San Leandro Unified School District

Resolution No. 12-08

ADOPTION OF THE MITIGATED NEGATIVE DECLARATION/INITIAL STUDY FOR THE PACIFIC SPORTS COMPLEX AND BURRELL FIELD PROJECT, ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the San Leandro Unified School District Board of Trustees ("Board") proposes to upgrade the existing Pacific Sports Complex and Burrell Field at Teagarden Street at Montague Avenue, San Leandro, California;

WHEREAS, San Leandro Unified School District is the lead agency for the Project, and has caused to be prepared the Mitigated Negative Declaration/Initial Study ("MND/IS", SCH No. 2011122063) for the Project, which was available for review from December 22, 2011 through January 25, 2012; and

WHEREAS, the MND/IS for the Project was prepared pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*, "CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, Cal. Code of Regs., § 15000 *et seq.*, the CEQA "Guidelines")'; and

WHEREAS, pursuant to California Public Resources Section 21082.1 the Board has independently reviewed and analyzed the information contained in: (1) the MND/IS and (2) Mitigation Monitoring and Reporting Program ("MMRP"), (collectively the "MND/IS") and the conclusions of the MND/IS reflect the independent judgment of the Board; and

WHEREAS, San Leandro Unified School District posted a Notice of Intent to adopt the MND/IS on the District website; and

WHEREAS, San Leandro Unified School District caused the Notice of Intent to adopt the MND/IS to be posted on the project site; and

WHEREAS, one (1) comment letter on the MND/IS was received from a public agency during the 30-day public review period from December 22, 2011 through January 25, 2012 and staff has addressed these comments; and

WHEREAS, all actions required to be taken by applicable law relating to the preparation, circulation, and review of the MND/IS have been taken; and

WHEREAS, the CEQA Findings of Fact included as Exhibit "1," attached hereto and incorporated herein, identify the following impacts: the Project will not result in any significant impacts for the topical areas of Aesthetics, Agricultural and Forestry Resources, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems, therefore, no mitigation is required for these areas; and significant impacts will be reduced to a less-than-significant level with incorporation of the recommended mitigation measures

for all of the identified significant effects for the topical areas of Air Quality, Geology and Soils, and Hazards and Hazardous Materials; and

WHEREAS, the Board has reviewed and considered the Final MND/IS and MMRP with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED by the San Leandro Unified School District Board of Education meeting held on February 7, 2012, the following:

SECTION 1:

That the above recitals are true and correct.

SECTION 2

The MND/IS for the Project is an adequate and complete document completed in accordance with CEQA and the CEQA Guidelines.

SECTION 3

The Board hereby certifies that San Leandro Unified School District is the lead agency for the Project, that the Board, as the governing board of the lead agency, has reviewed and considered the MND/IS and the information contained therein prior to deciding whether to approve the proposed Project, including all comments received thereon and responses thereto; and the Board finds that the MND/IS reflects the independent judgment and analysis of the Board.

SECTION 4:

The Board hereby makes and adopts the CEQA Findings of Fact and mitigation measures set forth in Exhibit "1."

SECTION 5:

A Mitigation Monitoring and Reporting Program (MMRP) have been prepared to meet the requirements of Public Resources Code Section 21081.6. This program is designed to ensure compliance with Project changes and mitigation measures imposed to avoid or reduce to a less-than-significant level the significant effects identified in the MND/IS. The Board hereby adopts the MMRP, as set forth in Exhibit "2."

SECTION 6:

These actions having been taken and findings having been made, the Board hereby approves, certifies, and adopts the MND/IS for the Project.

SECTION 7:

The MND/IS is on file and available at the administrative office of San Leandro Unified School District, 14735 Juniper Street, San Leandro, CA 94579.

PASSED AND ADOPTED by the San Leandro Unified School District on this 7th day of February, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
President of the San Leandro Unified
School District Board of Trustees

ATTESTED TO:

_____
Secretary of the Board

EXHIBIT 1

FINDINGS FOR SAN LEANDRO UNIFIED SCHOOL DISTRICT PACIFIC SPORTS COMPLEX AND BURRELL FIELD PROJECT

State Clearinghouse No: 2011122063

REQUIRED FINDINGS

CEQA requires that, prior to approval of a project, the Lead Agency make specified findings related to each of the significant or potentially significant environmental effects considered in the Mitigated Negative Declaration/Initial Study (MND/IS). The MND/IS identified several significant or potentially significant effects on the environment. The San Leandro Unified School District Board of Trustees' findings with respect to each of these significant or potentially significant environmental effects are presented below.

It is anticipated that the San Leandro Unified School District Board of Trustees will adopt the MND/IS and Mitigation Monitoring and Reporting Program (MMRP) and approve the Project in conjunction with its adoption of this document. With these actions in place, all of the Project environmental effects will be reduced to Less-Than-Significant.

The findings for the proposed Project are based upon substantial evidence, comprised primarily of the information, analysis and mitigation measures described in the MND/IS and other information incorporated into these documents by reference.

SECTION 1.0 FINDINGS OF THE LEAD AGENCY WITH REGARD TO THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT

1.1 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT DO NOT REQUIRE FINDINGS

Environmental effects that the MND/IS found to be Less-Than-Significant without mitigation do not require findings under CEQA. These effects include the following:

Project Impacts on Aesthetics
Project Impacts on Agricultural and Forestry Resources
Project Impacts on Biological Resources
Project Impacts on Cultural Resources
Project Impacts on Greenhouse Gas Emissions
Project Impacts on Hydrology and Water Quality
Project Impacts on Land Use and Planning
Project Impacts on Mineral Resources
Project Impacts on Noise
Project Impacts on Population and Housing
Project Impacts on Public Services

Project Impacts on Recreation
Project Impacts on Transportation and Traffic
Project Impacts on Utilities and Service Systems

1.2 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT REQUIRE FINDINGS

The environmental effects that were found by the MND/IS to be significant and/or potentially significant prior to the application of mitigation measures include the effects listed below. As required by CEQA, the San Leandro Unified School District Board of Trustees must make findings with respect to each of these significant effects. The San Leandro Unified School District Board of Trustee's findings, and the evidence in support of those findings, are detailed below.

The Project would result in short-term air pollution emissions as a result of construction activities.

EFFECT: Construction activities could temporarily violate air quality standards or contribute substantially to an existing or Project air quality violation during Project construction activities.

MITIGATION: Mitigation Measure-AIR-1 and Mitigation Measure-AIR-2 identified in the MND/IS will substantially lessen temporary construction related air emissions to acceptable levels as promulgated by the Bay Area Air Quality Management District.

FINDING: Implementation of Mitigation Measure-AIR-1 and Mitigation Measure-AIR-2 identified in the MND/IS will reduce construction-related air quality impacts to a less-than-significant level (Initial Study pages 11 through 28).

Strong ground shaking may be expected at the Project site during the design lifetime of the proposed Project.

The Project site is located within an area identified as susceptible to liquefaction hazards and could experience some seismic settlement during a major earthquake.

EFFECT: The Project site is located within the seismically active Bay Area and as such, Project buildings may be exposed to a significant seismic event over their lifetime that could result in structural damage to the buildings. The Project site is within a designated liquefaction hazard evaluation zone and during a major significant seismic event, settlement could occur resulting in possible damage to buildings and other improvements at the Project site.

MITIGATION: Mitigation Measure-GEO-1 identified in the MND/IS specifies that the design recommendations included in the geotechnical report prepared for the Project be implemented. The Project buildings and other improvements will be designed to meet current code requirements to avoid substantial damage to Project facilities during a seismic event

FINDING: Implementation of Mitigation Measure-GEO-1 will reduce the potential for structural damage to the Project buildings to a less-than-significant level (Initial Study pages 32 through 34).

Buildings proposed for demolition contain asbestos and lead.

EFFECT: Asbestos containing and lead containing materials are present in Project buildings. These hazardous materials could be released during demolition activities.

MITIGATION: Mitigation Measure-HAZ-MAT-1 identified in the MND/IS will remove hazardous materials from the Project buildings proposed for demolition and safely transport these hazardous materials to an approved landfill site.

FINDING: Implementation of Mitigation Measure-HAZ-MAT-1 will reduce the potential for exposure to asbestos and lead to a less-than-significant level (Initial Study pages 40-42).

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EXHIBIT 2

MITIGATION MONITORING AND REPORTING PROGRAM
SAN LEANDRO UNIFIED SCHOOL DISTRICT PACIFIC SPORTS COMPLEX AND BURRELL FIELD PROJECT

Prepared for
San Leandro Unified School District

Prepared by

PLACEMAKERS
1500 Park Avenue – Loft #310
Emeryville, California 94608

January 30, 2012

1.0 INTRODUCTION

1.1 Background

Public Resources Code section 21081.6(a) requires all public agencies to adopt monitoring or reporting programs when they approve projects subject to Environmental Impact Reports (EIRs), Mitigated Negative Declarations or Negative Declarations that identify significant impacts. The reporting or monitoring program must be adopted when a public agency makes its findings for EIRs, Mitigated Negative Declarations or Negative Declarations so that the program can be made a condition of project approval in order to mitigate significant effects on the environment. The program must be designed to ensure compliance during project implementation to mitigate or avoid significant environmental effects.

1.2 Purpose

This Mitigation Monitoring and Reporting Program Checklist is designed to serve as a tool for the evaluation of Project compliance with mitigation measures identified in the Mitigated Negative Declaration/Initial Study for the San Leandro Unified School District Pacific Sports Complex and Burrell Field Project. This document will be used by San Leandro Unified School District (SLUSD) to verify inclusion of required project design features and implementation of mitigation measures. The Checklist serves as a summary so SLUSD, other public agencies and the community can easily determine which measures have been complied with.

2.0 MITIGATION MONITORING PROGRAM CHECKLIST

The Mitigation Monitoring and Reporting Program Checklist is proposed for monitoring the implementation of the mitigation measures contained in the San Leandro Unified School District Pacific Sports Complex and Burrell Field Project Mitigated Negative Declaration/Initial Study and listed in the attached checklist. SLUSD should implement the monitoring program as follows:

- SLUSD is responsible for coordination of the monitoring and reporting program including the monitoring checklist.
- Each responsible individual or agency will be responsible for determining whether the applicable mitigation measures contained within the checklist have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a completed checklist to the SLUSD Superintendent.

SAN LEANDRO UNIFIED SCHOOL DISTRICT PACIFIC SPORTS COMPLEX AND BURRELL FIELD PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
Prior to Final Design/Preparation of Construction Drawings							
GEO-1: The recommendations included in the Geotechnical Study and Geologic Hazards Evaluation prepared by Fugro shall be incorporated into the Project design.	One-time	Project Civil Engineer Project Architect	SLUSD Division of State Architect (DSA)	Final site and building drawings	DSA review of final site plan and building drawings.		
Prior to Building Demolition and During Demolition							
HAZ-MAT-1: The District shall retain a qualified contractor to remove and transport building debris containing asbestos and lead to an approved landfill site. Transport shall be undertaken in accordance with state and federal standards.	On- going during Project demolition activities.	Qualified Contractor	SLUSD	Documentation showing proof building debris removed from site was transported to approved landfill site.			
Prior to Project Construction/During Project Construction							
AIR-1: The Project shall comply with applicable measures listed in the 2011 BAAQMD Guidelines. The following construction mitigation measures shall be implemented: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.	On-going during Project construction activities.	Project General Contractor	SLUSD	Weekly site visits. Posted signs that identify a contact (including name and telephone number) to report problems with dust and soil material on adjacent streets.			
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered as may be required. 3. 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. 4. All sidewalks to be paved shall be completed as soon as possible.							

WELLS MIDDLE SCHOOL PHASE 2 CLASSROOM REPLACEMENT PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 6. 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. 7. Post a publicly visible sign with the telephone number and person to contact at the San Leandro Unified School District regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.							
AIR-2: To reduce criteria pollutant emissions below BAAQMD thresholds during Project construction activities, trenching for underground utilities shall not occur until the completion of soil hauling activities.	On-going during Project construction trenching activities	Project General Contractor	SLUSD	Mitigation measure should be incorporated into construction specifications.	Applicable measures listed in Mitigation Measure-AIR-1 shall be enforced during trenching activities.		