



## BEAUMONT UNIFIED SCHOOL DISTRICT

RESOLUTION 2024-25-26

**RESOLUTION ADOPTING AN ADDENDUM AND CERTAIN RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS RELATIVE TO, AND APPROVING, THE ATWELL TK-8 SCHOOL PROJECT AS A RESPONSIBLE AGENCY IN ACCORDANCE WITH THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BUTTERFIELD SPECIFIC PLAN**

**WHEREAS**, in or around March 2012, the City of Banning (“City”), acting as the lead agency under the California Environmental Quality Act (“CEQA”), approved a Final Environmental Impact Report (“EIR”) for the Butterfield Specific Plan, identified as State Clearinghouse No. 2007091149 (“City Project”);

**WHEREAS**, the City Project is located within the boundaries of the Beaumont Unified School District (“District”);

**WHEREAS**, the City Project included the development of two school sites, including a site in Planning Area 20 to be administered by the Beaumont Unified School District (“District”); and

**WHEREAS**, the Board of Trustees of the Beaumont Unified School District is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interest of the Beaumont Unified School District to take advantage of this exception;

**WHEREAS**, the Board of Trustees of the Beaumont Unified School District has determined that it is in the best interest of the Beaumont Unified School District to authorize the purchase of classroom or office furniture and equipment through the “piggyback” clause of the agreement previously procured by the San Bernardino County Superintendent of Schools;

**WHEREAS**, the District, relative to the school within its jurisdiction in the City Project, is a “responsible agency,” which is defined by CEQA as including “a public agency [that] proposes to carry out or approve a project, for which the lead agency . . . has prepared an EIR . . . .” For purposes of CEQA, a “responsible agency” includes “all public agencies other than the lead agency [that] have discretionary approval power over the project”;

**WHEREAS**, the District is now considering the construction and operation of a TK-8 School, currently identified as “Atwell TK-8 School” (hereinafter, “School Project”) on a 20-acre portion of property within the City Project, located at 5800 Landmark Way, Banning, California 92220 on property identified as Riverside County Assessor Parcel No. 408-120-051 (“Project Site”);

**WHEREAS**, the District is considering the School Project using the process for a responsible agency approval under CEQA as set forth in Section 15096 of Title 14 of the California Code of

Regulations (“CEQA Guidelines”);

**WHEREAS**, as set forth in CEQA Guidelines Section 15096(f), prior to reaching a decision on the School Project, the District, as a responsible agency, “must consider the environmental effects of the project as shown in the EIR or negative declaration. A subsequent or supplemental EIR can be prepared only as provided in Sections 15162 or 15163”;

**WHEREAS**, under Sections 15162 and 15163, when modifying or clarifying the specifics of the School Project, or, as in this case, the elementary school component of the City Project, the District may do so by preparing an Addendum to the City EIR, 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 EIR would otherwise be required;
- (2) a substantial change in the circumstances in which 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 EIR would otherwise be required; and
- (3) no new information not previously known (or capable of being known with reasonable diligence at the time the EIR was prepared) has been identified that shows that:
  - (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;

**WHEREAS**, the District has prepared an “Addendum to the Butterfield Specific Plan Environmental Impact Report,” dated January 2025 (“District Addendum”) for and to the City EIR and the City Project, which reviews the consistency of the specifically proposed School Project to that contemplated and analyzed within the City EIR. The District Addendum is on file with the District and incorporated herein by this reference;

**WHEREAS**, the School Project and Project Site are described and depicted in more detail in the

District Addendum;

**WHEREAS**, the District has, as part of its analysis, considered the environmental effects of the School Project as described in and modified from the City EIR, as more specifically set forth in the District Addendum;

**WHEREAS**, based on the analysis set forth in the District Addendum, the District has concluded that a subsequent or supplemental EIR is not warranted pursuant to either CEQA Guidelines Sections 15162 or 15163;

**WHEREAS**, the modifications and clarifications proposed by the District Addendum do not result in any increase in the severity of any of the significant effects of the School Project discussed in the City EIR, nor result in a change of circumstances that will increase the identified significant effects;

**WHEREAS**, the District has not discovered or learned of any new information, not known (or capable of being known) at the time the City certified the City EIR, to suggest that the School Project will have previously unidentified significant impacts, or that previously infeasible mitigation measures are now feasible;

**WHEREAS**, the District has identified, within the City EIR, those mitigation measures that are the responsibility of the District relative to the School Project, and such mitigation measures are set forth in the “Inventory of Mitigation Measures” (hereinafter referred to as the “Mitigation Monitoring and Reporting Program,” or “MMRP”) on file with the District, and also incorporated herein by this reference;

**WHEREAS**, the City EIR and District Addendum do not identify any potentially significant effects resulting from the School Project that result from the school, such that there are no findings of fact required by the District relative to CEQA Guidelines Section 15091;

**WHEREAS**, the District has concluded that a Statement of Overriding Considerations, as contemplated by CEQA Guidelines Section 15093, is not required for the School Project;

**WHEREAS**, the District has prepared a “Geological and Environmental Hazards Assessment Report,” dated February 2024, for the School Project analyzing the Project Site in connection with the relevant requirements of Article 1 (commencing with Section 17210) of Title 1, Division 1, Part 10.5, Chapter 1 of the Education Code, including, but not limited, the “School Site Selection Standards” set forth in Article 2 (commencing with Section 14000) of Title 5, Division 1, Chapter 13, Subchapter 1 of the California Code of Regulations (“CCR”), with such report incorporated herein by this reference;

**WHEREAS**, the District consulted with the appropriate agencies to determine that the Project Site has not been identified as a hazardous substance release site, is not a current or former hazardous waste disposal site, and does not contain one or more underground or aboveground pipelines carrying hazardous substances, acutely hazardous materials or hazardous waste, excepting natural gas lines that may be used to supply natural gas to the school site;

**WHEREAS**, CCR Section 14010(c) of Title 5 (hereinafter, “Section 14010”) provides that school sites shall not be within 100 feet of the edge of a 50 to 133 kilowatt power line easement, within 150 feet of the edge of a 220 to 230 kilowatt power line easement, or within 350 feet of the edge of a 500 to 550 kilowatt power line easement;

**WHEREAS**, the District has determined that there are (1) no 50 to 133 kilovolt power lines (or power line easements) within 100 feet of the Project Site; (2) no 220 to 230 kilovolt power lines (or power line easements) within 150 feet of the Project Site; or (3) no 500 to 550 kilovolt (or otherwise) power lines (or power line easements) within 350 feet of the Project Site;

**WHEREAS**, Section 14010(h) provides that school sites shall not be located within 1,500 feet of 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 by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission;

**WHEREAS**, based on its review, the District has identified no above-ground water or fuel storage tanks, within 1,500 feet of the boundaries of Project Site, but did identify an above ground or underground water pipeline that required further analysis;

**WHEREAS**, the District conducted a “Water Pipeline Safety Hazard Assessment” (“WPSHA”) for the School Project, dated April 23, 2024, which is incorporated herein by this reference, wherein the safety of seven 12-inch potable water pipelines located within 1,500 feet of the School Project were examined by way of a pipeline flooding analysis to determine the depth and location of water flow within the surrounding streets in the event of a pipeline leak or rupture;

**WHEREAS**, the WPSHA concluded that any water released from a full-flow rupture of any of the water mains would be entirely contained within the confines of the curbing and would not result in flooding of the School Project, such that any potential break in any of the identified water pipelines would not result in significant flooding at or on the Project Site;

**WHEREAS**, the District has determined that, per Public Resources Code Section 21151.8(a) and Education Code Section 17213, that: (a) the Project Site is not the site of a current or former hazardous waste disposal site or solid waste disposal site; (b) the Project Site is not a hazardous substance release site identified by the Department of Toxic Substances Control (“DTSC”) 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 (commencing with Section 25300) of Division 20 of the Health and Safety Code; (c) the Project Site is not a site that contains one or more pipelines, situated underground or aboveground, that carry hazardous substances, extremely hazardous substances, or hazardous wastes (excluding natural gas pipelines used only to supply natural gas to that school or neighborhood); and (d) the Project Site is not within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor as defined in Education Code Section 17213(d)(9) and Public Resources Code Section 21151.8(c)(9);

**WHEREAS**, the District, per Public Resources Code Section 21151.8(a)(2) and (3), and Education Code Section 17213(b), (c), and (d), has consulted with the administering agency in which the Project Site is located, the Riverside County Environmental Health, and the air pollution control

district and air quality management district, the South Coast Air Quality Management District, for the purpose of investigating the potential for permitted and non-permitted hazardous or acutely hazardous air emissions within one-quarter of a mile of the Project Site, to determine that there are no facilities within one-quarter mile of the Project Site that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous materials, substances, or waste;

**WHEREAS**, the Project Site is not located within 500 feet of the edge of the closest traffic lane of a freeway or other busy corridor, as defined in Education Code Section 17213(c)(2)(C), nor within 1,500 feet of a rail line;

**WHEREAS**, the District’s Board of Trustees (“Board”) is aware of and understands its obligations to independently review the City EIR and District Addendum and consider the information contained within the document before rendering any decisions relative to the School Project;

**WHEREAS**, the Board has received the City EIR, District Addendum, and related supporting documents;

**WHEREAS**, the Board has reviewed and considered the information contained within the City EIR and District Addendum;

**WHEREAS**, the Board, based on its review of the City EIR and District Addendum, has determined that, with respect to the School Project, the City EIR and District Addendum are adequate, complete, and have been completed in compliance with CEQA;

**WHEREAS**, the City EIR and corresponding District Addendum reflect the District’s independent judgment and analysis relative to the School Project; and

**WHEREAS**, copies of all of the documents constituting the CEQA proceedings for the School Project, including District Addendum considered herein, are on file with the District’s Business Department at the District’s Office, located at 350 Brookside Avenue, Beaumont, CA 92223, and, as referenced throughout, are incorporated herein as if set forth in full.

**NOW, THEREFORE**, the Board of Trustees of the Beaumont Unified School District hereby finds, determines, declares, and resolves as follows:

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference, and shall hereinafter be deemed to be findings of the Board.

**Section 2.** The District has conducted a public hearing to evaluate the Project Site, pursuant to Education Code Section 17211, and has considered all public comments received in regard to the School Project.

**Section 3.** The District evaluated the Project Site pursuant to all applicable statutory requirements including the school site selection standards found in Section 14010 *et seq.*

**Section 4.** The District consulted with the appropriate agencies to determine that the Project Site has not been identified by the California Department of Health Services as a hazardous substance release site, is not a current or former hazardous waste disposal site, and does not contain one or more underground or aboveground pipelines carrying hazardous substances, acutely hazardous materials, or hazardous waste, except natural gas lines which may be used to supply natural gas to the school site.

**Section 5.** The District consulted with administering agencies with jurisdiction over the Project Site, as required by Education Code Section 17213 and Public Resources Code Section 21151.8, to investigate the potential for hazardous or acutely hazardous air emissions within one-quarter of a mile of the site, and to determine that there are no facilities within one-quarter mile of the site that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or acutely hazardous materials, substances, or wastes.

**Section 6.** The Project Site is not located within 1,500 feet of a rail line or within 500 feet of the edge of the closest traffic lane of a freeway or other busy corridor as defined in Education Code Section 17213(c)(2)(C), which would create a health hazard or risk exposure to high level pollutants.

**Section 7.** The Board has reviewed the City EIR and District Addendum as they relate to the School Project, and hereby certifies that (1) the City EIR and District Addendum were presented to and considered by the Board; (2) the Board has independently reviewed and considered the information contained within the City EIR and District Addendum, relative to the School Project; (3) the City EIR and District Addendum have been completed in compliance with CEQA; and (4) the City EIR and District Addendum reflect the Board's independent judgment and analysis of the School Project.

**Section 8.** The Board hereby approves, certifies, and adopts the District Addendum.

**Section 9.** The Board, having thoroughly considered the District Addendum, hereby determines that on the basis of substantial evidence in light of the whole record, including, but not limited to, the City EIR, District Addendum, and the MMRP, no further environmental review, in the form of a subsequent or supplemental EIR or negative declaration, is necessary in connection with the School Project.

**Section 10.** The Board hereby approves the School Project, as contemplated by the City EIR and as modified by the District Addendum.

**Section 11.** 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 School Project.

**APPROVED, PASSED AND ADOPTED** by the Board of Trustees of the Beaumont Unified School District on April 22, 2025, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINED:**

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Dr. Lanston Sylvester, Clerk of the Board of Trustees  
Beaumont Unified School District