

IRVINE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 16-17-36

**RESOLUTION OF THE BOARD OF EDUCATION OF
THE IRVINE UNIFIED SCHOOL DISTRICT
ADOPTING THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION,
APPROVING A MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE CONSTRUCTION AND OPERATION OF THE PROPOSED PLANNING AREA 6
NORTH ELEMENTARY SCHOOL PROJECT, ADOPTING WRITTEN FINDINGS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
CALIFORNIA EDUCATION CODE, AND CALIFORNIA CODE OF REGULATIONS;
AND THE AUTHORIZATION TO FILE A NOTICE OF DETERMINATION**

WHEREAS, the Board of Education (Board) of the Irvine Unified School District (District) desires to acquire a net usable 11.3-acre lot (Project Site) located north of Portola Parkway, south of State Route (SR) 241 in the Portola Springs Community, Planning Area 6, City of Irvine, County of Orange; and

WHEREAS, the Board desires to have the District construct, operate, and maintain the new elementary school upon the Project Site housing approximately 1,000 kindergarten through sixth grade students, and consisting of permanent building space, three childcare portables, and future expansion of portable classrooms and/or classroom wing (acquisition of the Project Site, construction and operation of the school facilities collectively compose the “Project”); and

WHEREAS, prior to commencement of the Project, the District must comply with the California Environmental Quality Act (CEQA), Title 5 of the California Code of Regulations (CCR), and California Education Code (CEC); and

WHEREAS, the District, acting as the Lead Agency as defined in the Public Resources Code (PRC) §21067, retained Chambers Group, Inc. (Chambers Group) to prepare an Initial Study for the Project to ascertain whether the Project may have a significant effect on the environment; and

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; and

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

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

WHEREAS, pursuant to PRC §§21091- 21092, the District released the Initial Study and Mitigated Negative Declaration for a 30-day public review period on December 9, 2016, submitted to the California State Clearinghouse (State Clearinghouse No. 2016121032) for distribution to potentially affected state agencies and organizations, provided copies of the IS/MND available for review by interested persons at the Irvine Unified School District

Facilities Planning Department (2015 Roosevelt, Irvine CA) and Heritage Park Regional Library (14361 Yale Avenue, Irvine, CA), Orange County Clerk-Recorder office (12 Civic Center Plaza, Room 101, Santa Ana, CA), and available online at http://www.iusd.org/district_services/facilities_planning_and_construction/public_notices.html; and

WHEREAS, pursuant to CEQA (14 CCR §15072), the District has given notice to the public and other agencies identified in 14 CCR §15072 that the Project will not have a significant effect on the environment and that the District proposes to adopt a Mitigated Negative Declaration for the Project; and

WHEREAS, the District published a Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration in the local newspaper, and posted a copy of the notice at the Orange County Clerk-Recorder office; and

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

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”); and

WHEREAS, pursuant to CEC §17211, the District is required to evaluate potential school sites and new construction on existing school sites using site selection standards established by the California Department of Education (CDE); pursuant to CEC §17251(b) and 5 CCR §14033; and

WHEREAS, pursuant to CEC §17213.1, the District contracted with an environmental assessor (Professional Geologist) to prepare a Preliminary Endangerment Assessment (PEA) for the Project and has entered into an Environmental Oversight Agreement with the California Department of Toxic Substances Control (DTSC) to oversee the preparation of the PEA in accordance with CED §17213.1(a)(4)(B); and

WHEREAS, the PEA will be completed, reviewed, and approved by DTSC and CDE; and prior to the acquisition of the Project Site and construction of the Project, DTSC must approve the determination of the PEA that a further investigation of the site is not required or otherwise indicate that no further action is required for the Project; and

WHEREAS, the District, pursuant to PRC §21151.8(a) and CEC §17213, has investigated and determined that (a) the Project Site is not the site of a current or former hazardous waste disposal site or solid waste disposal site; (b) the Project Site is not a hazardous substance release site identified in a list of sites for which removal or remediation action is planned, compiled by the Department of Health Services pursuant to Health and Safety Code §25356; (c) the Project Site is not a site that contains one or more pipelines, situated underground or aboveground, that carry hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to that school or neighborhood; and (d) the Project Site is not within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor; and

WHEREAS, pursuant to PRC §21151.8(a)(2), and CEC §17213, Chambers Group has given notice to and consulted with South Coast Air Quality Management District (SCAQMD) and reviewed SCAQMD databases and other data sources, and did not identify permitted and non-permitted facilities, including freeways and busy traffic corridors, large agricultural operation, and rail yards located within one-fourth of a mile of the Project Site which might reasonably be anticipated to emit hazardous air emissions or handle hazardous or acutely hazardous materials, substances or waste that pose an actual or potential endangerment to persons who attend and/or work at the Project Site; and

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; and

WHEREAS, pursuant to CEC §17212, a geological and soil engineering investigation report (“Geotechnical Report”) and a geological and environmental hazards assessment (“Geohazards Report”) for the Project Site were completed; and

WHEREAS, the Initial Study and Mitigated Negative Declaration and all supporting materials, which constitute a record of these proceedings, are kept at the Irvine Unified School District Main District Office (5050 Barranca Parkway, Irvine, CA) under the control of the Superintendent.

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

Section 1. That all of the recitals set forth above are true and correct.

Section 2. That the Board reviewed and considered the information contained in the Initial Study and Mitigated Negative Declaration including, without limitation, comments from the public and interested parties and the 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 Statute and Guidelines; and
- (c) Pursuant to CEQA (14 CCR §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 for the Project; and
- (e) The Mitigated Negative Declaration and Initial Study reflect the independent judgment of the Board; 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 CEC §17213.1, the District will acquire the Project Site and proceed with the construction of the Project only after DTSC has reviewed the PEA and confirms that no further investigation of the Project is required or otherwise indicates that no further action is required, returned it to the District as a Final PEA, and the Board concurred with the PEA that no further investigation of the Project is required.

Section 4. The District will acquire the Project Site and proceed with the construction of the Project only after DTSC has reviewed the PEA and confirms that the Final PEA prepared for the Project is adequate.

Section 5. That pursuant to PRC §21151.8 and CEC §17213, the Project Site is not the site of a current or former hazardous waste disposal site or solid waste disposal site; (b) the Project Site is not a hazardous substance release site identified in a list of sites for which removal or remediation action is planned, compiled by the Department of Health Services pursuant to Health and Safety Code §25356; (c) the Project Site is not a site that contains one or more pipelines, situated underground or aboveground, that carry hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to that school or neighborhood; and (d) the Project Site is not within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor; and

Section 6. That pursuant to PRC §21151.8 and CEC §17213, Chambers Group has given notice to and consulted with SCAQMD and reviewed the SCAQMD databases and other data sources, and did not identify permitted and non-permitted facilities, including freeways and busy traffic corridors, large agricultural operation, and rail yards located within one-fourth of a mile of the Project Site which might reasonably be anticipated to emit hazardous air emissions or handle hazardous or acutely hazardous materials, substances or waste that pose an actual or potential endangerment to persons who attend and/or work at the Project Site.

Section 7. That pursuant to CEC §17212, Ninyo & Moore Geotechnical and Environmental Consultants has properly prepared a Geohazards Report for the Project Site and that the report conclude 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 school buildings

upon the Project Site, nor are there any school buildings upon the Project Site which are 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 8. The Board hereby finds that the Site meets the site standards established by the California Code of Regulations, as applicable pursuant to 5 CCR §14033;

Section 9. That the District has complied with PRC §21092.6.

Section 10. 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 (i.e., Mitigation Monitoring and Reporting Plan).

Section 11. 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 §711.2, nor will it adversely impact the resources governed by the State Department of Fish and Wildlife.

Section 12. The Board hereby delegates authority to the District Superintendent, or the Superintendent's designee, to cause a Notice of Determination to be filed with the Orange County Clerk and the State Clearinghouse.

Section 13. 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 17th day of January, 2017, 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