

RESOLUTION NO. 13/14 – 24

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE MT. DIABLO
UNIFIED SCHOOL DISTRICT ADOPTING AND CERTIFYING THE
FINAL IS/MND FOR THE NORTHGATE HIGH SCHOOL AQUATIC CENTER
PROJECT, MAKING CERTAIN FINDINGS RELATED
THERE TO, ADOPTING CONDITIONS OF USE, AND AUTHORIZING THE FILING
OF THE NOTICE OF DETERMINATION**

WHEREAS, the Mt. Diablo Unified School District (the “District”) has proposed an aquatic center comprised of a 40-meter by 25-yard swimming pool with four 60-foot high outdoor lighting standards with three 1,500W fixtures each, PA system of four speakers at a maximum height of 20 feet, 1,015-square foot restroom building, and a 3,271-square foot sports medicine building at Northgate High School for on-site swimming practices and meets, water polo practices and games, availability of appropriate sports medicine classroom and lab, and increased restroom facilities (the “Project”); and

WHEREAS, the District’s Board of Trustees (the “Board”) previously directed District Staff to consider options for maximizing use of vacant land at Northgate High School, decreasing the need to use off campus facilities while increasing community attendance and participation in aquatic events, as well as providing a more appropriate academic atmosphere for sports medicine; and

WHEREAS, the Board directed staff to analyze the Project in accordance with the requirements of the California Environmental Quality Act as set forth at Public Resources Code Section 21000 *et seq.* and its implementing regulations (“CEQA”); and

WHEREAS, following issuance of a Notice of Intent to Adopt a Mitigated Negative Declaration, a proposed Initial Study/Mitigated Negative Declaration for the Project (the “Draft IS/MND”) was completed for the Project in September 2013; and

WHEREAS, the Draft IS/MND was circulated to the public for review and comment commencing on September 25, 2013 and ending October 24, 2013; and

WHEREAS, a public hearing on the Draft IS/MND was conducted by the District on October 17, 2013; and

WHEREAS, the District received both written and oral comments on the Draft IS/MND during the public review period, from private individuals and from public entities, and such comments have been inserted into and responded to in the Final Initial Study/Mitigated Negative Declaration Report (the “Final IS/MND”) heretofore presented to the Board; and

WHEREAS, the Final IS/MND consists of the Draft IS/MND as modified based upon additional information received during the public review period, all written and oral comments received on the Draft IS/MND during the public review period, and all responses prepared to the substantive written and oral comments on the Draft IS/MND, as further set forth in the Responses to Comments document dated

October 2013. The Draft IS/MND and Responses to Comments documents comprise the Final IS/MND and are incorporated by reference and are available for public review at the District offices during normal business hours; and

WHEREAS, the Board now determines it appropriate to adopt the Final IS/MND, to make approvals, findings and other statements provided for herein and to direct the preparation and filing of a Notice of Determination.

NOW, THEREFORE, the Board of Trustees of the Mt. Diablo Unified School District does hereby resolve, determine and order as follows:

SECTION 1: Recitals

The above recitals are true and correct, and the Board hereby so finds and incorporates them herein by reference.

SECTION 2: General Findings Related to Prior Proceedings

- A. The Notice of Intent to Adopt a Mitigated Negative Declaration for the Northgate High School Aquatic Center dated September 2013 was duly prepared, noticed and properly circulated in accordance with the provisions of the CEQA. The Department of Toxic Substance Control of the State of California as well as several local residents commented on the Draft IS/MND.
- B. The Draft IS/MND was duly prepared and completed in accordance with the provisions of CEQA.
- C. On October 9, 2013, the Board conducted a public hearing on the Project and the Draft IS/MND and, as a result, directed staff to meet with the neighbors to address use and other controls that could be added to the Project to meet neighborhood concerns. Staff met with the community as directed; the areas of most neighborhood concern included having a communications plan, operational controls, monitoring noise and lighting, and the anticipated aquatic center usage schedule.
- D. Along with providing adequate public notice thereof, the Draft IS/MND was duly circulated in accordance with the provisions of CEQA, and a second public hearing to receive public comments was properly noticed and conducted on October 17, 2013 by the District in compliance with the provisions of CEQA.
- E. All comments received during the period of public review have been duly considered in accordance with the provisions of CEQA.
- F. To ameliorate the public's substantive concerns, staff prepared Exhibit "B", Conditions of Use (attached hereto) which sets forth a comprehensive list of added conditions that address neighborhood concerns. The District and its consultants carefully reviewed these Conditions of Use and determined that none of them would change the analysis or

conclusions in the Final IS/MND. The Board finds that all significant environmental impacts that could be caused by the Project were adequately identified and disclosed and that adequate, appropriate and effective mitigations were proposed in the Final IS/MND to reduce these impacts to less than significant.

- G. Through the Draft IS/MND process and the Final IS/MND process, a good faith effort has been made to seek out and incorporate all points of view in the preparation of the Draft IS/MND and the Final IS/MND.
- H. The Board has utilized its own independent judgment and analysis in adopting this Resolution and in approving the Final IS/MND.

SECTION 3: Specific Findings and Mitigation Plans for the Project

- A. The Board hereby finds that the Project would have a significant environmental impact on (a) aesthetics; (b) air quality; (c) biological resources; (d) cultural resources; (e) geology and soils; (f) hazards and hazardous materials; (g) hydrology and water quality; (h) noise; (i) transportation/traffic; and (j) utilities and service systems with mitigation. For each significant environmental impact that would be caused by the Project, the Board finds that changes or alterations have been required in or incorporated into the Project which avoid or substantially lessen the significant environmental impacts of the Project and the feasible mitigation measures set forth in Exhibit A, Mitigation Monitoring and Reporting Program (attached hereto) will reduce any remaining environmental impacts to less than significant.
- B. The Board further finds that any additional mitigation measures adopted subsequent to the circulation of the Draft IS/MND are to reduce effects on the environment that were already identified in the Draft IS/MND, and that any such additional mitigation measures would not cause a significant environmental impact.
- C. The Board has reviewed and considered the contents of the Draft IS/MND, Final IS/MND, which includes the comments and responses to comments, and the staff's presentation and hereby finds that none of the comments identify a new potential significant environmental impact.
- D. Based upon Project description, Draft IS/MND, Final IS/MND, mitigation measures identified therein, comments, responses to comments, Mitigation Measure Monitoring and Reporting Program, Board Item, all referenced documents, and the whole of the record of proceedings, there is no substantial evidence or fair argument that the Project will cause a significant environmental impact or be cumulatively considerable.
- E. The responses to comments and the revisions to the Draft IS/MND merely clarify or amplify the environmental information in the Draft IS/MND.
- F. Based on the foregoing findings, the District determines that recirculation of the MND is not required.

- G. The Project description, Draft IS/MND, Final IS/MND, responses to comments, Mitigation Monitoring and Reporting Program, Board Item, all other referenced documents, the whole of the record of proceedings, and this Resolution wholly reflect the District's independent judgment and analysis.
- H. Each and all of the findings and determinations contained herein are based upon competent and substantial evidence, both oral and written, contained in the entire administrative record relating to the Project, including without limitation, that evidence presented in hearings on the Project before the Board.
- I. In addition to the specific findings contained herein, the Board hereby incorporates by reference all staff reports, studies, oral and written evidence submitted, the Draft IS/MND, Final IS/MND, items of common knowledge and the resolutions concerning the Project as findings.
- J. The Board intends that the findings and determinations contained herein be considered as an integrated whole and, whether or not any subdivisions of these findings and determinations fails to cross-reference or incorporate by reference any other subdivision of these findings and determinations, that any finding and/or determination required to or permitted to be made by this Board with respect to the Project shall be deemed made if it appears in any portion of these findings and determinations. All of the foregoing constitute findings and determinations by this Board, whether or not any particular sentence or clause so states.
- K. The documents and other materials that constitute the record of proceedings on the IS/MND and Project are located with the custodian, the Office of the General Counsel at the Mt. Diablo Unified School District, 1936 Carlotta Drive, Concord, California 94519-1397. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and Title 14 of the California Code of Regulations § 15091.

SECTION 4: Adoption of the Final IS/MND

- A. The Board hereby adopts the Final IS/MND.
- B. The Board hereby adopts Exhibit A, Mitigation Monitoring and Reporting Program, and Exhibit B, Conditions of Use, all of which exhibits are attached and incorporated herein by reference.

SECTION 5: Final Approval of the Project

- A. The Board hereby finally approves the Project for immediate construction.
- B. The Board directs District staff to prepare and file a Notice of Determination within (5) five working days, following the date of Project approval with the County Clerk of the County of Contra Costa and with the State of California.

This Resolution shall take effect upon its adoption.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Mt. Diablo Unified School District on this 13th day of November 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

President, Board of Trustees

Attest:

Secretary, Board of Trustees

V. MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the proposed Northgate High School Aquatic Center Project. This MMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP, which has been prepared in tabular form (see MMRP Table 1), lists mitigation measures recommended in the Initial Study and identifies mitigation monitoring requirements.

MMRP Table 1 presents the mitigation measures identified for the proposed project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, Mitigation Measure CULT-1 is the first of three cultural resources mitigation measures identified in the IS/MND.

The first column of MMRP Table 1 identifies the mitigation measure. The second column, entitled “Party Responsible for Implementing Mitigation,” names the party responsible for carrying out the required action. The third column, “Implementation Timing,” identifies the time the mitigation measure should be initiated. The fourth column, “Party Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. “Action by Monitor” outlines the steps for monitoring the action identified in the mitigation measure. The last column, titled “Monitoring Timing,” states the time during which the monitor must ensure that the mitigation measure has been implemented.

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
I. AESTHETICS					
<p>AES-1: The Mount Diablo Unified School District shall implement the following measures:</p> <ul style="list-style-type: none"> Lighted use of the Aquatic Center shall conclude at 9:00 p.m., with pole lighting turned off no later than 9:00 p.m. This 9:00 p.m. ending time coincides with the required time for end use of the PA system. When the pool is not designated for use, pole lighting shall be turned off. Aquatic Center lighting shall be designed to minimize visibility of light source and glare impacts by directing lighting downward and towards the pool deck, and not illuminating areas outside of the Northgate campus. The spill and glare control features utilized (including shields) shall be capable of reducing spill, glare and sky glow from the Aquatic Center lighting. 	<p>Lighting contractor, project contractor, and Mount Diablo Unified School District</p>	<p>During the operational period of the project</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that: lighted use of the pool concludes at 9:00 p.m.; pole lighting is turned off when not in use; lighting is focused towards pool/pool deck</p>	<p>During the operational period of the project</p>
III. AIR QUALITY					
<p>AIR-1: The following construction practices shall be implemented at the project site during construction of the proposed project:</p> <ul style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. All vehicle speeds on unpaved roads shall be limited to 15 mph. 	<p>Project contractor with oversight by Mount Diablo Unified School District</p>	<p>During the pre-construction and construction periods</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that the construction practices identified in Mitigation Measure AIR-1 are implemented during the pre-construction and construction phases of the project</p>	<p>During the pre-construction and construction periods</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
<p><i>AIR-1 Continued</i></p> <ul style="list-style-type: none"> All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage on this measure shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. A publicly visible sign with the telephone number and person to contact at Mount Diablo Unified School District regarding dust complaints shall be posted at the site. This person shall respond and take corrective action in regard to complaints within 48 hours. 					
<p>AIR-2: All construction staging areas shall be located on the south side of the project site within the current dirt lot area, as well as the parking lot. Machinery and/or equipment shall be located the farthest feasible distance from existing school buildings.</p>	<p>Project contractor with oversight by Mount Diablo Unified School District</p>	<p>During the pre-construction and construction periods</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that the construction practices identified in Mitigation Measure AIR-2 are implemented during the pre-construction and construction phases of the project</p>	<p>During the pre-construction and construction periods</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
IV. BIOLOGICAL RESOURCES					
<p>BIO-1: If feasible, all vegetation removal shall be conducted during the non-breeding season (i.e., August 1 <u>September 2</u> to February 28 <u>January 31</u>) to avoid direct impacts to nesting birds. If such work is scheduled during the breeding season, a qualified ornithologist shall conduct a pre-construction survey to determine if any birds are nesting in the vegetation to be removed. The pre-construction survey shall be conducted within 15 days prior to the start of work from March through May (since there is higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through July. If active nests are found during the survey, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist in consultation with the California Department of Fish and Wildlife, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance.</p>	<p>Project contractor</p>	<p>Prior to and during removal of vegetation</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that measures outlined in Mitigation Measure BIO-1 are implemented</p>	<p>Prior to and during vegetation removal</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
V. CULTURAL RESOURCES					
<p>CULT-1: Should an archaeological resource be encountered during project construction activities, the construction contractor shall halt construction within 25 feet of the find and immediately notify the Mount Diablo Unified School District. Construction activities shall be redirected and a qualified archaeologist, in consultation with MDUSD, shall: 1) evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or unique archaeological resource and 2) make recommendations about the treatment of the deposit, as warranted. If the deposit does meet the CEQA definition of a historical or unique archaeological resource, then it shall be avoided to the extent feasible by project construction activities. If avoidance is not feasible, then adverse effects to the deposit shall be mitigated as specified in CEQA Guidelines Section 15126.4(b) (for historic resources) or CEQA Section 21083.2 (for unique archaeological resources). This mitigation may include, but is not limited to, a thorough recording of the resource on Department of Parks and Recreation Form 523 records, or archaeological data recovery excavation. If data recovery excavation is warranted, CEQA Guidelines Section 15126.4(b)(3)(C), which requires a data recovery plan prior to data recovery excavation, shall be followed. If the significant identified resources are unique archaeological resources, mitigation of these resources shall be subject to the limitations on mitigation measures for archaeological resources identified in CEQA Sections 21083.2(c) through 21083.2(f).</p>	<p>Project contractor with oversight by Mount Diablo Unified School District</p>	<p>During construction period</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that Mitigation Measure CULT-1 is followed in the event that the construction contractor identifies a cultural resource during the construction period</p>	<p>During the construction period</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
<p>CULT-2: If paleontological resources are encountered during site preparation or grading activities, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has assessed the discoveries and made recommendations. Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks.</p> <p>If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities to the extent feasible. If project activities cannot avoid the resources, the adverse effects shall be mitigated in accordance with <i>CEQA Guidelines</i> Section 15126.4(b)(3). Mitigation may include data recovery and analysis, preparation of a final report, and the formal transmission or delivery of any fossil material recovered to a paleontological repository, such as the University of California Museum of Paleontology (UCMP). Upon completion of project activities, the final report shall document methods and findings of the mitigation and be submitted to the Mount Diablo Unified School District, the City of Walnut Creek, and a suitable paleontological repository.</p>	<p>Project contractor with oversight by Mount Diablo Unified School District</p>	<p>During construction period</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that Mitigation Measure CULT-2 is followed in the event that the construction contractor identifies a paleontological resource during the construction period</p>	<p>During the construction period</p>
<p>CULT-3: If human remains are encountered during construction activities, work within 25 feet of the discovery shall be redirected and the Contra Costa County Coroner shall be notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.</p>	<p>Project contractor with oversight by Mount Diablo Unified School District</p>	<p>During construction period</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that Mitigation Measure CULT-3 is followed in the event that the construction contractor identifies human remains during the construction period</p>	<p>During the construction period</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
<p><i>CULT-3 Continued</i></p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. MDUSD shall follow the recommendations outlined in the report and the report shall be submitted to the Mount Diablo Unified School District, the City of Walnut Creek, and the Northwest Information Center.</p>					
VI. GEOLOGY AND SOILS					
<p>GEO-1a: Prior to the beginning of grading or excavation for the proposed project, a design-level geotechnical investigation shall be prepared by a licensed professional and submitted to the California Geologic Survey and the California Division of the State Architect (DSA) for review and approval. The geotechnical investigation shall determine the proposed project’s geotechnical conditions and geohazards, including seismic shaking, subsidence, collapse, soil expansion, and differential settlement. The investigation shall identify engineering techniques appropriate to minimize potential geohazard damage.</p> <p>The analysis presented in the geotechnical investigation shall conform to the California Division of Mines and Geology recommendations presented in the Guidelines for Evaluating Seismic Hazards in California. Briefly, the guidelines recommend that the investigation include: a site screening evaluation; an evaluation of on- and off-site geologic hazards; a quantitative evaluation of hazard potential; a detailed field investigation; an estimation of ground-motion parameters; an evaluation of landslide, liquefaction, lateral-spreading and ground-displacement hazards; and recommendations to reduce identified hazards.</p>	<p>Project geotechnical analyst/project contractor</p>	<p>Prior to beginning of grading and excavation</p>	<p>Mount Diablo Unified School District</p>	<p>Preparation of design-level geotechnical investigation as described in Mitigation Measures GEO-1a, GEO-1b and GEO-1c</p>	<p>Prior to beginning of grading and excavation</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
<p>GEO-1a <i>Continued</i></p> <p>The geotechnical investigation report shall include a finding that the proposed development fully complies with the California Building Code and DSA requirements. The CBC was developed to ensure that compliant structures would be “earthquake-resistant,” not “earthquake-proof.” The CBC is intended to protect people inside buildings by preventing collapse and allowing for safe evacuation. Structures built according to code should resist minor earthquakes undamaged, resist moderate earthquakes without significant structural damage, and resist severe earthquakes without collapse.</p>					
<p>GEO-1b: Design of the proposed project shall include evaluation of fixtures, furnishings, and fasteners with the intent of minimizing collateral injuries to building occupants from falling fixtures or furnishings during the course of a violent seismic event.</p>	<p>Project geotechnical analyst/project contractor</p>	<p>Prior to beginning of grading and excavation</p>	<p>Mount Diablo Unified School District</p>	<p>Preparation of design-level geotechnical investigation as described in Mitigation Measures GEO-1a, GEO-1b and GEO-1c</p>	<p>Prior to beginning of grading and excavation</p>
<p>GEO-1c: All design measures, recommendations, design criteria, and specifications set forth in the design-level geotechnical investigation shall be implemented.</p>	<p>Project geotechnical analyst/project contractor</p>	<p>Prior to beginning of grading and excavation</p>	<p>Mount Diablo Unified School District</p>	<p>Preparation of design-level geotechnical investigation as described in Mitigation Measures GEO-1a, GEO-1b and GEO-1c</p>	<p>Prior to beginning of grading and excavation</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
VIII. HAZARDS AND HAZARDOUS MATERIALS					
HAZ-1: Prior to construction activities, the construction contractor shall prepare a contingency plan that includes procedures should suspected hazardous waste be encountered during construction. The plan shall include procedures for notifying the Mount Diablo Unified School District and for protecting the safety of workers and the public until the nature of the suspected hazardous materials can be determined and properly mitigated.	Project contractor	Prior to construction	Mount Diablo Unified School District	Ensure that contingency plan developed and implemented should hazardous materials be discovered	During the pre-construction period
IX. HYDROLOGY AND WATER QUALITY					
<p>HYDRO-1: Consistent with the requirements of the statewide Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts to surface water quality through the project construction period. The SWPPP shall be designed to address the following objectives:</p> <ol style="list-style-type: none"> 1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled; 2. Where not otherwise required to be under a Water Board permit, all non-storm water discharges are identified and either eliminated, controlled, or treated; and 3. Site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in storm-water discharges and authorized non-stormwater discharges from construction activity to the Best Available/Best Conventional Technology (BAT/BCT) standard. 	Mount Diablo Unified School District and Project contractor	Prior to construction period	Mount Diablo Unified School District	Ensure that the required SWPPP measures are included in final site plan and maintained during life of project	During operation of the project

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
<p>HYDRO-1 <i>Continued</i></p> <p>The SWPPP shall be prepared by a Qualified SWPPP Developer. The SWPPP shall include the minimum BMPs required for this type of project (based on final determination of the project’s Risk Level status, to be determined as part of the Notice of Intent for coverage under the Construction General Permit). These include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, runoff and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction.</p> <p>The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities.</p>					
<p>HYDRO-2: The project applicant shall fully comply with the Water Board stormwater permit requirements, including Provision C.3 of the MRP. This will require preparation and implementation of a Stormwater Control Plan (SCP) for the proposed project. The SCP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. At a minimum, the SCP for the proposed project shall include:</p> <ol style="list-style-type: none"> 1. An inventory and accounting of existing and proposed impervious areas. 	<p>Mount Diablo Unified School District and project contractor</p>	<p>Prior to and during the construction period</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that the required SCP measures are included in the final site plans and that the construction practices identified are implemented upon completion of the project</p>	<p>Prior to and during the construction of the project</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
<p>HYDRO-2 <i>Continued</i></p> <ol style="list-style-type: none"> 2. Low Impact Development (LID) design details incorporated into the project. Specific LID design may include, but is not limited to: using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site. 3. Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site. 4. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which will include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan must be finalized prior to beginning construction of the project. 					
XII. NOISE					
<p>NOISE-1: Implementation of the following multi-part mitigation measure for project construction activities would reduce the potential construction period noise impact to a less-than-significant level:</p> <ul style="list-style-type: none"> • All construction equipment must have appropriate sound muffling devices, which shall be properly maintained and used at all times such equipment is in operation. • Where feasible, the project contractor shall place all stationary construction equipment so that emitted noise is directed away from the closest off-site sensitive receptors. • The construction contractor shall locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction. 	<p>Project contractor with oversight by Mount Diablo Unified School District</p>	<p>During construction period</p>	<p>Mount Diablo Unified School District</p>	<p>Verify that all aspects of Mitigation Measure NOISE-1 are implemented.</p>	<p>During construction period</p>

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
<p>NOISE-1 <i>Continued</i></p> <ul style="list-style-type: none"> All noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays. Should construction need to occur outside the 7:00 a.m. to 6:00 p.m. weekday period, the District Contractor shall consult with the City of Walnut Creek Chief of Code Enforcement or City Engineer to identify additional acceptable time periods for construction activities. The loudest phases of construction (i.e., excavation and site preparation) shall be scheduled to occur <u>minimized as much as possible</u> during periods when school is not in session. 					
<p>NOISE-2: Implementation of the following multi-part mitigation measure would reduce potential operation noise impacts to a less-than-significant level:</p> <ul style="list-style-type: none"> The speakers of the proposed PA system shall be located and shielded to directionally focus the emitted sound away from the residential land uses located south of the project site (i.e., they should be directionally focused to the north and/or downward to the center of the pool). The PA system shall include and always utilize a processor to control the maximum output that the speakers can reach; so that even if the announcer shouts into the microphone, the levels will be controlled to the maximum allowable level programmed into the processor. The maximum output noise level shall be set to not exceed 70 dBA L_{max} as measured at any point on the receiving property of an off-site noise sensitive land use. The hours of operation of the PA system shall be restricted in order to not cause additional impacts related to sleep disturbance of nearby residential property owners. The hours from 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 9:00 p.m. on Saturday or Sunday shall be considered permissible hours of operation, outside of which use of the PA system would be prohibited. 	Project contractor with oversight by Mount Diablo Unified School District	During the operational period of the project	Mount Diablo Unified School District	Verify that all aspects of Mitigation Measure NOISE-2 are implemented.	During the operational period of the project

MMRP Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Party Responsible for Implementing Mitigation	Implementation Timing	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing
XVI. TRANSPORTATION/TRAFFIC					
TRANS-1: The construction contractor shall prepare and implement a construction traffic plan that designates truck routes and permitted hauling hours. Permitted hauling hours shall be times outside of peak hour pick-up and drop-off time for Northgate High School and nearby school facilities.	Project contractor	Prior to grading or construction	Mount Diablo Unified School District	Develop and implement construction traffic plan	During grading and construction period
XVII. UTILITIES AND SERVICE SYSTEMS					
UTIL-1: The Mount Diablo Unified School District will work with the Contra Costa Water District to identify and install (if required) the appropriate fire service backflow device.	Project contractor and Mount Diablo Unified School District	Prior to the operational period	Mount Diablo Unified School District	Ensure appropriate fire service backflow device installed	Prior to the operational period

Source: LSA Associates, Inc., 2013

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EXHIBIT B
Conditions of Use
Northgate High School
Aquatic Center

As requested by the Board of Education, District staff, parents and community members met on October 21, 2013 to discuss potential conditions of use related to a planned project known as the Aquatic Center at Northgate High School. As a result of this meeting, the following recommendation(s) are intended to supplement the Environmental Impact Report and shall be incorporated by resolution.

FOR THE PURPOSES OF THE FOLLOWING CONDITIONS OF USE – COMMUNITY USE SHALL BE DEFINED AS ANY USER GROUP GOVERNED BY THE EDUCATION CODE SECTION 38130 – CIVIC CENTER ACT. DISTRICT USE SHALL BE DEFINED AS ANY USER UNDER THE DIRECT JURISDICTION OF THE BOARD OF EDUCATION, SUPERINTENDENT OF SCHOOLS AND/OR NORTHGATE HIGH SCHOOL (INCLUDING ANY AND ALL STUDENT USAGE).

1. Communications Plan:

- a. In order to establish and maintain lines of communication related to pool use, site staff, parents/boosters, students, community members, and Northgate Community Pride Foundation are encouraged to meet and proactively discuss ongoing use of the aquatics center, in particular the swimming pool, and any potential issues:
 - i. Meetings are intended to be concurrent with monthly Site Council Meetings, at Northgate High School;
 - ii. Group shall meet to celebrate successes and discuss potential concerns.
 - iii. Group shall strive to immediately resolve concerns/deficiencies.
 - iv. Group shall strive to maintain agreement.
- b. Site shall implement notification process to communicate with the neighboring community.
 - i. As it relates to the aquatic center use, basic notification process shall include:
 1. Yearly transmission of aquatic center schedule.
 - a. Schedule should clearly identify lighted events;
 - b. PA use events;
 - c. Community Use events
 - ii. Post current schedule bi-weekly (or more frequent if necessary) on marquee and NGHS website.
 - iii. Post all community-use events on marquee and NGHS website.
 - iv. Posting to include a MDUSD number to contact in the event of questions.
 - v. Where possible (and as requested), transmit site newsletter to community and post on NGHS website.
 - c. Establish point of contact for community members to discuss concerns (NGHS site and District level).
 - i. District staff shall develop a communications protocol:
 1. Post contacts on Northgate HS website.
 2. During normal working hours (7:30 AM to 4 PM), community shall contact the Vice Principal of Facilities at extension 3504.
 3. During weekend or non-business hours, concerned parties should contact District security offices at (925) 825-7440, ext. 3884.
 4. District security shall immediately contact the Vice Principal of Facilities (or assigned alternate).
 5. Site should respond within 48 business hours.
 - ii. Site should maintain a log of calls related to aquatic facility use.
 1. Log shall be reviewed at meeting.
 - d. Site Administration shall update Superintendent quarterly for first year.
 - i. Superintendent will update Board of Education, as necessary, to all substantive changes requested by site committee.

2. Operational Controls:

- a. District Use Controls:
 - i. Site should maintain and post organized event schedule.

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1. Unless there are extenuating circumstances, site should schedule of large events so that they do not overlap
 2. Schedule events to minimize potential traffic and parking issues that can occur during large events.
 - ii. Site to develop methodology to ensure aquatic center lighting is off within ½ hour (30 minutes) of completed use (this is normally programmable see d. below).
 1. Recommendations during first year of implementation
 - a. For all scheduled sporting events, assign District (qualified electrician) staff to ensure compliance and turn off lights (if necessary).
 - b. For daily use, site staff shall ensure lighting is turned off in accordance with requirements of MND.
 - i. Train site staff to take immediate actions.
 - ii. If necessary, site will request trained District staff to ensure compliance.
 - c. Review needs yearly.
 - d. Ensure automatic lighting control systems work properly.
 - iii. Promote continued site-wide paradigm to maintain and protect facilities.
 - iv. Continue to maintain overall site facilities in accordance with local government agencies having jurisdiction.
 - v. Site to develop and implement a plan to remove litter from aquatic facilities and general area surrounding the facility (possibly the parking lot areas).
 - b. Community User Group Controls:
 - i. Site administration shall ensure utilization of MDUSD current use permit process.
 1. NO unpermitted use shall be authorized
 - ii. Site committee will review trash removal plan.
 1. If necessary, District shall require additional custodial services to ensure trash removal.
 2. District shall reserve the right to assign additional staff, when necessary (cost will be responsibility of permit holder).
 - iii. To verify light programming is operational, require District personnel to be present and “shut-off” lighting, if necessary.
 1. Should site committee determine light program is working properly, this requirement shall be waived.
 - iv. Area Facility Manager to verify compliance with use permits.
 - v. Should a community use group fail to comply with requirements/restrictions of use permit:
 1. District should deny future use until such time as user group is able to show ability to comply with terms of use.
 2. District shall reserve the right to deny all future use for continued failure to comply.
 - c. Traffic and Parking Controls:
 - i. If determined by site committee, site shall work with City of Walnut Creek to review necessity of deploying temporary “NO PARKING” signage along Hutchinson Drive and Castle Rock Road during aquatic center events (swim meet, water polo games).
 1. If necessary the site is encouraged to work with City to change parking permit hours in adjacent neighborhood.
 - ii. Site committee to review and encourage potential alternatives to off-site parking;
 1. When necessary site should facilitate open hard court area during large events.
 - iii. Schedule and authorize events to prevent overlap and minimize potential parking and traffic impact in the neighborhood.
3. Monitoring of Noise and Lights:
 - a. Program PA system to ensure maximum approved level NOT exceeded.
 - b. Program PA system with presets (depending on use).
 - i. During first year,
 1. If implemented by Board action (see below)
 - a. District to facilitate a maximum of three (3) random noise level checks to validate compliance.

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- b. Any additional testing will be communicated with immediately adjacent neighborhood (Comistas St.), in advance.
 - c. Adjust presets as necessary to ensure compliance.
 2. Review levels annually to promote good neighbor compliance and optimal performance.
 - a. Site should review need levels and voluntarily reduce to maximum safe standards as often as possible.
 3. Minimize use of non-essential announcements (review with site committee to increase/decrease as necessary).
 4. No PA use during practices at aquatic center.
 5. No PA use by outside user groups.
 - a. Includes restriction on use of portable PA systems.
 - b. District staff to develop procedures to ensure compliance (refer to item 2.b.v).
 - c. Site administration assign responsible staff to monitor PA system during events to ensure compliance with IS/MND.
 - i. Recommend such responsibility remain with vice principal or coaching staff.
 - d. As noted in operational controls, lights shall be monitored by site administration to verify compliance with IS/MND.
4. Aquatic Center Usage Schedule (Staff recommends adapting one of the following):
 - a. **Recommendation 1:**
 - i. District Usage:
 1. Baseline usage in accordance with Table 1: Anticipated Use of NHS Aquatic Center, Draft IS/MND page 18.
 2. Site Council shall review feasibility of reducing number of aquatic center lights required for practice; however, safety should not be lessened.
 - ii. Community User Group Usage Schedule:
 1. No additional "lighted" hours.
 2. No outside PA systems permitted.
 - iii. Design Changes:
 1. NONE
 - iv. Cost Impact:
 1. Potential electrical savings related to lighting at ½ of system capacity.
 - b. **Recommendation 2 (Staff Recommendation):**
 - i. Monitoring of the PA system by an outside firm to maintain the 70dba level.
 1. Up to 3 randomly selected events during first year.
 2. Any additional testing will be communicated with immediately adjacent neighborhood (Comistas St.), in advance.
 - ii. Non-PA (electronic music devices of any type, megaphones, etc.) is not allowed at the Aquatics Center.
 1. District to investigate feasibility of underwater speaker system. If installed, underwater system would require no additional restriction of use (see design considerations).
 - iii. Review of District Usage Schedule:
 1. Unless required for safety of the sport, ALL lighting will be run at approximately 50% of design for practice. At no time shall safety should not be lessened.
 2. ALL weekday NHS practice sessions shall begin no earlier than 5:30 AM and end no later than 9:00 PM.
 3. Unless required for course of instruction and/or safety, whistles should not be used during class (currently Period A starts at 7:00 AM).
 4. All Saturday practices shall not begin prior to 8 AM and shall complete by 6:00 PM.
 5. During practice, no electronic scoreboard use (except for clock purposes) from 6 AM to 8:30 PM.
 6. No team practices are anticipated on Sunday.
 - a. Unless required to meet programmatic or competitive schedule.

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- iv. Community User Group Usage Schedule:
 - 1. No additional "lighted" events.
 - 2. Assembly shall not begin before 9:00 AM.
 - 3. Event shall not begin prior to 10:00 AM.
 - 4. Completion of all events by 8:00 PM.
 - 5. Community Use permit request shall be reviewed by a District Facility Manager.
- v. Design Consideration:
 - 1. District to investigation feasibility of installing an underwater speaker system.
- vi. Cost associated with above recommendations:
 - 1. Underwater speaker system approximately \$27,000
 - a. If implemented at time of construction.
 - 2. Potential electrical savings related to lighting at ½ of system capacity.
- c. **Recommendation 3: (includes implementation of recommendation 2, unless changed below)**
 - i. Review of District Usage Schedule:
 - 1. ALL weekday practice sessions shall begin no earlier than 7:00 A.M. and end no later than 8:00 PM.
 - 2. All events shall end at 8:00 PM.
 - a. With the exception of safety notifications, PA use shall end at 7:00 PM.
 - ii. Community User Group Usage Schedule:
 - 1. No outside user "lighted" events.
 - 2. Assembly shall not begin before 10:00 AM.
 - 3. Outside users shall be limited to league and regional interschool meets as well as all MDUSD schools.
 - iii. Design Consideration:
 - 1. Install sound wall on each side of the Restroom Building. Wall to be masonry to a height of 8'-0".
 - iv. Cost associated with above recommendations:
 - 1. Sound wall not to exceed \$110,000.
- b. **Recommendation 4:**
 - i. Restrict PA system to 60 db maximum.
 - ii. Design Consideration:
 - 1. Construct sound wall at southern property border
 - iii. Cost associated with above recommendations:
 - 1. Sound wall estimated at approximately \$1,100 per lineal foot, (\$528,000 to \$1,980,000).

BOARD ACTION:

Modification(s) to 1: _____

Modification(s) to 2: _____

Modification(s) to 3: _____

Adopt recommendation #1, #2, #3, #4 (Circle 1)

Modified as follows: _____
