



RESOLUTION NO. 011910-A

A RESOLUTION BY THE GOVERNING BOARD OF EDUCATION OF THE LONG BEACH UNIFIED SCHOOL DISTRICT APPROVING PROPOSED PROJECT AND ADOPTING THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION, DETERMINATIONS AND WRITTEN FINDINGS FOR THE EARLY COLLEGE ACADEMIC AND TECHNICAL HIGH SCHOOL (ECATS) AT THE EXISTING CECIL B. DEMILLE MIDDLE SCHOOL SITE PROJECT

WHEREAS, the Long Beach Unified School District owns the real property located at 7025 E. Parkcrest Street in Long Beach, California and operates a middle school known as the Cecil B. DeMille; and

WHEREAS, the Long Beach Unified School District has adopted the Facility Master Plan to guide the development of renovating and/or replacement of schools; and

WHEREAS, the Cecil B. DeMille Middle school site was identified as a potential site for the development of a new thematic high school in the Facility Master Plan; and

WHEREAS, the proposed project commonly referred to as the Early College Academic and Technical School (ECATS) ("Project") has been designed as a thematic high school for approximately 1,000 students in grades 9th through 12th; and

WHEREAS, the Long Beach Unified School District contracted for the completion of an Initial Study/Mitigated Negative Declaration by Environmental Science Associates dated November 2009 (Exhibit A) to make an informed determination as to the environmental sustainability of the school site as a high school; and

WHEREAS, the determinations and findings of the Initial Study/Mitigated Negative Declaration are incorporated herein and are based on the reports listed below which are included as Appendices to the Initial Study/Mitigated Negative Declaration:

- Air Quality Worksheets
- Biological Database Results
- Nesting Bird Survey Memorandum
- Historical Resource Survey Report
- Report of Final Geotechnical Investigation
- Hazardous Materials Survey Report
- Phase I Environmental Site Assessment
- Pipeline Hazard Safety Assessment
- High Voltage Powerline Assessment
- Noise Monitoring Results
- Traffic Impact Analysis Report

WHEREAS, the Initial Study/Mitigated Negative Declaration identifies mitigation measures (Exhibit B) for the following topics: Air Quality, Biological Resources, Cultural Resources, Geotechnical, Hazardous Materials and Noise; and

WHEREAS, the Long Beach Unified School District has, as lead agency for the Project, made the documents referenced above available for review and comment by the general public and public agencies; and

WHEREAS, the 30-day public review period commenced on October 26, 2009 and ended on November 24, 2009. A second public review period commenced December 14, 2009 and ended on January 13, 2010; and

WHEREAS, the Long Beach Unified School District received three written comments on the Initial Study/Mitigated Negative Declaration, including from the City of Long Beach ("Public Comments"); and

WHEREAS, the Long Beach Unified School District has reviewed, evaluated and considered all Public Comments respecting the Project that were received during the review period (Exhibit C); and

WHEREAS, a Mitigation Monitoring and Reporting Program, (Exhibit D) has been prepared which lists the measures that will be implemented to mitigate or avoid significant effects on the environment; and

NOW THEREFORE BE IT RESOLVED that the Long Beach Unified School District Governing Board makes the determinations and findings and takes the actions as referenced below pursuant to all applicable Education Codes, State Codes, Public Resource Codes and California Environmental Quality Act (CEQA) Guidelines; and

- The Project, if developed in compliance with the Mitigation Measures, cannot, or will not, have a significant effect on the environment such that "Mitigated Negative Declaration" status (as defined in CEQA) is granted for the Project ("CEQA Determination").
- Each and all of the findings and determinations contained herein are based upon competent and substantial evidence, either oral or written or both, contained in the entire administrative record relating to the Project;
- That the Board reviewed and considered the information contained in the Mitigated Negative Declaration including, without limitation, the Draft Mitigated Negative Declaration, Initial Study, comments from the public and interested agencies, the District's responses to such comments, and any comments made at the public hearing or contained in the administrative record for the Project.

The Board hereby makes the following specific findings with respect to the Mitigated Negative Declaration:

- that the Mitigated Negative Declaration prepared for the Project contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- that the Mitigated Negative Declaration has been completed in compliance with CEQA and the State CEQA Guidelines; and
- that the Project will not result in a significant effect upon the environment because the mitigation measures described in the Mitigated Negative Declaration have been added to the Project; and
- that there is no substantial evidence in the record supporting a fair argument that the Project may result in significant impacts to the environment; and
- that the Mitigated Negative Declaration reflects the independent judgment of the District; and
- that any additional mitigation measures added ("Additional Mitigation Measures") to the Mitigated Negative Declaration subsequent to the circulation of the Draft Mitigated Negative Declaration are either minor changes to the Project and do

- not result in a fundamental reorganization of the Mitigated Negative Declaration, and/or the purpose of the Additional Mitigation Measures is to reduce the effects on the environment that were already identified in the Draft Mitigated Negative Declaration as insignificant, and further that the Additional Mitigation Measures do not have the potential to have a significant impact upon the environment; and
- that any mitigation measures which have been changed or substituted subsequent to the circulation of the Draft Mitigated Negative Declaration are equivalent or more effective in mitigating the environmental impacts than the prior mitigation measures, and that the change and/or substitution of such mitigation measures and not itself cause any potentially significant effect upon the environment.
 - The District, if it proceeds with the Project, will incorporate the specific mitigation measures, project conditions, coordination with providers, recommendations and other items contained in the MND ("Mitigation Measures").

FURTHER, BE IT RESOLVED the Long Beach Unified School District Facilities Development and Planning staff is hereby directed to: (i) prepare for filing with the appropriate governmental agency(ies) a written notice memorializing the Board's determination of Mitigated Negative Declaration status as to the Project ("Notice of Determination" or "NOD"); and

FURTHER, BE IT RESOLVED that the Long Beach Unified School District Governing Board hereby approves the proposed Project; and

FURTHER, BE IT RESOLVED that the Long Beach Unified School District Governing Board hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

FURTHER, BE IT RESOLVED that the location and custodian of records with respect to all of the relevant documents and any other material which constitute the administrative record for the Mitigated Negative Declaration are as follows: Executive Director of Facilities Development and Planning, 2425 Webster Avenue, Long Beach, CA 90810.

IN WITNESS THEREOF, we have hereunto set our hand on this 19th day of January 2010.

**BOARD OF EDUCATION OF THE LONG BEACH
UNIFIED SCHOOL DISTRICT OF LOS ANGELES
COUNTY, CALIFORNIA**

BY Mary Stanton
President

BY John Williams
Vice President

BY David Bark
Member

BY [Signature]
Member

BY Don Meyer
Member



RESOLUTION NO. 011910-A

LIST OF EXHIBITS

The following Exhibits are included in the agenda and provided under separate cover.

- | | |
|-----------|--|
| EXHIBIT A | Initial Study / Mitigated Negative Declaration (IS/MND) for Proposed Project: Early College Academic and Technical School (ECATS) at Cecil B. DeMille Middle School dated October 2009 including CD with IS/MND Appendices |
| EXHIBIT B | IS/MND Table 1-1 Revised Summary of Impacts and Mitigation Measures |
| EXHIBIT C | Response to Comments Memorandum dated December 8, 2009 from Environmental Science Associates |

EXHIBIT D Mitigation Monitoring and Reporting Program for Project: Early College Academic and Technical School (ECATS) at Cecil B. DeMille Middle School dated December 2009