

CLERK OF THE
BOARD OF SUPERVISORS

2024 MAY 14 AM 9:48 **NOTICE OF EXEMPTION**

TO: SAN BERNARDINO COUNTY
CALIFORNIA

San Bernardino County Clerk of the Board of Supervisors
385 N Arrowhead Ave # 2,
San Bernardino, CA 92415

FROM:

Victor Elementary School District
12219 2nd Ave.,
Victorville, CA 92395

PROJECT TITLE:

Purchase of real property located in Victorville, California,
and identified by 41 Assessor Parcel Numbers: 3090-121-
17 through 3090-121-57.

PROJECT LOCATIONS:

Real property located in Victorville, California, and
identified by the following Assessor Parcel Numbers:
3090-121-17-0-000 (Affects Lot 1); 3090-121-18-0-000
(Affects Lot 2); 3090-121-19-0-000 (Affects Lot 3); 3090-
121-20-0-000 (Affects Lot 4); 3090-121-21-0-000 (Affects
Lot 5); 3090-121-22-0-000 (Affects Lot 6); 3090-121-23-
0-000 (Affects Lot 7); 3090-121-24-0-000 (Affects Lot 8);
3090-121-25-0-000 (Affects Lot 9); 3090-121-26-0-000
(Affects Lot 10); 3090-121-27-0-000 (Affects Lot 11);
3090-121-28-0-000 (Affects Lot 12); 3090-121-29-0-000
(Affects Lot 13); 3090-121-30-0-000 (Affects Lot 14);
3090-121-31-0-000 (Affects Lot 15); 3090-121-32-0-000
(Affects Lot 16); 3090-121-33-0-000 (Affects Lot 17);
3090-121-34-0-000 (Affects Lot 18); 3090-121-35-0-000
(Affects Lot 19); 3090-121-36-0-000 (Affects Lot 20);
3090-121-37-0-000 (Affects Lot 21); 3090-121-38-0-000
(Affects Lot 22); 3090-121-39-0-000 (Affects Lot 23);
3090-121-40-0-000 (Affects Lot 24); 3090-121-41-0-000
(Affects Lot 25); 3090-121-42-0-000 (Affects Lot 26);
3090-121-43-0-000 (Affects Lot 27); 3090-121-44-0-000
(Affects Lot 28); 3090-121-45-0-000 (Affects Lot 29);
3090-121-46-0-000 (Affects Lot 30); 3090-121-47-0-000
(Affects Lot 31); 3090-121-48-0-000 (Affects Lot 32);
3090-121-49-0-000 (Affects Lot 33); 3090-121-50-0-000
(Affects Lot 34); 3090-121-51-0-000 (Affects Lot 35);
3090-121-52-0-000 (Affects Lot 36); 3090-121-53-0-000
(Affects Lot 37); 3090-121-54-0-000 (Affects Lot 38);
3090-121-55-0-000 (Affects Lot 39); 3090-121-56-0-000
(Affects Lot 40) and 3090-121-57-0-000 (Affects Lot 41).

DATE FILED & POSTED

Posted On: 5-14-24

Removed On: 6-20-24

Receipt No: 36-05142024
-352

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

The Project consists of the District purchasing 41 subdivided parcels of vacant property from CJC Holdings, LLC, EL ROI LLC 401K Profit Sharing Plan and House Holders, LLC, in accordance with the terms of a Purchase and Sale Agreement.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Victor Elementary School District

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Victor Elementary School District

EXEMPT STATUS: The District has determined that the Project is exempt from CEQA pursuant to Title 14 of Cal. Code Regs. §§ 15061(b)(3) and 15004(b)(2)(a).

SAN BERNARDINO COUNTY
CALIFORNIA
CLERK OF THE
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REASON PROJECT IS EXEMPT:

Pursuant to Cal. Code Regs., tit. 14, § 15004(b)(2)(a), a school district, as a public agency, may designate a preferred site for CEQA review and may enter into a land acquisition agreement when it has conditioned future use of the site on CEQA compliance. The District has designated the Property as a preferred site for CEQA review, and any future use of the Property by the District shall be conditioned on compliance with any applicable CEQA requirements.

Pursuant to California Code of Regulations, Title 14, section 15061, the District has considered whether the purchase of the Property may have a significant effect on the environment and has concluded, through its own independent review and analysis, that the purchase of the Property will not have a significant impact on the environment. Additionally, the cumulative impact of successive projects of the same type in this same place are not significant, there is no reasonable possibility that the purchase will have a significant effect on the environment due to unusual circumstances, the purchase will not result in damage to scenic resources, the Property is not a hazardous waste site, and the purchase will not cause a substantial adverse change in the significance of a historical resource.

Finally, the catch-all commonsense exemption (Cal. Code Regs., tit. 14, § 15061(b)(3) applies where it can be seen with certainty that a Project will not have a significant effect on the environment. Here, the proposed Property is being purchased by the school district from Winona Investments, LLC. This purchase involves only the transfer of title. The transfer of title will not change the nature or intensity of the current use of the Property. Therefore, it can be said with certainty that the Project will not have a significant effect on the environment.

Thus, under Title 14 of the California Code of Regulations, sections 15061(b)(3), and 15004(b)(2)(a), the Project is exempt.

CONTACT PERSON:

**Joe Pont, Director of Facilities,
Maintenance & Grounds,
and Transportation**

Victor Elementary School District
12219 2nd Ave.,
Victorville, CA 92395
Phone: 760-245-1691

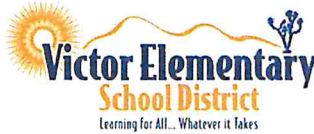
Signature: 

Date: 2-23-24

The Notice of Exemption has been filed by the public agency approving the Project.

DATE RECEIVED FOR FILING: _____

**CLERK OF THE
BOARD OF SUPERVISORS
2024 MAY 14 AM 9:48
SAN BERNARDINO COUNTY
CALIFORNIA**



Agenda Item Details

Meeting Nov 08, 2023 - Regular Board Meeting, 6:00 p.m.

Category 9. Action Items

Subject 9.6 Adoption of Resolution No. 23-20 for the Purchase and Sale Agreement of Parcel Numbers: 3090-121-17 through 3090-121-57 (Mr. Pont)

Access Public

Type Action

Recommended Action The recommended action is to adopt resolution #23-20 to approve the Purchase and Sale Agreement for the CJC Property, adopt a CEQA Notice of Exemption, and authorize staff and legal counsel to take any and all necessary actions to complete the transaction.

Public Content

The Victor Elementary School District is quickly becoming impacted due to growth, and the need for another future school site is imminent. Administration is requesting the board's permission to purchase real property for a future school site and authorizing staff to take related actions.

[\(10.29\) Resolution, Purchase and Sale Agreement, and NOE Approving Purchase of CJC Property.pdf \(459 KB\)](#)

Administrative Content

Executive Content

Motion & Voting

The recommended action is to adopt resolution #23-20 to approve the Purchase and Sale Agreement for the CJC Property, adopt a CEQA Notice of Exemption, and authorize staff and legal counsel to take any and all necessary actions to complete the transaction.

Motion by Allen Williams, second by Gabriel Stine.
Final Resolution: Motion Carries
Aye: Gabriel Stine, Clayton Moore, Allen Williams, Sue Brannon

CLERK OF THE BOARD OF SUPERVISORS
2024 MAY 14 AM 9:48
SAN BERNARDINO COUNTY CALIFORNIA

I, Lori Clark, Superintendent and Secretary to the Governing Board of the Victor Elementary School District of San Bernardino County, do hereby certify that the above is a true and correct copy of the motion duly made, adopted and entered on the official minutes of the Governing Board on November 8, 2023.

Date: 11/9/23 Signed: 

**VICTOR ELEMENTARY SCHOOL DISTRICT
RESOLUTION NO. 23-20**

**APPROVING A REAL PROPERTY PURCHASE AND SALE AGREEMENT AND
FINDING THE PROJECT EXEMPT FROM CEQA
(CJC PROPERTY)**

WHEREAS, pursuant to Education Code Sections 17340 et seq., the Board of Trustees (“Board”) of the Victor Elementary School District (“District”) is authorized to acquire property through purchase, lease, or exchange; and

WHEREAS, the District seeks acquisition of certain real property in the City of Victorville, County of San Bernardino, State of California; and

WHEREAS, the real property to be acquired is identified by 42 assessor parcel numbers, at APN 3090-121-17 through 3090-121-57 (“CJC Property”), more particularly described in the Purchase and Sale Agreement (“PSA”), attached hereto as **Exhibit A**, presented at this meeting and considered by this Board; and

WHEREAS, the owner of the CJC Property has agreed to sell the property to the District on the terms and conditions set forth in the PSA;

WHEREAS, the Board analyzed the purchase of the CJC Property in accordance with the requirements of the California Environmental Quality Act as set forth in the California Public Resources Code section 21000, *et seq.* and the State CEQA Guidelines, and the Board has found that the purchase of the Property is exempt from CEQA and will therefore file a Notice of Exemption with the County Clerk;

WHEREAS, pursuant to California Code of Regulations, Title 14, section 15061, the District has considered whether the purchase of the CJC Property may have a significant effect on the environment and has concluded, through its own independent review and analysis, that the purchase of the CJC Property will not have a significant impact on the environment;

WHEREAS, pursuant to California Code of Regulations, Title 14, section 15004(b)(2)(a), a school district, as a public agency, may designate a preferred site for CEQA review and may enter into a land acquisition agreement when it has conditioned future use of the site on CEQA compliance; and

WHEREAS, it is in the best interests of the District to acquire the CJC Property; and

WHEREAS, upon approval of this Resolution, the Superintendent of the District or his designee, will be authorized to enter into the PSA pursuant to the provisions set forth therein.

NOW, THEREFORE, the Board of the Victor Elementary School District do hereby resolve, determine and order as follows:

1. The foregoing recitals are hereby adopted as true and correct.

CLERK OF THE
BOARD OF SUPERVISORS
SAN BERNARDINO COUNTY
CALIFORNIA
3024 MAR 14 AM 9:48

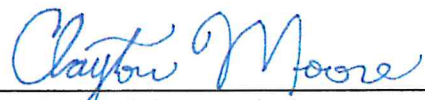
2. The PSA between the District and CJC Holdings, LLC, EL ROI LLC 401K Profit Sharing Plan and House Holders, LLC (jointly the "Seller") is approved.
3. The District Superintendent, staff, and consultants are directed and authorized to take all steps necessary to purchase the CJC Property in accordance with the PSA.
4. The District Superintendent, or designee thereof, is authorized and directed to execute the PSA, any amendments and accompanying documents, and to take all further action necessary to effectuate the intent of this Resolution.
5. The District's real estate legal counsel, Fagen Friedman & Fulfroost, LLP, is authorized and directed to prepare, review and approve all appropriate documents, opinions and instructions as necessary to carry out the terms and provisions of the PSA approved by this authorizing Resolution.
6. The acquisition of the CJC Property falls within the catch-all common sense exemption set forth in Code of Regulations, Title 14, section 15061 because the purchase involves merely the transfer of title and thus it can be seen with certainty that the purchase will not have a significant effect on the environment.
7. The purchase of the CJC Property will not result in damage to scenic resources, the CJC Property is not a hazardous waste site, and the purchase will not cause a substantial adverse change in the significance of a historical resource.
8. The CJC Property is hereby designated as a preferred site for CEQA review, and any future use of the Property by the District shall be conditioned on compliance with any applicable CEQA requirements.
9. The District's Superintendent or designee thereof is directed to file the Notice of Exemption from CEQA with the County Clerk, attached hereto as **Exhibit B**.

The foregoing Resolution was **PASSED AND ADOPTED** by the Board of Trustees of Victor Elementary School District in the County of San Bernardino, State of California at a meeting of the Board on November 8, 2023 by the following vote:

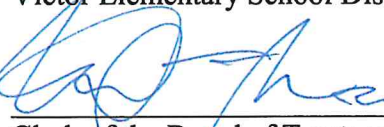
AYES: 4 NOES: 0 ABSTAIN: 0 ABSENT: 1

ATTEST:

CLERK OF THE
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 2024 MAY 14 AM 9:51
 SAN BERNARDINO COUNTY
 CALIFORNIA



 President of the Board of Trustees of
 Victor Elementary School District



 Clerk of the Board of Trustees of Victor
 Elementary School District