

# INITIAL STUDY

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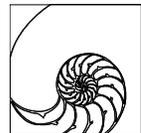
## SUMMIT K2 CHARTER SCHOOL OPERATIONAL EXPANSION PROJECT

**CITY OF EL CERRITO**  
COMMUNITY DEVELOPMENT DEPARTMENT  
10890 SAN PABLO AVENUE  
EL CERRITO, CA 94530



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**NOVEMBER 2015**



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## ATTACHMENTS

Attachments are included on CD affixed to the back cover of printed copies of the document.

Attachment A: Windrush School Master Plan Initial Study/ Mitigated Negative Declaration (Prior MND)

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# **INTRODUCTION TO THIS DOCUMENT**

This document serves as the Initial Study for the Summit K2 Charter School Operational Expansion Project (“Project”).

The Windrush School Master Plan Initial Study/Mitigated Negative Declaration (“Prior MND”) was adopted in 2007 for physical and programmatic changes at the school operated at 1800 Elm Street (State Clearinghouse Number 2007042071).

The Windrush School has since ceased operations at the site and the Summit K2 Charter School received approval to operate a school at the site from the City of El Cerrito on January 28, 2014 with reliance on the environmental analysis contained in the Prior MND. The current Project includes programmatic changes different from those specified in the prior approval and Prior MND.

This Initial Study has been prepared in accordance with the CEQA Guidelines Section 15162 to determine whether the Project is within the scope of the Prior MND, or whether further environmental review is needed to examine the significant environmental impacts of the Project.

## **SUMMARY OF CONCLUSIONS**

This Initial Study document concludes that the Project is within the analysis contained in the Prior MND for all topic areas except Noise and Transportation and Circulation. Pursuant to CEQA Guidelines section 15162, a Subsequent Environmental Impact Report (EIR) will be prepared to further study these two topic areas.

## **PUBLIC REVIEW**

This Initial Study will be circulated for a 30-day public review and scoping period. Written comments may be submitted to the following address:

Sean Moss  
City of El Cerrito, Community Development Department  
10890 San Pablo Avenue  
El Cerrito, CA 94530  
Phone: 510-215-4359

Comments received during this scoping period will be assessed when determining the scope of the environmental analysis in the EIR and the alternatives to the Project that are assessed in the EIR. Comments focused to these areas are most useful during the environmental review process.

# PROJECT INFORMATION

## PROJECT ENTITLEMENTS

An amendment to the existing Conditional Use Permit from City of El Cerrito.

## LEAD AGENCY

City of El Cerrito  
Community Development Department  
10890 San Pablo Avenue  
El Cerrito, CA 94530

## CONTACT PERSON

Sean Moss  
City of El Cerrito, Community Development Department  
10890 San Pablo Avenue  
El Cerrito, CA 94530  
Phone: 510-215-4359

## PROJECT SPONSOR

Doug Giffin  
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Pleasanton, CA 94588  
(925) 224-8278

## PROJECT LOCATION

The approximately 4-acre Project site is located at 1800 Elm Street, in the City of El Cerrito, in Contra Costa County. The assessor's parcel number (APN) is 502-122-041. **Figure 1** shows the project location.

## GENERAL PLAN DESIGNATION

Institutional and Utilities

## ZONING

Public/Semi-Public (PS)

## EXISTING USES

The site is currently used for 7<sup>th</sup> and 8<sup>th</sup> grade students by the Summit K2 Charter School, which began operation in 2014. The campus was operated as the Windrush School (private), and served K-8 students until 2012.

## SURROUNDING LAND USES

Surrounding land uses are primarily single-family residential.

## **PROJECT DESCRIPTION**

### **Project Summary**

The existing Conditional Use Permit (CUP) limits student enrollment to 347 students during the normal school year and to 175 students during the summer session and limits normal school days to the hours of 8:00 a.m. to 3:00 p.m.

The Project involves proposed amendments to an existing CUP that would allow increased usage of the Summit K2 Charter School operating at the 4-acre site of the former Windrush School located at 1800 Elm Street to include high school in addition to middle school students, increased enrollment to 630 students during the normal school year and 315 students during the summer session, and extend the normal operating hours by a half hour to 3:30 p.m. during normal school days.

The proposed expansion of the school program and student enrollment can be accommodated at the site as it exists today and no changes are proposed to the buildings or site. The school does not plan to change the existing schedule or school activities as a part of this project though retains some flexibility to do so within the allowances under their use permit.

### **Project Site and Site History**

Summit K2 Charter School is located at 1800 Elm Street in El Cerrito in a residential neighborhood a couple blocks from the El Cerrito del Norte BART station.

The site of the proposed Project is the former site of Windrush School, a private school that operated under a series of use permits and amendments since 1987, the most recent of which were approved in 2007, including a master plan that was analyzed in the Windrush School Master Plan Initial Study/Mitigated Negative Declaration (“Prior MND”). Under the approved use permits, Windrush was permitted to operate a school of up to 347 students in grades K-8. School hours were limited to 8:00 a.m. until 3:00 p.m. and summer programs were capped at 175 students. Windrush School ceased operation at the site in 2012 due to financial considerations.

The site was first developed for institutional use in 1935, when the Chung Mei Home for homeless and orphaned Chinese-American boys was constructed on the site and remained in operation until 1954. The Armstrong Preparatory School (private Baptist school) operated at the site following closure of the Chung Mei Home and prior to occupation of the site by Windrush School.

Summit K2 Charter School found to be compliant with the existing conditional use permit by the Zoning Administrator (and confirmed by the Planning Commission) and began operations in the Fall of 2014 with grade 7 enrollment of 125 students and will has continued operations in Fall of 2015 with 240 7th and 8th grade students. **Figure 1** shows the school’s location and surrounding neighborhood.

### **Proposed Changes Under the Current Project**

The Project involves proposed amendments to an existing Conditional Use Permit (CUP) pursuant to which Summit K2 Charter School operates a 7th and 8th grade middle school at the 4-acre site of the former Windrush School located at 1800 Elm Street. The proposed CUP amendments would allow for:

- 1) operation to include grades 9 through 12 in addition to grades 7 and 8,
- 2) an increase in the enrollment limit during the normal school year to 630 students (an increase of 283 students over the 2007 Windrush approvals and 390 students over the existing conditional use permit),

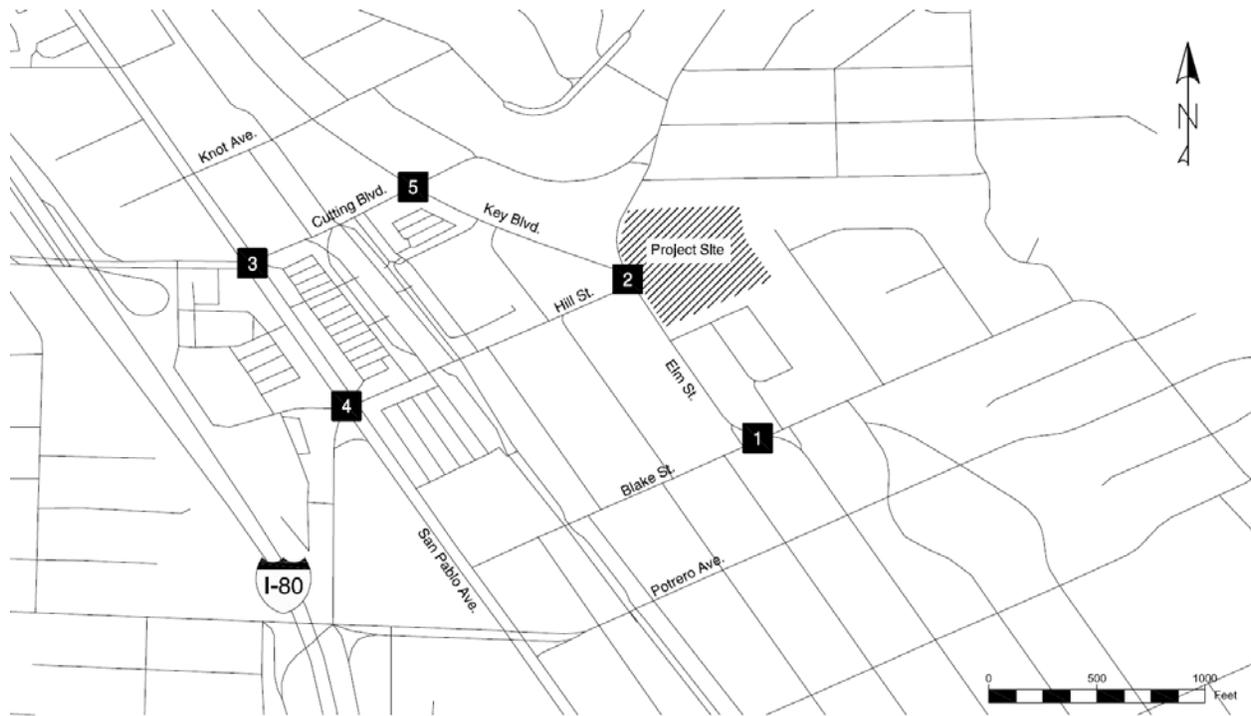
- 3) extension of the normal school day operating hours by a half hour from 8:00 a.m. to 3:00 p.m. to 8:00 a.m. to 3:30 p.m., and
- 4) an increase in the enrollment limit during the school's summer session by 140 students from 175 students to 315 students.

The school does not propose to change the existing schedule or school activities as a part of this project though retains flexibility to do so as allowed under their use permit.

### **Construction and Changes to the Site**

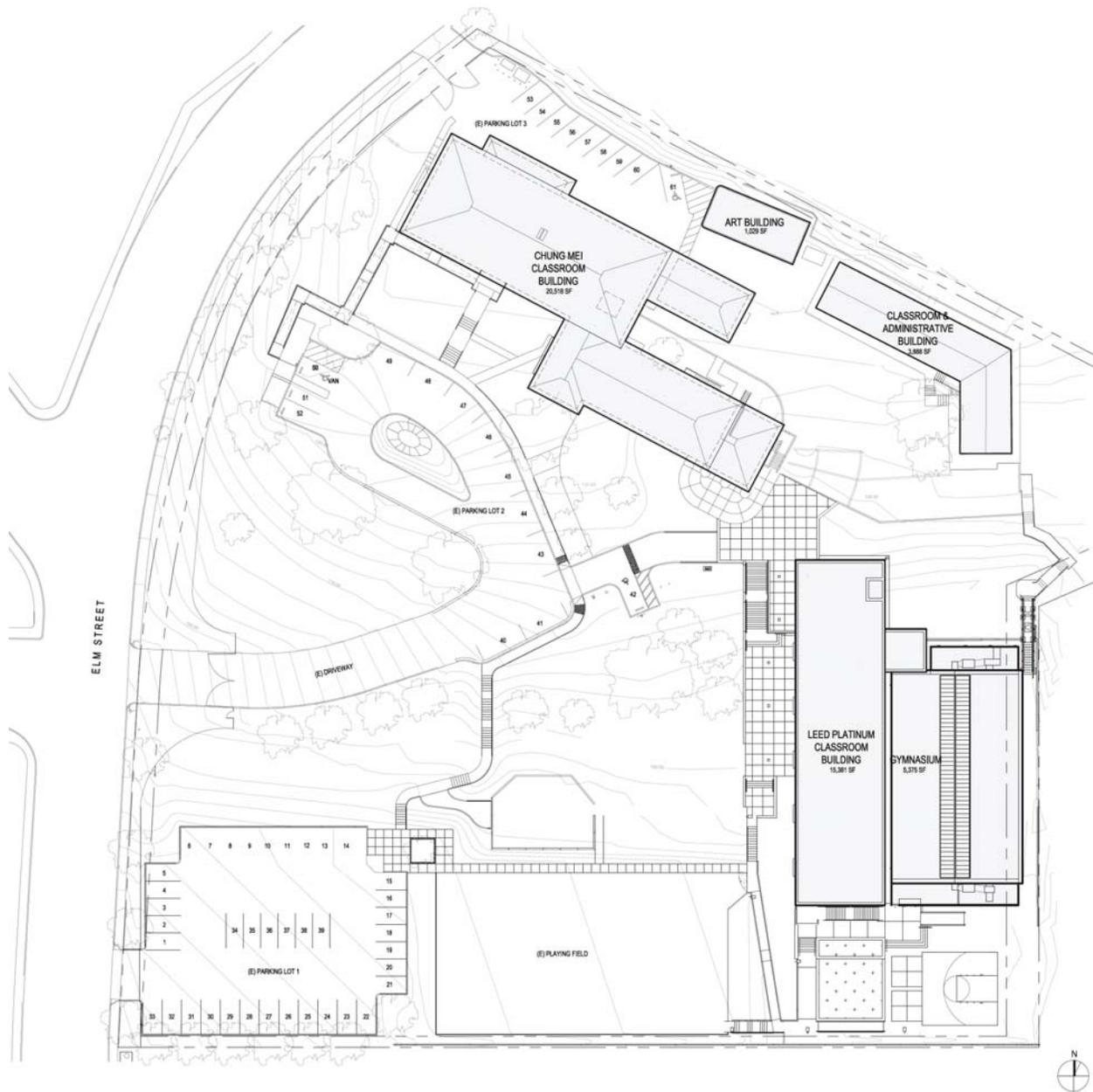
No changes to any of the buildings or site conditions are proposed or required to accommodate the proposed expansion of the school program or increase in student enrollment.

The existing site plan is shown in **Figure 2**.



**Figure 1: Project Location**

Source: Kittelson & Associates, with traffic study locations shown (see Section 15: Transportation)



**Figure 2: Existing Site Plan**

Source: Studio Bondy Architecture via the applicant

# INITIAL STUDY CHECKLIST

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

Environmental factors that may be affected by the Project are listed alphabetically below. Factors marked with an “X” (☒) were determined to be potentially affected by the Project, involving at least one impact that is a potentially significant impact as indicated by the Checklist on the following pages. Unmarked factors (☐) were determined to not be significantly affected by the Project, based on discussion provided in the Checklist, including the application of mitigation measures that the applicant has agreed to implement.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agricultural and Forest Resources  | <input type="checkbox"/> Air Quality and Greenhouse Gas Emissions |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils                            |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning                        |
| <input type="checkbox"/> Mineral Resources           | <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population/Housing                       |
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation/Traffic        |
| <input type="checkbox"/> Utilities/Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

## LEAD AGENCY DETERMINATION

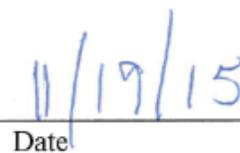
On the basis of this evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures to reduce these impacts will be required of the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

The Environmental Impact Report will be Subsequent to the Prior MND (for the Windrush School Master Plan, State Clearinghouse Number 2007042071) and focused to the topic areas of Noise and Transportation and Circulation.



Signature  
Margaret Kavanaugh-Lynch,  
Development Services Manager/Zoning Administrator



Date

## EVALUATION OF ENVIRONMENTAL EFFECTS

The Windrush School Master Plan Initial Study/Mitigated Negative Declaration (“Prior MND”) was adopted in 2007 for physical and programmatic changes at the school operated at 1800 Elm Street. The Planning Commission confirmed the determination of the Zoning Administrator that the operation of the Summit K2 Charter School was consistent with the Conditional Use Permit on January 28, 2014 with reliance on the environmental analysis contained in the Prior MND.

The Project site is the same as that analyzed in the Prior MND and no further physical changes are proposed to the site at this time, though the entitled Master Plan allows construction that was analyzed under the Prior MND. However, since student enrollment would be increased beyond that analyzed in the Prior MND (by 283 students), the current Project is being assessed against the Prior MND at this time.

This “CEQA Checklist” has been prepared in accordance with the CEQA Guidelines Section 15162 to determine whether the Project is within the scope of the Prior MND, or whether further environmental review is needed to examine the significant environmental impacts of the Project.

The Checklist portion of the Initial Study begins below, with a summary of the conclusions in the Prior MND followed by assessment of the current Project in relation to the previous assessment. The four columns in the table at the top of each checklist topic area are explained below.

1. “Significance in the Prior MND” lists the significance level of the impact as determined in the Prior MND. Possible entries include:

NI: Stands for “no impact” indicating that no action that would have an adverse effect on the environment would occur due to the Project.

LTS: Stands for “less-than-significant” indicating that while there may be potential for an environmental impact, there are standard procedures or regulations in place, or other features of the Project as proposed, which would limit the extent of this impact to a level of “less-than-significant.”

M-LTS: Stands for “less than significant with mitigation” indicating that identified mitigation measures will be required to reduce potentially significant environmental effects to a level of “less than significant.”

SU: Stands for “significant and unavoidable” indicating that a significant impact has been identified and cannot be reduced to less-than-significant levels through available feasible mitigation. (Note that this document does not indicate that any environmental topics would be considered to be significant and unavoidable and does not use this term.)

\*: Inclusion of an asterisk (\*) with the above entries indicates a topic that was not specifically addressed in the Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence as discussed in the text following the table.

2. “Project Significance” lists the significance level of the impact determined for the current Project.
3. “Mitigation Measure” notes whether mitigation measures were identified in the Prior MND that would be applicable to the current Project. Possible entries include:

none: indicates that no mitigation was identified in the Prior MND,

NA: indicates that mitigation measures were identified in the Prior MND but are not applicable to the current Project,

new: indicates new mitigation measures are identified for the current Project that were not included in the Prior MND,

[title]: If mitigation measures were identified in the Prior MND that are applicable to the current Project, these would be listed by title in this column. This situation does not occur in this document.

4. “Within Scope of the Prior MND” lists whether the scope of the current Project impact falls within the analysis performed in the Prior MND (Yes or No). An answer of “No” indicates a topic that would need to be analyzed in a further CEQA document such as a Subsequent MND or Environmental Impact Report.

| 1. AESTHETICS<br><br>Would the project:  | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|--|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | LTS                           | NI                   | none               | Yes                           |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?   | NI                            | NI                   | none               | Yes                           |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | LTS                           | NI                   | none               | Yes                           |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  | LTS                           | NI                   | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a-d) Scenic Vistas, Resources and Visual Quality, Character, and Light and Glare

***Conclusions of the Prior MND***

The Prior MND determined that construction at the site would not block views of the Bay and adjacent landmarks from off-site locations, is not visible from State scenic highways, and would not adversely affect the visual quality of the site. The Prior MND found that the proposed lighting would not be substantial in relation to existing lighting. The Prior Project was determined to have less-than-significant or no impacts for items related to aesthetics.

***Currently Proposed Project***

The current Project does not involve any construction and would have no impacts related to aesthetics.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to aesthetics. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| <p><b>2. AGRICULTURE AND FORESTRY RESOURCES</b></p> <p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p> | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|--|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | NI                            | NI                   | none               | Yes                           |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | NI                            | NI                   | none               | Yes                           |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production(as defined by Government Code section 51104(g))?  | NI                            | NI                   | none               | Yes                           |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | NI*                           | NI                   | none               | Yes                           |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | NI*                           | NI                   | none               | Yes                           |
| <p>Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br/> SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence.</p>   |                               |                      |                    |                               |

a-e): Agriculture and Forestry Resources

***Conclusions of the Prior MND***

The Prior MND determined that the site is not zoned for agricultural uses, is not under Williamson Act contract, and that no agricultural resources are located on or near the site (no impact).

Forest land was not specifically included in the checklist questions at the time. Forest land was not mentioned in the Prior MND as no forest land was located on or near the site (assumed no impact).

***Currently Proposed Project***

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to agriculture and forestry resources. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| <b>3. AIR QUALITY AND GREENHOUSE GAS EMISSIONS</b><br>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:   | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|---|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | LTS                           | LTS                  | none               | Yes                           |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | M-LTS                         | LTS                  | NA                 | Yes                           |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?   | M-LTS                         | LTS                  | NA                 | Yes                           |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | LTS                           | LTS                  | none               | Yes                           |
| e) Create objectionable odors affecting a substantial number of people?   | LTS                           | LTS                  | none               | Yes                           |
| f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?   | LTS*                          | LTS                  | none               | Yes                           |
| g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?  | LTS*                          | LTS                  | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a-c) Air Quality Plan Conflict, Air Quality Standards Violation, or Cumulative Contribution

***Conclusions of the Prior MND***

The Prior MND concluded that the Prior Project was below applicable operational screening levels developed by the Bay Area Air Quality Management District (BAAQMD) taking into consideration the Bay Area 2005 Ozone Strategy. The San Francisco Bay Area air basin was under non-attainment status for ozone, particulate matter, and fine particulate matter. The BAAQMD Guidelines (most recently amended in 1999 at the time) considered projects generating less than 2,000 vehicle trips to be below threshold levels without the need for detailed emissions analysis. The Prior Project would generate 161 additional vehicle trips and was therefore found to be below threshold for contribution to air quality violations, cumulative emissions, or conflict with applicable air quality plans. A calculation of carbon monoxide conditions at the Elm Street/Cutting Boulevard/Key Street intersection found potential increases would be minimal to an area with existing concentrations well below State standards.

Construction activities under the Prior Project were found to have the potential to result in air quality impacts related to release of hazardous airborne materials during demolition activities, release of dust during construction activities. These potential impacts were reduced to less-than-significant levels through implementation of Mitigation Measures AIR-1, AIR-2, requiring appropriate handling of

potentially hazardous building materials during demolition and compliance with construction-period fugitive dust reduction measures.

### ***Currently Proposed Project***

Since the Prior MND, the Bay Area 2005 Ozone Plan has been updated as the Bay Area 2010 Clean Air Plan. The plan is meant to demonstrate progress toward meeting the ozone standards, but also includes other elements related to particulate matter, toxic air contaminants, and greenhouse gases. Under the 2010 Clean Air Plan, a project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with regional growth assumptions or implementation of control strategies. The Project would have no direct effect on growth of population and would not conflict with control strategies directly applicable to this type of use. The Project, therefore, would be generally consistent with the Clean Air Plan and have a less-than-significant impact in this regard.

Since the Prior MND, BAAQMD has updated their Guidelines and adopted new thresholds of significance and related screening levels in 2010. However, a 2012 court case decided that BAAQMD had failed to comply with CEQA when it adopted the thresholds, so these are not recommended for use at this time. BAAQMD suggests continued reliance on the 1999 thresholds until the case reaches final decision in the appeal process. Therefore, the recommended thresholds of significance are unchanged from the previous analysis. The attainment status of the Air Basin today remains the same as it was during preparation of the Prior MND, with all criteria pollutants in attainment except for ozone, particulate matter, and fine particulate matter standards.

The increased enrollment of approximately 283 students that would be allowed under the currently proposed Project would result in approximately 484 daily vehicle trips, which is well below the 1999 screening level of 2,000 trips. While not currently applicable, the increased enrollment allowance would also be below the BAAQMD screening levels for the currently set-aside 2010 thresholds (311 high school students).

The Project does not propose any demolition or building construction activities; therefore, Mitigation Measures AIR-1 and AIR-2 are not applicable to the currently proposed Project, which would not include the related potentially significant construction-related impacts.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to air quality violations, cumulative contributions or conflict with the air quality plan. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

#### d) Sensitive Receptors

### ***Conclusions of the Prior MND***

Construction activities under the Prior Project were found to have the potential to result in air quality impacts related to health risk from construction emissions. These potential impacts were reduced to less-than-significant levels through implementation of Mitigation Measure AIR-3, requiring compliance with construction-period fugitive dust reduction measures.

Operational sources of potential health risk for sensitive receptors were identified as primarily vehicle-related, which would not necessarily be concentrated in the vicinity of the project site and would be below BAAQMD significance thresholds (less-than-significant).

### ***Currently Proposed Project***

The Project does not propose any demolition or building construction activities; therefore, Mitigation Measure AIR-3 is not applicable to the currently proposed Project, which would not include the related potentially significant construction-related impact.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to sensitive receptors. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

#### e) Objectionable Odors

### ***Conclusions of the Prior MND***

The Prior MND concluded that a school is not the type of use known to generate objectionable odors and would not be located downwind from any significant odor sources (less-than-significant). Construction-related odors would be temporary and were also determined to result in a less-than-significant impact.

### ***Currently Proposed Project***

The Project does not include construction and would not contribute to construction-related odors. There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to odors. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

#### f-g) Greenhouse Gas Emissions and Conflict with Plans

### ***Conclusions of the Prior MND***

In 2006, the governor of California signed AB 32, the Global Warming Solutions Act, into legislation. The Act requires that California cap its GHG emissions at 1990 levels by 2020. This occurred prior to adoption of the Prior MND, though was not mentioned in that document. Though the scientific community's understanding of climate change is dynamic and California continues to lead the way in addressing climate change, these developments in climate science and in thresholds or regulatory standards since approval of the Prior MND would not be considered new information requiring subsequent environmental review. (Case law supports this conclusion, including *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515 and *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134).

### ***Currently Proposed Project***

The 1999 BAAQMD Guidelines did not include greenhouse gas emissions thresholds. While not currently applicable (see item a-c, above), the increased enrollment allowance of 283 students would be well below the BAAQMD screening levels for the currently set-aside 2010 thresholds (3,012 high school students) and impacts related to greenhouse gas emissions would remain less-than-significant. As noted under item a-c, the Project would not conflict with control strategies under the 2012 Clean Air Plan, which is also intended to control greenhouse gas emissions.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to greenhouse gas emissions compared to the analysis in the Prior MND. Thus, there is no need for further environmental review of this topic.

| 4. BIOLOGICAL RESOURCES<br>Would the project:  | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|--|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?                                 | NI                            | NI                   | none               | Yes                           |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?   | M-LTS                         | NI                   | none               | Yes                           |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | NI                            | NI                   | none               | Yes                           |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | LTS                           | NI                   | none               | Yes                           |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | NI                            | NI                   | none               | Yes                           |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | NI                            | NI                   | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a-f) Biological Resources

***Conclusions of the Prior MND***

The Prior MND concluded that the developed institutional / academic site has low wildlife value, providing some use to common species, with no protected species known to occur at the site, no riparian habitat or wetlands on or within the immediate vicinity of the site, and is not substantially utilized for movement of wildlife (less-than-significant or no impact). The site is not located within an adopted conservation plan and would not conflict with any policies or ordinances protecting biological resources.

The Prior MND noted that Baxter Creek is located approximately 0.3 miles to the north of the site and that runoff from the project site associated with construction-period pollutants or changes in runoff related to construction at the site could adversely affect water quality in the Bay and associated communities. This potential impact was reduced to less-than-significant levels through implementation of Mitigation Measure BIO-1, requiring a Stormwater Pollution Prevention Plan for construction activities and a Storm Water Control Plan for development applications.

***Currently Proposed Project***

The Project does not propose construction activities or disturbance of the soils at the site; therefore, Mitigation Measure BIO-1 is not applicable to the currently proposed Project, which would not include the related potentially significant construction-related impacts.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to biological resources. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| 5. CULTURAL RESOURCES<br>Would the project:  | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|--|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Section 15064.5?   | NI                            | NI                   | none               | Yes                           |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Section 15064.5?  | M-LTS                         | NI                   | none               | Yes                           |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  | NI                            | NI                   | none               | Yes                           |
| d) Disturb any human remains, including those interred outside of formal cemeteries?   | LTS                           | NI                   | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a) Historic Resources

***Conclusions of the Prior MND***

The Prior MND concluded that the site was an eligible historic district under the California Register of Historical Resources Criterion 1 for its association with the Chinese experience in the East Bay, specifically the provision of institutional childcare for Chinese boys in El Cerrito between the years of 1935 to 1954 as the Chung Mei Home for Chinese Boys. The Prior MND concluded that the alterations of the gymnasium building, including construction of the classroom building at its front, would be a minor diminishment of some aspects of the historic district’s integrity. This potential impact was reduced to less-than-significant levels through implementation of Mitigation Measure CULT-1, requiring documentation of the gymnasium prior to alternation and installation of an interpretive panel at the site.

***Currently Proposed Project***

Previously proposed alterations of the gymnasium building have already been completed and the site was subsequently listed on the State register pursuant to and consistent with the eligibility determination in the Prior MND. The Project does not propose construction activities or disturbance of the structures at the site; therefore, Mitigation Measure CULT-1 is not applicable to the currently proposed Project, which would not include the related potentially significant construction-related impact to historic resources.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to historic resources. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

b-d) Archaeological/Paleontological Resources

***Conclusions of the Prior MND***

The Prior MND identified the possibility of encountering archaeological resources, paleontological resources, or human remains during construction activities at the site. These potential impacts were reduced to less-than-significant levels through implementation of Mitigation Measures CULT-2 through CULT-4, requiring appropriate handling of any resources or human remains discovered during construction activities at the site.

***Currently Proposed Project***

The Project does not propose construction activities or ground disturbance at the site; therefore, Mitigation Measures CULT-2 through CULT-4 are not applicable to the currently proposed Project, which would not include the related potentially significant impacts to archaeological resources, paleontological resources, or human remains during ground disturbance.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to archaeological resources, paleontological resources, or human remains. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| 6. GEOLOGY AND SOILS<br>Would the project:  | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|---|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)</li> <li>ii) Strong seismic ground shaking?</li> <li>iii) Seismic-related ground failure, including liquefaction?</li> <li>iv) Landslides?</li> </ul> | M-LTS                         | LTS                  | NA                 | Yes                           |
|   | LTS                           | LTS                  | none               | Yes                           |
|   | M-LTS                         | LTS                  | NA                 | Yes                           |
|   | LTS                           | LTS                  | none               | Yes                           |
| b) Result in substantial soil erosion or the loss of topsoil?   | M-LTS                         | LTS                  | NA                 | Yes                           |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?  | M-LTS                         | LTS                  | NA                 | Yes                           |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?  | M-LTS                         | LTS                  | NA                 | Yes                           |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?  | LTS                           | NI                   | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence.   |                               |                      |                    |                               |

a- d) Geologic Hazards

**Conclusions of the Prior MND**

The Prior MND concluded that the site is not located on a fault line; is not prone to densification, liquefaction, or other forms of ground failure; and does not require septic tanks or alternative waste water disposal systems (less-than-significant or no impact).

The site is located at the base of a regional landslide complex with a historic drainage swale under the gymnasium. In the seismically-active Bay Area and this site in particular, earthquake-induced shaking can cause landslides and structural damage to buildings. The slope and historic drainage swale on the site can additionally contribute to the potential for soil erosion and the site's expansive soil could cause displacement and cracking of building foundations. These potential impacts were reduced to less-than-significant levels through implementation of Mitigation Measures GEO-2 through GEO-5, requiring building design in accordance with geotechnical report recommendations and building codes and implementation of a Storm Water Control Plan.

### ***Currently Proposed Project***

The Project does not propose ground disturbance or building construction at the site; therefore, Mitigation Measures GEO-1 through GEO-4 are not applicable to the currently proposed Project, which would not include the related potentially-significant impacts related to seismic and soil impacts on buildings, and soil erosion.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to geology and soils. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| 7. HAZARDS AND HAZARDOUS MATERIALS<br><br>Would the project:  | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|---|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | LTS                           | LTS                  | none               | Yes                           |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | M-LTS                         | LTS                  | none               | Yes                           |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | M-LTS                         | LTS                  | none               | Yes                           |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | LTS                           | LTS                  | none               | Yes                           |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?  | NI                            | LTS                  | none               | Yes                           |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?   | NI                            | LTS                  | none               | Yes                           |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | LTS                           | LTS                  | none               | Yes                           |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?  | LTS                           | LTS                  | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a-d) Hazardous Materials

***Conclusions of the Prior MND***

The Prior MND determined that the site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and that there would be less-than-significant impacts related to the potential hazards from routine use, transport, or disposal of the small quantities of commercially-available hazardous materials used by a school.

The Prior MND concluded that demolition of structures on the site have the potential to release lead-based paint or asbestos-containing materials. These potential impacts were reduced to less-than-significant levels through implementation of Mitigation Measures HAZ-1 through HAZ-3, requiring pre-demolition surveys and appropriate handling of potentially hazardous building materials during demolition.

***Currently Proposed Project***

The Project does not propose any demolition activities; therefore, Mitigation Measures HAZ-1 through HAZ-3 are not applicable to the currently proposed Project, which would not include the related potentially significant construction-related hazards impacts.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to hazardous materials. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

e, f) Airport Hazards

***Conclusions of the Prior MND***

The Prior MND determined the site was not in the vicinity of a public airport or private airstrip and that there would be no impacts related to airport hazards.

***Currently Proposed Project***

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to airport hazards. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

g) Emergency Response Plan

***Conclusions of the Prior MND***

The Prior MND concluded the Prior Project would not change circulation patterns or interfere with an adopted emergency response plan.

***Currently Proposed Project***

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to interference with an emergency response plan. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

h) Wildland Fire

***Conclusions of the Prior MND***

The Prior MND determined the site was not in the vicinity of a wildfire hazard area and would therefore have a less-than-significant in this regard.

***Currently Proposed Project***

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to wildfire hazards. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| 8. <b>HYDROLOGY AND WATER QUALITY</b><br><br>Would the project:   | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|---|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants, e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash? | M-LTS                         | LTS                  | NA                 | Yes                           |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?                       | LTS                           | LTS                  | none               | Yes                           |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | LTS                           | NI                   | none               | Yes                           |
| d) Substantially increase the rate or amount of surface runoff (e.g., due to due to increased impervious surfaces) in a manner which would result in flooding on- or off-site (i.e. within a watershed)?  | LTS                           | NI                   | none               | Yes                           |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes?   | M-LTS                         | NI                   | NA                 | Yes                           |
| f) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?   | LTS                           | LTS                  | none               | Yes                           |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | NI                            | NI                   | none               | Yes                           |
| h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?  | NI                            | NI                   | none               | Yes                           |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | NI                            | NI                   | none               | Yes                           |
| j) Inundation by seiche, tsunami, or mudflow?   | NI                            | NI                   | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence.  |                               |                      |                    |                               |

a, e, f) Runoff and Water Quality

***Conclusions of the Prior MND***

The Prior MND concluded that construction activities and the related potential for particulates and pollutants to affect water quality would be mitigated through implementation of a Stormwater Pollution Prevention Plan to be in effect during construction (Mitigation Measure HYD-1a). Permanent increases in the amount of impervious surfaces at the site and the related potential to increase the volume and pollutant level of runoff from the site would be mitigated through implementation of a Storm Water Control Plan (Mitigation Measure HYD-1b). No other elements of the Prior Project would cause substantial degradation of water quality.

***Currently Proposed Project***

The current Project does not propose any physical changes at the site and would not include construction activities that could affect runoff levels or quantity or change the amount of impervious surfaces at the site. There Project would not have significant impacts related to stormwater volume or quality and Mitigation Measures HYD-1a, HYD-1b are not applicable to the Project. There continue to be no elements of the project that would cause substantial degradation of water quality.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to runoff and water quality. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

b) Groundwater

***Conclusions of the Prior MND***

The Prior MND concluded that increases in the amount of impervious surfaces at the site would be offset by the remaining amount of pervious surfaces (44.8 percent of the site) and infiltration of runoff planned in the Storm Water Management Plan and that the Prior Project would not significantly affect the groundwater levels.

***Currently Proposed Project***

The current Project does not propose any physical changes at the site and would not change the amount or functioning of pervious surfaces at the site.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to groundwater. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

c, d) Drainage Patterns

***Conclusions of the Prior MND***

The Prior MND concluded that development plans for the site would slow the velocity of runoff and allow for the removal of sediments and other pollutants but would not result in erosion, siltation or flooding on- or off-site (less-than-significant).

***Currently Proposed Project***

The current Project does not propose any physical changes at the site and would not change the drainage pattern at the site.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to drainage patterns. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

g-j) Flooding and Inundation

***Conclusions of the Prior MND***

The Prior MND determined that the site was not within a 100-year flood zone, an area prone to flooding, or an area that would be subject to flooding as a result of dam or levee failure.

***Currently Proposed Project***

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to flooding and inundation. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| 9. LAND USE AND PLANNING<br><br>Would the project:   | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|--|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Physically divide an established community?   | LTS                           | LTS                  | none               | Yes                           |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?  | LTS                           | LTS                  | none               | Yes                           |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?  | NI                            | NI                   | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a) Division of a Community or Conflict with Land Use Policies or a Conservation Plan

***Conclusions of the Prior MND***

The Prior MND concluded that, as a site historically used and designated for Institutional uses within a residential neighborhood (both of which designations can allow charter schools), the Prior Project would not divide an established community or conflict with land use policies adopted for the purpose of avoiding or mitigating environmental impacts. Additionally, that the site is not subject to a conservation plan.

***Currently Proposed Project***

The current Project proposes increased usage of the existing site as a continued charter school use. Since the Prior MND, the zoning has been updated to reflect a Public/Semi-Public (PS) zone. This zone is consistent with the historic and continued use as a school and would not introduce or change project impacts.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to division of an established community or conflict with land use policies. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| <b>10. MINERAL RESOURCES</b><br><br>Would the project:  | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|---|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?  | NI                            | NI                   | none               | Yes                           |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?   | NI                            | NI                   | none               | Yes                           |
| Acronyms:      NI: No Impact              LTS: Less-than-Significant              M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable              *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a, b) Mineral Resources

***Conclusions of the Prior MND***

The Prior MND determined that the project site is not designated in any plans as a locally-important mineral recovery site and that no known mineral resources are present at the site.

***Currently Proposed Project***

The current Project is located on the same site and does not propose any building construction or ground disturbance. There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to mineral resources. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| 11. NOISE<br><br>Would the project result in:   | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|---|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | M-LTS                         | TBD                  | NA                 | TBD                           |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | M-LTS                         | TBD                  | NA                 | TBD                           |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | LTS                           | TBD                  | none               | TBD                           |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | M-LTS                         | TBD                  | NA                 | TBD                           |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels?  | NI                            | NI                   | none               | Yes                           |
| f) For a project in the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels?   | NI                            | NI                   | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence.<br>TBD: To Be Determined |                               |                      |                    |                               |

a-d) Exposure to Noise or Vibration

***Conclusions of the Prior MND***

The Prior MND concluded that construction activities under the Prior Project could result in noise and vibration levels above threshold levels. These potential impacts were reduced to less-than-significant levels through implementation of Mitigation Measures NOISE-1 through NOISE-3, requiring compliance with construction-period noise reduction measures and scheduling.

The Prior MND concluded that during operations, the Prior Project would not subject sensitive receptors to noise levels exceeding established standards (60 dBA Ldn) or substantially increase existing noise levels (by 3dBA Ldn or more) and identified no significant sources of vibration on or near the site. The Prior Project was determined to have less-than-significant or no impacts for items related to exposure to noise or vibration.

***Currently Proposed Project***

Because of known concerns regarding the noise level at the Project site, a noise assessment will be prepared to assess the potential for noise impacts and included in a Subsequent EIR.

e-f) Airplane Noise

***Conclusions of the Prior MND***

The Prior MND determined that the site is not located within 2 miles of an airport or private airstrip or within the boundaries of an airport land use plan (no impact).

***Currently Proposed Project***

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to airplane noise. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| 12. POPULATION AND HOUSING<br><br>Would the project:   | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|--|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?  | LTS                           | NI                   | none               | Yes                           |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  | NI                            | NI                   | none               | Yes                           |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  | NI                            | NI                   | none               | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a) Substantial Population Growth

***Conclusions of the Prior MND***

The Prior MND concluded that increased student enrollment is not likely to substantially increase residential population because families are unlikely to move to El Cerrito solely on the basis of living near a their child’s private elementary school. While increased staff may move to El Cerrito, the increase in workers (8 employees in the Prior MND) is small enough that it would not be considered substantial population growth.

The Prior Project would occur entirely within the existing school campus and no infrastructure would be extended that could encourage growth.

***Currently Proposed Project***

The current Project would also occur entirely within the existing school campus with no growth-inducing infrastructure improvements. While the current Project would result in additional student enrollment and related employees, as under the Prior MND, these increases would not contribute to substantial population growth.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to population growth. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

b, c) Displacement of Housing or People

***Conclusions of the Prior MND***

The Prior MND determined that the site does not contain housing and would not displace exiting housing or people.

***Currently Proposed Project***

There are no changes in the Project, changes in circumstances, or new information that would result

in a new significant impact or substantially increased severity of previously identified impacts related to displacement of housing or people. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| <b>13. PUBLIC SERVICES</b><br>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services? | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|--|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Fire protection.  | LTS                           | LTS                  | none               | Yes                           |
| b) Police protection.  | LTS                           | LTS                  | none               | Yes                           |
| c) Schools.  | LTS                           | LTS                  | none               | Yes                           |
| d) Parks.  | LTS                           | LTS                  | none               | Yes                           |
| e) Other public facilities.  | LTS                           | LTS                  | none               | Yes                           |
| Acronyms:      NI: No Impact                      LTS: Less-than-Significant                      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable                      NA: Not Applicable                      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence.  |                               |                      |                    |                               |

a-e) Public Services

***Conclusions of the Prior MND***

The Prior MND determined that the site was adequately covered by existing fire, police and park services and that increases in demand for these services due to increased use of the site would not require new or physically altered facilities. As a school expansion, the Prior Project would not result in increased enrollment at other schools.

***Currently Proposed Project***

The current Project again represents increased use of an existing school campus covered by existing public services. While the current Project would result in additional student enrollment and related employees, as under the Prior MND, the increases in related demand for public services would not require new or expanded facilities.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to public services. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| <b>14. RECREATION</b><br>Would the project:   | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of the Prior MND |
|---|-------------------------------|----------------------|--------------------|-------------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.  | LTS                           | LTS                  | none               | Yes                           |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.  | M-LTS                         | NI                   | NA                 | Yes                           |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence. |                               |                      |                    |                               |

a) Deterioration of Existing Facilities

***Conclusions of the Prior MND***

The Prior MND concluded that while the Prior Project would increase enrollment and students are expected to occasionally visit local parks during field trips, this occasional use would not be expected to result in physical deterioration of any parks.

***Currently Proposed Project***

The current Project again represents increased use of an existing school campus. While the current Project would result in additional student enrollment and related employees, as under the Prior MND, the increases in related occasional use of parks would not be expected to result in physical deterioration of any parks.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to deterioration of parks. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

b) Impacts of New Facility Construction

***Conclusions of the Prior MND***

The Prior MND concluded that potential adverse physical effects of construction of recreational areas under the Prior Project would be mitigated through implementation of Mitigation Measures AIR-2, CULT-2, CULT-3, CULT-4, GEO-1, HYD-1a, and HYD-1b.

***Currently Proposed Project***

The current Project does not propose any physical changes to the site, so would not have an impact related to construction or expansion of recreational facilities or require related mitigation. There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to construction or expansion of recreational facilities. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.



for safety with no anticipated conflicts between pedestrians and motor vehicles under the planned circulation system.

***Currently Proposed Project***

The current Project does not propose any physical changes to the site, so while additional users would access the site, the Project would not have significant impacts related to air traffic patterns or design feature hazards.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to air traffic patterns or design feature hazards. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

e) Inadequate Emergency Access

***Conclusions of the Prior MND***

The Prior MND determined that the Prior Project would include adequate access for emergency vehicles to the project site.

***Currently Proposed Project***

The current Project does not propose any physical changes to the site, so would not interfere with the existing adequacy of the emergency access.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to emergency access. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

f) Alternative Modes

***Conclusions of the Prior MND***

The Prior MND determined that the Prior Project would provide employment/academic opportunities in an area supported by BART and AC Transit service while including on-site bicycle racks and pedestrian enhancements and was therefore consistent with El Cerrito goals and policies promoting the use of alternatives to the single occupant vehicle.

***Currently Proposed Project***

The current Project does not propose any physical changes to the site, which remains accessible to BART and AC Transit service. There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to alternative transportation modes. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

Parking

The Project site currently contains 61 parking spaces on-site, which is one less than the 62 spaces that would be required under the municipal code. However, the code allows for a reduction in the requirement based on proximity to transit, such as with the location of the Project site. A parking requirement reduction has been included in the requested approvals. Alternatively, it is likely the site could be restriped to accommodate one additional parking stall if preferred.

Parking deficiencies are no longer generally considered an environmental impact under CEQA as it is understood drivers will change their habits if parking is not available and that available parking supply can interfere with efforts to reduce vehicle trips. That being said, the provided parking is within the amount allowable by the code for a site at that location and would not be expected to result in noticeably deficient on-site parking conditions.

| 16. UTILITIES AND SERVICE SYSTEMS<br>Would the project   | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of Prior MND |
|--|-------------------------------|----------------------|--------------------|---------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | LTS                           | LTS                  | none               | Yes                       |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?   | LTS                           | LTS                  | none               | Yes                       |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?  | LTS                           | LTS                  | none               | Yes                       |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | LTS                           | LTS                  | none               | Yes                       |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?  | LTS                           | LTS                  | none               | Yes                       |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   | LTS                           | LTS                  | none               | Yes                       |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?  | LTS                           | LTS                  | none               | Yes                       |
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a-g) Utilities

***Conclusions of the Prior MND***

The Prior MND determined that the increase in square footage, students and staff would incrementally increase the amount of utility demand at the site. For all utilities, the increased demand was determined to be a very small fraction of City or area-wide utility demand and not expected to substantially contribute to any exceedances of available capacity or requirement for new or expanded facilities. Additionally, the Prior Project was assumed to comply with applicable requirements for building efficiency, storm water control, and solid waste reduction/diversion.

***Currently Proposed Project***

While the current Project does not propose increased square footage (upon which many utility demand rate calculations are based), additional students and staff would be expected to incrementally increase demand for utilities at the site. The increases would be incremental and remain a very small fraction of City or area-wide utility demand that is not expected to substantially contribute to any exceedances of available capacity or requirement for new or expanded facilities.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to utilities and service systems. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

| <b>17. MANDATORY FINDINGS OF SIGNIFICANCE</b>  | Significance in the Prior MND | Project Significance | Mitigation Measure | Within Scope of Prior MND |
|--|-------------------------------|----------------------|--------------------|---------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | M-LTS                         | LTS                  | NA                 | Yes                       |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)   | LTS                           | TBD                  | none               | TBD                       |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | M-LTS                         | LTS                  | NA                 | Yes                       |
| Acronyms: NI: No Impact      LTS: Less-than-Significant      M-LTS: Less-than-Significant with Mitigation<br>SU: Significant and Unavoidable      NA: Not Applicable      *: Indicates a topic not specifically addressed in the<br>Prior MND (because of changes in the checklist questions), but that can be extrapolated from available evidence.<br>TBD: To Be Determined  |                               |                      |                    |                           |

a) Environmental Quality

***Conclusions of the Prior MND***

The Prior MND noted that the project site is an infill site in an urbanized area that has been previously developed. Potential impacts to water quality and related riparian wildlife species from runoff during construction activities would be mitigated to less-than significant by Mitigation Measure BIO-1. Potential impacts to the historic nature of the site and buildings would be mitigated to less-than significant by Mitigation Measures CULT-2 through CULT-4. There would be no additional potential impacts related to degradation of the environment.

***Currently Proposed Project***

While the current Project does not propose any construction or earth moving so would not have potential impacts on biological or cultural resources at the site and would have no additional potential impacts related to degradation of the environment.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to environmental quality. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

b) Cumulative Impacts

***Conclusions of the Prior MND***

The Prior MND concluded that the site's location in a central urban area in close proximity to BART with existing infrastructure would limit the possible cumulative effects to levels that were not cumulatively considerable.

***Currently Proposed Project***

An assessment of the potential for noise and traffic impacts, including cumulative impacts, is being prepared and will be circulated in a Subsequent EIR.

Other than potentially for noise and/or traffic, as discussed above, there are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to cumulative impacts. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

c) Adverse Effects on Human Beings

***Conclusions of the Prior MND***

The Prior MND concluded that the Prior Project could have adverse effects on human beings through: air quality degradation during the construction period (including lead and asbestos); placing people at risk to seismic and soils hazards; and creating substantial noise during the construction period but that the potential effects would be mitigated to less-than-significant levels through implementation of the mitigation measures outlined in the Prior MND.

***Currently Proposed Project***

The current Project does not propose any building construction so would not have potential impacts on related to construction at the site. While additional students and staff would be utilizing the site and therefore potentially subject to risk to seismic and soils hazards, these were mitigated during construction of the Prior Project to levels considered less-than-significant.

There are no changes in the Project, changes in circumstances, or new information that would result in a new significant impact or substantially increased severity of previously identified impacts related to effects on human beings. The conclusions of the Prior MND remain valid for the currently proposed Project, and no further analysis is required.

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### City of El Cerrito

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