

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

RESOLUTION NO. 2021-49

**ADOPTING THE ADDENDUM TO THE MITIGATED NEGATIVE
DECLARATION AND CERTAIN RELATED CALIFORNIA
ENVIRONMENTAL QUALITY ACT FINDINGS RELATIVE TO, AND
APPROVING, THE COMPRESSED NATURAL GAS DISPENSER AT
THE ALISO VIEJO TRANSPORTATION CENTER PROJECT**

WHEREAS, the Capistrano Unified School District (District) is a public school district duly formed under the laws of the State of California; and

WHEREAS, on December 7, 2011, the District Board of Trustees (Board) adopted a mitigated negative declaration (MND) for the Compressed Natural Gas (CNG) Fueling Station project (collectively, Original Project); and

WHEREAS, the District prepared, as the lead agency, the MND in compliance with the requirements of the California Environmental Quality Act (CEQA) set forth in the Public Resources Code and Title 14 of the California Code of Regulations (CEQA Guidelines); and

WHEREAS, the Original Project consisted of the installation and operation of 20 CNG fueling stations at the District's Aliso Viejo Bus Yard (Bus Yard) located at 2B Liberty in the City of Aliso Viejo (City), California, as more fully described in the MND which is incorporated herein by this reference; and

WHEREAS, the Original Project has since been constructed and completed; and

WHEREAS, the District is now proposing to modify the Original Project to add 20 new fueling hoses to the existing 20 CNG fueling hoses at the Bus Yard, within the existing footprint of the facility (hereinafter, Modified Project); and

WHEREAS, under CEQA Guideline § 15162 and § 15163, when environmental circumstances have changed or the District makes a change to a project, the District must evaluate such changes and, as appropriate, preparing an Addendum to the MND, provided:

1. The changes in the project will involve neither significant environmental effects, nor a substantial increase in the severity of previously identified significant effects, such that major revisions of the previous MND would otherwise be required;
2. A substantial change in the circumstances in which the project will be undertaken has not occurred creating or otherwise involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects, such that major revisions of the previous MND would otherwise be required; and

3. No new information not previously known (or capable of being known with reasonable diligence at the time the MND was prepared) has been identified that shows:
 - a. The project will have one or more additional significant impacts not previously considered;
 - b. The project will have substantially more severe significant effects than previously shown;
 - c. Previously infeasible mitigation measures are now in fact feasible and would reduce one or more identified impacts, but the project proponents refuse to adopt such mitigation; or
 - d. Mitigation measures, substantially different from those previously adopted, would reduce one or more significant impacts, but the project proponents decline to adopt such measures; and

WHEREAS, the District prepared an “Addendum to CNG Fueling Station MND” (Addendum) for and to the MND, which reviewed the consistency of the Modified Project to the Original Project contemplated and analyzed within the MND, in light of the proposed changes to the project description described in the Addendum. The Addendum is on file with the District, and incorporated herein by this reference; and

WHEREAS, the Modified Project is more fully described in the Addendum, which description is hereby incorporated herein by this reference; and

WHEREAS, on February 27, 2019, the Board adopted Resolution No. 1819-33, wherein it confirmed that it had reviewed all environmental documentation comprising the Addendum and found and certified that the Addendum considered all minor technical changes and additions to the Original Project, was complete and adequate, and fully complied with all requirements of CEQA and the CEQA Guidelines. Resolution No. 1819-33 is hereby incorporated herein by this reference; and

WHEREAS, the Board, in Resolution No. 1819-33, found that: (1) based upon the evidence submitted and demonstrated through the analysis included in the Addendum, none of the conditions described in § 15162 and § 15163 of the CEQA Guidelines requiring the preparation of a subsequent or supplement Environmental Impact Report (EIR) or negative declaration have occurred; (2) the Addendum reflects the Board’s independent judgment and analysis; (3) no substantial evidence has been presented that would vitiate the facts and conclusion in the Addendum; (4) that the Addendum satisfies all of the requirements of CEQA are adequate to serve as the required environmental document for the Modified Project; and

WHEREAS, the Board, in Resolution No. 1819-33, approved and adopted the Addendum, and directed District staff to move forward with a Condition Use Permit (CUP) application to the City; and

WHEREAS, on April 7, 2021 the City Council for the City of Aliso Viejo adopted Resolution No. 2021-09, wherein the City, as a responsible agency under the CEQA Guidelines relative to the Modified Project, approved the Addendum and the CUP subject to certain conditions set forth in Exhibit A to Resolution No. 2021-09, an exhibit which is now hereby attached hereto as Exhibit A, and incorporated by this reference; and

WHEREAS, the District has not, since its adoption of Resolution No. 1819-33, discovered or learned of any new information, not known (or capable of being known) at the time it adopted the MND or the Addendum, to suggest that the Modified Project will have previously unidentified significant impacts, or that previously infeasible mitigation measures are now feasible; and

WHEREAS, the Board is aware of and understands its obligations to independently review the MND and the Addendum and consider the information contained within the document before rendering any decisions relative to the Modified Project; and

WHEREAS, the Board has received the MND and Addendum, and the related supporting documents, along with Exhibit A; and

WHEREAS, copies of all of the documents constituting the CEQA proceedings for both the Original and Modified Project, including the MND and Addendum referred to herein, are on file with the District's Facilities Department, located at 33122 Valle Road, San Juan Capistrano, CA 92675, and, as referenced throughout, are incorporated herein as if set forth in full.

NOW, THEREFORE, THE BOARD DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference, and shall, along with the findings and determinations of the Board set forth in Resolution No. 1819-33, hereinafter be deemed as findings of the Board.

Section 2. The Board reaffirms its adoption and certification of the Addendum.

Section 3. The Board, having thoroughly considered the Addendum along with the MND, hereby determines that on the basis of substantial evidence in light of the whole record, including, but not limited to, the MND, the Addendum, and included appendices, no further environmental review, in the form of a subsequent or supplemental EIR or negative declaration, is necessary in connection with the Modified Project.

Section 4. The Board hereby approves the Modified Project as contemplated by the MND and modified by the Addendum, along with the conditions required by the City as set forth in Exhibit A.

Section 5. The Board hereby delegates authority to the Superintendent, or the Superintendent's designee, to take any action reasonably necessary to effectuate the purpose of this Resolution, including, but not limited to, the posting of a Notice of Determination reflecting


the Board's approval of the Modified Project and the payment of any statutory Fish and Game Fees, to the extent required.

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on May 19, 2021, by the following vote:

AYES	(7)
NOES	(0)
ABSTAIN	(0)
ABSENT	(0)

I, Kirsten M. Vital Brulte, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting on May 19, 2021, by a roll call vote.

By: 
Gila Jones
Clerk of the Board of Trustees

By: 
Kirsten M. Vital Brulte, Superintendent
Secretary of the Board of Trustees