

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, ADOPTING CONDITIONS OF USE, 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. On September 25, 2013, the Board continued the matter the Project and 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 field usage schedule. In response to these concerns, staff prepared Exhibit D, Conditions of Use, which sets forth a comprehensive list of added conditions that address neighborhood concerns. The District and its consultants carefully reviewed the conditions in Exhibit D and determined that none of them would change the analysis or conclusions in the Final EIR. The Board finds that all potentially significant impacts of the Project were adequately identified and disclosed and that adequate, appropriate and effective mitigations were proposed in the Final EIR to reduce identified impacts to less than significant.

- G. 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.
- H. 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.
- I. 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.
- J. 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) Exhibit C (Traffic and Parking Clarifications), and Exhibit D (Conditions of Use), 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 9th day of October 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

President, Board of Trustees

Attest:

Secretary, Board of Trustees

EXHIBIT “A”

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Environmental Impact Report (including Initial Study/Environmental Checklist) prepared for the proposed Ygnacio Valley High School Field Lighting 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 Table 1), lists mitigation measures recommended in the EIR and identifies mitigation monitoring requirements.

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 the two cultural resources mitigation measures identified in the IS/MND.

The first column of 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.

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
INITIAL STUDY					
V. CULTURAL RESOURCES					
<p><u>CULT-1</u>: Should a cultural resource be encountered during project construction activities, excavation shall stop and the MDUSD Project Manager shall be notified. The discovery shall be evaluated by a qualified archaeologist, and if the discovery is significant, treatment recommendations shall be developed and implemented.</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>
<p><u>CULT-2</u>: If human remains are encountered at any point during construction activities, work shall stop and the Contra Costa County Coroner shall be notified immediately. In addition, a qualified archeologist shall be contacted to examine the situation and consult with the appropriate agencies. If the human remains are of Native America 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. The construction contractor shall abide by these recommendations. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations of the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the MDUSD and the Northwest Information Center.</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 human remains during the construction period</p>	<p>During the construction period</p>

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					
<p>HAZ-1: As recommended in the PEA by Geosphere Consultants, Inc., prior to project construction, MDUSD shall be responsible for the excavation of at least a five-foot-square by two-feet-deep area beneath soil sample locations 5YV and 7YV, in order to remove the elevated arsenic concentrations in the soil. The actual amount and extent of removal shall be verified using an X-ray fluorescence (XRF) tool. The excavated soil shall be properly disposed of at a licensed and accepting landfill under a MDUSD manifest. Two confirmation soil samples shall be collected from the base of each excavation and submitted to a State-certified hazardous waste testing laboratory for arsenic analysis using EPA Methods SW846/6010B/SW846 3050B. The laboratory analytical results of the confirmation soil samples must then be used, along with the previous laboratory data (excluding soil samples 5YV and 7YV) to calculate the new ProUCL 95 percent UCL cleanup goal, to ensure that no significant hazard remains.</p>	<p>Project Contractor with oversight by Mount Diablo Unified School District or environmental abatement contractor with expertise in this field</p>	<p>Prior to construction</p>	<p>Mount Diablo Unified School District</p>	<p>Ensure that the construction practices identified in Mitigation Measure HAZ-1 are implemented prior to construction of the project</p>	<p>During the pre-construction period</p>
IX. HYDROLOGY AND WATER QUALITY					
<p>HYD-1: MDUSD shall coordinate and obtain approval from Division of State Architect to prepare a Stormwater Control Plan (SCP), which incorporates one or more Runoff Reduction Measures into each relevant project to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the final site plans and meet the requirements of the Contra Costa Clean Water Program’s Stormwater C.3 Guidebook, which requires implementation of one or more of the following Runoff Reduction Measures options: 1) disperse runoff from roofs or pavement to vegetated areas; 2) install Permeable Pavement; 3) install a bioretention facility or planter box; or and 4) install cisterns or rain barrels.</p>	<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>

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
ENVIRONMENTAL IMPACT REPORT					
B. AIR QUALITY					
<p><u>AIR-1:</u> In order to mitigate Impact AIR-1, the following construction practices shall be implemented at the project site during the construction phase of the 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. 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 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. 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. Post a publicly visible sign with the telephone number and person to contact at MDUSD regarding dust complaints. This person shall respond and take corrective action within 48 hours. 	Project Contractor with oversight by Mount Diablo Unified School District	During the pre-construction and construction periods	Mount Diablo Unified School District	Ensure that the construction practices identified in Mitigation Measure AIR-1 are implemented during the pre-construction and construction phases of the project	During the pre-construction and construction periods

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
D. NOISE					
NOI-1a: All construction equipment must have appropriate sound muffling devices, which shall be properly maintained and used at all times such equipment is in operation.	Project Contractor with oversight by Mount Diablo Unified School District	During construction period	Mount Diablo Unified School District	Verify that all aspects of Mitigation Measures NOI-1a through NOI-1e are implemented.	During construction period
NOI-1b: 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.					
NOI-1c: 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.					
NOI-1d: All noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:30 a.m. and 6:00 p.m. on weekdays, and between 8:00 a.m. and 5:00 p.m. on Saturdays. No construction shall be permitted on Sundays or official national holidays.					
NOI-1e: The operation of heavy construction equipment shall be prohibited within 500 feet of school classrooms when school classes are in session.					
NOI-1f: The District shall provide residents of Graymont Circle and Savannah Court with a construction schedule showing dates and locations of activities so that the residents are alerted of upcoming activities. The District shall regularly update the schedule via e-mail, regular mail, community meeting(s) or other methods that effectively provide this information in a timely manner.					
NOI-1g: The construction contractor shall specify rotary and electric tools (e.g., jack hammers, pavement breakers, rock drills) to the greatest extent possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatic tools is unavoidable, air exhaust mufflers shall be incorporated. In addition, external jackets on the tools themselves shall be used when feasible. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.					
NOI-1h: The Construction contractor shall incorporate the quietest construction equipment and techniques feasible for any given construction task.					

Source: LSA Associates, Inc., 2013

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YGNACIO VALLEY HIGH SCHOOL SPORTS FIELD IMPROVEMENTS PROJECT

CEQA FINDINGS

Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines and Section 21081 of the Public Resources Code

The Final Environmental Impact Report (Final EIR) prepared by Mount Diablo Unified School District (District) for the Ygnacio Valley High School Sports Field Improvements Project (project) consists of the Draft EIR and Response to Comments on the Draft EIR. The Final EIR identifies significant environmental impacts that will result from implementation of the project. The District finds that the inclusion of certain mitigation measures as part of project approval will reduce all environmental impacts to less-than-significant levels.

As required by CEQA, the District, in adopting these CEQA Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The District finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the District adopts these findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the District also finds that the Final EIR reflects the District's independent judgment as the lead agency for the project.

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SECTION 1.0 INTRODUCTION

1.1 STATUTORY REQUIREMENTS FOR FINDINGS

Section 15091 of the *CEQA Guidelines* states that:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified 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:
 - (1) 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.
 - (2) 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.
 - (3) 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.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.¹

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.² The *CEQA Guidelines* state in section 15093 that:

If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

1.2 RECORD OF PROCEEDINGS

For purposes of CEQA and the findings set forth herein, the record of proceedings for the District's decision on the project consists of: a) matters of common knowledge to the District, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the District:

¹ CEQA Guidelines, 2012. Section 15091 (a), (b).

² Public Resources Code Section 21081(b).

- Notice of Preparation and other public notices issued by the District in conjunction with the project (see Appendix A of the Draft EIR for the Notice of Preparation);
- May 2013 Initial Study and supporting documentation prepared for the proposed project (see Appendix B of the Draft EIR for the Initial Study);
- The Public Review Draft EIR, dated May 2013;
- All written and verbal comments submitted by agencies, organizations and members of the public during the public comment period and at public hearings on the Draft EIR and responses to those comments (see Response to Comments Document, dated July 2013);
- The Mitigation Monitoring and Reporting Program;
- All findings and resolutions adopted by the District in connection with the project, and all documents cited or referred therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the District or the consultants to each, or responsible or trustee agencies with respect to: a) the District's compliance with CEQA; b) development of the project site; or c) the District's action on the project; and
- All documents submitted to the District by agencies or members of the public in connection with development of the project.

1.3 ORGANIZATION/FORMAT OF FINDINGS

Section 2.0 of these findings sets forth the objectives of the project and contains a summary description of the project and project alternatives. Section 3.0 identifies the potentially significant effects of the project which were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Initial Study or Draft EIR and Response to Comments Document. Section 4.0 identifies the project's potential environmental effects that were determined not to be significant, and do not require mitigation. Section 5.0 discusses the feasibility of project alternatives. Section 6.0 includes discussion of environmental impacts that cannot be mitigated to less-than-significant levels.

SECTION 2.0 THE YGNACIO VALLEY HIGH SCHOOL SPORTS FIELD IMPROVEMENTS PROJECT

2.1 PROJECT OBJECTIVES

The Mount Diablo Unified School District's project objectives are as follows:

- Provide nighttime lighting for longer hours of operation of the sports field facility;
- Provide a PA system to eliminate need for the portable system currently in use;
- Extend the student school day by allowing practices at the sports field facility to extend into the evening; and
- Increase student school spirit and pride by holding more Ygnacio Valley events on their home campus.

2.2 PROJECT DESCRIPTION

The approximately 4.5-acre project site is situated along the eastern edge of the Ygnacio Valley High School campus, which is located at 755 Oak Grove Road in the City of Concord in Contra Costa County. The project site consists of the sports field (includes football field and track), bleachers, and associated landscaping. The generally level project site was recently reconstructed in 2006 and currently is not equipped with permanent field lighting or public address (PA) systems.

An earlier version of this project was initially proposed in 2011 to include the installation of permanent field lighting, a PA system, and a sound wall at the high school's sports field facility. The earlier project was the subject of a CEQA environmental checklist/initial study during the spring of 2012 to identify likely environmental consequences associated with its development. The earlier project has since been revised by the MDUSD. For the proposed project, MDUSD considered the concerns expressed by the adjacent Pepper Tree neighborhood in mid-2012 and made the following adjustments to the usage of the proposed lighted sports field facility: 1) reduce the number of events by from 325 to 170 events; and 2) restrict community events on Saturdays and Sundays, as described in Table III-2 and its footnotes. These adjustments reduce the total amount of lighted hours on the sports field facility by 38 percent, from 1,265 to 781 lighted hours.

The proposed project would involve the following improvements to the sports field facility:

- Installation of permanent field lighting system (includes two 70-foot-high light standards and fixtures on the visitor side of the field, and two 80-foot-high light standards and fixtures on the home side of the field) and exit lighting along the path of arrival and departure from the field (includes eleven 12-foot poles, each with a small LED fixture);
- Installation of two public address (PA) systems for school and outside group users. The school PA system on the home side would consist of one speaker mounted to each light pole, directionally focused to the middle of the home bleachers. The school PA system on the visitor side would consist of a distributed speaker system that would locate four small speakers on top of the sound wall on 10-foot-high poles and directionally focus them toward the sports field. The outside user PA system would limit output sound levels and would only use the two speakers on the home side;
- Construction of an approximately 15-foot-tall sound wall behind the visitor side bleacher structure;
- Installation of an approximately 240-square-foot future stand-alone press box elevated on top of a support structure, directly behind the home side bleachers (the combined press box structure would be approximately 30.5 feet tall); and
- Construction of a one-story 1,584-square-foot concession stand/restroom building and future stand-alone ticket booth.

Regional access to the project site is provided by Interstate 680 (I-680) to the west, and local access is provided by Treat Boulevard to the north and Oak Grove Boulevard to the east.

2.3 ALTERNATIVES

Based on the project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the *CEQA* Guidelines, the following project alternatives were selected for analysis:

- **No Project Alternative.** Under the No Project alternative, the existing project site would remain in essentially its current condition.
- **No Sports Lights Alternative.** Under the No Sports Lights alternative, all components of the project would be constructed, except the sports field lighting and exit lighting systems.
- **Reduced Use Alternative.** Under the Reduced Use alternative, all components of the project would be constructed; however, the maximum number of lighted hours for nighttime sports activities would be reduced by 48 percent, and the maximum number of hours for use of the PA system would be reduced by 29 percent.

A more detailed description of these alternatives, and required findings, are set forth in Section 5.0: Feasibility of Project Alternatives.

SECTION 3.0 EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The Initial Study and Draft EIR identified certain potentially significant effects that could result from the project. However, the District finds for each of the significant or potentially significant impacts identified in this section (Section 3) that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Final EIR and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures will effectively make the mitigation measures part of the project. In addition, District Conditions of Approval and compliance with District and other regulations would further reduce project impacts. Impacts and mitigation measures identified in the Initial Study are listed first, followed by impacts and mitigation measures identified in the Draft EIR.

3.1 CULTURAL RESOURCES (INITIAL STUDY)

Impact CULT-1: The proposed project could result in construction-period impacts to previously unidentified archaeological resources.

CULT-1: Should a cultural resource be encountered during project construction activities, excavation shall stop and the MDUSD Project Manager shall be notified. The discovery shall be evaluated by a qualified archaeologist, and if the discovery is significant, treatment recommendations shall be developed and implemented.

Finding: The District finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure CULT-1 which sets the protocol for identification and protection of previously unidentified prehistoric or historic archaeological materials during the construction period will ensure that the project's adverse effects to archaeological resources are avoided. Requiring construction to halt if archaeological resources are found will allow such resources to be analyzed and protected (if necessary) without additional disturbance. Requiring the assessment of any finds by a qualified archaeologist will ensure that adequate measures are taken to protect any resources that may be encountered on site.

CULT-2: If human remains are encountered at any point during construction activities, work shall stop and the Contra Costa County Coroner shall be notified immediately. In addition, a qualified archeologist shall be contacted to examine the situation and consult with the appropriate agencies. If the human remains are of Native America 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. The construction contractor shall abide by these recommendations. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations of the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the MDUSD and the Northwest Information Center.

Finding: The District finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure CULT-2, which requires construction of the project to cease and an immediate notification of the Contra Costa County Coroner in the event that human remains are encountered, will substantially lessen the potential effects of the project on human remains, including Native American remains. Implementation of this measure will ensure that any human remains encountered during construction are evaluated for their cultural and archaeological importance and are protected from additional disturbance. Therefore, implementation of the foregoing mitigation measure would ensure that potential impacts associated with the treatment of human remains would be reduced to a less-than-significant level.

3.2 HAZARDS AND HAZARDOUS MATERIALS (INITIAL STUDY)

Impact HAZ-1: The proposed project could expose the public to contaminated soils.

HAZ-1: As recommended in the PEA by Geosphere Consultants, Inc., prior to project construction, MDUSD shall be responsible for the excavation of at least a five-foot-square by two-foot-deep area beneath soil sample locations 5YV and 7YV, in order to remove the elevated arsenic concentrations in the soil. The actual amount and extent of removal shall be verified using an X-ray fluorescence (XRF) tool. The excavated soil shall be properly disposed of at a licensed and accepting landfill under a MDUSD manifest. Two confirmation soil samples shall be collected from the base of each excavation and submitted to a State-certified hazardous waste testing

laboratory for arsenic analysis using EPA Methods SW846/6010B/SW846 3050B. The laboratory analytical results of the confirmation soil samples must then be used, along with the previous laboratory data (excluding soil samples 5YV and 7YV) to calculate the new ProUCL 95 percent UCL cleanup goal, to ensure that no significant hazard remains.

Finding: The District finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure HAZ-1, which requires the excavation and disposal of contaminated soil at the project site, will reduce the potential exposure of the public to contaminated soils. The requirement of soil sampling and testing using EPA Methods, along with a 95 percent UCL cleanup goal, ensures that no remaining significant hazard will exist upon completion of this task. Therefore, implementation of the foregoing mitigation measure would ensure that potential impacts associated with the disturbance of contaminated soil would be reduced to a less-than-significant level.

3.3 HYDROLOGY AND WATER QUALITY (INITIAL STUDY)

Impact HYD-1: The proposed project could violate water quality standards or waste discharge requirements.

HYD-1: MDUSD shall coordinate and obtain approval from Division of State Architect to prepare a Stormwater Control Plan (SCP), which incorporates one or more Runoff Reduction Measures into each relevant project to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the final site plans and meet the requirements of the Contra Costa Clean Water Program's Stormwater C.3 Guidebook, which requires implementation of one or more of the following Runoff Reduction Measures options: 1) disperse runoff from roofs or pavement to vegetated areas; 2) install Permeable Pavement; 3) install a bioretention facility or planter box; or and 4) install cisterns or rain barrels.

Finding: The District finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure HYD-1, which requires the implementation of a Stormwater Control Plan and incorporates one or more Runoff Reduction Measures into each relevant project, will reduce the potential impacts to surface water quality throughout the operation of the project. The features, which shall be included in the final site plans and meet the requirements of the Contra Costa Clean Water Program's Stormwater C.3 Guidebook, will implement one or more of the following options: 1) disperse runoff from roofs or pavement to vegetated areas; 2) install Permeable Pavement; 3) install a bioretention facility or planter box; or and 4) install cisterns or rain barrels. Therefore, implementation of the foregoing mitigation measure would ensure that potential impacts associated with water quality and waste discharge as a result of this project would be reduced to a less-than-significant level.

3.4 AIR QUALITY (EIR)

AIR-1: Construction of the proposed project would generate air pollutant emissions that could violate air quality standards.

AIR-1: In order to mitigate Impact AIR-1, the following construction practices shall be implemented at the project site during the construction phase of the project:

- 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.
- 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 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.
- 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.
- Post a publicly visible sign with the telephone number and person to contact at MDUSD regarding dust complaints. This person shall respond and take corrective action within 48 hours.

Finding: The District finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Mitigation Measure AIR-1, which requires the implementation of construction-period dust- and exhaust-control measures, will substantially lessen the project's short-term emissions of dust and exhaust. The short-term air quality measures listed in Mitigation Measure AIR-1 are feasible and considered by air quality experts, including the Bay Area Air Quality Management District, to be effective measures in reducing short-term air quality impacts of construction projects. Therefore, implementation of the foregoing mitigation measure would reduce the impact associated with construction-period air pollutant emissions to a less-than-significant level.

3.5 NOISE (EIR)

NOI-1: Implementation of the project would expose noise sensitive uses in the project vicinity to construction noise levels in excess of established standards.

NOI-1a: All construction equipment must have appropriate sound muffling devices, which shall be properly maintained and used at all times such equipment is in operation.

NOI-1b: 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.

NOI-1c: 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.

NOI-1d: All noise producing construction activities, including warming-up or servicing equipment and any preparation for construction, shall be limited to the hours between 7:30 a.m. and 6:00 p.m. on weekdays, and between 8:00 a.m. and 5:00 p.m. on Saturdays. No construction shall be permitted on Sundays or official national holidays.

NOI-1e: The operation of heavy construction equipment shall be prohibited within 500 feet of school classrooms when school classes are in session.

NOI-1f: The District shall provide residents of Graymont Circle and Savannah Court with a construction schedule showing dates and locations of activities so that the residents are alerted of upcoming activities. The District shall regularly update the schedule via e-mail, regular mail, community meeting(s) or other methods that effectively provide this information in a timely manner.

NOI-1g: The construction contractor shall specify rotary and electric tools (e.g., jack hammers, pavement breakers, rock drills) to the greatest extent possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatic tools is unavoidable, air exhaust mufflers shall be incorporated. In addition, external jackets on the tools themselves shall be used when feasible. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

NOI-1h: The Construction contractor shall incorporate the quietest construction equipment and techniques feasible for any given construction task.

Finding: The District finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure NOI-1, which requires the implementation of standard measures to control construction noise, will substantially lessen exposure of sensitive uses in the area to unacceptable construction noise levels. These measures consist of technically feasible noise-reduction actions that are regularly used to control construction noise. Implementation of these actions will be easily monitored during the construction period. Therefore, implementation of the foregoing mitigation measure would reduce potential construction-period noise to a less-than-significant level.

SECTION 4.0 EFFECT DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT

Based on the analysis provided in the Initial Study, included in Appendix B, the proposed project would not result in significant impacts related to the following topics, which are not further evaluated in the EIR. Some topics considered in the Initial Study would require implementation of standard mitigation measures prior to or during the construction period to reduce impacts to a less-than-significant level. These measures would likely apply to any redevelopment or construction activities that could occur on MDUSD properties and/or within the City of Concord and are summarized below, as appropriate. Table II-1 in Chapter II, Summary, of this EIR also contains a summary of the environmental impacts and mitigation measures identified in the Initial Study.

4.1 AGRICULTURAL AND FORESTRY RESOURCES

The project site and vicinity are located within an urban area in the City of Concord. The site is currently zoned as Public/Quasi-Public on the City's zoning map and is classified as "Urban and Built-Up Land" by the State Department of Conservation.³ The project site is not used for agricultural production nor does it support forestry resources. Therefore, there would be no impact to agricultural and forestry resources.

4.2 BIOLOGICAL RESOURCES

No special-status plant or animal species are expected to occur on or in the vicinity of the site due to its completely urbanized condition and lack of suitable habitats. The project would not interfere with local wildlife movement or corridors. Common wildlife species that are adapted to urban environments would continue to use the site after project implementation. Therefore, potential impacts to nesting birds would be less than significant. No riparian vegetation, other sensitive natural communities, federally protected wetlands, or other aquatic features are present on the site. Existing trees behind the visitor bleachers would be pruned, as directed by an arborist during the installation of the proposed sound wall and associated chain link fence. The site is not subject to a local, regional, or State habitat conservation or natural community plan.

4.3 CULTURAL RESOURCES

The project site is not considered a historical resource as defined by Section 15064.5 of the *CEQA Guidelines*, and the likelihood of discovering resources during the minor excavation required to construct structure foundations is unlikely. Therefore, the proposed project would not cause a substantial adverse change in significance of a known historical resource.

The potential for surface and subsurface archaeological and paleontological resources to be present at the project site is considered to be low and the likelihood of discovering resources during the minor excavation required to construct structure foundations is unlikely. However, if any archaeological and paleontological resources are discovered during construction of the proposed project, implementation of Mitigation Measure CULT-1, which requires that excavation be stopped until a qualified archae-

³ California Department of Conservation, 2011. Division of Land Resource Protection, Farmland Mapping and Monitoring Program. *Contra Costa County Important Farmland 2010* (map). Website: www.consrv.ca.gov/dlrp/fmmp/index.htm. (accessed October 18, 2012) July.

ologist evaluates and makes treatment recommendations of the discovery, would reduce this impact to a less-than-significant level.

The potential to uncover human remains exists in locations throughout the Bay Area, even in urbanized areas. Although no such remains have been reported at the project site, the potential to encounter such remains cannot be discounted. If any human remains are discovered during construction of the proposed project, implementation of Mitigation Measure CULT-2, which establishes procedures to follow in the event that human remains are uncovered during construction activities, would reduce this impact to a less-than-significant level.

4.4 GEOLOGY AND SOILS

No portion of the project site is within an established Alquist-Priolo Earthquake Fault Zone (A-PEFZ), and no active faults are known to pass directly beneath the site.⁴ Therefore, impacts associated with fault rupture are low and would be less than significant. The site-specific Geotechnical Engineering and Geologic Hazards study prepared for the project site concludes that the potential for liquefaction to occur is low and the project site is not subject to landslides. Therefore, persons or structures at the project site would not be adversely affected by ground failure or liquefaction occurring during a seismic event.

The proposed project does not propose any changes to site conditions that would cause substantial soil erosion or the loss of topsoil. Because the upper portion of soils on the project site has some potential to consolidate and is considered to be moderately expansive, the study recommends that caisson installation methods be undertaken during the installation of the project's deep foundation system. Preliminary results from the study also indicate that some of the soils are considered to be highly corrosive to buried metal; however test results in the study conclude that the soil on the project site would have a negligible impact on buried concrete. Because water-soluble sulfate concentrations can vary due to the addition of fertilizer, irrigation, and other possible development activities, the study recommended that necessary design mitigation for underground utilities be taken during design and construction and an appropriate corrosion specialist be contacted if a detailed evaluation is required.

Final project plans and specifications would be required to conform with current California Building Code standards for seismic performance and would be subject to the Division of State Architect review and approval process. Compliance with these standards and implementation of the State Architect's recommendations would reduce potential seismic hazards and potential impacts associated with soil erosion, corrosive soils, unstable and expansive soils at the site to a less-than-significant level.

Wastewater conveyance and treatment for the proposed project would be provided by the City of Concord and Central Contra Costa County Sanitary District and the project would not involve the use of septic tanks or alternative wastewater disposal systems.

⁴ Consolidated Engineering Laboratories, 2011. *Geotechnical Engineering and Geologic Hazards Study, Ygnacio Valley High School Stadium Lighting Project*. November 14.

4.5 HAZARDS AND HAZARDOUS MATERIALS

Operation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. However, development of the project may expose construction workers and the nearby public and environment to contaminated soils. Implementation of Mitigation Measure HAZ-1, which requires proper management, removal, and disposal of contaminated soils encountered on the project site before construction activities occur, would ensure impacts associated with the release of hazardous materials would be less than significant and would not pose a health risk or safety concern to the high school campus. The MDUSD would also be in compliance with all, State and local requirements when using hazardous materials, including the recommendations provided in the PEA by Geosphere Consultants, Inc.⁵

The project site is not listed on the Regional Water Quality Control Board's (RWQCB) leaking underground storage (LUST) database⁶ or the RWQCB spills, leaks, investigations, and cleanups (SLIC) database,⁷ two of the component databases that comprise the State Cortese List of known hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the proposed project would have no impact to the public or environment with respect to a reported release or disposal of hazardous materials related to a listed site.

The proposed project would not result in a safety hazard to people working or residing in the area due to the proximity of an airport or private airstrip. Implementation of the proposed project also would not interfere with an adopted emergency response plan or emergency evacuation plan and would not expose people or structures to a significant impact related to loss, injury, or death involving wildland fires.

4.6 HYDROLOGY AND WATER QUALITY

The proposed project would not substantially increase stormwater runoff from the project site. Implementation of Mitigation Measure HYD-1, which requires the preparation of a Stormwater Control Plan, would reduce impacts associated with water quality standards and waste discharge to a less-than-significant level.

The proposed project would be constructed and operated within already paved areas, and drainage patterns would remain unchanged on the project site. Minor excavation from installing footings and electrical connections would be returned to pre-project conditions following construction activities. Therefore, the proposed project would have a less-than-significant impact on existing drainage patterns and existing and planned stormwater drainage systems. The proposed project also would not result in substantial erosion or siltation on-or-off-site, nor substantially alter the rate or amount of surface runoff on the site such that on-or-off-site flooding would occur.

⁵ Geosphere Consultants, Inc., 2013. *Preliminary Endangerment Assessment-Streamlined Risk Assessment Evaluation*. Ygnacio Valley High School Field Improvements (Geosphere Project No. 91-02999-A), March 19.

⁶ Regional Water Quality Control Board, 2012. LUSTIS Database. Website: geotracker.waterboards.ca.gov (accessed October 19).

⁷ Regional Water Quality Control Board, 2012. SLIC Database. Website: geotracker.waterboards.ca.gov (accessed October 19).

The proposed project is located within the Dam Failure Inundation Area for the Pine Creek Reservoir.⁸ However, the effect of inundation on the proposed project would be minimal and the number of people exposed to flooding risks as a result of a failure of a levee or dam would not be significant.⁹ The proposed project would connect to the City's water system and would not use groundwater at the site. The project would not place housing or other structures within a 100-year flood hazard zone; would not pose a significant risk to people or structures as a result of levee or dam failure; and would not be subject to inundation by a seiche, tsunami, or mudflows.

4.7 LAND USE AND PLANNING

The proposed project consists of installing field lighting and PA systems, a concession stand/restroom building, and future press box structure at an existing high school campus. The project would not introduce a new use onto the site and would not alter the existing configuration of the high school, substantially affect circulation patterns in the neighborhood, nor result in any physical or perceptual barriers or divisions in the established community.

Although not subject to the planning policies and regulations of the City of Concord, the high school campus is designated as Public/Quasi-Public under the City's General Plan and zoned as Public/Quasi-Public under the City's Zoning Ordinance. The site is not subject to a local, regional, or State habitat conservation or natural community plan. Therefore, no land use incompatibilities or conflicts with existing plans or policies would result from the proposed project.

4.8 MINERAL RESOURCES

The project site is located within an urban area on a developed site and in an area where no known significant mineral resources are present. Therefore, the proposed project would not result in the loss of availability of a known mineral resource of value to the region or residents of the State or the loss of availability of a locally-important mineral resource recovery site.

4.9 POPULATION AND HOUSING

No permanent housing is located within the project site and the proposed project does not include housing. Therefore, the proposed project would have no impact on population increase or population projections, nor would it displace housing or people, necessitating the construction of replacement housing elsewhere.

4.10 PUBLIC SERVICES AND RECREATION

The proposed project would be adequately served by existing public services, such as police, fire protection, school, and recreational services, and –other than the improvements that are integral to the proposed project itself– would not result in the need for physical alterations or new construction of public service facilities. Implementation of the proposed project would allow existing daytime practices and games to be held during evening hours, and would incrementally increase the overall use of the existing sport field facility. The proposed project would not substantially degrade the

⁸ Association of Bay Area Governments, 2012. *Dam Failure Inundation Areas*. Website: quake.abag.ca.gov/dam-failure/ (accessed October 22).

⁹ Consolidated Engineering Laboratories, 2011, op. cit.

facility or require the construction or expansion of other parks and recreational facilities. Therefore, the proposed project would have no measureable impact on local or regional parks.

4.11 TRANSPORTATION AND CIRCULATION

The proposed project, when added to existing traffic volumes at key intersections in the vicinity of the site, would cause a small worsening in level of service at two intersections (from LOS C to D), which is still well above the minimum standard of LOS F. The seven other intersections analyzed would remain unchanged from their LOS under existing conditions. Under cumulative plus project conditions, the same small effect on two intersections would occur, with the remaining intersections remaining unchanged. Each of these conclusions is reached even under the conservative assumption that trips to varsity football games (which would actually occur after the 4:00 p.m. to 6:00 p.m. peak period) would occur during the PM peak hour. Therefore, the project would not have any direct significant impacts at any of the study area intersections.

The Contra Costa Transportation Authority (CCTA) delay index, defined as the ratio of congested travel time to uncongested travel time was evaluated for the existing, existing plus project, cumulative, and cumulative plus project PM peak hour conditions on the Treat Boulevard and Ygnacio Valley Road corridors. The results of the delay index analysis show that, under all scenarios, the delay index along Treat Boulevard and Ygnacio Valley Road would be less than 2.0 and the arterial speed would be greater than 15 miles per hour. Therefore, the project would not have a significant impact on Routes of Regional Significance.

4.12 UTILITIES AND SERVICE SYSTEMS

The proposed project is located in an urban area already served by existing utility systems. The proposed project would need to install utility connections to the satisfaction of the applicable utility providers for water, wastewater, and power. The type and intensity of the proposed project would be minimal for water demand, wastewater generated, and solid waste and could be met by existing service providers.

SECTION 5.0 FEASIBILITY OF PROJECT ALTERNATIVES

5.1 PROJECT ALTERNATIVES

The Draft EIR included three alternatives:

- **No Project Alternative.** Under the No Project alternative, the existing project site would remain in essentially its current condition.
- **No Sports Lights Alternative.** Under the No Sports Lights alternative, all components of the project would be constructed, except the sports field lighting and exit lighting systems.
- **Reduced Use Alternative.** Under the Reduced Use alternative, all components of the project would be constructed; however, the maximum number of lighted hours for nighttime sports activities would be reduced by 48 percent, and the maximum number of hours for use of the PA system would be reduced by 29 percent.

Findings: The District, in the exercise of its discretion, and after reviewing the Draft EIR and other relevant information in the record of proceedings concludes that the Draft EIR sets forth a reasonable range of alternatives to the Ygnacio Valley High School Sports Field Improvements Project that

address the significant impacts of the project, so as to foster informed public participation and informed decision making.

Upon review of the relevant information, the District finds that all of the project alternatives fail to meet the project objectives. Additionally, there is substantial evidence in the record that the alternatives identified in the Draft EIR would not avoid or substantially lessen the impacts of the project without the implementation of mitigation measures.

Therefore, the District finds that none of the proposed alternatives to the project are satisfactory. The reasons for rejecting each alternative are discussed below. The reasons for rejecting each alternative are independent and each reason alone is sufficient to support a determination that the alternative is infeasible.

5.1.1 No Project Alternative

The No Project alternative assumes that the project site would not be subject to the proposed improvements on the sports field facility. The sports field facility would generally remain in its existing condition and would not provide permanent nighttime lighting and PA systems, and amenities for spectators. Nighttime sports activities would not occur to any greater extent than they currently do through the occasional use of portable lights.

Findings: The No Project alternative assumes that the existing structures on the site would generally remain in their current condition and that none of the upgrades to the existing sports field would be made including the installation of permanent field lighting and PA systems, sound wall, future press box structure, concession stand/restroom building, and future ticket booth. In addition, no changes to the operation of the existing sports field facility would occur. Sports activities would continue to occur during after-school hours and weekends.

Based on the foregoing findings, the District finds that the No Project alternative fails to meet the project objectives; therefore the District rejects the No Project alternative.

5.1.2 No Sports Lights Alternative

Under this alternative, all components of the project would be constructed, except the sports field lighting and exit lighting systems. The sports field facility would not provide permanent nighttime lighting systems and, as a result, nighttime sports activities would not occur.

Findings: Under the No Sports Light Alternative, installation of permanent PA systems, sound wall, future press box structure, concession stand/restroom building, and future ticket booth would occur; however installation of a permanent field lighting system and exit lighting would not occur. No changes to the operation of the existing sports field facility would occur. Sports activities would continue to occur during after-school hours and weekends. The No Sports Lights alternative would not achieve the main objectives of the proposed project:

- Provide nighttime lighting for longer hours of operation of the sports field facility; and
- Extend the student school day by allowing practices at the sports field facility to extend into the evening.

Based on the foregoing findings, the District finds that the No Sports Lights alternative fails to meet the project objectives; therefore the District rejects the No Sports Lights alternative.

5.1.3 Reduced Use Alternative

Under this alternative, all components of the project would be constructed; however, the maximum number of lighted hours for nighttime sports activities would be reduced by approximately 48 percent.

Findings: Under the Reduced Use Alternative, installation of permanent field lighting and PA systems, sound wall, future press box structure, concession stand/restroom building, and future ticket booth would occur. Changes to the operation of the existing sports field facility would occur where the maximum number of lighted hours for nighttime sports activities would be reduced by approximately 48 percent to 407 hours, as compared to the proposed project.

As a result of the reduced number of lighted hours, the maximum number of hours for use of the PA system would be reduced by approximately 29 percent. Changes include 32 fewer games and practices, resulting in 12 fewer events with PA system use, and reducing the duration of events to end between 0.5 to 2.5 hours earlier than proposed for the project. The Reduced Use alternative would generally achieve the objectives of the proposed project, but to an unacceptably diminished degree. It should be noted that this alternative would only reduce the number of nights on which already less-than-significant exposure to noise and light would occur. No significant unavoidable impacts would be eliminated or lessened (as none would result from the proposed project).

In addition – and although not an environmental issue – the District must also take into account issues of cost-effectiveness and whether it would be appropriate to construct the proposed facilities with Measure C funds, only to then trim-back the benefits of the project.

Based on the foregoing findings, the District finds that the Reduced Use alternative fails to meet the project objectives sufficiently; therefore the District rejects the Reduced Use alternative.

5.2 ALTERNATIVE CONSIDERED BUT ULTIMATELY REJECTED

An alternative location was not considered for analysis because MDUSD does not own or would not otherwise be able to gain control of a suitable vacant site for a sports field facility within District boundaries and near enough to the high school to achieve its objectives. In addition, construction-related impacts identified for the proposed project would likely be greater by location of the project at an alternative site without the internal buffering provided by the existing site. Therefore, this alternative was considered and rejected from further analysis.

5.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Based on the above analysis, the No Project alternative would have the least number of impacts and would, in a purely technical sense, be the environmentally superior alternative. Under CEQA, if the No Project alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives (*CEQA Guidelines* Section 15126.6(e)(2)). While the No Project alternative would be environmentally superior in the technical

sense that contribution to the aforementioned impacts would not occur, the No Project alternative would also fail to achieve any of the project's objectives.

The No Sports Lights alternative would be the next environmentally superior alternative. However, this alternative would not achieve the project's main objectives of providing nighttime lighting for longer hours of operation of the facility and allowing practices at the facility to extend into the evening. (By allowing practices in the evening, students involved in these activities would be able to attend all of their classes during the day, rather than miss classes.)

Neither of the other two alternatives discussed above would eliminate any of the significant impacts of the proposed project and, all of the remaining mitigation measures recommended in this Draft EIR would be required to reduce identified impacts to a less-than-significant level. The No Sports Lights alternative could slightly reduce the already less-than-significant impacts related to light spill, energy use, air quality, noise, and traffic because the installation of the field lights would not occur and all sports activities would continue to occur during and after school hours as well as on weekends.

The Reduced Use alternative would slightly reduce the already less-than-significant impacts related to light spill, energy use, and operational noise by reducing the number of nights on which these effects were experienced, but would also diminish accomplishment of the project's objectives.

Findings: Upon consideration of the above alternatives, the District finds that while the No Project, No Sports Lights, and Reduced Use alternatives are environmentally superior alternatives, all three fail to meet the project objectives and therefore are rejected.

SECTION 6.0 SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The proposed project would not result in any significant and unavoidable impacts.

Exhibit "C"

On August 28, 2013, the District received a comment letter on the Draft EIR for the YVHS Sports Field Improvement Project after the close of the CEQA public review period and after preparation of the Responses to Comments document. The letter was submitted by Craig Sherman on behalf of "concerned community members, taxpayers and neighbors" objecting to use of Measure C funds for the project and alleging several CEQA violations. The CEQA comments were carefully reviewed and it was determined that the issues raised were adequately addressed in the Draft EIR and Responses to Comments documents. It was also determined that clarification of the EIR attendance assumptions and the parking and traffic congestion discussions would be helpful. .

Staff additional recommendations:

- (1) Explain the reasonableness of the 1,000 maximum attendance levels (for varsity football games;
- (2) confirm that the existing 450-space parking lot is generally adequate for current afternoon games; the EIR shows it will be adequate for proposed evening use;
- (3) Confirm that administration will prohibit concurrent major events on the nights of the varsity football games; and
- (4) Identify specific traffic control measures 30 minutes before and after the peak events (varsity football games).

Attendance assumptions. Attendance at nighttime events is assumed to be up to 1,000, a figure used routinely throughout the DEIR. The DEIR states this number is based on actual attendance at afternoon events and attendance at other area high schools. Since the bleacher seating capacity is 2988 total seats, the 1,000 assumed attendance should be clarified.

Reasonableness of 1,000 spectator attendance level

Varsity football games at YVHS currently draw a total of 150-300 (home and visitor) spectators. LSA believes that the expected maximum number of spectators with the lights and PA system in place (500-1,000) was based on an understanding of what a HS of this size would likely generate, in light of the experience at other District high schools where lights and PA systems are in use. Within that expected range (500-1,000), LSA took the high end (1,000) for the analysis in order to be conservative. The total number of bleacher seats could be any number (say 5,000) and the games wouldn't necessarily draw any more spectators. Our (LSA + MDUSD) combined thinking was that it would be unlikely for YVHS to draw more than 3.33 times more spectators for these six games than they currently do.

Parking: A recent court case cited in the comments disagreed with a 2002 case saying parking was not a direct CEQA impact. The recent case found that scarce parking could lead to secondary air quality and traffic impacts, and thus should be analyzed under CEQA. In that case, there was an identified parking shortage, however, the subject MND assumed that existing on-street parking in the neighborhood would take up the slack. Unfortunately, the MND did not identify whether there was any available on-street parking; the court further noted that area streets were narrow and the school site was landlocked by canyons – all of which circumstances were not addressed. The Draft EIR for YVHS includes a parking discussion in the Initial Study. In contrast to the San Diego case, the project IS finds no parking shortage, therefore it finds no related spillover parking issues for the neighborhood.

Exhibit "C"

Existing 450 space parking lot

Based on the conservative attendance assumptions, as discussed above, the math in the parking section is straightforward about there being enough spaces on-site so that no one would have to park all the way over in the Peppertree neighborhood. It is possible that some small number of people would not park in the lot for whatever reason(s); the point is that sufficient parking would be available at the HS to address the parking demand for these six peak game events.

Avoiding concurrent major events on nights of the varsity football games

This clarification confirms the stated intent that the YVHS principal shall insure that no other major school events are scheduled in the evening at the site on nights of varsity football games. A major event shall be defined as one that is expected to draw more than 25 students or visitors to the site.

Traffic: The DEIR shows less than significant impacts at area intersections when the project is added to existing conditions and to cumulative conditions. However, the letter comments about neighborhood traffic; other comments on the Draft EIR similarly commented on localized traffic such as the approximately half hour or so when people are trying to arrive at the game or leave after it. This localized and temporary condition does not rise to a CEQA issue, however, the District and the school would have defined traffic control measures for before and after games that could be set forth more formally, e.g., one-way in and one-way out driveways; restriction on right turns out of the driveway until most of the parking lot is emptied. The project site is in an urban/suburban setting with nearby higher capacity roadways (e.g., in contrast to the recent court case mentioned above where the school was landlocked by canyons characterized by narrow streets).