

The District has proposed to construct and operate upgraded athletic facilities and implement technological, safety, and modernization repairs and renovations on the proposed project. These improvements were identified in Propositions S and Z. Although listed together, the athletic facilities upgrades are a separate and discrete project from other improvements, which will require specific authorization from the District. The athletic facilities upgrades are intended to provide safe and modern amenities and to achieve Americans with Disabilities Act (ADA) compliance. The other modernization improvements for the aging school facility are intended to provide a safe and contemporary learning environment in accordance with Propositions S and Z. Specific designs for the modernization improvements have not yet been developed by the District, and were addressed at a programmatic level.

The athletic facilities upgrades and the modernization repairs and renovations are collectively referred to as “the project” or “the proposed project” throughout the remainder of this document. The proposed athletic facility improvements at Crawford High School would involve the following:

1. Relocation the football field to a new Athletic Stadium, which would be developed at the location of the existing baseball fields, tennis courts, parking area, and three school

buildings on the northern half of the school property. The athletic stadium would include a new artificial turf field, an all-weather synthetic track, 1,500 home and 750 visitor bleacher seats with ADA accessibility, stadium lighting (six-pole) configuration, a new press box with an elevator for ADA accessibility, a new Public Address (PA) announcement system, scoreboard, and goal posts, new athletic equipment storage facilities, bathrooms, snack bar and ticket booths, new home and visitor entrance gates, and general site improvements (i.e., grading, drainage, irrigation systems, sidewalks, gates, fences, and landscaping).

2. A new baseball field would be constructed at the location of the current football field, and additional parking and new tennis courts would be constructed on the Mann Middle School property immediately north of the high school.
3. The existing softball field at the southern end of the Crawford High School campus would also be improved.

The proposed project also includes modernization improvements for Crawford High School and Mann Middle School, which are both aging facilities. These improvements would provide a safe and contemporary learning environment and include:

- New buildings and major renovations to existing buildings, technology upgrades consistent with the i21 Interactive Classroom Initiative.
- Renovations of various learning environments and support areas.
- Infrastructure repairs and upgrades, and improvements for ADA compliance.

1.5 Project Objectives

Crawford High School and Mann Middle School were built in 1958 and 1952, respectively, and the majority of their buildings, structures, and infrastructure are more than 50 years old. Prior to Propositions S and Z being placed on the ballot for consideration, District architects conducted an assessment of the Crawford High School and Mann Middle School facilities, and the District coordinated with school staff and stakeholders to refine the assessment and identify needed improvements to the schools. This review was guided by the District's Vision 2020 plan. This plan is a focused, long-term roadmap for student success, culminating in the graduation of the Class of 2020. The overarching goal of the plan is to ensure a quality educational experience for present and future students, and several of its goals emphasize the value of safe and modern school facilities in student growth and achievement. Vision 2020 sees San Diego's schools as true neighborhood learning centers, where student learning extends beyond the school site and includes multiple benefits to the surrounding neighborhoods.

The review of the facilities is contained in the District's Long-Range Facility Master Plan. This plan identifies and prioritizes District-wide needs for renovation and expansion of existing facilities and for new school construction. The Master Plan update was based on a comprehensive assessment of needs and extensive outreach among District stakeholders to share findings from the assessment; discuss costs, funding sources, and priorities; and seek input. For

Crawford High School and Mann Middle School, the review identified the need for renovations and upgrades to the schools' academic and athletic facilities to provide safe and modern amenities and to achieve ADA compliance. These improvements were included in Proposition S. Additional funding was approved for these facilities in accordance with Proposition Z. The improvements identified as a part of Propositions S and Z are a general list of goals for improvements and modernization activities and therefore also contribute to the objectives of the project.

Athletic Facility Upgrade Objectives

- Upgrade athletic facilities and fields, including path of travel, for safe use and compliance with accessibility regulations.
- Upgrade athletic facilities and fields to improve physical education and to bring facilities into conformance with contemporary standards and expectations.
- Renovate gym to meet accessibility regulations.
- Replace the existing fields with new synthetic turf.
- Replace existing track and field with an all-weather track.
- Install a new lighting and public announcement (PA) system, scoreboard, goal posts, and new home and visitor entrance gates for the football field area.
- Construct new restrooms, ticket booths, concession stand, and athletic equipment storage facilities for football field area.
- Install new scoreboards, fencing, and backstops as appropriate at all field areas.
- Construct bleachers at new fields to meet accessibility regulations.
- Replace tennis courts.
- Maintain or increase on-site parking spaces.

Facility Modernization Objectives

- Improve student learning and instruction.
- Improve student health, safety, and security.
- Improve school accessibility and code compliance.
- Conduct major building systems repair and replacement.
- Substantially renovate the existing Crawford High School theater to provide a new visual and performing arts theater.

1.6 Mitigation Monitoring Program

Pursuant to PRC §21081.6, the District has also adopted a detailed mitigation and monitoring program prepared by the EIR consultant under the direction of the District. The program is designed to assure that all mitigation measures as hereafter required are in fact implemented on a

timely basis as the project progresses through its development, construction, and operational phases.

1.7 Record of Proceedings

For all purposes of CEQA compliance, including these Findings of Fact and Statement of Overriding Considerations, the administrative record of all District proceedings and decisions regarding the environmental analysis of the proposed project shall include but are not limited to the following:

- The Draft, Recirculated Draft, and Final EIR for the proposed project, together with all appendices and technical reports referred to therein, whether separately bound or not, or on a CD;
- All reports, letters, applications, memoranda, maps or other planning and engineering documents prepared by the District, environmental consultant, or others presented to or before the Board of Education as determined by the District;
- All letters, reports or other documents submitted to the District by members of the public or public agencies in connection with the District's environmental analysis on the proposed project;
- All minutes of any public workshops, meetings, or hearings, including the scoping meeting, and any recorded or verbatim transcripts/videotapes thereof;
- Any letters, reports or other documents or other evidence submitted into the record at any public workshops, meetings or hearings; and,
- Matters of common general knowledge to the District, which they may consider, including applicable state or local laws, and ordinances and policies.

Documents or other materials which constitute the record of proceedings upon which these Findings are made are located at:

San Diego Unified School District
Facilities Planning and Construction Physical Plant Operations Annex
4860 Ruffner Street
San Diego, CA 92111-1522

2.0 FINDINGS

The Final EIR evaluated the potential for the project to result in environmental impacts with respect to aesthetics; agricultural resources; air quality; biological resources; cultural and paleontological resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use, planning, and recreation; mineral resources; noise; population and housing; public services and utilities; and transportation and traffic. Significant impacts were identified for the project with respect to biological resources, cultural and paleontological resources, hazards and hazardous materials, and noise. Pursuant to the State CEQA Guidelines, the Final EIR also addressed the project's cumulative impacts with respect to several relevant environmental issue areas, as well as growth inducing impacts.

The District published a draft version of the EIR (Draft EIR) on May 16, 2014 and submitted the document for a 45-day public review period in which agencies and members of the public submitted to the District comments on the Draft EIR. The public review period ended on June 30, 2014. The District published a revised draft version of the EIR (Recirculated Draft EIR) on December 4, 2014 and submitted the document for a second 45-day public review period in which agencies and members of the public submitted to the District comments on the Draft EIR. This second public review period ended on January 19, 2015. The District considered all relevant comments in preparation of the Final EIR, and the Final EIR includes responses to the Recirculated Draft EIR and Draft EIR comments and, where necessary, revisions pursuant to these comments.

Having reviewed and considered the information contained in the Final EIR for the project, related documents, public comments, and the entire environmental record, the San Diego Unified School District's Board of Education makes the following findings pursuant to Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines:

A. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects of the proposed project as identified in the Final EIR.

The project's impacts, as identified in the Final EIR, are listed below and followed by the respective CEQA finding made by the District and a brief explanation of such finding. The District's Facilities Management, Maintenance & Operations Center, located at 4860 Ruffner Street, San Diego 92111-1522, is the custodian of the documents and other material that constitute the entire record and the proceedings upon which the decision is based.

The following section discusses significant environmental impact with respect to biological resources, cultural and paleontological resources, hazards and hazardous materials, and noise, as identified in the Final EIR. Changes or alterations to the project that avoid or lessen these impacts have been adopted by the Board of Education through the following findings and the Mitigation Monitoring and Reporting Program, and, after incorporation of the changes or alterations, the following significant impacts will be lessened to less than significant levels.

2.1 *Biological Resources*

Impact Bio-1a: Construction activities at Crawford High School during the breeding season could affect nesting birds and therefore would be considered significant. Mitigation measures proposed to offset these impacts are presented below. If nesting birds are not detected during the preconstruction survey, project impacts would not be considered significant, and no mitigation would be necessary.

Impact Bio-1b: Construction activities at Mann Middle School during the breeding season could affect nesting birds and therefore would be considered significant. Mitigation measures proposed to offset these impacts are presented below. If nesting birds are not detected during the preconstruction survey, project impacts would not be considered significant, and no mitigation would be necessary.

Finding: The project has been revised to include the following measure, which will mitigate the impacts identified above to a less than significant level:

Mitigation Measure Bio-MM-1: If impacts on vegetation are proposed to occur during the breeding season (February 1 through August 15), a preconstruction survey must be conducted to determine if any protected birds are nesting within or immediately adjacent (out to 50 feet) to any vegetation within the impact areas. The survey shall include all vegetation and ground area within an approximately 50-foot area surrounding the proposed construction footprint, including adjacent vegetation that may be situated outside of the site boundary.

The preconstruction nesting bird survey shall be conducted by a qualified biologist to identify nests or nesting activity no more than 7 days prior to commencing project activities. An additional inspection shall be conducted immediately prior to grading, demolition, and/or vegetation clearing. If an active nest of a native bird species is found, a 50-foot no-work buffer zone shall be placed around the nest until the adults are no longer using it or the young have fledged. Given the existing conditions on the site and in the adjacent areas, it is anticipated that the 50-foot buffer will suffice because the project area is considered urban and surrounded by development.

The final buffer width may, however, vary depending on the nesting species and shall be determined by a qualified biologist at the time of discovery. The extent of the buffer will also vary based on site conditions and type of work to be conducted, but will not likely include the need for sound walls that are more typically associated with federally listed species, which have no potential to occur in the study area.

Should construction continue into the following year's nesting season, additional preconstruction surveys would be necessary.

Factual Support and Rationale: Implementation of mitigation Bio-MM-1 would ensure that take under the Migratory Bird Treaty Act is avoided during construction activities. Nesting preconstruction surveys would be completed by a qualified biologist. A buffer around nesting

sites would be implemented to avoid disturbance of an occupied nest. The determination of the buffer size would be determined by a qualified biologist.

2.2.2 Cultural and Paleontological Resources

Impact CR-1a: The project at Crawford High School could result in direct or indirect significant impacts on a unique paleontological resource or site. Impacts on paleontological resources could occur from subsurface grading that disturbs underlying Eocene or Pleistocene/Pliocene age deposits, which could contain paleontological resources. Additionally, construction and associated grading could occur within formations known to contain paleontological resources. Impacts on paleontological resources associated with construction would be significant.

Impact CR-1b: The project at Mann Middle School could result in direct or indirect significant impacts on a unique paleontological resource or site. Impacts on paleontological resources could occur from subsurface grading that disturbs underlying Eocene or Pleistocene/Pliocene age deposits, which could contain paleontological resources. Additionally, construction and associated grading could occur within formations known to contain paleontological resources. Impacts on paleontological resources associated with construction would be significant.

Finding: The project has been revised to include the following measure, which will mitigate the impacts identified above to a less than significant level:

Mitigation Measure CR-MM-1: A Qualified Paleontologist shall prepare a Paleontological Assessment Report that includes record searches and reviews of the existing literature for the project area in order to determine the likelihood of fossils being impacted. If the report identifies impacts on highly sensitive paleontological deposits that cannot be avoided, the following additional measures shall be implemented to recover remains before they are lost or destroyed.

- If highly sensitive fossil-bearing deposits are likely to be impacted and the proposed construction methodology would allow for the recovery of fossils, then the following measures would be incorporated into the project Mitigation and Monitoring Reporting Program (MMRP).
 - If mitigation is necessary, then a Qualified Paleontologist shall attend preconstruction meetings to consult with the grading and excavation contractors concerning excavation schedules, paleontological field techniques, and safety issues. A Qualified Paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, who is knowledgeable in the geology and paleontology of San Diego County, and who has worked as a paleontological mitigation project supervisor in the County for at least 1 year.
 - A Paleontological Monitor shall be on site on a full-time basis during the original cutting of previously undisturbed deposits of high sensitivity formations to inspect exposures for contained fossils. The Paleontological Monitor shall work under the direction of the Qualified Paleontologist. A Paleontological Monitor is defined as an individual who has experience in the collection and salvage of fossil materials.

- If discovered, the Qualified Paleontologist (or Paleontological Monitor) shall recover fossils. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances the Qualified Paleontologist (or Paleontological Monitor) would be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for recovering small fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.
- Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and catalogued.
- Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections, such as the San Diego Natural History Museum. Donation of the fossils shall be accompanied by financial support for initial specimen storage.
- A final data recovery report shall be completed that outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

Factual Support and Rationale: Impacts could occur with grading proposed within the project site that disturbs underlying formations that could possibly contain paleontological resources. Impacts on paleontological resources associated with grading would be significant. Mitigation Measure CR-MM-1 requires that a qualified paleontologist shall prepare a Paleontological Assessment Report that includes record searches and reviews of the existing literature for the project area in order to determine the likelihood of fossils being impacted. If this determines that impacts on highly sensitive paleontological deposits cannot be avoided, then the following measures shall be designed to recover remains before they are lost or destroyed. Monitoring for paleontological resources required during construction activities would be implemented and would provide mitigation for the loss of important fossil remains.

Impact CR-2a: The project at Crawford High School could result in a significant impact on human remains, including those interred outside of formal cemeteries. Construction and associated grading could occur within sediments where human remains might unexpectedly occur. Impacts on human remains associated with construction would be significant.

Impact CR-2b: The project at Mann Middle School could result in a significant impact on human remains, including those interred outside of formal cemeteries. Construction and associated grading could occur within sediments where human remains might unexpectedly occur. Impacts on human remains associated with construction would be significant.

Finding: The project has been revised to include the following measure, which will mitigate the impacts identified above to a less than significant level:

Mitigation Measure CR-MM-2: The discovery of human remains demands that certain laws and protocols be followed before proceeding with any action that might disturb the remains further. If human remains are discovered, then PRC Section 5097.98 and State and Health Code Section 7050.5 shall be followed as specified below:

- The Archaeological Principal Investigator (P.I.) shall first notify the project's Resident Engineer (R.E.), who shall then notify the appropriate District staff.
- The Lead Archaeologist shall then notify the Medical Examiner (M.E.), after consultation with the R.E., either in person or via telephone.
- Work shall be immediately diverted away from the discovery.
- The P.I. and M.E. shall decide if a field examination is necessary.
- If the remains are determined to be Native American, the M.E. shall contact the California NAHC. By law, only the M.E. can make this call.
- The NAHC shall contact the P.I. within 24 hours after notification by the M.E. The NAHC shall also notify the person or persons determined to be the MLDs.
- The P.I. and MLD shall consult and coordinate on the proper and respectful treatment of the remains. In most instances, the disposition of the human remains shall be determined by the MLD and P.I.
- If the human remains are not Native American, then the P.I. shall contact the M.E. and discuss the historical context of the find, whereupon the M.E. shall decide the appropriate course of action in accordance with PRC Section 5097.98.

Factual Support and Rationale: Mitigation Measure CR-MM-2 identifies specific federal and state code that must be adhered if human remains are encountered during construction. Adherence to the mitigation measure and the applicable regulations will ensure that human remains, if encountered during construction, would be handled properly.

2.2.3 Hazards and Hazardous Materials

Impact Haz-1: Project activities at Crawford High School could result in direct or indirect significant impacts related to upset and accident conditions involving the release of hazardous materials into the environment during construction involving the disturbance of subsurface materials within proximity of the 5,000 or 8,967 gallon USTs or undocumented fill.

Finding: The project has been revised to include the following measure, which will mitigate the impact identified above to a less than significant level:

Mitigation Measure Haz-MM-1: Prior to the issuance of construction permits at Crawford High School, a Master Soil Management Plan (SMP) shall be prepared to establish protocol for encountering hazardous materials during construction, including two USTs and/or undocumented fill. Generally, the procedures that could be implemented to minimize hazards during construction include the following:

- Periodic site inspections.
- Notification for disturbance of subsurface materials.
- Segregation of excavated materials that are contaminated, potentially contaminated, or clean soil/materials per Environmental Professional guidance.
- Determination of soils suitable for possible on- or offsite reuse.
- Stockpile management (includes implementation of BMPs and odor/vapor control measures).
- Waste characterization (involves stockpile sampling).
- Management of contaminated soil or waste transport and disposal.
- Documentation of contaminated soils or wastes if encountered.

Factual Support and Rationale: The preparation of a Soil Management Plan would minimize community exposure to hazards if work is proposed in the vicinity of the Underground Storage Tank. The SMP would also assist construction contractors working at the site with notifications and excavation, monitoring, segregation, characterization, handling, and reuse and/or disposal (as appropriate) of waste that may be encountered during earthwork activities. The SMP would also include provisions to address encountering the cement slurry-filled UST or associated piping.

Impact Haz-2a: Construction activities at Crawford High School could result in direct or indirect significant impacts related to upset and accident conditions involving the release of lead-based paint into the environment during demolition of the administration building, and buildings 100 and 200.

Impact Haz-2b: Construction activities at Mann Middle School could result in direct or indirect significant impacts related to upset and accident conditions involving the release of lead-based paint into the environment during the demolition and reconfiguration of buildings 100 and 200.

Finding: The project has been revised to include mitigation measure Haz-MM-1 and the following measure, which will mitigate the impacts identified above to a less than significant level:

Mitigation Measure Haz-MM-2: Prior to the issuance of construction permits for modernization improvements, a Site-Specific Health and Safety Plan (HASP) shall be prepared in accordance with the requirements of the Master Community Health and Safety Plan (CHSP) to minimize community exposure to hazards (both on- and off site) and to foster community awareness of potentially hazardous materials. The HASP shall be prepared in accordance with federal and state Occupational Safety and Health (OSHA) Hazardous Wastes Operations and Emergency Response (HAZWOPER) Standards; Code of Federal Regulations, Title 29, Section 1910.120; and California Code of Regulations, Title 8, Section 5192.

The CHSP and site-specific health and safety plan will be applied during any project construction activities that involve disturbance of lead-based paint. Generally, the procedures that could be implemented to minimize hazards during construction include the following:

- Evaluation of potential public exposure to hazards.
- Action planning to reduce airborne concentrations if found.
- Documentation of daily instrument readings.
- Implementation of administrative and engineering control methods (e.g., reduce public access; prevent or minimize fugitive vapors, odors, and dust; and reduce noise and other physical hazards).
- Implementation of site security.
- Daily backfilling (when feasible) or fencing off of open excavations.
- Use of metal, water-tight roll-off bins, and multiple liners for temporary storage or stockpiled materials.
- Onsite vehicle traffic backing.
- Implementation of BMPs pertaining to hazardous materials.
- Emergency planning in case of accidental or unauthorized release.

Factual Support and Rationale: Preparation of a Site-Specific Health and Safety Plan (HASP) required in mitigation measure Haz-1 shall be prepared in accordance with the requirements of the Master Community Health and Safety Plan would minimize community exposure to hazards if work is proposed in the vicinity of the Underground Storage Tank. The HASP shall be prepared in accordance with federal and state Occupational Safety and Health (OSHA) Hazardous Wastes Operations and Emergency Response Standards; Code of Federal Regulations, Title 29, Section 1910.120; and California Code of Regulations, Title 8, Section 5192. The preparation of a Soil Management Plan required in mitigation measure Haz-2 would minimize community exposure to hazards if work is proposed in the vicinity of the Underground Storage Tank.

Impact Haz-3a: Construction activities at Crawford High School could result in direct or indirect significant impacts related to emitting or handling hazardous materials near a school involving disturbance of lead-based paint materials at the administration building or buildings 100 and/or 200.

Impact Haz-3b: Construction activities at Mann Middle School could result in direct or indirect significant impacts related to emitting or handling hazardous materials near a school involving disturbance of lead-based paint materials at buildings 100 and 200.

Finding: The project has been revised to include mitigation measure Haz-MM-1 and MM-2, which will mitigate the impacts identified above to a less than significant level.

Factual Support and Rationale: Preparation of a Site-Specific Health and Safety Plan (HASP) required in mitigation measure Haz-1 shall be prepared in accordance with the requirements of the Master Community Health and Safety Plan would minimize community exposure to hazards if work is proposed in the vicinity of the Underground Storage Tank. The HASP shall be prepared in accordance with federal and state Occupational Safety and Health (OSHA)

Hazardous Wastes Operations and Emergency Response Standards; Code of Federal Regulations, Title 29, Section 1910.120; and California Code of Regulations, Title 8, Section 5192. The preparation of a Soil Management Plan required in mitigation measure Haz-2 would minimize community exposure to hazards if work is proposed in the vicinity of the Underground Storage Tank.

Impact Haz-4: Crawford High School is located on a list of hazardous materials sites that could create a significant hazard to the public or the environment.

Finding: The project has been revised to include mitigation measure Haz-MM-1 and MM-2, which will mitigate the impacts identified above to a less than significant level.

Factual Support and Rationale: Preparation of a Site-Specific Health and Safety Plan (HASP) required in mitigation measure Haz-1 shall be prepared in accordance with the requirements of the Master Community Health and Safety Plan would minimize community exposure to hazards if work is proposed in the vicinity of the Underground Storage Tank. The HASP shall be prepared in accordance with federal and state Occupational Safety and Health (OSHA) Hazardous Wastes Operations and Emergency Response Standards; Code of Federal Regulations, Title 29, Section 1910.120; and California Code of Regulations, Title 8, Section 5192. The preparation of a Soil Management Plan required in mitigation measure Haz-2 would minimize community exposure to hazards if work is proposed in the vicinity of the Underground Storage Tank.

2.2.4 Noise

Impact NS-1a: During the construction of the proposed Athletic Stadium, tennis courts, and baseball/softball complex, the estimated construction noise level would increase the noise levels at residential areas R1, R2, R3, and R4, and at classrooms surrounding the construction sites over the City's noise limit of 75 dBA Leq. Therefore, when construction activities occur near the residential areas and classrooms, the construction noise impact would be significant.

Impact NS-1b: During the construction of the proposed new classroom building, parking lot, basketball courts, and landscaping, the estimated construction noise level would increase the noise levels at residential area R6 and at classrooms surrounding the construction sites over the noise limit of 75 dBA Leq. Therefore, when the construction activities occur near the residential area and classrooms, the construction noise impact would be significant.

Finding: The project has been revised to include the following measure, which will mitigate the impacts identified above to a less than significant level:

Mitigation Measure NS-MM-1: Implement construction site noise control measures. The District shall require all contractors to adhere to the following noise abatement measures.

- An onsite construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the District shall be established prior to construction commencement that shall allow for resolution of noise problems through coordination directly between the District and the City that

cannot be immediately solved by the site supervisor. The District shall be responsible for ensuring implementation.

- Contractor shall comply with manufacturers' muffler requirements on all construction equipment engines.
- Contractor shall turn off construction equipment when not in use, where applicable.
- Contractor shall locate stationary equipment as far as practical from receiving properties.
- Contractor shall use temporary sound barriers or sound curtains¹ around loud stationary equipment when the construction activity would generate noise in excess of 75 dBA over any 1-hour period at impacted residences and classrooms if the other noise reduction methods are not effective or when appropriate to resolve a noise complaint.
- Contractor shall provide advance written notification of construction activities to residences around the construction site. Notification will include a brief overview of the proposed construction activity and its purpose and schedule. It also will include the name and contact information of the project manager or representative responsible for resolving any noise concerns.

Factual Support and Rationale: The abatement measures identified in NS-1 are standard measures that would mitigate potential noise impacts to below a level of significance. As an added assurance to address public concern for noise complaints that cannot be immediately solved by the site supervisor, a clear appeal process to the District will be established prior to construction commencement in order to allow for resolution of noise problems through direct coordination between the District and the City of San Diego. The mitigation measures listed in NS-1 are standard measures that can be applied by the District in conjunction with City coordination to address the noise problems.

Impact NS-3: The classrooms facing 54th Street could experience interior noise levels exceeding the noise standards of 45 dBA CNEL. This noise impact at the building is therefore potentially significant.

Finding: The project has been revised to include the following measure, which will mitigate the impact identified above to a less than significant level:

Mitigation Measure NS-MM-3: Conduct site-specific building acoustical analysis for the new classroom building on 54th Street and implement noise control treatments where required.

- The District shall retain a qualified acoustical consultant to review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by state noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels reduced to 45 dBA CNEL or lower. The specific determination of what noise insulation treatments are necessary shall be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control

treatments, shall be submitted to the District along with the building plans, and shall be approved prior to issuance of a building permit.

- Special building techniques (e.g., sound-rated windows and building façade treatments) shall be implemented as recommended by the qualified acoustical consultant to maintain interior noise levels at or below acceptable levels. These treatments may include, but are not limited to sound-rated windows and doors, sound-rated wall constructions, acoustical caulking, and protected ventilation openings. Preliminary calculations indicate that classrooms nearest to and facing 54th Street with direct line of sight to the roadway would require sound-rated windows and doors to assure that the interior average noise level guidelines are met.

Factual Support and Rationale: The required site-specific building acoustical analysis will identify the necessary noise control treatments to ensure that interior noise levels for classrooms that would be facing 54th Street would not exceed 45 dBA. These treatments may include, but are not limited to standard noise attenuation features such as sound-rated windows and doors, sound-rated wall constructions, acoustical caulking, and protected ventilation openings.

B. Specific economic, legal, social, technological, or other considerations, including the provision for the employment of highly trained workers, make infeasible certain mitigation measures or project alternatives identified in the Final EIR.

INFEASIBILITY OF PROJECT MITIGATION MEASURES TO REDUCE OR AVOID SIGNIFICANT IMPACTS

Section 21081(a)(3) of CEQA provides that if a certified EIR identifies one or more significant effects on the environment that would occur if a project is approved or carried out, but the change or alterations required, or incorporated into, the project would not mitigate all of those significant effects, then the public agency may find that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR.

Implementation of the project would result in significant impacts related to aesthetics and noise, which would not be reduced to a less than significant level or substantially lessened by implementation of mitigation identified in the Final EIR. For this reason, the Board of Education will adopt a Statement of Overriding Considerations for the project. The following section provides specifics regarding the project's significant and unavoidable impacts.

1. Aesthetics

Impact AES-1: Implementation of the proposed project would result in the contribution of up to 1.46 vertical footcandle and 0.88 horizontal footcandle at the eastern property line and 0.94 vertical footcandle at the western property line, which are all above the 0.8- footcandle threshold. Light trespass from the six proposed stadium lights would exceed 0.8- footcandle at 11 residences. The potential for the project to adversely affect a substantial number of people is very low; however, the District has determined that the lights could have a significant impact due to light trespass.

Finding AES-1:

The project has been revised to include the following measure, which will reduce the impacts identified above but not to a less than significant level:

Mitigation Measure Aes-MM-1: The District shall provide and install, upon request of the homeowner, light blocking blinds (or shades) in the bedrooms of the 11 homes identified in the EIR that 1) have bedroom windows with a direct or indirect line of sight to the football field and/or associated lighting elements and 2) that are calculated by the lighting analysis to be impacted by the Project-related lighting levels by more than 0.79 footcandles. The light blocking blinds or shades shall be certified by the manufacturer to block at least 90% of incoming light. District shall notify the homeowners of the availability of the blinds or shades prior to installation of the stadium field lighting and shall install the blinds (or shades) prior to operating the field lighting.

Factual Support and Rationale: The inclusion of lighting as a component of the project is reflected in the project objectives as an important component of the project. The project objectives are to “modernize” the high school facilities and lighting (a common element of other modern high schools) both to provide equality in improvements across schools and also to support the athletic program, which is proven to be integral to academic success. The original lighting plan was evaluated and it was determined that 19 homes would be significantly impacted by light spill in excess of 0.8-footcandle. The design was revised to reduce the amount of residences affected by light trespass by increasing the height of the light poles (from 80 feet to 90 feet), using extended shielding on the lights, using internal reflectors to focus the lights, and providing site-specific calibration so that lighting standards for the field are achieved while areas that do not need to be lit are minimized. As a result of these design improvements, the number of homes affected was reduced to 11 residences. The implementation of Mitigation Measure Aes-MM-1 would address potential sleep disturbance issues associated with the light spill but this measure requires the participation from the affected property owners. No other feasible mitigation measures have been identified as a part of the technical analysis completed for the Final EIR to avoid or substantially reduce the impacts. These impacts are therefore considered to be significant and unavoidable.

An alternative involving use of retractable lights was raised during the Draft EIR and Recirculated Draft EIR public comment period and described in Section 7.1.3 of the Draft EIR. However, this alternative does not reduce any significant light spill impacts. The purpose of such an alternative as suggested by commenters is to reduce the impact of the light standards on views from surrounding residents. However, as discussed in Section 3.1, “Aesthetics,” private views do not need to be addressed under CEQA and impacts to views were determined to be less than significant. State CEQA Guidelines specify that project alternatives avoid or substantially lessen significant effects of the project. Therefore, because this alternative would not meet the requirements of CEQA it was rejected from further consideration in the Draft EIR.

It was recommended as a part of public comments received during the public review period for the Draft EIR and Recirculated Draft EIR that the number of events held at the stadium be limited so that lighting impacts could be reduced. Limiting the number of the events at the

stadium would not avoid the significant lighting impacts identified in the Draft EIR. As described in Chapter 3.1 of the Draft EIR, significant impacts related to light spill would occur in association with every stadium event. Reducing the number of events as suggested in the comment could undermine the objectives of the project identified in the Draft EIR. As described in Section 1.2 of the Draft EIR, it is an objective of the project to upgrade athletic facilities and fields to improve physical education and to bring facilities into conformance with contemporary standards and expectations. Reducing the number of events to 15 is not consistent with use of stadiums at other schools that can be used for lighted events throughout the year for sporting events, practices, and other uses.

2. Noise

Impact NS-2: The estimated noise levels are greater than the existing ambient noise level (48–56 dBA Leq) and would exceed the City’s noise limits (50 dBA Leq between 7 a.m. and 7 p.m., and 45 dBA between 7 p.m. and 10 p.m. for single-family residences; 55 dBA Leq between 7 a.m. and 7 p.m., and 50 dBA between 7 p.m. and 10 p.m. for multi-family residences). Therefore, operation of the new Athletic Stadium would result in significant noise impacts at nearby residential areas R1, R2, R4, and R6.

Finding NS-2: The project has been revised to include the following measure, which will reduce the impacts identified above but not to a less than significant level:

Mitigation Measure NS-MM-2: The District shall ensure that noise-reduction design features are implemented to the extent feasible to reduce the potential noise impacts during football games and other events. The District shall retain a qualified acoustical consultant to review the design of the proposed PA system and any sound attenuation measures to be implemented to reduce noise impacts to nearby residences. Measures that can be used to reduce noise include, but are not limited to, the following.

- Design the PA system to provide adequate speech intelligibility to the seating areas while maintaining minimal sound transmission to adjacent residential areas. This can be accomplished by using a distributed speaker system that utilizes a large number of small speakers distributed throughout the seating area as opposed to several large speakers mounted high on poles. The speakers should be highly directional to focus sound energy on the seating area.
- Add shielding materials along the back of the bleachers to block the line of sight between the crowd and adjacent residences.

The District has determined pursuant to CEQA Section 21081(a)(3) that even with mitigation, it is not feasible to reduce the noise levels that will be generated by football games at the Athletic Stadium to levels within the City’s noise limits. The school is a necessary and important public facility that benefits the residents of El Cerrito. Athletics and athletic events, and football games in particular, are commonplace and expected aspects of the public high school experience. Such events are integral features of high school social life that also foster participation from the wider communities served by high schools across California and the United States. Pursuant to CEQA Section 21081(b), the District finds that the project’s benefits outweigh the detriments of this significant and unavoidable impact. The District will prepare a Statement of Overriding

Considerations to explain the reasoning for implementing the project despite its significant and unavoidable noise impact.

Factual Support and Rationale: The implementation of Mitigation Measure NS-MM-2 in combination with the proposed project's sound-reducing design features, will reduce noise levels at nearby sensitive receptors to the degree feasible. For the PA system to be effective, it has to be heard above the crowd and band. The crowd and band are capable of creating noise levels that exceed the City's noise standard; therefore, it is not feasible to fully mitigate the impacts through the project's sound-reducing design features at the proposed site. Attaining the City's noise standard is likely not feasible for larger events.

Another mitigation measure option is to construct a noise attenuation wall that would be longer than the length of the bleachers and at least 6-feet taller than the proposed bleachers (maximum height of about 16.5 feet) and the location of the PA speakers (maximum height of about 40 feet) on the light poles. Therefore, the noise attenuation wall would need to be approximately 1,500 feet long, that runs along the west, north, and east sides of the stadium, and approximately 46 feet high. The wall barrier would reduce noise levels from the stadium by approximately 5-10 dBA at residences located directly to the west and east of the stadium and residences on 56th Street north of Trojan Ave. The wall barrier would not be effective in reducing the noise levels below the City's noise standards. Therefore, this method cannot achieve the noise reduction required to meet the hourly average noise threshold and reduce the impact from football games to a less than significant level. Further, based on preliminary cost estimates, the wall would cost approximately \$1,100,000. Due to the high cost to construct the wall, occasional nature of the significant noise events, and the inability to reduce the impact to a level less than significant, this mitigation measure has been determined to be infeasible. Additionally, due to the height and length needed for the wall to be effective, it would result in negative aesthetics impacts. Such a large wall could also present safety issues.

A measure that would fully mitigate the noise impacts would be to enclose the stadium with walls and a roof, similar to a dome. However, the cost to construct a dome would be several times more expensive than installing a wall. Therefore, due to the high cost to construct a dome, this mitigation measure was determined to be infeasible and was not considered by the District.

Operational measures to reduce noise generated at stadium events were recommended as a part of comments received during the public review period for the Draft EIR and Recirculated Draft EIR. Operational restrictions on use of noise makers, voice amplification and the PA system identified in the comments would reduce noise levels generated at a stadium event. However, it is not anticipated that these measures would avoid the significant impacts identified in the Draft EIR. As described in Chapter 3.5 of the Draft EIR, noise impacts and exceedance of the City noise ordinance limits are based on a combination of pre-game music played from the loudspeakers, the PA announcer during the games, fans cheering, and fans stomping on aluminum bleachers. The recommendations listed in the comments would not reduce noise levels from all of these sources. As a result, these recommendations are not considered mitigation measures under CEQA.

It was recommended as a part of public comments received during the public review period for the Draft EIR and Recirculated Draft EIR that the number of events held at the stadium be limited so that noise impacts could be reduced. Limiting the number of the events would not avoid noise impacts identified in the Draft EIR. As described in Chapter 3.5 of the Draft EIR, significant impacts related to noise generated by a combination of pre-game music played from the loudspeakers, the PA announcer during the games, fans cheering, and fans stomping on aluminum bleachers spill could occur in association with every stadium event. Reducing the number of events as suggested in the comment could undermine the objectives of the project identified in the Draft EIR. As described in Section 1.2 of the Draft EIR, it is an objective of the project to upgrade athletic facilities and fields to improve physical education and to bring facilities into conformance with contemporary standards and expectations. Reducing the number of events to 15 is not consistent with use of stadiums at other schools that can be used throughout the year for sporting events, practices, and other uses.

INFEASIBILITY OF PROJECT ALTERNATIVES TO REDUCE OR AVOID SIGNIFICANT IMPACTS

Section 21081(a)(3) of CEQA provides that if a certified EIR identifies one or more significant effects on the environment that would occur if a project is approved or carried out, but the change or alterations required, or incorporated into, the project would not mitigate or avoid those significant effects, then the public agency may find that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the Final EIR.

Alternatives Considered but Rejected as a Part of Analysis for the Draft EIR

Under CEQA, a lead agency is not required to consider the feasibility of project alternatives if it has adopted mitigation measures that substantially lessen or avoid a project's significant adverse environmental impacts. The District initially considered eight alternatives. The following alternatives were considered but rejected:

- Alternative Site Location
- No Night Lighting Alternative
- Lowered or Retractable Lights Alternative
- Maintain Existing Stadium Seating Capacity Combined with Ticket Maximum Alternative
- Construction Noise Avoidance Alternative

The first two alternatives listed above were determined to be in direct conflict with project objectives and therefore rejected from further consideration. The Lowered or Retractable Lights Alternative was rejected because this alternative would not reduce any significant environmental impacts of the project related to aesthetics and noise. Similarly, the Maintain Existing Stadium Seating Capacity Combined with Ticket Maximum Alternative would not reduce any significant impacts of the project and would conflict with a project objective to expand the capacity of the stadium.

The Construction Noise Avoidance Alternative was rejected because reducing the amount of equipment used for construction would increase the length of construction time considerably in the vicinity of residences along the western border of the project site. Additionally, the implementation of noise reduction measures required by the mitigation measure NS-MM-1 could reduce noise levels during construction to acceptable levels without needing to reduce the amount of construction equipment used.

Recommended Alternatives from Public Comments Received During Public Review Period for Draft EIR

Reduction in Number of Events Held at Stadium

It was recommended as a part of public comments received during the public review period for the Draft EIR that the number of events held at the stadium be limited so that noise and lighting impacts could be reduced. The recommendation in a public comment letter was to "...come to an agreement on a maximum number of 15 evening/nights under a lighted field per year with strict enforceable field use policies and procedures in place taking into account the known significant immitigable impacts of Noise and Lighting." Limiting the number of the events would not avoid or substantially lessen lighting and Noise impacts identified in the Draft EIR. As described in Chapter 3.1 of the Draft EIR, significant impacts related to light spill would occur in association with every stadium event. As described in Chapter 3.5 of the Draft EIR, significant impacts related to noise generated by a combination of pre-game music played from the loudspeakers, the PA announcer during the games, fans cheering, and fans stomping on aluminum bleachers spill would occur in association with every stadium event. It is acknowledged that limiting the number of events to 15 would reduce the frequency that noise and lighting would be generated by stadium events held at the campus. However, reducing the number of events as suggested in the comment would not implement the objectives of the project identified in the Draft EIR. As described in Section 1.2 of the Draft EIR, it is an objective of the project to upgrade athletic facilities and fields to improve physical education and to bring facilities into conformance with contemporary standards and expectations. Reducing the number of events to 15 is not consistent with use of stadiums at other schools that can be used throughout the year for sporting events as well as practices. Considering that implementation of this recommended alternative would not avoid or substantially lessen the significant impacts related to lighting and noise identified in the Draft EIR and that the alternative would not meet the objectives of the project, the alternative is considered infeasible.

Operational Measures to Reduce Light and Noise from Stadium Events

Other recommendations were submitted during the public comment period regarding field use. These recommendations included restricting daytime use of the Athletic Stadium within an event plan, establishing field usage rules for any event, limits for PA system use, tracking neighborhood complaints related to field use, establishing a curfew for stadium lighting, and providing a website dedicated to community engagement. Operational restrictions on use of noise makers, voice amplification and the PA system identified in the comments would reduce noise levels generated at a stadium event. However, it is not anticipated that these measures

would avoid or substantially lessen the significant impacts identified in the DEIR. As described in Chapter 3-1 of the Draft EIR, significant impacts related to light spill would occur in association with every stadium event. As described in Chapter 3.5 of the Draft EIR, noise impacts and exceedance of the City noise ordinance limits are based on a combination of pre-game music played from the loudspeakers, the PA announcer during the games, fans cheering, and fans stomping on aluminum bleachers. The recommendations listed in the comments would not reduce noise levels from all of these sources. Considering the use restrictions would not avoid or substantially lessen significant impacts related to lighting and noise identified in the Draft EIR these recommendations are not considered mitigation measures under CEQA. As a result, the recommendations listed in the comment related to lighting and noise are not included in the Final EIR as mitigation measures or as an alternative.

Operational Measures to Address Traffic and Parking

The public comments received during the EIR public review period included recommendations for encouraging pedestrians and for Traffic and Parking Mitigation. The focus of the recommendations received in the public comments was to reduce on-street parking. As described in Section 5.2.5 of the DEIR, implementation of the project would not result in significant impacts related to parking. Therefore the recommendations included in the public comments on the Draft EIR are not considered mitigation measures under CEQA. It is acknowledged in section 5.2.5.2 of the DEIR that it is likely that many patrons will use the on street parking close to the school as they may find those parking spaces more convenient than some of the on-campus parking. However, when the modernization improvements at Mann and Crawford are completed adequate parking will be provided within campus lots. As discussed in Section 5.2.5.2 of the DEIR, based on a nearby public on-street parking survey conducted by KOA, 449 spaces were counted within ¼ mile of the high school. Observed parking use within ¼ mile concluded that 223 spaces were unoccupied by residents along surrounding roadways and that these spaces could be utilized for football game and other event parking if needed. Use of on-street parking is expected to occur as a result of it being more convenient but a sufficient supply of parking will be provided on the campus when the project is completed. Therefore, impacts on parking would remain less than significant with implementation of the measures recommended in the comment. As a result, the recommendations listed in the comment related to traffic and parking are not included in the Final EIR as mitigation measures or as an alternative.

Rental of Stadium to 3rd Party Events

Recommendations were made regarding Field Usage and Field rental to 3rd parties as a part of public comments received on the Draft EIR. Changing the field use operations related to the rental to 3rd parties or implementing operational procedures different from that described in the DEIR is at the discretion of the Board of Education. Limiting rentals of the field by 3rd parties would not avoid or substantially reduce environmental impacts identified in the DEIR. As a result, the general and specific field use recommendations listed in the comment are not included in the Final EIR as mitigation measures or as an alternative.

Alternatives Carried Forward in Draft EIR

The following three alternatives were carried forward.

No Project/Existing Stadium Alternative

The No Project/Existing Stadium Alternative assumes that the athletic improvements would not be implemented; however, the building modernization improvements under Proposition S would be implemented. The District would not implement the upgrades associated with the Athletic Stadium, baseball field, or softball field; and all existing athletic facilities would remain as they are under existing conditions. No PA system or increase in the stadium capacity would be implemented under this alternative. The No Project/Existing Stadium Alternative would avoid significant project impacts associated with aesthetics, biological resources, cultural resources, hazards and hazardous materials, and noise. While this alternative is considered the environmentally superior alternative, it would not meet the basic objectives of the proposed project.

Avoid Underground Storage Tank Alternative

Under this alternative any ground disturbing activities associated with modernization activities would be avoided at locations where two underground storage tanks (USTs) are located: (1) a 1,000-gallon UST near the school's parking lot at the northeast corner of the gym; and (2) a 5,000-gallon diesel UST near the southeast corner of building 600 at the southern edge of the campus. Under this alternative, improvements involving ground disturbance to these area would not be allowed. The Avoid Underground Storage Tank Alternative would carry forward the other modernization improvements for the remaining buildings on the project site, including Mann Middle School, and would result in upgrades to the athletic facilities, similar to the proposed project. As a result, impacts on hazards and hazardous materials identified in Section 3.4 would be avoided. Other impacts related to aesthetics, cultural resources, noise, and parking would be similar to the proposed project with implementation of this alternative. Avoidance of this area would likely not preclude the District from meeting the project objectives, including the objective to “[c]onduct major building systems repair and replacement,” because almost all of the site modernization improvements anticipated by Propositions S and Z could be implemented. As such, the Avoid Underground Storage Tank Alternative would not preclude the District from fully achieving all of the project objectives.

Avoid Construction during Nesting Season Alternative

Vegetation occurring on site and in the vicinity of the project may provide suitable habitat for migratory birds, especially songbirds and raptors protected under the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, which prohibit the take or destruction of migratory birds, raptors, their nests, or eggs. Impacts on nesting birds protected by the MBTA and similar provisions of the Fish and Game code could occur if construction work is conducted during the nesting season, defined by the California Department of Fish and Wildlife (CDFW) as February 1 through August 15. Under this alternative construction would not take place within 50 feet of the existing vegetation

Under this alternative construction would not take place within 50 feet of the existing vegetation during the nesting season. Construction would take place on the remainder of the site during the nesting season. Avoidance of construction within 50 feet of vegetation during the nesting season would avoid the impact identified in Section 3.2 of the EIR.

Summary

As described above, with the exception of a significant and unavoidable aesthetics impact associated with light trespass from the proposed lighting elements at the Athletic Stadium and the noise impact associated with operation of the stadium, the mitigation measures identified above would reduce all significant impacts to below a level of significance. The significant unavoidable aesthetics impact associated with the stadium could be reduced to less than significant with selection of the No Project/Existing Stadium Alternative. However, this alternative would not meet the basic objectives of the proposed project. Because light trespass impacts are operational impacts, the only other alternatives carried forward in the EIR (the Avoid Underground Storage Tank and Avoid Nesting Season alternatives) would not affect any operational impacts associated with the project, including light trespass. There are no specific economic, legal, social, technological, or other considerations that make infeasible the two alternatives that meet project objectives. Therefore, the Board of Education will be required to adopt a Statement of Overriding Considerations for the project.

**CRAWFORD HIGH SCHOOL AND MANN MIDDLE SCHOOL
(SCH. No. 2013031019)**

**STATEMENT OF OVERRIDING CONSIDERATIONS
*For the Athletic Facility Upgrade and Modernization Project***

The California Environmental Quality Act (CEQA) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (Section 15093 [a]). CEQA further requires that, when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record (Section 15093 [b] of the State CEQA Guidelines). This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (Section 15093 [c] of the State CEQA Guidelines).

The District, pursuant to Section 15093 of the State CEQA Guidelines, after balancing the benefits of the proposed Crawford High School and Mann Middle School Athletic Facility Upgrade and Modernization Project and associated actions, against the unavoidable significant project-specific noise impact, as defined in the Final EIR, hereby determines that the impacts are acceptable for the following reasons:

1. The proposed project will renovate and upgrade the facilities of an aging high school campus in order to ensure a quality educational experience for present and future students by providing them safe and modern school facilities in accordance with the District’s Vision 2020 plan;
2. The project will assist the District in achieving the renovations and expansion of existing facilities enrollment standards contained in the Long-Range Facilities Master Plan (LRFMP) and supported by the Proposition S and Z bond funds. The Proposition S fund which was approved by nearly 69% of San Diego voters on November 4, 2008. The Proposition Z fund was approved by the voters on November 6, 2012;
3. The proposed project would construct an athletic facility be ‘equal’ with other schools in the CIF conference that are able to conduct evening events;
4. The proposed project would provide a safer facility for fans attending the events as well as make the facility American Disabilities Association (ADA) compliant;
5. The proposed project would provide ‘night lighting’ for evening events, which would allow the opportunity for more people (parents and students) to attend the events;

6. Athletic facilities, including the proposed project's new Athletic Stadium, and the events that will take place at these facilities stadium, particularly evening football games at the stadium, are commonplace and expected aspects of the public high school experience, as well as important elements of modern high school social life;
7. High school athletic events, and evening high school football games in particular, have an importance that extends beyond the school grounds in terms of cultivating and reinforcing social bonds within local communities and across generations;
8. Providing additional evening hours for practice and events at the Athletic Stadium limits the academic time disturbances for students that is currently associated with participating in daytime events;
9. Athletic facility upgrades would allow Crawford High School teams to be able to play evening games at their home field rather than using an off-campus facility; and
10. The proposed project would construct an athletic facility that is within reasonably the same budget expenditure of other upgraded athletic facilities upgrades projects within the SDUSD.