

IRVINE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 14-15-37

ADOPTING AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED MAINTENANCE AND OPERATIONS YARD EXPANSION/MODERNIZATION AND AUTHORIZATION TO FILE A NOTICE OF DETERMINATION

WHEREAS, the Irvine Unified School District (“School District”) proposes to expand and modernize the Maintenance and Operation Yard located on 7.8 acres at 100 Nightmist in the City of Irvine, County of Orange (the “Project Site,” more particularly shown on figures in the Initial Study);

WHEREAS, prior to commencement of the Project, the School District must comply with the California Environmental Quality Act (“CEQA”);

WHEREAS, the School District retained Rincon Consultants, Inc. to prepare an initial study for the Project (“Initial Study”) to ascertain whether the Project may have a significant effect on the environment;

WHEREAS, the Initial Study discloses there is no substantial evidence that the Project will have a significant effect on the environment if certain mitigation measures are adopted;

WHEREAS, on the basis of the Initial Study, School District staff determined that a Mitigated Negative Declaration should be prepared for the Project;

WHEREAS, the Mitigated Negative Declaration was prepared pursuant to CEQA and the State CEQA Guidelines;

WHEREAS, pursuant to CEQA, and Title 14, California Code of Regulations, Section 15072, the School District has given notice to the public and other agencies that the Project will not have a significant effect on the environment and that the School District proposes to adopt a Mitigated Negative Declaration for the Project;

WHEREAS, the School District, as the lead agency for the Project, provided copies of the Mitigated Negative Declaration and Initial Study to the public for review and comment pursuant to Public Resources Code sections 21091 and 21092;

WHEREAS, the School District received, considered and prepared comments received from the public and other interested agencies regarding the Initial Study and Mitigated Negative Declaration;

WHEREAS, the Mitigated Negative Declaration includes mitigation measures which, if adopted, will mitigate potential environmental impacts of the Project to a less than significant level (“Mitigation Measures”);

WHEREAS, pursuant to Public Resources Code section 21151.8, the Initial Study indicates that the Project Site is not the site of a current or former hazardous waste disposal site or solid waste disposal site; a hazardous substance release site; a site that contains one or more pipelines situated underground or aboveground that carries hazardous substances, acutely hazardous materials, or hazardous wastes;

WHEREAS, such consultation and investigation have resulted in the conclusion that no permitted or non-permitted facilities have been identified within one-fourth of a mile of the Project Site which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste;

WHEREAS, pursuant to Education Code Section 17212, the District has caused geological and soil engineering investigation report for the Project Site to be completed (“Geological Report”);

NOW, THEREFORE, the Board of the School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That all of the recitals set forth above are true and correct, and the Board so finds and determines.

Section 2. That the School District Governing Board reviewed and considered the information contained in the Initial Study and Mitigated Negative Declaration including, without limitation, comments from the public and interested agencies and the School District’s responses to such comments. The Board hereby makes the following specific findings with respect to the Mitigated Negative Declaration:

- (a) The Mitigated Negative Declaration prepared for the Project contains a complete and accurate reporting of the potential environmental impacts associated with the Project; and
- (b) The Mitigated Negative Declaration has been completed in compliance with CEQA and the State CEQA Guidelines; and
- (c) Pursuant to CEQA and Title 14, California Code of Regulations, Section 15074, on the basis of the whole record before the Board, including the Initial Study and any comments received, there is no substantial evidence in the record supporting a fair argument that the Project may result in significant effects on the environment if the Mitigation Measures are adopted and incorporated into the Project; and
- (d) The Board does hereby adopt the Mitigation Measures; and
- (e) The Mitigated Negative Declaration and Initial Study reflect the independent judgment of the School District; and

- (f) Any mitigation measures added to the Mitigated Negative Declaration and Mitigation Measures subsequent to the circulation of the draft Mitigated Negative Declaration are either minor changes to the Project and do not result in a fundamental reorganization of the Mitigated Negative Declaration, and/or the purpose of the additional mitigation measures is to reduce the potential effects on the environment that were already identified in the draft Mitigated Negative Declaration to a less than significant level, and further that the additional mitigation measures do not have the potential to have a significant impact upon the environment; and
- (g) That any mitigation measures which have been changed or substituted subsequent to the circulation of the draft Mitigated Negative Declaration are equivalent or more effective in mitigating the potential environmental impacts than the prior mitigation measures, and that the change and/or substitution of such mitigation measures will not itself cause any potentially significant effect on the environment.

Section 3. That pursuant to Public Resources Code section 21151.8, the Project Site is not the site of a current or former hazardous waste disposal site or solid waste disposal site; a hazardous substance release site; a site that contains one or more pipelines situated underground or aboveground that carries hazardous substances, acutely hazardous materials, or hazardous wastes.

Section 4. That pursuant to Education Code Section 17212, the District has properly prepared a Geological Report for the Project Site and that the Geological Report concludes that there is not a trace or geological fault along which a surface rupture could reasonably be expected to occur within the life of any of the proposed buildings upon the Project Site, nor are any buildings upon the Project Site proposed to be constructed within 50 feet of a trace of a geologic fault along which a surface rupture can reasonable be expected to occur within the life of such school buildings.

Section 5. That the School District has complied with Public Resources Code section 21092.6.

Section 6. That the Project is hereby approved and the Mitigated Negative Declaration is hereby adopted for the Project and that the District adopts the Mitigation Measures as set forth in the Mitigated Negative Declaration (“Mitigation Monitoring and Reporting Plan”).

Section 7. That the proposed Project will have no adverse impacts, either individually or cumulatively, on wildlife resources or the habitat upon which the wildlife depends as defined in Fish and Game Code Section 711.2, nor will it adversely impact the resources governed by the State Department of Fish and Wildlife.

Section 8. That the School District’s staff is instructed to file a Notice of Determination and a Certificate of Fee Exemption for the Project with the Clerk of the County of Orange and with the Office of Planning and Research of the State of California within five business days of adoption of this resolution.

Section 9. That this resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Board of the Irvine Unified School District on the 14th day of April, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

President of the Board of Education
Irvine Unified School District

Attested to:

Clerk of the Board of Education
Irvine Unified School District