



Community Development Department

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

7:30 p.m.
Wednesday, April 20, 2016
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call - Chair: Carla Hansen; Commissioners: Brendan Bloom, Kevin Colin, Michael Iswalt, Bill Kuhlman, Andrea Lucas, and Lisa Motoyama.

1. Council/Staff Liaison Announcements and Reports

Staff and/or Councilmember Bridges may report on matters of general interest to the Planning Commission, Council policies, priorities and significant actions taken by the City Council.

2. Comments from the Public

(Each speaker is limited to a maximum of 3 minutes.)

3. Approval of Minutes

Approval of the March 16, 2016 meeting minutes.

4. Commissioner Communication/Conflict of Interest Disclosure

This time on the agenda is reserved for Commissioners to disclose communications from individuals regarding specific agenda items or to state a potential conflict of interest in relation to a specific agenda item.

5. Public Comment – Summit K2 Charter School Operational Expansion DSEIR

Application: PL15-0006

Applicant: Educations Matters, LLC

Location: 1800 Elm Street

APN: 502-122-041

Zoning: PS (Public/Semi-Public)

General Plan: Institutional & Utility

Request: Public comment for the Draft Subsequent Environmental Impact Report for the Summit K2 Charter School Operational Expansion Project

COMMUNICATION ACCESS INFORMATION

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call Sean Moss, Staff Liaison at (510) 215-4330 (voice) at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING to ensure availability.

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E-mail: smoss@ci.el-cerrito.ca.us

CEQA: Subsequent Environmental Impact Report.

6. Staff Communications

7. Adjournment

Appeals:

A decision of the Planning Commission may be appealed to the City Council, by the applicant or any El Cerrito resident or property owner, through the filing of a written statement and the payment of an appeal fee of \$339 with the City Clerk within ten calendar days after the decision date. (The applicant may file an appeal for the cost of half the original permit fee.)

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division office located at 10890 San Pablo Avenue during normal business hours.



Community Development Department

MINUTES
REGULAR MEETING
OF THE
PLANNING COMMISSION

7:30 p.m.
Wednesday, March 16, 2016
El Cerrito City Hall
Council Chambers
10890 San Pablo Avenue, El Cerrito

This Meeting Place Is Wheelchair Accessible

Roll Call - Commissioners: Kevin Colin, Michael Iswalt, Bill Kuhlman, and Lisa Motoyama. Commissioners Bloom, Hansen and Lucas had excused absences.

1. Comments from the Public

(Each speaker is limited to a maximum of 3 minutes.)

2. Outgoing Commissioner Recognition

Motion to adopt a resolution to thank Commissioner Tim Pine for his service to the City: Motoyama, 2nd: Iswalt.

Vote:

Ayes: Colin, Iswalt, Kuhlman, Motoyama

Noes: None

Abstain: None

Absent: Bloom, Hansen, Lucas

3. Adjournment

8:00 p.m.

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PLANNING COMMISSION STAFF REPORT
Meeting Date: April 20, 2016

I. SUBJECT

Application: PL15-0006
Applicant: Educations Matters, LLC
Location: 1800 Elm Street
APN: 502-122-041
Zoning: PS (Public/Semi-Public)
General Plan: Institutional & Utility
Request: Public comment for the Draft Subsequent Environmental Impact Report for the Summit K2 Charter School Operational Expansion Project
CEQA: Subsequent Environmental Impact Report

II. BACKGROUND

The site at 1800 Elm Street has been operated as various institutional uses since 1935. Please see Attachment 1 for the complete land use history of the site. Summit K2 Charter School began operation at the site in 2014 under the use permit that was adopted for Windrush School.

In January 2015, the applicant submitted an application requesting the following modifications to the existing use permit:

	Existing, Approved Use Permit	Proposed Modifications
Primary hours of operation (school hours)	8:00 AM to 3:00 PM	8:00 AM to 3:30 PM
Maximum enrollment permitted during regular school year	347 students	630 students
Maximum enrollment permitted during summer session	175 students	315 students
Grade levels permitted	K-8	7-12

The proposed project does not include construction of any new facilities or any physical modifications to the existing campus. The master plan for the site which was adopted in 2007, allows for the construction of certain facilities on the site, however, no new facilities are proposed at this time.

Upon review of the submitted application, staff determined that the proposed project is subject to review under the California Environmental Quality Act (CEQA). On, September 15, 2015, the City Council authorized staff to enter into a contract with Lamphier-Gregory for the preparation of the required environmental review documents. Pursuant to the California Environmental Quality Act, an Initial Study (IS) was prepared for the project. The Initial Study relied on the analysis completed as part of the Mitigated Negative Declaration (MND) that was adopted for the Windrush School Master Plan in May 2007. Subsequent CEQA documents may rely on the analysis from previously adopted CEQA documents when the conditions have not changed and the analysis remains valid. In the case of this project, since no new construction is proposed, much of the baseline analysis in the prior MND remains valid. For each required topic area included in the IS, a determination was made whether the proposed project was consistent with the analysis in the MND or whether additional study was required. The Initial Study concluded that the project was consistent with prior MND in all topic areas with the exception of Noise, and Transportation and Circulation. The Initial Study concluded that pursuant to Section 15162 of the CEQA Guidelines, a Subsequent Environmental Impact Report (SEIR) would be prepared to further study these topic areas.

A Notice of Preparation (NOP) of a Subsequent Environmental Impact Report was issued on November 23, 2015. The NOP initiated the required 30-day comment period for the scope of the EIR. A meeting was held on December 2, 2015 at City Hall to receive comments regarding the scope of the EIR. The meeting was attended by approximately five members of the public. Comments received at the meeting were generally concerns regarding traffic that might be generated by the project as well as existing traffic concerns. One comment letter was received pursuant to the comment period in the NOP. This letter is included in Attachment A to the Draft SEIR.

The Draft Subsequent Environmental Impact Report (DSEIR) was released on March 16, 2016. The DSEIR is available on the City's website at <http://www.el-cerrito.org/index.aspx?nid=833>. A Notice of Availability of the DSEIR was posted at the Contra Costa County Clerk's office as required by the CEQA Guidelines and the notice was mailed to all property owners within 300 feet of the project site, exceeding the noticing requirement in the CEQA Guidelines. The SEIR was also sent to the State Clearinghouse for routing to State agencies. The 45-day comment period extends through April 29th. This meeting is an opportunity for the Planning Commission and staff to receive comments on the DSEIR. After the close of the comment period, City staff and the City's consultant will respond to all comments received during the comment period in the Final Subsequent Environmental Impact Report (FSEIR), which will come before the Planning Commission for discussion and consideration at a future meeting along with consideration of the project.

III. DISCUSSION

To facilitate discussion, staff has outlined the topics below that were identified in the Initial Study as potential impacts.

Noise

The El Cerrito General Plan establishes noise and land use compatibility standards for various land uses. Residential uses are considered "normally acceptable" (i.e. allowed without a Conditional Use Permit) when exterior noise levels are 60dBA L_{dn} or less. The El Cerrito Zoning Ordinance also implements the noise-related noise standards through Section 19.21.050.

As part of the SEIR analysis, noise monitoring was conducted at the school site between September 30 and October 2, 2015 while school was in session. Noise measurements were taken at key property lines and throughout the site. Due to proximity to the site's outdoor playfield, the homes on Manor Circle adjacent to the site have the greatest potential to experience noise impacts. The noise analysis concluded that existing noise levels as well as noise levels expected if the project is implemented would be within the standards established in the General Plan in the rear yards of adjacent homes and therefore the project's noise impact would be less-than-significant and no mitigation is required by the project.

Transportation and Circulation

As part of the SEIR process, the applicant submitted a traffic study and several addenda that the applicant commissioned. The City's consultant peer reviewed the traffic study and issued a review memorandum. The traffic study, addenda, and review memo are included as Attachment B to the DSEIR. El Cerrito Public Work's staff worked with the applicant to include bicycle and pedestrian improvements along Hill Street and at the Hill Street/Elm Street/Key Boulevard intersection the staff felt should be included in the project to address the increased number of pedestrians and bicyclists that would access the site with the increased student population proposed by the project.

The traffic data collection was conducted during AM and PM peak hours when school was in session. The traffic analysis studied five intersections in the proximity of the project and documented the existing traffic conditions at these intersections. The analysis then modeled two scenarios which account for the traffic projected as part of the project. Traffic was analyzed using accepted traffic modeling methods. The first scenario includes existing traffic plus traffic projected for the project. The second scenario includes existing traffic, traffic projected for the project, and the cumulative traffic projected for other future development. Pursuant to CEQA, the SEIR must take into account the cumulative impact of reasonably foreseeable future projects (e.g. pending development applications, approved projects, adopted plans, etc.)

The traffic analysis found that with the exception of one intersection, the project would not degrade intersection operation at the study intersections. The one exception is at Key Boulevard and Cutting Boulevard where the study found that the intersection would degrade from Level of Service (LOS) C to LOS E. Therefore, the EIR identified measures that would mitigate this impact. In short, the required mitigation involves adding a left turn lane from northbound Key onto westbound Cutting. The intersection improvements are included as Mitigation Measure Traffic-2. The study also found that under the 'existing+project+cumulative' scenario, all study intersections would remain at an acceptable LOS with the exception of San Pablo Avenue/Hill Street/Eastshore Boulevard. At this intersection, the analysis determined that the project would contribute an additional 8 seconds of delay, creating a significant traffic impact at this intersection. As a mitigation of this impact, the SEIR requires that the applicant contribute a fair-share percentage of funds toward the intersection improvements identified in the San Pablo Avenue Specific Plan (Mitigation Measure Traffic-4).

The traffic analysis also identified one additional significant impact. The analysis found that vehicle queuing could exceed available capacity after school during the PM peak period. As a mitigation of this impact, the SEIR requires the school operator to monitor vehicle queues implement measures to abate vehicle queues which interfere with roadway traffic (Mitigation Measure Traffic-5). Abatement measures could include encouraging students to utilize transportation other than automobiles or offering after-school activities which distribute the times that students leave campus. The consideration of the Final SEIR will also include consideration of a Mitigation Monitoring and Reporting Program (MMRP) which will contain more information about

how this mitigation measure will be implemented as well as the parties responsible for implementing and monitoring its success.

Alternatives

As required by CEQA, the SEIR also evaluated alternatives to the proposed project which could lessen any environmental impact. The SEIR evaluated two alternatives. The first alternative is 'no project' (the status quo without the proposed project). This alternative is required in all EIRs. The second alternative assumed a maximum enrollment of 85% of that proposed. This alternative would eliminate impacts to the intersection of Key Boulevard and Cutting Boulevard. In both instances, it was determined that the alternatives did not satisfy the objectives of the project (see Chapter 6 of the DSEIR for additional discussion).

IV. RECOMMENDATION

Staff recommends that the Planning Commission receive public comments related to the Draft Subsequent Environmental Impact Report for the Summit K2 Charter School Operational Expansion Project.

Attachments:

- 1) Land use history of 1800 Elm Street

Land Use History for 1800 Elm Street

The initial known use of the property was as a dairy farm. In 1935, the campus was created as the Chung Mei Home for Chinese Boys. It was in operation until 1954. In 1956 the property was transferred to the Western Baptist Bible College. In 1974, the school complex was owned and operated by Armstrong Preparatory School. During its use of the site, the school administration applied for and received approval from the City of El Cerrito of a use permit to define its operation and therefore limit its potential impacts on the surrounding neighborhood.

In April 1987, Windrush School moved to the site under the previously approved use permit for the preparatory school.

A new use permit for Windrush School to operate a K-8 private school was approved by the Planning Commission on January 20, 1988. This approval was appealed to Council based on noise concerns. City Council denied the appeal and upheld the Planning Commission approval. On March 1, 1989, the Planning Commission held a public hearing at the request of Windrush School to address several issues they were experiencing regarding their conditions of approval. The Planning Commission approved modifications to the use permit. This decision was appealed to City Council. Council denied that appeal and upheld the use permit approval in April 1989. On November 8, 1998 the Planning Commission approved an amendment to the original use permit with additional conditions of approval. A sound wall was built in order to mitigate noise impacts from the play area on the southern portion of the campus. In June 1999, a traffic plan for the school was proposed and a formal complaint procedure was established in the form of a communication and conflict resolution plan worked out cooperatively with the neighbors.

On May 16, 2007, the Planning Commission approved a revised Master Plan further amending the use permit. The applicant proposed an amendment to their use permit conditions of approval, as an update to the school's Master Plan, which was to be carried out in four phases over 20 years. Highlights included:

1. Phase one includes the replacement of an existing one-story classroom wing in front of the existing gym with a new two-story addition in the same location.
2. Phase two consists of the construction of a new library, performing arts classroom, and a dance classroom adjacent to the gymnasium and Phase 1 classrooms.
3. Phase three is the renovation of the existing main classroom and administration building; no new building area will be added.
4. Phase four consists of the replacement of the existing 5,000 square foot rear classroom building with a new 5,500 square foot classroom building.

On May 31, 2007 the City received an appeal of the Planning Commission action. The City Council heard the appeal on June 18, 2007.

On September 26, 2007 a building permit was issued to build new classrooms, a new library and renovate the gymnasium. Windrush School initiated and completed those improvements.

Windrush School closed on April 21, 2012. While the subsequent phases were not completed before the School was closed it should be noted that the use permit and Master Plan remain in effect and the approved work can be completed without any additional discretionary review.

On August 2, 2013, the State Historic Resources Commission recommended the State Historic Preservation Officer (SHPO) forward The Chung Mei Home for Chinese Boys Historic District to the Keeper of the National Register for listing. Generally speaking, this designation means that the campus should be considered a historical resource under CEQA. Exterior physical changes to the campus or its buildings would need to be considered through this criterion. Interior changes to buildings would not be impacted by this status, nor would operational aspects of the school that did not result in physical changes to the campus.

On January 28, 2014, the Planning Commission held a public hearing and approved a Zoning Clearance and determined the proposed new middle school (Summit K2) was consistent with the existing use permit entitlements in place on the property of 1800 Elm Street.

On July 25, 2014, the City of El Cerrito approved an Administrative Design Review application for 1800 Elm Street that approved the painting of the exterior of the main building of the Summit K2 Campus. The paint palette was created by using a forensic paint analysis.

On April 15, 2015, the Planning Commission held a public hearing and approved a modification of the existing conditional use permit for the site to align the regular school year to start concurrently with the public school year and to allow the middle school campus to have one start time of 8:00 a.m. at 1800 Elm Street.