

PALM SPRINGS UNIFIED SCHOOL DISTRICT
Palm Springs, CA

**APPROVING THE MITIGATED NEGATIVE DECLARATION AND ADOPTING THE
MITIGATION MONITORING PROGRAM FOR THE BUILDING 500 PROJECT AT
DESERT LEARNING ACADEMY PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT AND THE CALIFORNIA EDUCATION CODE;
APPROVING THE PROJECT, AND DELEGATION OF AUTHORITY TO STAFF TO
EXECUTE THE NOTICE OF DETERMINATION**

RESOLUTION NO. 2018/2019-28

WHEREAS, the Palm Springs Unified School District (District) desires to demolish and reconstruct the existing 500 Building at Desert Learning Academy (Project) located at 2248 East Ramon Road in the City of Palm Springs (Site), Riverside County; and

WHEREAS, implementation of the Project constitutes a “project” as defined by the California Environmental Quality Act (“CEQA,” Public Resources Code section 2100 *et seq.*); and

WHEREAS, pursuant to CEQA Guidelines section 15063, the District retained an environmental consultant to prepare an initial study for the Project (the “Initial Study”); and

WHEREAS, on the basis of recommendations included in the Initial Study, the District determined that a mitigated negative declaration (the “MND”) should be prepared for the Project pursuant to CEQA Guidelines section 15070; and

WHEREAS, PSUSD, acting as the Lead Agency as defined in Section 21067 of the Public Resources Code, has undertaken preparation of the MND (California State Clearinghouse Number 2019029103), an environmental assessment and study of the Project; and

WHEREAS, pursuant to CEQA Guidelines section 15072, a Notice of Availability and Notice of Intent (NOA/NOI) to adopt an MND for the Project was prepared by PSUSD and was issued for a 31-day public review period beginning February 19, 2019, and ending March 21, 2019; and

WHEREAS, in compliance with the CEQA Guidelines, PSUSD submitted copies of the MND to the California State Clearinghouse for distribution to potentially affected state agencies; mailed the NOA/NOI directly to local agencies; posted a copy of the NOA/NOI at the Riverside County Clerk’s office; and made copies of the MND available for review by interested persons at the District office (150 District Center Drive, Palm Springs) at the Desert Learning Academy (2248 East Ramon Road, Palm Springs) and Palm Springs High School (2401 East Baristo Road, Palm Springs); and

WHEREAS, the District did receive comment letters on the MND incorporated in the Final MND; and

WHEREAS, the final MND is composed of the public draft MND, including any exhibits or appendices thereto, and the Mitigation Monitoring Program, each of which are incorporated herein and made a part hereof by this reference; and

WHEREAS, in compliance with the CEQA Guidelines, and for the record, the District has prepared: (1) an MND and a (2) Mitigation Monitoring Program (Exhibit A), which provides the structure for ensuring that all mitigation measures identified in the MND are implemented; and Draft Initial Study/Mitigated Negative Declaration (Appendix A); and a NOA/NOI (Appendix B); and (3) a Notice of Determination (NOD) for filing with the Riverside County Clerk's office (Appendix C), all of which are attached and incorporated into this Resolution by reference; and

WHEREAS, prior to taking action on the Project, the District has evaluated and considered all potentially significant effects on the environment as a result of Project implementation, and has balanced the benefits of the Project against its effects on the environment; and

WHEREAS, the PSUSD Board of Education (Board) has read and considered all environmental documentation comprising the final MND and its supporting sources; and

WHEREAS, the Board has determined that the final MND is adequate, complete, has been prepared in accordance with CEQA, and has incorporated therein the mitigation measures described in the public draft MND and Mitigation Monitoring Program; and

WHEREAS, pursuant to Education Code Section 17211, the District is required to evaluate potential school sites using site selection standards established by the State Department of Education pursuant to Education Code Section 17251(b) and California Code of regulations (CCR) Title 5 Section 14033; and

WHEREAS, the District, pursuant to Public Resources Code Section 21151.8(a) Education Code Section 17213, has consulted with appropriate agencies and determined that (a) the Site is not the site of a current or former hazardous waste disposal site or solid waste disposal site; (b) the Site is not a hazardous substance release site identified in a list of sites for which removal or remediation action is planned, compiled by the Department of Health Services pursuant to Health and Safety Code Section 25356; (c) the Site is not a site that contains one or more pipelines, situated underground or aboveground, that carry hazardous substances, acutely

hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to that school or neighborhood; and (d) the Site is not within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor; and

WHEREAS, the District, pursuant to Public Resources Code Section 21151.8(a)(2), has consulted with administering agencies with jurisdiction over the Project for the purpose of investigating the potential for permitted and non-permitted hazardous or acutely hazardous air emissions within one-quarter of a mile of the Project and has determined that impacts from identified facilities are less than significant and would not pose an actual or potential endangerment to persons who attend and/or work at the Project; and

WHEREAS, the final MND has been prepared in compliance with CEQA and reflects the Board's independent judgment and analysis of the District as lead agency with respect to the Project; and

WHEREAS, the MND and all supporting material, which constitute a record of these proceedings, are kept at the Palm Springs Unified School District office, 150 District Center Drive, Palm Springs, under the control of the Superintendent;

NOW, THEREFORE, the Board hereby finds, determines, declares, orders and follows:

Section 1. That all of the recitals set forth above are true and correct, and the Board so finds and determines the foregoing recitals are true and correct;

Section 2. The Board certifies that: (1) the final MND for the Project has been prepared in compliance with CEQA and the CEQA Guidelines; (2) the final MND was presented to the Board, which reviewed and considered the information contained in the final MND prior to approving the Project; and (3) the final MND reflects the Board's independent judgment and analysis;

Section 3. The Board hereby adopts the mitigation measures for the Project and the Mitigation Monitoring Program, attached hereto and incorporated herein by reference, and the final MND;

Section 4. The Board finds that the public and interested government agencies have been afforded adequate notice and opportunity to comment on the NOA/NOI, public draft MND, final MND, and the Project;

Section 5. The Board hereby finds that the Project site meets the site standards established by the California Department of Education, as applicable pursuant to Title 5 Section 14033;

Section 6. The Project site has not been identified as a hazardous substance release site, is not a current or former hazardous waste disposal site, and does not contain one or more underground or aboveground pipelines carrying hazardous substances, acutely hazardous materials, or hazardous waste;

Section 7. The District has consulted with the air quality management district with jurisdiction over the Project and did not identify any permitted and non-permitted facilities within one-quarter mile of the Site that might reasonably be anticipated to emit hazardous emissions and therefore, concluded that endangerment would not occur to persons who attend and/or work at the Site;

Section 8. The Project site is not located within 500 feet of the edge of the closest traffic lane of a freeway or other busy corridor, as defined in Education Code Section 17213(c)(2)(C), that would create a health hazard or exposure to a high level of pollutants;

Section 9. The Board hereby delegates authority to the District Superintendent, or the Superintendent's designee, to cause and NOD to be filed with the Riverside County Clerk and the California State Clearinghouse;


Section 10. The findings made in this Resolution are based upon the information and evidence set forth in the public draft MND and final MND and upon substantial evidence which has been presented in the record of these proceedings; the final MND and all supporting material, which constitute a record of these proceedings, will be kept at the Palm Springs School District office, located at 150 District Center Drive, Palm Springs, under the control of the Superintendent; and

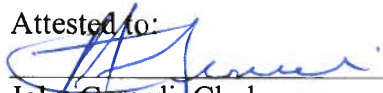
Section 11. The Board hereby approves the Project described in the final MND as the 500 Building Project at the Desert Learning Academy.

APPROVED, PASSED AND ADOPTED by the Board this 9th day of April 2019, by the following vote:

AYES:	President Clapp, Clerk Gerardi, Members Cornett, Gerrell, Timothy S. Wood
NOES:	None
ABSENT:	None
ABSTAINING:	None

PALM SPRINGS UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

By  _____
Richard Clapp, President
of the Board of Education
Palm Springs Unified School District

Attested to:  _____
John Gerardi, Clerk
of the Board of Education
Palm Springs Unified School District

