

# DUBLIN SCHOOLS

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## DUBLIN UNIFIED SCHOOL DISTRICT

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### RESOLUTION NO. 2018/19-02

#### BEFORE THE GOVERNING BOARD OF THE DUBLIN UNIFIED SCHOOL DISTRICT ALAMEDA COUNTY, CALIFORNIA

#### RESOLUTION EVALUATING REAL PROPERTY IN ACCORDANCE WITH SCHOOL SITE SELECTION STANDARDS AND APPROVING THE ACQUISITION OF REAL PROPERTY

**WHEREAS**, the School District (“District”) proposes to acquire certain real property generally located between Dublin Boulevard and Central Parkway in the City of Dublin, California, identified as Assessor’s Parcel Numbers 986-78-2, 3, 4, 5, 6, and 7, including the 0.71-acre parcel identified as part of South Grafton Street and East Finnian Way on Assessor’s Map 985 (the “Property”), as further described in Exhibit “A” and depicted in Exhibit “B” attached hereto and incorporated herein by this reference; and

**WHEREAS**, the District has selected the Property for future use, which will include use as a District high school and all uses necessary, incidental, or convenient thereto (the “Project”); and

**WHEREAS**, California Education Code Section 17211 requires, prior to acquiring real property for a new school site or for addition to an existing school site, the Governing Board of a school district shall evaluate the property at a public hearing using site selection standards established by the State Department of Education; and

**WHEREAS**, notice that the District will hold a public hearing in accordance with Education Code Section 17211 was provided to the public within a reasonable period of time prior to the date of the hearing; and

**WHEREAS**, the public was given the opportunity to comment on the conformity of the proposed school site with the State Department of Education site selection standards at the public hearing; and

**WHEREAS**, there is no substantial evidence before the Board of Education that the proposed site conflicts with the State Department of Education site selection standards; and

**WHEREAS**, this Resolution sets forth the basis, following a public hearing, of the suitability of the Property for the Project; and

**WHEREAS**, the District’s proposed acquisition of the Property for the Project is a “Project” for purposes of the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq.; Cal. Code Regs., tit. 14, §§ 15000, et seq.) (“CEQA”); and

**WHEREAS**, The District will fully comply with all provisions of CEQA for the Project prior to acquisition of the Property, in accordance with CEQA Title 14, Section 15004(b).

**NOW, THEREFORE, THE GOVERNING BOARD OF THE SCHOOL DISTRICT FINDS, DETERMINES AND RESOLVES AS FOLLOWS:**

**SECTION 1.** The Governing Board (“Board”) adopts the foregoing recitals as true and correct.

**SECTION 2.** Following the public hearing on site suitability and site selection standards established by the State Department of Education, the Board makes the findings for approval of the Property for the Project pursuant to the California Education Code, relevant provisions of the California Code of Regulations, and other relevant law, which findings are set forth in Exhibit “C” attached hereto, and which are incorporated herein by this reference.

**SECTION 3.** This Resolution shall take effect immediately upon its adoption.

\* \* \* \* \*

*[REMAINDER OF PAGE INTENTIONALLY BLANK]*

**PASSED and ADOPTED** this 17th day of July, 2018, by the Dublin Unified School District Board of Trustees, of the County of Alameda, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Clerk, Board of Trustees  
Dublin Unified School District  
County of Alameda  
State of California

## **Exhibit A**

### Legal Description of Property

The land referred to is situated in the County of Alameda, City of Dublin, State of California, and is described as follows:

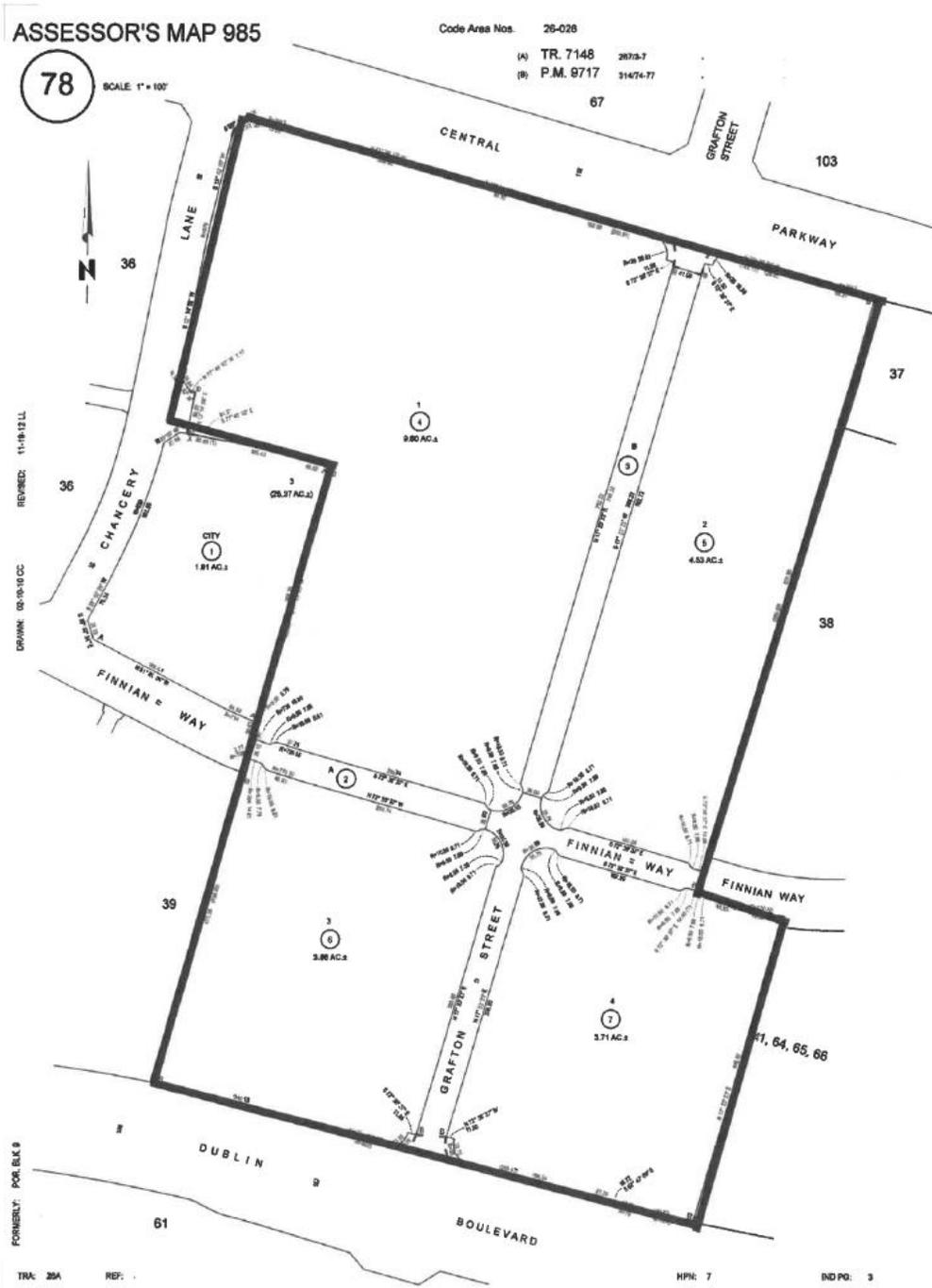
Parcels A, B, 1, 2, 3 and 4, as shown on Parcel Map 9717, filed in the office of the Recorder of Alameda County, California on November 6, 2009 in Map Book 314 at Pages 74 through 77.

APN: 985-0078-002  
985-0078-003  
985-0078-004  
985-0078-005  
985-0078-006  
985-0078-007

The land also includes the 0.71-acre parcel identified as part of South Grafton Street and East Finnian Way on Parcel Map 9717

# Exhibit B

## Depiction of Property



## Exhibit C

### Project Findings

The Dublin Unified School District (“District”) Governing Board (“Board”) finds as follows:

**A. Findings pursuant to California Code of Regulations (CCR), Title 5, Section 14010.**

1. **Finding:** (CCR 14010(a)). The acreage and enrollment for the new school site will be of adequate size to provide students with an adequate educational program including physical education.
2. **Finding:** (CCR 14010(c)). The Property is a sufficient distance from the edge of any existing electrical transmission line easements: that is, at least 100 feet from a 50-133 kV line, 150 feet from a 220-230 kV line, and 350 feet from a 500-550 kV line.
3. **Finding:** (CCR 14010(d)). The Property is not within 1,500 feet of any railroad track easement and is sufficient distance from the nearest existing railroad track easement that it poses no significant personal injury or property damage risk on the school site in the event of a derailment or other disaster.
4. **Finding:** (CCR 14010(e)). The Property is not adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.
5. **Finding:** (CCR 14010(f)). The Property does not contain an active earthquake fault or fault trace (pursuant to Education Code sections 17212 and 17212.5).
6. **Finding:** (CCR 14010(g)). The Property is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable (pursuant to Education Code sections 17212 and 17212.5).
7. **Finding:** (CCR 14010(h)). The Property is not located near an above-ground water or fuel storage tank or within 1,500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.
8. **Finding:** (CCR 14010(i)). The Property is not subject to moderate to high liquefaction or landslides.
9. **Finding:** (CCR 14010(j)). The Property has the proportionate length to width ratio to be able to allow for plans to be developed that can accommodate future building layout, parking and/or play fields that can be safely supervised and that would not exceed the allowed passing time to classes for the District.
10. **Finding:** (CCR 14010(k)). The Property is easily accessible from arterial roads and shall allow minimum peripheral visibility from the planned driveways and access road in accordance with the Sight Distance Standards established in the “Highway Design Manual,” Table 201.1, published by the Department of Transportation, July 1, 1990, edition.
11. **Finding:** (CCR 14010(l)). The Property is not located on major arterial streets with heavy

traffic patterns as determined by site-related traffic studies.

12. **Finding:** (CCR 14010(m)). Existing or proposed zoning of the surrounding properties is compatible with schools in that it would not pose a potential health or safety risk to students or staff in accordance with Education Code Section 17213 and Government Code Section 65402 and available studies of traffic surrounding the site.
13. **Finding:** (CCR 14010(n)). The Property is located within the proposed attendance area; the District seeks to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.
14. **Finding:** (CCR 14010(o)). The Property selection does not limit the development of plans that can promote joint use of parks, libraries, museums and other public services.
15. **Finding:** (CCR 14010(p)). The Property is conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal.
16. **Finding:** (CCR 14010(q)). The District has considered environmental factors of light, wind, noise, aesthetics, and air pollution.
17. **Finding:** (CCR 14010(r)). The District has verified that there are no easements on or adjacent to the Property that would restrict access or building placement.
18. **Finding:** (CCR 14010(s)). The District has considered the following factors in the site selection process and has concluded that these factors will not result in undue delays or unreasonable costs consistent with State Allocation Board standards:
  - a. Distance of utilities to the Property, and the availability and affordability of bringing utilities to the Property.
  - b. Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights.
  - c. Eminent domain, relocation costs, severance damage, title clearance and legal fees.
  - d. Long-term high landscaping or maintenance costs.
  - e. Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.
19. **Finding:** (CCR 14010(t)). The site is not within 2,000 feet of a significant disposal of hazardous waste.

**B. Findings pursuant to Real Property Acquisition Site Selection Standards, Education Code Sections 17211, et. seq.**

20. **Finding:** (17211) The Board evaluated the Property at a public hearing on July 17, 2018, using the site selection standards established by the State Department of Education.

21. **Finding:** (17212) Competent personnel have investigated the Property and the final site selection has been determined by an evaluation of all factors affecting the public interest, not just on the basis of raw land cost.
22. **Finding:** (17212.5) The Property is located outside of a “special studies zone,” a.k.a. “earthquake fault zone,” and the Property is not located on the trace of a geological fault along which surface rupture can reasonably be expected to occur within the life of the school building.
23. **Finding:** (17213(a)) The Property is not any of the following:
  - a. The site is not a current or former hazardous waste disposal site or solid waste disposal site, unless if the site was a former solid waste disposal site, the District concludes that such waste has been removed;
  - b. The site is not a hazardous substance release site identified by the State Department of Health Services in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the Health and Safety Code;
  - c. This site does not contain one or more pipelines, situated underground or aboveground, which carries hazardous substances, extremely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to the Property or neighborhood.
24. **Finding:** (17213(b)) The District, including through its consultants, has consulted with the administering agency where the site is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district’s authority, including, but not limited to, freeways and other busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or extremely hazardous materials, substances, or waste.
25. **Finding:** (17213(c)) The consultation identified none of the facilities or significant pollution sources specified in section 17213(b).
26. **Finding:** (17213.1) The District has contracted with an environmental assessor to conduct a Phase I and Phase II environmental analysis of the proposed school site. The District will contract with an environmental assessor or enter into an agreement with DTSC for a PEA, if required by DTSC, pursuant to Education Code section 17213.1(a)(4), and follow the requirements thereof.
27. **Finding:** (17215) The Property is not located within two miles, measured by air line, of an airport.
28. **Finding:** (17217) The Property is located within the existing boundaries of the District.
29. **Finding:** (17000, *et seq.*; CCR 14011) The District is or may be receiving more than 50 percent of funding for the school construction from the State Allocation Board pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 and the State has designated the District as a self-certified District.

**C. Findings pursuant to the Williamson Act, Government Code Sections 51200, et seq.**

30. **Finding:** (Gov. Code §51296.6) The Property is not a designated farmland security zone.

31. **Finding:** (Gov. Code §51291; Ed. Code § 17215.5) The Property is not located within an agricultural preserve.

**D. Findings regarding the California Environmental Quality Act, Public Resources Code sections 21000, et seq. and California Code of Regulations, Title 14, sections 15000, et seq.**

32. **Finding:** (Pub. Res. Code §§ 21000, et seq., & 14 C.C.R. §§ 15000, et seq.) The Board has found that the District will fully comply with all provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq.; Cal. Code Regs., tit. 14, §§ 15000, et seq.) for the Project prior to acquisition of the Property.

**E. Additional Findings pursuant to the Government Code.**

33. **Finding:** (Gov. Code § 65402) Because an adopted general plan applies to the Property, the District has submitted the location, purpose, and extent of its proposed acquisition of the Property to the City planning agency.