

SAN BENITO HIGH SCHOOL DISTRICT

RESOLUTION NO. 2024-2025-018

APPROVING ACQUISITION OF CERTAIN REAL PROPERTY, MAKING STATUTORY FINDINGS, AND AUTHORIZING COMPLETION OF TRANSACTION

WHEREAS, the San Benito High School District (“District”) and Borelli-Felice Properties LLC, a California limited liability company; The Carla Borelli Trust Dated December 1st 2021; The Gia Borelli Trust Dated October 22, 2015; Frank P. Borelli, III; Stephen P. Borelli; Claire J. Del Curto; Joseph F. Felice; Peter J. Felice; Rico G. Felice; and Leticia M. Felice (collectively, “Seller”) entered into an Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions, dated August 15, 2024 (“Purchase and Sale Agreement”), under which the Seller agrees to sell and convey to District, and District agrees to purchase from Seller, two (2) parcels of real property (Accessor’s Parcel Numbers 019-120-041 and 019-120-042), together approximately 13.98 acres, located on Westside Road in the County of San Benito, California (the “Borelli-Felice Property”).

WHEREAS, Education Code section 17211 requires that the Board evaluate the Borelli-Felice Property at a public hearing using the site selection standards set forth in the Education Code and its implementing regulations commencing at section 14010, Title 5 of the California Code of Regulations (“5 CCR”), and in the California Department of Education’s (“CDE”) *School Site Selection and Approval Guide* (collectively the “Site Selection Standards”).

WHEREAS, the District’s Site Selection Standards consultant, Terraphase Engineering, Inc. (“Terraphase”), evaluated the Borelli-Felice Property by applying the Site Selection Standards and produced a School Site Selection Evaluation Report, dated December 6, 2024 (“Title 5 Report”), and analyzing the pipelines within the vicinity of the Borelli-Felice Property in its Pipeline Risk Assessment, dated December 6, 2024 (“Pipeline Report”).

WHEREAS, the District’s environmental assessor, Terraphase, evaluated the Borelli-Felice Property and generated a Phase I Environmental Site Assessment, dated December 6, 2024 (“Phase I”) and a Limited Phase II Environmental Site Investigation for School Siting, dated December 6, 2024 (“Limited Phase II”).

WHEREAS, the District must also comply with the pertinent provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. and Cal. Code of Regs, tit. 14, § 15000 et seq.) (“CEQA”) for the District’s acquisition of the Borelli-Felice Property.

WHEREAS, the Board held a public hearing during its December 10, 2024, regularly scheduled meeting concerning compatibility of the Borelli-Felice Property with the Site Selection Standards, as required by section 17211 of the Education Code.

NOW, THEREFORE, the Board of Trustees of the San Benito High School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. All of the recitals set forth above are true and correct.

Section 2. After evaluation of the Borelli-Felice Property at a public hearing, the Board makes the following findings with respect to the Site Selection Standards:

- a. The property line of the Borelli-Felice Property is within 100 feet from the edge of a 50-133 kV power line easement. The future school layout

may need to take into account the minimum setback between the power line easement and the remaining usable portions of the Site in accordance with 5 CCR 14010(c) and Site Selection Standards.

- b. The northeastern corner of the Borelli-Felice Property is located 3,000 feet (0.6 miles) from a railroad track, which is outside the threshold of 1,500 feet. Therefore, the railroad tracks do not constitute a significant safety hazard to students or staff and a railroad safety study is not required in accordance with 5 CCR 14010(d).
- c. The Borelli-Felice Property is located not adjacent to, but approximately 5,100 feet (1 mile) to the southwest of California State Route 25, and approximately 2,800 feet (0.5 mile) to the north of San Juan Road. Due to the distance from California State Route 25 and San Juan Road, the road geometries of two-lane roadways, and existing transportation noise documented as averaging less than 60 decibels (which is analogous to a normal range of conversation), it is unlikely that site-related traffic and sound levels will result in safety problems or sound levels that would adversely affect the educational program, in accordance with 5 CCR 14010(e).
- d. The Borelli-Felice Property is not within the Alquist Priolo or Calaveras fault earthquake special study zone and the Calaveras fault is not contained within the boundaries of the Borelli-Felice Property in accordance with Education Code sections 17212 and 17212.5 and 5 CCR 14010(f). Therefore, no additional special studies will be required beyond the normal building geotechnical evaluation.
- e. The Borelli-Felice Property is outside of the 0.2 percent annual chance flood hazard, and aqueducts or irrigation channels with the potential to flood are neither present within the Borelli-Felice Property nor in the vicinity. Thus, the Borelli-Felice Property not within an area of flood or dam flood inundation in accordance with 5 CCR 14010(g).
- f. While no aboveground water or fuel storage tanks are located within 1,500 feet of the Borelli-Felice Property, there are two natural gas pipelines located on the northern adjoining properties, along those parcels' southern boundaries, which are analyzed in the Pipeline Report pursuant to 5 CCR 14010(h). The Pipeline Report concludes that the combined maximum total individual risk due to the natural gas pipelines is less than the individual risk criterion stated in the CDE Guidance Protocol for School Site Pipeline Analysis (1 in 1,000,000 per student per year) and is therefore not classified as a significant risk.
- g. The Pipeline Report further assessed the risk associated with an irrigation line located along the northern boundary of the Borelli-Felice Property as less than significant pursuant to 5 CCR 14010(h), based on the flat topography limiting the potential for formation of a deep pool or fast-flowing water that would be hazardous to school occupants.
- h. While the Borelli-Felice Property has an irrigation line located along its northern boundary, and two natural gas pipelines are located in the vicinity of the Borelli-Felice Property, these pipelines do not carry

hazardous substances, extremely hazardous substances, or hazardous wastes, in accordance with the criterion of Education Code section 17213(a)(3).

- i. While the Borelli-Felice Property is not in an area susceptible to landslides in accordance with 5 CCR 14010(i), the site is of moderate susceptibility to liquefaction; the design of the future school must account for this and a geotechnical report will provide site-specific recommendations to address liquefaction.
- j. The Borelli-Felice Property is located northwest of the City of Hollister, adjacent to a residential neighborhood located to the south, in the unincorporated County of San Benito and is zoned "Agricultural Productive," as are some of the adjoining properties with the potential for pesticide overspray or aerial drift. The California Department of Pesticide Regulation ("DPR") has promulgated regulations at Title 3, Sections 6690-6992 of the California Code of Regulations ("DPR Regulations") that prohibit pesticide application during school hours near school sites and therefore, future application of pesticides on adjoining properties should not pose a potential health or safety risk to students or staff in accordance with 5 CCR 14010(m).
- k. Furthermore, the City of Hollister General Plan 2040 creates the Buena Vista Specific Plan Area, which includes a mix of residential and commercial/industrial uses and a school, and indicates that all agricultural lands within the specific plan area would be developed, including the Borelli-Felice Property and surrounding properties. Therefore, the Borelli-Felice Property is compatible with the proposed zoning and use of surrounding properties in accordance with 5 CCR 14010(m).
- l. Because the Borelli-Felice Property is zoned "Agricultural Productive," the Board makes the following findings in accordance with Education Code section 17215.5:
 - i. The District has notified and consulted with the County of San Benito where the Borelli-Felice Property is located, pursuant to Government Code section 65402;
 - ii. The Borelli-Felice Property has been evaluated by the District's Board based on all factors affecting the public interest, and not limited to selection on the basis of the cost of land, including:
 - 1. The findings and criteria established by the District's Facilities Needs Committee set forth in its Annual Report for Fiscal Year 2022-23, dated May 23, 2023, which recommends that the most important factors that should be considered when determining the location of a new high school include, among others, the location of the future student population, including ease for commuter access, and equity between Hollister High School and the second high school campus in both comprehensiveness and size;

2. The District's existing student population resides in areas in close proximity to the Borelli-Felice Property, including in the residential neighborhood directly adjacent to the south; projections that the greatest density of future students would likely come from the community in and around the location of the Borelli-Felice Property, including the Buena Vista Specific Plan Area and current residential projects in the surrounding area;
 3. The opportunity for District students, who reside in the existing neighborhood to the south of the Borelli-Felice Property and surrounding areas, to walk or bike to school, and the potential to create a walkable, bike-friendly community aligned with the Buena Vista Area Specific Plan set forth in the City's 2040 General Plan; reduce vehicle miles traveled to and from school and reduce traffic congestion and improve pedestrian, bicycle, and traffic safety, while also located within close proximity of convenient transportation corridors such as Highway 156 and 25; and
 4. The District's evaluation of the Borelli-Felice Property and determination that it is consistent with Title 5 Regulations governing the location and construction of school facilities, as set forth in this Resolution.
- iii. The District will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site, which may include, without limitation:
1. Siting the District's agricultural program along the boundaries of neighboring properties with agricultural uses;
 2. Monitoring the use and application of pesticides by receiving notices from agricultural operators pursuant to the DPR Regulations and coordinating student and staff outdoor educational and recreational activities accordingly; and
 3. Consideration of agreements with surrounding property owners with agricultural uses and the county agricultural commissioner regarding the use and application of pesticides, as permitted by the DPR Regulations.
- m. The Borelli-Felice Property contains five easements, with three that run east-west along the northern boundary of the site; one that is a dedicated right-of-way along the southern boundary of the site as an extension of Westside Road; and one that has been abandoned. Therefore, none restrict access to the Borelli-Felice Property from Westside Road in accordance with 5 CCR 14010(r). Furthermore, the design and construction of school facilities may need to account for these easements and appropriate setbacks pursuant to CDE guidelines.

- n. The California State Water Resources Control Board (SWRCB) GeoTracker website and California Department of Toxic Substances Control Envirostor website both indicate that there are no solid waste disposal or hazardous waste disposal sites within 2,000 feet of the Borelli-Felice Property, and no records of hazardous substance releases on the site were located, in accordance with Education Code section 17213(a)(1) and (2) and 5 CCR 14010(t).
- o. Following consultation with the Monterey Bay Air Resources District, it was determined that there are no records for the Borelli-Felice Property, or any facilities within ¼ mile of the site, which might reasonably be anticipated to emit hazardous or acutely hazardous air emissions or to handle hazardous or extremely hazardous materials, substances, or waste in accordance with Education Code section 17213(b) and 5 CCR 14011(i).
- p. The Hollister Municipal Airport is located less than 2 miles (more specifically, approximately 1.7 nautical miles northeast) of the Borelli-Felice Property, and therefore required review and recommendations from the Division of Aeronautics of the California Department of Transportation (“Caltrans”) in accordance with Education Code section 17215 and 5 CCR 14011(k). In a letter to Mr. George Garcia of the CDE, dated October 25, 2021, Caltrans determined that the Borelli-Felice Property is located outside of the air and runway traffic patterns and areas of frequent aircraft over-flights, as well as outside of decibel noise contours, and that Caltrans does not object to the establishment of a school at the Borelli-Felice Property.

Section 3. The Phase I identified historical use of the Borelli-Felice Property for orchards and row crop agriculture, which may have included use of pesticides with compounds that do not readily degrade, as a recognized environmental condition; however, the Limited Phase II concluded that the Borelli-Felice Property has not been significantly impacted by former agricultural practices, as soil sampling and testing results show that organochlorine pesticides and lead were detected at concentrations below California Department of Toxic Substances Control (“DTSC”) screening criteria, with arsenic concentrations only slightly above the screening level; therefore, the Borelli-Felice Property is not a hazardous substance release site in accordance with the criterion of Education Code section 17213(a)(2).

Section 4. The Phase I further identified that current use of pesticides on the Borelli-Felice Property are regulated under a DPR permit, that such regulated, modern pesticides typically degrade within days or months of application, and current pesticide use on adjoining properties will be governed by the DPR regulations which prohibit application during school hours near school sites; therefore, Phase I identified the current use of pesticides on the Borelli-Felice Property and adjoining properties as de minimis conditions.

Section 5. After considering the Phase I and Limited Phase II conclusions regarding historical, current, and adjoining agricultural use at the Borelli-Felice Property, the Board hereby approves proceeding with acquisition of the Borelli-Felice Property.

Section 6. The Board hereby approves proceeding with completing the transaction to acquire the Borelli-Felice Property pursuant to the terms of the Purchase and Sale Agreement, and hereby authorizes the District’s Superintendent and designees to perform

any and all acts and execute all documents necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

Section 7. After review of the form of Notice of Exemption for the District's property acquisition in substantially the final form attached hereto as **EXHIBIT A**, the Board hereby approves the Notice of Exemption, and authorizes the District's Superintendent and/or designee to file the Notice of Exemption with the San Benito County Clerk-Recorder's Office and perform all other acts necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

Section 8. The District will proceed with its environmental review under the pertinent provisions of CEQA once the District has completed the proposed plans for the development of the Borelli-Felice Property, the proposed final configuration and layout of the high school campus, and the proposed final design for the construction of the school facilities; and before the Board's final approval of such plans.

Section 9. This Resolution shall be effective as of the date of its adoption.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the San Benito High School District on this 10th day of December, 2024.

AYES:

NOES:

ABSTAIN:

ABSENT:

Miguel Sahagun, President

Attested to:

Patty Nehme, Clerk

EXHIBIT A
Proposed Final Form of Notice of Exemption

Notice of Exemption

To: San Benito County
Clerk-Recorder's Office
1601 Lana Way
Hollister, CA 95023

From: San Benito High School District
1220 Monterey Street
Hollister, CA 95023
Attn: Superintendent

Office of Planning and Research
1400 10th Street
Sacramento, CA 95814
Via CEQASubmit/CEQAnet

Project Title: Acquisition of Property by Purchase and Sale Agreement

Project Applicant/Lead Agency: San Benito High School District

Project Location - Specific: Approximately 13.98 acres located on Westside Road in the County of San Benito (APNs 019-120-041 and 019-120-042) ("Site")

Project Location - City and County: Unincorporated County of San Benito

Description of Nature, Purpose, and Beneficiaries of Project: The current owners of the Site desire to sell the Site to the Applicant/Lead Agency, and the Applicant/Lead Agency desires to purchase the Site. Applicant/Lead Agency has determined that it needs to construct a second high school to accommodate the existing and growing student population within the school district. After careful consideration of the Applicant/Lead Agency's existing student population, future residential developments and planning areas, and projections of where the greatest density of students would likely come from within the community, in addition to other considerations and alternatives, the Applicant/Lead Agency has identified the Site as the most logical and compelling location for its second high school campus. The Site Beneficiaries are residents in the community, prospective students, teachers, and other school district employees.

Name of Public Agency Approving Project: San Benito High School District

Name of Person or Agency Carrying Out Project: San Benito High School District

Exempt Status:

Ministerial (Sec. 21080(b)(1); 15268)
Declared Emergency (Sec. 21080(b)(3); 15269(a))
Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
Categorical Exemption

- Statutory Exemption(s): **Feasibility and Planning Studies (Sec. 15252)**
 Other: **Common Sense Exemption (Sec. 15061(b)(3))**.

Reasons Why Project Is Exempt:

- **Feasibility and Planning Studies (Sec. 15252):** Proposed Project is in anticipation of planning for the design and construction of the community's second high school campus.

The Applicant/Lead Agency is not prepared to commence any construction or development, because following acquisition of the property, it will be developing plans for the development of the Site, configuration and layout of the high school campus, and design and construction of the school facilities, including conducting feasibility and planning studies for consideration and possible future actions by the governing board. Environmental review will be conducted once the District has developed plans for the Site and before governing board approval of a final site plan and layout.

- **Common Sense Exemption (Sec. 15061(b)(3)):** It can be seen with certainty that there is no possibility that the proposed project involves any activity that may have a significant effect on the environment. Applicant/Lead Agency is purchasing property and will not disturb the Site as a part of executing the purchase. Once a plan for the proposed high school layout and school facilities is developed, the Applicant/Lead Agency will comply with CEQA for any final facilities development, including the Site.

Lead Agency

Contact Person: **Dr. Shawn Tennenbaum** Area Code/Telephone: **(831) 637 - 5831**

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public Agency approving the project?
 Yes No

Signature: _____ Date: _____ Title: **Superintendent**

Signed by Lead Agency Signed by Applicant