



March 20, 2008

West Contra Costa Unified School District
Facilities Planning and Construction
Attn: William Savidge, District Engineering Officer
1300 Potrero Avenue
Richmond, CA 94804

RE: Comments on Notice of Preparation (NOP)/Initial Study: Construction and Renovation of the Castro Elementary School to Replace Portola Middle School Project

Dear Mr. Savidge:

Thank you for the opportunity to review the NOP/Initial Study referenced above. Based on our review, we believe that it fails to adequately document, analyze and disclose the project description and potential impacts of the project. Further, depending on the results of an adequate environmental analysis, it is possible that significant and unavoidable impacts may result.

General/Overall Comments:

Completeness of information. The initial study lacks the necessary factual information to make the determination whether a topic had potential significant impacts or not. Case in point, aesthetics was determined to cause a potentially significant impact, however, there were no specific analysis of bulk, mass, ridge lines, or photo simulations to verify the findings.

Information in the initial study is important in determining what is to be analyzed in the EIR. The District has chosen the tact to analyze most of the checklist items in an EIR without any upfront analysis in the initial study. This process, therefore, does not fully disclose to the public the true impact that is to be analyzed in the EIR.

Completeness of plans. The project description includes the “new construction” and renovations of existing structures. The plans, however, do not include the elevations, a detailed site plan, or a landscaping plan in the initial study. In order to adequately assess and analyze the project, an accurate site plan and elevations must be provided.

City Policies. The consultant did not consult the City’s General Plan (GP), the General Plan EIR or any other environmental documents approved by the City.

Initial Study:

Page 2: states environmental impacts of Portola School demolition or sale without demolition will be discussed on a programmatic level in the Environmental Impact Report (EIR). Vacation of the Portola School due to its existing hazardous condition, is the reason behind the relocation

of the Middle School to the Castro School site. This vacation is therefore a crucial part of the overall project being proposed by the School District. The project description in the EIR must therefore, include Portola closure and demolition, or other site disposition as part of the project. Pursuant to the California Environmental Quality Act (CEQA), an EIR shall analyze the comprehensive whole of a project, rather than the incremental pieces. The EIR must therefore analyze the potential for significant adverse environmental impacts that could be generated by either the demolition of, or the alternative of non-demolition of the Portola School at an EIR project level. Should the building be left in place, it could be an attractive nuisance to children and the homeless. There is the potential for vandalism, access by children or the homeless, broken windows, fire, trash accumulation, noxious weeds, and vermin. The environmental project description therefore needs to include information about how the building would be secured, and maintained to prevent it from becoming a nuisance. Both alternatives to either leave the building in place or demolish it need to be in the Initial Study and EIR project descriptions, and the EIR needs to analyze, and provide mitigation measures, if necessary, for both options.

The term “related project with independent utility” is used frequently throughout the document to refer to the Portola Middle School site. What does this term mean? What is its role in the CEQA process and what relationship does it play to the project site for CEQA purposes? Even though the action being taken on this site (closing the school) is exempt from CEQA, as stated in the paragraph above, future known actions (demolition, slope stabilization, etc.) are part of this project and should warrant project level analysis in this EIR. Page 28 of the Initial Study refers to “the project sites,” seemingly including Portola as a part of the project. *Laurel Heights Improvement Association v. U.C. Regents (1988)* (Laurel Heights I) speaks to project segmentation and sets the requirements for including environmental analysis of a related action in an EIR if: “(1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” The Initial Study has identified eight areas where “the closure of the buildings and campus [of Portola Middle School] from active use or any potential demolition does bear upon the topic.” These areas include: potentially seismically-induced ground failure, potential seismic shaking, potential soil erosion and loss of topsoil, fire risk, water quality and stormwater runoff, drainage patterns, noise impacts, and water supply. These areas, in addition to others where actions at Portola are identified as having potentially significant impact, warrant project level analysis of potential actions at the Portola Middle School site.

Page 2, The Initial Study identifies that the site “will be zoned Public/Semi-Public under the draft zoning ordinance.” The updated City of El Cerrito Zoning Ordinance became effective on March 5, 2008. In addition, the new zoning ordinance designated a portion of the site Public/Semi-Public (the Castro School portion), and a portion Parks and Recreation (the Castro Park portion).

Page 9 of the Initial Study states “the . . . Portola School site buildings could not be seismically upgraded and the site should be returned to a state that would have the least possible impact on slope stability.” Therefore, demolition or other stabilization of the building appears to be a real possibility, and as such must be fully analyzed at the project level in the EIR. In case of demolition or structural stabilization, the possibility of the presence of asbestos and other potentially hazardous materials used in the construction of the building needs to be fully analyzed, and if present, appropriate mitigations provided for, in the project EIR.

The project description reads as three parts 1) “primary” 2) “additional”, and 3) “potential” components.

Primary – the closure of the existing Castro Elementary School and campus from active use and the new construction and renovation of the existing Castro Elementary School and campus for use as a middle school.

Additional – The relocation of Castro Elementary School students to other District sites, and the closure of the Portola Middle School buildings and campus from active use.

Potential – The potential administrative act of adjusting elementary school attendance boundaries to accommodate the reassignment of Castro Elementary School students as noted above, if it is determined that an attendance boundary adjustment is necessary; and the potential temporary housing of Portola Middle School students, in the event that the Board decides to relocate the students prior to construction of the new middle school at the Castro site.

The Initial Study only provides information on the Primary component. If the “additional” and “potential” components of this initial study are studied, then the EIR must include the necessary reports and studies that will analyze each topic.

Page 9, first sentence of the second paragraph – The District, with the concurrence by the Division of State Architect, has determined that the existing Portola Middle School site is within an identified geo-hazard area. Need to cite source and refer the to the City’s Special Studies Map.

Page 9, last sentence of the second paragraph – Portola Middle School site buildings could not be seismically upgraded and the site should be returned to a state that would have the least possible impact on slope stability. Does this statement include building and/or slope stability repairs or what state (condition) would the site be left in? What is the “state”? It would seem that this action (potential site work acknowledged by the District as necessary) meets the criteria set forth in *Laurel Heights I (1988)* for inclusion of analysis in the EIR.

Page 11, 2nd full paragraph mentions other relocation alternatives to Castro. Those alternatives should be included in the alternatives analysis in the EIR.

Page 11, cites project phasing and details are still undecided. Those items should be part of the project description for this Initial Study, and must be finalized or listed as alternatives at the time of the publication of the draft EIR.

Page 11, It is stated that a student reassignment plan has not been developed at this time and that student reassignment will be addressed at a programmatic level in the EIR. (Page 12) Again, it would seem that student reassignment meets the criteria set forth in *Laurel Heights I (1988)* for analysis in the EIR. If it is analyzed at a programmatic level, will a project EIR be prepared when a student reassignment plan is finalized?

Page 11, The School District has acknowledged that “it is valuable to the District and community to consider the potential environmental impacts of building demolition.” In addition the EIR should include analysis of leaving the buildings in place. The action of closing the school is

exempt from CEQA, but as part of the Castro project, instead of a separate project, full environmental review is warranted.

Pages 12, and throughout the Initial Study: Portola Middle School is the “impetus” and sole reason for the proposed Castro project, and its potential demolition or stabilization must be fully analyzed in the EIR at the project level.

Page 12, refers to Figure 4 as a conceptual site plan for the new Middle school. This plan must be more defined at the draft EIR stage.

Page 12, 2nd to last paragraph states that closure of Castro School and relocation of those students to other sites is not expected to bring enrollment beyond existing capacity at other schools. However, research of other District schools revealed that Fall 2008 Kindergarten classes are already full, as follows:

Fairmount School – full, handing out over-enrollment letters for two classes
Harding School – close to full
Kensington School – full all four classes
Madera School – full, over-enrolled by 17
Stege School – full

Page 12, last bullet, discusses temporary housing for Portola students if they are relocated prior to construction of the new middle school at Castro, and that the EIR will only address the temporary situation on a programmatic level. This is not acceptable as the temporary site will have specific environmental impacts that may be significant, and require mitigation. Those impacts and mitigations need to be fully specified and provided to the public for review and comment as mandated by CEQA. A mere programmatic analysis will not comply with CEQA. If only a programmatic review is done in the EIR, a separate Supplemental or Subsequent draft and final EIR, and public comment periods will be needed before the temporary use can begin. That would add extra time and cost for the District. It would be much more efficient and cost effective to specifically and fully analyze the temporary use in the original EIR being done at this time.

Page 15, Figure 4 is unclear. It needs to define what the different shades of blue pertain to and it needs to show existing buildings to be removed.

Page 18, Table 2, Castro Park recreation facilities, mentions they are to remain and not be affected, other than proposed for joint-use by future middle school students. This potential change in use and its potential impacts on City recreation resources and facilities needs to be fully analyzed in the EIR, and mitigation provided for any impacts.

Page 19, Table 3, see comments above for page 12, 2nd to last paragraph. The information in this Table shows all schools listed as having enrollment within capacity in conflict with the kindergarten enrollment vs. capacity information provided above.

Page 20 shows City of El Cerrito required project approvals, but does not list City approval that is needed for a Stormwater Pollution Prevention Program.

Evaluation of Environmental Impacts:

Neither the Initial Study nor the NOP indicate that global warming related impacts will be analyzed in the EIR. With the passage of AB 32 and recent Attorney General opinions global warming impacts should be analyzed. The Association of Environmental Professionals has prepared a paper that suggests seven different approaches for addressing global warming in environmental documents.

- **Aesthetics**

Page 24, describes how plans are not defined enough for analysis of visual impacts. Therefore more defined plans are required at the EIR stage. However, the public is not being provided the opportunity at this NOP stage to understand and comment on the true potential impacts on visual resources, or most other impact areas, due to the lack of project definition. This is unacceptable at this stage in the environmental review process. There needs to be a specific project to be reviewed, analyzed, and commented on by the public during the Initial Study and NOP process. In addition, the analysis of potential visual impacts should include photo simulation studies done from appropriate vantage points. The City requests that we review those points with your environmental consultant, before they are finalized.

Page 24, bottom of the page - "Given the slopes of the project site and given the nature of the land use as a school facility, it is unlikely that the proposed project would have a substantial adverse effect on the scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings." There are no supporting data that equates schools as not having impacts to vistas. The analysis should be based on topographic elevations, building height and location, relationships to surrounding properties and clearly identifying the natural features or landmarks that are of value and worth preserving.

Page 25, loss of mature trees, the EIR needs to quantify all trees to be removed, including species, caliper, canopy, condition and location, and mitigate through appropriate replacement with trees on the City's approved tree list. Plans need to include a survey showing topography, existing structures, natural features, mature trees, and site boundaries.

Page 25, states outdoor lighting "would likely be shielded" to avoid off site glare. Use of light fixtures designed to minimize off site light and glare, as well as shields to mitigate negative impacts have been a given in California communities over at least the past 20 years, and it is certainly expected that those same up to date standards of mitigation would be used in El Cerrito. Therefore, lights need to be shielded if they cast glare, rather than "likely" being shielded.

- **Air Quality**

Page 27, "... The proposed project is consistent with the City of El Cerrito General Plan in that it does not change the land use on the project site." The City of El Cerrito General Plan and EIR were not referenced in the Bibliography. Need to incorporate GP policies in this study.

Page 27, second paragraph – "age of the on-site structures and the knowledge of potential building materials commonly used at the time of the construction, there is the potential for hazardous materials in existing building..." Need additional studies and reports to justify findings.

Page 27, prior to any grading activity the site needs to be assessed for the presence of radon in addition to the other substances noted.

Page 28, prior to demolition and/or remodeling of any existing buildings on either the Castro or Portola sites, such buildings need to be analyzed and mitigated if needed in the EIR, for the presence of asbestos in the buildings.

Page 28, states "The concentration of these pollutants is undetermined, as is the number of sensitive receptors expected in the area." The Initial Study should state how the EIR will determine these factors.

- **Biological Resources**

Page 30, (a, b and d) states that "While it is unlikely that the area proposed for site work contains biological resources, it is possible that Castro Park provides habitat areas for and/or special status species or other important biological resources, such as bats and raptors (migratory and local species such as the burrowing owl) which might potentially be affected by the proposed project." There is no evidence or study that would direct the EIR to study this area as possible habitat for any special status species.

Page 30, states it is possible that Castro Park provides natural habitat that might be affected by the project. Yet elsewhere the Initial Study states the Park is not part of the project and will not be disturbed. Which is true? If the park is to be disturbed, a phase 1 biological assessment should have been used by the Initial Study preparer to determine the potential for significant impacts, prior to EIR preparation.

Page 31, notes that the EIR will research potential conflicts between the project and any local policies or ordinances that protect biological resources. That research should have been done at the Initial Study phase to assist in framing the scope of work for the EIR.

Page 31, the Initial Study states that "the project site does not contain any on-site wetlands, marshes, and vernal pools" and therefore will have no impact on federally protected wetlands. No citation or supporting information is provided to support this claim.

Page 32, claims the project would modernize and demolish buildings that are potentially eligible for listing in the California and National Register of Historic Places. Yet the Initial Study provides little to no documentation to substantiate the significance of those buildings. Also, archeological resources are listed to be addressed in the EIR. However, a phase 1 archeological assessment should have been used by the Initial Study preparer to determine the need for phase 2 or 3 studies, and the potential for significant impacts, prior to EIR preparation.

- **Geology/Soils**

Page 34, the check list has impacts a)ii, a)iii and a)iv shown as potentially significant. That is inconsistent with the text that says they are insignificant and need no further discussion. The check list needs to be modified. Also this section of the Initial Study refers in several places to the Preliminary Geotechnical Engineering Investigation and the Geologic and Seismic Hazards

Assessment Report. Those documents need to be attached to the Initial Study so the public has the opportunity to review and comment on them, as the basis for the conclusions reached by the Initial Study.

Page 35, aiii) "soil liquefaction is considered very low, lateral spreading is considered very low, and dynamic compaction/seismic settlement is considered low." The determination, however is indicated as "potentially significant impact". The text does not support the determination.

Page 35, refers to Portola closure or demolition as not bearing relation to the topic of fault rupture and is considered less than significant. Consequently this will not be discussed further in the EIR. If Portola is not demolished, and the Hayward fault ruptures, there is the potential for a significant environmental impact related to building collapse. That needs to be further addressed in the EIR.

Page 36, second to last paragraph, "It is important to note that the design for the building and campus are only at a conceptual level at this time." Even though the project is at a conceptual level, the project should analyze known geological hazards.

- **Hazards & Hazardous Materials**

Page 39, c) cites possible soil contamination from "residual amounts of pesticides from row crop agriculture and previous termite control and residual lead based paint from exterior walls." In order to adequately assess soil contamination, a soils study must be conducted of the site. The site must be analyzed as it sits, along with potential for exposure of hazardous materials during demolition and construction.

Page 39, and elsewhere in the Initial Study describes former use of Castro site as being in row crops. The Study should provide documentation of how that was determined. Also naturally-occurring asbestos is cited for further evaluation. As noted above, asbestos and other potentially hazardous materials in any buildings on either Castro or Portola that are being rehabilitated, stabilized, or demolished, need to be analyzed and mitigated by the EIR process.

- **Hydrology**

Per the Public Works Director, the EIR should address storm water impacts from increased development on the site and additional impervious surface area. The entire site drains directly into the City's MS4. There is an existing 36" reinforced concrete pipe (RCP) running directly under the site.

Page 43, stormwater runoff section needs to mention the role, approval process, and requirements of the City of El Cerrito related to the Stormwater Pollution Prevention Program.

Page 43, conformance with the Regional Water Quality Control Board's stormwater runoff requirements is mandatory.

- **Land Use and Planning**

Page 44, b) as stated previously, the project site is zoned both Public/Semi-Public and Parks and Recreation under the adopted City of El Cerrito zoning ordinance.

Page 44, b) needs to cite in the Bibliography, consultation with the City's General Plan. Change "draft zoning ordinance" to adopted ordinance, effective March 5, 2008.

- **Noise**

Page 47, "Therefore, potential noise issues will be addressed in the EIR, including an evaluation of the proposed project to expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance..."

In order to assess noise impacts, the data must include existing noise levels, increases in the noise level due to the addition of students, and identify standards allowed for in the General Plan Policies.

The noise impacts of an enlarged student population utilizing outdoor areas should be analyzed in the EIR. In addition, impacts of the change in activities of outdoor spaces should also be analyzed. (e.g. More regular use of outdoor areas for middle school physical education.)

- **Public Services**

Page 51, the EIR should analyze the impacts of not only more frequent use, but more intensive use of the existing facilities at Castro Park and other nearby recreational facilities by middle school students rather than elementary students.

Page 51, the EIR should analyze the increased fire risk for the existing Portola School if the school remains abandoned for an undetermined period of time. This would be an attractive nuisance with a high fire risk. Currently, there is a fire alarm system in the school and a fire sprinkler system protecting portions of the campus. If the building is not demolished, these fire protections systems should be kept operational and in until the building is either reoccupied or demolished.

Page 51, the EIR should analyze the effects on emergency response. Currently, Castro School has a population of approximately 290 students. After the conversion there will be a student population of approximately 600 students. This is double the student population. Increased traffic congestion from the increase in the student population could have a significant impact on emergency response. If any traffic modifications are implemented, care must be exercised for emergency response in the impacted area. In addition, existing intersections with traffic signals or any newly proposed traffic signals should be required to have Emergency Vehicle Traffic Preemption Devices known as "Opticom" installed to reduce the impacts on emergency response.

Page 51, the EIR should analyze the potential for inadequate water supply during drought and emergency operations. This is a serious condition. However, it can be overcome by utilizing fire resistive construction techniques, fire sprinkler systems and full automatic fire alarm systems.

Page 51, the EIR should analyze the potential use of Castro School as an emergency shelter.

Page 51, the EIR should analyze the potential impact of the change in age of the increased student population in relation to the need for additional police services. This relates to incidents associated with middle school children. The following list shows just some of the things needing attention from a Portola incident list for 2007-2008:

- Student caught in teachers lounge on campus
- Student attempting to throw chair at coordinator
- Portables on fire
- Student stealing/fighting
- Numerous reports of students fighting

- **Traffic**

Page 53, mentions a traffic study will be prepared according to Contra Costa Transportation Authority (CCTA) procedures. The study must also be prepared pursuant to the requirements of the City of El Cerrito Transportation Engineer, as all potentially impacted public streets are within the jurisdiction of the City of El Cerrito. Also, it is mentioned that eight intersections will be studied. The City Engineer must concur with the number, location, and methodology for the study in the EIR of all streets and intersections.

Page 54, states that if temporary relocation of Portola students is appropriate, the traffic study can include a programmatic review of potential traffic and parking impacts related to the temporary site. That is incorrect. Even if temporary, such a project, housing hundreds of students and generating hundreds of daily vehicle trips, must be fully analyzed at a project level in the EIR. The site plan calls for a student drop-off on Donal Street. That is unacceptable to the City. Since the Castro site will be undergoing significant new construction, it must bring the drop off situation up to current standards of school design. Large, modern schools throughout the Bay Area and State that contain adequate on-site area, include on-site drop off drive through facilities to avoid parking and traffic congestion, vehicle movement conflicts, and potential accidents on public streets. The site plan shows several locations where an on-site drive through drop-off could be located, including in the existing landscaped setback in front of (south of) the existing building to remain on Donal, or in one of the two on-site parking lots abutting Donal. Or the site plan can be otherwise revised to include an on-site drop-off.

Page 54, The EIR will need to take into account revised attendance boundaries in order to accurately identify traffic patterns in the vicinity of the project site.

Page 54, there is currently no designated area for bus access or bus drop-off. These areas must be designated on the site plan to be evaluated as part of the EIR.

Per the Public Works Director, the following EIR scope items should be added to those described in the Initial Study dated February 2008.

- A. The EIR should evaluate access, circulation and safety of pedestrians, bicyclists, vehicles, transit and emergency vehicles on all arterial, collector and local roadways within the area bounded by Blake Street on the north, Elm Street on the west, Schmidt Lane on the south and Navellier Street on the east. This area includes the north-south roadways of Richmond, Everett, Norvell, Lawrence and Scott Streets as well as the east-west roadways of Potrero, Gladys, Donal, and Manila Avenues. The analysis for streets should include consideration of existing and proposed average daily traffic volumes, sight distance, width of streets, on-street parking, transit stops, loading zones, marked crosswalks and other traffic control and calming devices. Of special concern are walking routes to school, use of articulated buses by AC Transit, and conditions during special events.

- B. The transportation/traffic analysis should include intersection operations during the AM Peak and School/PM Peak periods at the following intersections, as a minimum:
1. Blake Street/Richmond Street (all-way stop)
 2. Potrero Avenue/Richmond Street (signal)
 3. Potrero Avenue/Navellier Street (two-way stop)
 4. Schmidt Lane/Richmond Street (all-way stop)
 5. Schmidt Lane/Navellier Street (all-way stop)
 6. Manila Avenue/Navellier Street (all-way stop)
 7. Donal Avenue/Navellier Street (all-way stop)
 8. Donal Avenue/Lawrence Street (all-way stop)
 9. Donal Avenue/Norvell Street (two-way stop)
 10. Donal Avenue/Richmond Street (two-way stop)
 11. Gladys Avenue/Navellier Street (two-way stop)
 12. Gladys Avenue/Lawrence Street (uncontrolled)
 13. Gladys Avenue/Norvell Street (two-way stop)
 14. Gladys Avenue/Richmond Street (two-way stop)
- C. The transportation/traffic analysis should include existing on-street parking occupancy and supply in the area around the school as indicated above. Any changes to the demand and supply of on-street parking should also be identified and evaluated. This should include proposed revisions to on-street parking restrictions.
- D. The impacts of additional traffic and parking on emergency vehicle access, in consideration of existing street widths, should be evaluated.
- E. The temporary impacts of construction on existing recreational facilities to remain on the project site should be fully evaluated in terms of noise, access and safety

- **Utilities**

Page 55, There are limited restroom facilities shown on the plans. Analyze how existing services will serve an event of 1000 individuals and what mitigations are proposed to deal with such an impact. Also, potential impact on such an event on local sewer lines should be thoroughly analyzed. Depending on where additional facilities are placed, the Stege Sanitary District may need to be consulted as their district encompasses a significant portion of the site.

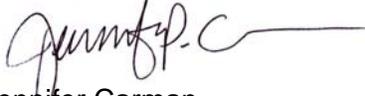
Page 55, notes that closure of Portola School does not bear upon wastewater and will not be discussed in the EIR. However, in the event of a landslide or seismic event, wastewater lines may rupture causing a release of hazardous materials if the sewage pipes are not capped. Therefore the EIR must analyze and mitigate for any significant impacts related to this.

Page 56, regarding drainage, as noted above, the City is a responsible agency for the Stormwater Pollution Prevention Program. Therefore drainage facilities must be designed to City standards, and analyzed in relation to that in the EIR. That is not mentioned in the Initial Study.

This project will impact on predominately single family neighborhoods surrounding the school. All impacts must be fully analyzed and mitigations provided in compliance with CEQA.

Again, thank you for the opportunity to review and comment on these environmental documents and for your consideration of the comments outlined in this letter. Please contact me should you have any questions. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Carman", with a long horizontal flourish extending to the right.

Jennifer Carman
Planning Manager