

MT. DIABLO UNIFIED SCHOOL DISTRICT

**RESOLUTION NO. 19/20-59:
OF THE GOVERNING BOARD OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT
ADOPTING CEQA FINDINGS OF FACT FOR THE OAK PARK PROJECT,
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVAL
OF PROJECT**

WHEREAS, the Mt. Diablo Unified School District (“District”) is the owner of approximately 2.0 acres of unimproved real property (surplus property) that is in the vicinity of unimproved property commonly known as 1700 Oak Park Boulevard, in the City of Pleasant Hill, County of Contra Costa, State of California.

WHEREAS, the County of Contra Costa (“County”) is the owner of approximately 8.0 acres of unimproved real property that is commonly known as 1700 Oak Park Boulevard, in the City of Pleasant Hill, County of Contra Costa, State of California.

WHEREAS, the property located at 1700 Oak Park Boulevard is undeveloped and consists of approximately ten acres, eight of which are owned by the County and two of which are owned by the District (hereafter the “Ten-Acre property”).

WHEREAS, on July 1, 2018, the District and the County entered into a Joint Exercise of Powers Agreement, for the dedication of the 10-Acre property to facilitate construction by the City of Pleasant Hill, the County of Contra Costa and/or the Pleasant Hill Recreation and Park District (the “Park District”), all public agencies, of a public library, a city park and additional improvements to the area surrounding the District Property, including improvements to the access road to Pleasant Hill Middle School and other existing District property;

WHEREAS, On July 24, 2018, the County took three actions affecting the 10-Acre Property. First, the County authorized the execution of a Memorandum of Understanding (MOU) between the County, the City of Pleasant Hill (the City), and the Pleasant Hill Recreation and Park District (the Park District) under which the three agencies would work together to maximize the public benefit of the sites. The MOU gave the agencies the opportunity to explore the following potential uses: The City’s development of a portion of the 10-Acre Property as the site of a new City-owned library; the Park District’s development of a portion of the 10-Acre Property as the site of a new recreational area; and the County’s sale of the 5-Acre Property to a builder for residential construction. These three potential projects, known as the “Oak Park Project,” (the “Project”). Second, the County authorized the execution of the Joint Powers Agreement between the County and the District. Under the Joint Powers Agreement, the County and the District will share the proceeds of the sale of the 5-Acre Property, rather than the 10-Acre Property. Third, the County authorized the filing of an application with the City of Pleasant Hill for entitlements for the construction of approximately 35 single-family homes on the 5-Acre Property. By obtaining entitlements before selling the property, the County sought to maximize the value of the property for the benefit of the County and the District and enable the County to ensure that the resulting development is compatible with the nearby civic projects;

WHEREAS, the City of Pleasant Hill is the lead agency under the California Environmental Act (“CEQA”) for the Project. On February 24, 2020, the City Council for the City of Pleasant Hill held a public hearing, certified the final EIR for the Project and approved the Project;

WHEREAS, the City of Pleasant Hill Planning Commission and its Architectural Review Commission, on January 28, 2020 and January 16, 2020 respectively, recommended approval of the Project;

WHEREAS, the County of Contra Costa is a responsible agency under CEQA for the Project. On March 10, 2020, the County held a public hearing, certified the final EIR for the Project and approved the Project;

WHEREAS, the District is deemed a responsible agency under CEQA as an indispensable party for purposes of the Project.

NOW, THEREFORE, THE GOVERNING BOARD OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The District Governing Board certifies it has reviewed and considered the information contained in the environmental impact report (EIR) prepared for the Project and considered feasible mitigation measures and alternatives within the District’s power before reaching a decision on the Project.

Section 2. The District adopts the CEQA Findings of Fact attached as Exhibit “A.” Based on the CEQA Findings of Fact, the District finds that (as was found by the lead agency, the City of Pleasant Hill, and responsible agency, the County), all significant environmental effects have been reduced to an acceptable level except for those impacts identified in Section 1.7 of Exhibit A as unavoidable.

Section 3. The District Governing Board has balanced the benefits of the Project against unavoidable environmental impacts. The benefits of the Project outweigh unavoidable environmental impacts. The benefits include, but are not limited to: construction of a new park, new active recreation areas, improvement to road access; new low-income housing, new single family residential homes, a new state-of-the art library, new trails, open space and landscaped areas, and other substantial benefits to the community, the District and its students.

Section 4. The District Governing Board approves the Project and certifies the final EIR in accordance with the requirements of CEQA.

ADOPTED, SIGNED AND APPROVED on May11, 2020.

President of the Governing Board for the
Mt. Diablo Unified School District

I, Robert A. Martinez, Secretary of the Governing Board of Mt. Diablo Unified School District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of said Board held on May 11, 2020, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Secretary, Governing Board of Mt. Diablo Unified
School District

SEE ATTACHED EXHIBIT "A"

CEQA FINDINGS OAK PARK PROPERTIES SPECIFIC PLAN PROJECT

CEQA Findings

Oak Park Properties Specific Plan Project

The Mt. Diablo Unified School District Board of Education finds as follows:

1. Mt. Diablo Unified School District Board of Education (the District) is a responsible agency under CEQA for the Oak Park Properties Specific Plan Project (the Project), which consists of the Residential Project component and the Civic Project component.
2. The District certifies that it has reviewed and considered the information contained in the environmental impact report (EIR) prepared for the Project and considered feasible mitigation measures and alternatives within the District's powers before reaching a decision on the Project.
3. The District adopts the CEQA Findings of Fact attached as Exhibit A. Based on the CEQA Findings of Fact, the District finds that significant environmental effects have been reduced to an acceptable level in that all significant environmental effect has been eliminated or substantially lessened except for those impacts identified in Section 1.7 of Exhibit A as unavoidable.
4. As to each of the significant impacts in Exhibit A that are not eliminated or substantially lessened, the District finds that these impacts are acceptable based on the following statement of overriding considerations, which the District hereby adopts:

The District declares that it has balanced the benefits of the Project against any unavoidable environmental impacts in determining whether to approve the Project. The District has determined that each of the following social, economic and environmental benefits of the Project separately and individually outweighs its potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

- A. The Specific Plan maximizes the development potential of infill land while maintaining 47.36 percent of the site as open space or landscaped areas.
- B. The Specific Plan includes park, active recreation areas, trails, and makes improvements to sidewalks, which encourages active lifestyles and provides opportunities for adults to improve their health and wellness through active sports opportunities.
- C. The Residential Project component includes 34 single-family residential opportunities and seven accessory dwelling units, which is necessary to address the critical housing shortage in the City of Pleasant Hill.
- D. The Specific Plan includes standards for development of the single-family residential homes that would enhance the aesthetic of the plan area by including homes with a cottage, Spanish, craftsman, and farmhouse design that would match the surrounding residential areas to the south and east.

- E. The specific plan provides a comprehensive blueprint for development in the plan area and includes detailed implementing programs to ensure consistent high-quality development.
- F. The Specific Plan promotes a vibrant, pedestrian-oriented community with residential and civic uses that promote a healthy environment.
- G. The Specific Plan would provide housing to address critical housing needs in a logical manner that focuses new housing in areas that are in close proximity to transit and community services.
- H. The Civic Project component includes a state-of-the-art new library facility with interior and exterior gathering spaces designed to serve residents and that fully complies with all health and safety regulations.
- I. The new library will provide residents with a high-quality public structure.
- J. By providing additional housing opportunities in close proximity to transit, the Specific Plan effectively implements the housing and economic prosperity goals and policies contained in the City of Pleasant Hill's general plan.
- K. Implementation of the Civic Project component includes improvements to roadways and storm drainage systems, and it modifies outfalls and related improvements to the Grayson Creek Corridor that improve the quality of life for residents.

The District declares that the foregoing benefits provided to the public through the approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The District finds that each of the Project benefits, separately and individually, outweighs all of the unavoidable adverse environmental effects identified in the EIR, and the District therefore finds those impacts to be acceptable.

EXHIBIT A

CEQA FINDINGS OF FACT

1.1 - Introduction

The State Guidelines (Guidelines) promulgated pursuant to the California Environmental Quality Act (CEQA) provide:

No public agency shall approve or carry out a project for which an EIR has been completed 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:

- (a) 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 (hereinafter referred to as "finding (1)").
- (b) 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 (hereinafter referred to as "finding (2)").
- (c) 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 (hereinafter referred to as "finding (3)").

The required findings shall be supported by substantial evidence in the record. (Guidelines, § 15091).

The Final EIR incorporates the Draft EIR. References to the "EIR" are to the collective documentation contained in the Draft EIR and Final EIR.

1.2 - Statement of Findings

An Environmental Impact Report (EIR) pursuant to CEQA has been prepared by City of Pleasant Hill (lead agency). The EIR for the Oak Park Properties Specific Plan ("Specific Plan" or "proposed plan") identifies significant effects on the environment, which may occur as a result of implementation of the Specific Plan. Section 1.5 sets forth effects that have no impact or are less than significant. Section 1.6 sets forth those potential environmental effects of the Specific Plan which are not significant because of the design of the Specific Plan or because they can feasibly be mitigated below a level of significance. Section 1.7 discloses the environmental impacts that remain significant and unavoidable even with the incorporation of feasible mitigation. Section 1.8 summarizes the alternatives discussed in the EIR and makes findings with respect to the feasibility of alternatives and whether the alternatives would lessen the significant environmental effects of the Specific Plan.