

**RESOLUTION NO. 13/14 – 05**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE MT. DIABLO  
UNIFIED SCHOOL DISTRICT ADOPTING AND CERTIFYING THE  
FINAL EIR FOR THE YGNACIO VALLEY HIGH SCHOOL SPORTS FIELD  
LIGHTING PROJECT, MAKING CERTAIN FINDINGS RELATED  
THERE TO, AND AUTHORIZING THE FILING OF THE NOTICE OF  
DETERMINATION**

WHEREAS, the Mt. Diablo Unified School District (the “District”) has proposed stadium lighting, the installation of a sound wall, concession stand/restroom building, permanent public address system, future press box and future ticket booth at/on the football field at Ygnacio Valley High School to enable the field to be used for evening sports events and practices (the “Project”); and

WHEREAS, the District’s Board of Trustees (the “Board”) previously directed District Staff to consider options for maximizing use of the field during evening hours and increasing Community attendance and participation in sports events; 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” or the “Act”); and

WHEREAS, following issuance of a Notice of Preparation, a Draft Environmental Impact Report (the “Draft EIR”) was completed for the Project in April 2013; and

WHEREAS, the Draft EIR was circulated to the public for review and comment Commencing on May 1, 2013 and ending June 17, 2013; and

WHEREAS, a public hearing on the Draft EIR was conducted by the District on June 11, 2013; and

WHEREAS, the District received both written and oral comments on the Draft EIR 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 Environmental Impact Report (the “Final EIR”) heretofore presented to the Board; and

WHEREAS, the Final EIR consists of the Draft EIR as modified based upon additional information received during the public review period, all written and oral comments received in regard to the Draft EIR during the public review period, and all responses prepared to the substantive written and oral comments on the Draft EIR, as further set forth in the Responses to Comments document dated August 2013. The Draft EIR and Responses to Comments documents comprise the Final EIR, 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 certify the Final EIR, 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 Preparation for the Draft EIR dated November 2012 was duly prepared, noticed and properly circulated in accordance with the provisions of the Act. The Department of Toxic Substance Control of the State of California as well as several local residents responded to the District with respect to the preparation or scope of the Draft EIR.
- B. The Draft EIR dated April 2013 was duly prepared, properly circulated and completed in accordance with the provisions of the Act.
- C. Along with providing adequate public notice thereof, the Draft EIR was duly circulated in accordance with the provisions of the Act, and a public hearing to facilitate public review was properly noticed and conducted on June 11, 2013 by the District in compliance with the provisions of the Act.
- D. All substantive comments received during the period of public review have been duly considered and incorporated into the Final EIR and, when necessary, replied to all in writing in accordance with the provisions of the Act.
- E. On August 28, 2013, the District received a late comment letter on the Draft EIR from attorney Craig Sherman on behalf of “concerned community members, taxpayers and neighbors” objecting to various parts of the CEQA analysis, among other things. The District and its consultants carefully reviewed the comments and stand by the EIR analysis, including but not limited to attendance assumptions, air quality, parking and traffic, noise, public safety and security, lighting, and sound. The Board further finds that all potentially significant impacts of the Project were adequately identified and disclosed and that adequate, appropriate and effective mitigations were proposed to reduce the identified impacts to less than significant. Finally, the Board finds that assumed attendance figures, as well as parking and traffic issues were adequately described and evaluated in the EIR and as clarified in attached Exhibit C, incorporated herein by reference.

- F. A good faith effort has been made to incorporate alternatives into the Final EIR, and a reasonable range of alternatives was considered in the review process under the provisions of the Act relating to the decisions and recommendations as described in this Resolution.
- G. The Final EIR for the proposed Project has been properly completed and has identified all significant environmental effects of the proposed Project, and there are no known potential environmental effects that are not addressed in the Final EIR.
- H. Through the Draft EIR process and the Final EIR process, a good faith effort has been made to seek out and incorporate all points of view in the preparation of the Draft EIR and the Final EIR.
- I. The Board has utilized its own independent judgment and analysis in adopting this Resolution and in approving the Final EIR.

### SECTION 3: Specific Findings and Mitigation Plans for the Project

- A. The Board hereby finds that the Project will have a significant environmental impact on (a) cultural resources; (b) hazards and hazardous materials; (c) hydrology and water quality; (d) air quality; and (e) noise. For each significant impact 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 impacts of the Project and the specific mitigation measures that will be imposed on the Project to reduce each impact to less-than-significant and is attached to this Resolution as “Exhibit A, Mitigation Monitoring and Reporting Program” and incorporated into the Board’s findings as though fully set forth herein.
- B. The Board finds that the mitigation measures as identified in the Final EIR and described generally in “Exhibit A” hereto are feasible and will reduce to a less-than-significant level the significant environmental impacts summarized in “Exhibit A” and the Final EIR. “Exhibit B, CEQA Findings” presents detailed legal findings related to the potential impacts of the project and the mitigation measures that would effectively reduce all potential impacts to less-than-significant levels. The Board hereby approves the mitigation measures that are identified in the Final EIR for the Project and summarized in “Exhibit A”, and directs staff to implement them on an ongoing basis during the course of construction of the Project and future and ongoing use of the football field. The Board further finds that any mitigation measures added to the Final EIR subsequent to the circulation of the Draft EIR are to reduce effects on the environment that were already identified in the Draft EIR, and that any such additional mitigation measures do not have the potential to have a significant impact on the environment.
- C. The Board finds that the No Project Alternative set forth in the Final EIR has been fully analyzed and concludes that the No Project Alternative does not achieve the District’s objectives for the reasons set forth in the Final EIR.

- D. In addition to the specific findings contained herein, the Board hereby incorporates by reference the applicable portions of the staff reports and studies, oral and written evidence submitted into the record, the Final EIR, items of common knowledge and the resolutions related to the Project as findings.
- E. 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.
- F. The Board has reviewed and considered the contents of the Final EIR for the Project. The presentation made to the Board by District staff, pertaining thereto and based upon the afore-described evidence, the Board hereby certifies the Final EIR as adequate and approves and adopts it for purposes or potential future action in regard to the Project described therein.
- G. Based upon its own independent judgment and analysis and the review of its staff, the Board finds that the Project changes which have been incorporated into the Project as identified in the Final EIR, and the mitigation measures set forth in the Final EIR and more specifically detailed in the Mitigation and Monitoring Plan generally described herein and set forth in the Final EIR, ensure that the significant impacts of the Project have been eliminated or substantially mitigated to a level of insignificance, and the Board further finds that the Project will not contribute to any considerable degree to future cumulative adverse environmental conditions.
- 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.

The documents and other materials that constitute the record of proceedings on which the Board's findings are based 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 and Title 14 of the California Code of Regulations § 15091.

#### SECTION 4: Certification of the Final EIR

- A. The Board hereby approves the Final EIR and certifies the Final EIR as having been completed in compliance with the Act.

- B. The Board further certifies that the Final EIR was presented to the Board as the lead agency for the Project as defined therein, and that the Board reviewed and considered the information contained in the Final EIR prior to making this approval and has utilized its independent judgment in the course of reviewing, approving and certifying the Final EIR.
  
- C. The Board further authorizes the District staff to prepare and file a Notice of Determination within 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 and direct that copies of the Final EIR be retained at the administrative offices of the District for review.
  
- D. The Board hereby adopts Exhibit A (Mitigation Monitoring and Reporting Program), Exhibit B (CEQA Findings) and Exhibit C (Traffic and Parking Clarifications), all of which exhibits are attached and incorporated herein by reference.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Mt. Diablo Unified School District on this 25<sup>th</sup> day of September 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

---

President, Board of Trustees

Attest:

---

Secretary, Board of Trustees