



To: Monterey Peninsula Unified School District Board of Trustees
From: PK Diffenbaugh, Ed.L.D., Superintendent
Ryan Altemeyer, Associate Superintendent of Business Services

Date: January 25, 2022

Re: Staff Report for January 25, 2022, Agenda Item 9B - Attendance Boundaries and Resulting Facilities Improvements Related to School Consolidations, and Approval of CEQA Notice of Exemption

This staff report is offered in support of the Board’s consideration of Agenda Item 9B, regarding the adoption of new attendance boundaries and resulting facilities improvements related to school consolidations. The report also addresses the background related to the California Environmental Quality Act (CEQA) and the exemption of the Project discussed below from further CEQA consideration.

Project Description

The District’s history of declining enrollment and the need for a sustainable operational budget has prompted a review in the utilization of the District’s 25 sites to identify opportunities for consolidation. The District’s School Reconfiguration and Consolidation Plan proposed to consolidate Foothill Elementary School and Highland Elementary School starting in the 2022-2023 school year. The plan recommended the creation of the Transitional Kindergarten through 8th grade schools at La Mesa and Monte Vista Elementary Schools, and the closure of Colton Middle School at the close of the 2022-2023 school year.

Following the Reconfiguration and Consolidation Plan, the district is evaluating and redrawing its school attendance boundaries for the 2022-2023 school year. In October 2021, the district held Town Hall meetings to present options for new attendance boundaries and gather community feedback from stakeholders. This item was discussed at the November 9, 2021 Board Retreat and the November 16, 2021 regular board meeting with a focus on public engagement and feedback on the draft attendance boundaries and facilities considerations related to school consolidations.

The Board will consider adopting the boundary adjustments to accomplish the Reconfiguration and Consolidation Plan (“Plan”), and to approve moving forward with preparation of plans for modernization and other facilities projects at the affected school sites in order to accomplish that Plan.

The Project

The Plan provides for consolidation of Foothill Elementary School and Highland Elementary School, and the closure of Colton Middle School. The consolidation will result in the transition of students and schools to different campuses and the vacancy of several District campuses.

Students at the former Foothill Elementary School will be moved in part to Monte Vista Elementary School and in part to La Mesa Elementary School. Students at the former Highland Elementary School will be moved in part to Del Rey Woods Elementary School and in part to King Elementary School. Both Monte Vista Elementary School and LA Mesa Elementary School will transition to TK-8.

The final eighth grade class of Colton Middle School will be moved to the former Monte Vista Elementary campus (“Monte Vista campus”), while Monte Vista Elementary School will be moved to the former Colton Middle School campus (“Colton campus”). As part of the consolidation, the Dual Language Academy of Monterey Peninsula (“DLAMP”) would move to the vacated Highland Elementary School campus before the start of the 2023-2024 school year.

Following the consolidation, the Monte Vista campus, the former DLAMP campus (“DLAMP campus”), and the Foothill campus will be vacant, and their future use will be discussed and decided at a future date, subject to all legal requirements applicable to the reuse or disposal of closed school sites.

These consolidations and the accompanying attendance boundary adjustments will necessitate future facilities projects at the various impacted schools to accommodate the changes in grade levels and programs. At this point in time, the Board is being asked to approve the facilities projects in concept, so that District staff and consultants can move forward to prepare designs. All specific facilities project plans related to the Plan and to the attendance boundary adjustments will be brought back to the Board for approval, and all related work will be approved in a transparent and public process. Nevertheless, because the facilities projects are an inherent part of carrying out the Plan and the boundary adjustments, those facilities projects are considered collectively here, and referred to collectively as the “Project.”

In total the Project will involve the following activities:

Adjustment of Boundaries

Attendance boundaries would be adjusted to effectuate the Plan, as identified in Attachment A.

Facilities Work

The activities at the campuses affected by the Plan and attendance boundaries change are each addressed below.

Colton Campus

- Monte Vista Elementary School (TK-6) will transition to TK – 8.

- In 2022-2023 Monte Vista Elementary School grades 1-7 would move to the Colton campus. TK/K grades would remain at the Monte Vista campus until the following school year, when they would be relocated to Colton campus.
- An existing two-classroom building at Colton campus would have interior work performed to convert it into a four-classroom building, and an existing classroom would be converted to TK use. Thus, a total of three existing classrooms would be converted into a total of five classrooms. The estimated cost for this work and the additional ADA compliance work described below is \$6.5 million.
- Three new age-appropriate play structures would be added to the existing playground/blacktop areas. The estimated cost for this work is \$1 million.
- The existing drop-off area and staff parking spaces will be reconfigured to more efficient and appropriate for younger students. The related work is estimated to cost \$500,000.
- As part of its work on the classroom reconfiguration, the Division of State Architect (DSA) will require addition of ADA accessibility work at the campus. This will include new lighted paths of travel, addition of a new elevator which provides access to the lower basketball court, and ADA-compliant drinking fountains, fences and rails. The cost of these improvements is included in the \$6.5 million total for the classroom configurations that is described above.
- Total cost of the Project related work at Colton is estimated to be \$8 million, which is inclusive of soft costs and site work.

Monte Vista Campus

- During 2022-2023 Monte Vista Elementary School TK/K, which is projected to be approximately 89 students, would remain at the Monte Vista campus. In 2023 – 2024 the students would transition to the Colton campus.
- During 2022-2023, the Colton Middle School 8th grade class, which is projected to be approximately 154 students, would move to Monte Vista campus for their last year of middle school as part of the phase-out plan.
- The total projected students at the Monte Vista campus during 2022-2023 is projected to be approximately 243 students.
- After 2022-2023, there would be no students at Monte Vista campus. Its future use would be discussed and decided at a future date, subject to all legal requirements applicable to the reuse or disposal of a closed school site.
- No work is scheduled for the Monte Vista campus.

Highland Campus

- At the end of 2021-2022 Highland Elementary School closes and students are zoned to neighboring schools.

- There will be no added classrooms.
- In 2023-2024 DLAMP moves from its current location to the Highland campus.
- An age appropriate play structure will be added to the Highland campus, as well as one new shade structure. Combined, the play structures and shade structures being added at the Highland, Del Rey Woods and Martin Luther King campuses have a total cost estimated of \$1 million.

DLAMP Campus

- DLAMP campus will be vacated after 2022-2023.
- Future use would be discussed and decided at a future date, subject to all legal requirements applicable to the reuse or disposal of a closed school site.
- No work is scheduled for the DLAMP campus.

Foothill Campus

- Foothill campus will be vacated after 2021-2022.
- Its future use would be discussed and decided at a future date, subject to all legal requirements applicable to the reuse or disposal of a closed school site.
- No work is scheduled for the Foothill campus.

La Mesa

- La Mesa Elementary School (TK-6) transitions to a TK-7 in 2022-2023 and TK-8 in 2023-2024.
- Three portable classrooms will be removed.
- 4 new modular classrooms will be added in summer/fall 2022, resulting in a net increase of one classroom.
- A restroom building will be added for students and staff.
- The total estimated cost for the Project related facilities work at La Mesa is \$2.8 million.

Del Rey Woods

- Students will be added from the Highland Elementary School.
- An age-appropriate play structure will be added to the campus, as well as one new outdoor shade structures. Combined, the play structures and shade structure being added at the Highland, Del Rey Woods and Martin Luther King campuses have a total cost estimate of \$1 million.

MLK

- Additional students will be added from Highland Elementary School.

- An age-appropriate play structure will be added to the campus, as well as one new outdoor shade structure. Combined, the play structures and shade structure being added at the Highland, Del Rey Woods and Martin Luther King campuses have a total cost estimate of \$1 million.

CEQA

As part of its consideration of the Project, District staff has consulted with District legal counsel and examined what, if any requirements apply under CEQA. The initial threshold consideration is whether the Project constitutes a “project” within the definition of CEQA; CEQA applies if the activity is a “project” under the statutory definition, unless the project is otherwise exempt. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1373 (“*San Lorenzo Valley Community Advocates*”).) The *San Lorenzo Valley Community Advocates* case confirms that a school closure and resulting adjustment of where students will attend school does in fact constitute a “project” within the meaning of CEQA.

Even if a Board decision constitutes a project for purposes of CEQA, that project may still be exempt from CEQA if it falls within any of a number of delineated statutory and regulatory exemptions. In the case of the Project, various exemptions apply so as to remove the Project from the requirements of CEQA. The District has taken into account the individual and the cumulative effects of each element of the Project, meaning that we have looked at the potential effects both on each affected school and District-wide under the Project as a whole.

When a project is exempt, a public agency *may* file a Notice of Exemption upon approving a project, although it is not legally required to do so. (Cal. Code Regs, tit. 14, §15062(a).) Staff recommends filing a Notice of Exemption in this instance to document and disclose the bases for determining that the Project is exempt. Upon approval of the Project by the Board, the Board is therefore asked to approve the filing of a Notice of Exemption pursuant to CEQA with the Monterey County Clerk to document these exemptions.

Statutory Exemption – Public Resources Code § 21080.18

While the Project fits within the definition of a “project” for CEQA purposes, the District must also consider whether it is exempt from CEQA under various statutory and regulatory exemptions. A statutory exemption exists under CEQA for “the closing of any public school in which kindergarten or any of grades 1 through 12 is maintained or the transfer of students from that public school to another school if the only physical changes involved are categorically exempt under Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Administrative Code.” (Pub. Resources Code § 21080.18.) The components of the Project that involve school closure and the transfer of students from one school campus to another therefore is statutorily exempt from CEQA, as long as the physical changes involved fall under delineated categorical exemptions set forth in CEQA’s regulations. These categorical exemptions are addressed below.

Categorical Exemptions

Before turning to the specific categorical exemptions that may apply to the Project, the District should also consider whether there exist any “unusual circumstances” that would result in a significant impact on the environment, and therefore be an exception to the application of a categorical exemption. (Cal. Code Regs., tit. 14, §15300.2(c).) There are no unusual circumstances present that distinguish this Project from the context of boundary adjustments typically implemented by school districts. In particular, there is “no evidence that the traffic, parking, or access problems . . . are unusual circumstances in the context of school consolidations.” (*San Lorenzo Valley Community Advocates, supra*, 139 Cal.App.4th at 1394, citing *Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243.)

Because each of the schools that will be receiving students from closed sites as part of the Project are substantially below their capacities and their prior student populations, and will remain so after implementation of the Project, traffic, drop off, parking and similar issues will remain at lower levels than previously existed at the school sites. The capacity and enrollment of the schools in question is discussed in more detail below regarding the “Class 14” categorical exemption.

To ensure that there are no unusual circumstances related to traffic, the District caused to be prepared a traffic analysis addressing the Project. That analysis was performed by Hexagon Transportation Consultants, Inc. (“Hexagon”). That analysis, which is attached as Attachment B, utilized a “vehicle miles traveled” or “VMT” methodology to examine whether unusual traffic impacts may result from the Project. This VMT methodology is consistent with what is now required under CEQA for traffic analysis. (Cal. Code Regs, tit. 14, §15064.3; Senate Bill 743.) District staff had already tentatively concluded that there would be a likely reduction in VMT as a result of the Project, because students will generally be traveling shorter distances to get to school after the adjustment of boundaries. Nevertheless, the traffic consultants were brought in to confirm that tentative conclusion. The District provided data to the consultant identifying the location of current students who will be moving to different schools.

As shown in the attached traffic analysis, Hexagon has confirmed that there will not be an increase VMT, and as a result, there are no significant transportation related impacts resulting from the Project. This confirms the absence of “unusual circumstances” that might otherwise impact the ability of the District to rely on the categorical exemptions discussed below.

Class 14 Categorical Exemption – Minor Additions to Schools

The CEQA Guidelines, found in title 14 of the California Code of Regulations, contains a number of categorical exemptions that exempt a project from CEQA analysis. These categorical exemptions are organized in the CEQA Guidelines by “class” numbers. One of the primary categorical exemptions applicable to schools, Class 14, involves minor additions to schools, defined as being “within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.” (Cal. Code Regs., tit. 14, §15314.) As explained in the *San Lorenzo Valley Community Advocates* case:

A school closure and accompanying transfer of students is exempt from CEQA so long as any resulting physical changes are categorically exempt. (§ 21080.18.) Minor additions to the receptor school are categorically exempt. (Guidelines, § 15314.) A minor addition is defined as the lesser of: (1) the addition of 10 or fewer classrooms; or (2) an increase in original student capacity of 25 percent or less. (*Ibid.*) In this context, original student capacity means the receptor school's preexisting physical ability to house students. (*San Lorenzo Valley Community Advocates, supra* 139 Cal.App.4th 1356, 1388.)

Reviewing each of the schools that will receive students from closing schools as a result of the Project confirms that the Class 14 categorical exemption applies, rendering the Project exempt from CEQA.

Initially, the District must determine how to calculate the “original” capacity of the affected schools. Consistent with the language quoted above from *San Lorenzo Valley Community Advocates*, the District has considered the receptor schools’ physical ability to house students as the capacity of the school. As a baseline, we have considered each affected school’s calculated capacity, its existing enrollment as an indication of the existing capacity, and data from the 2009-2010 school year. The 2009-2010 school year is used because it reflects one of the District’s highest enrollment totals. The total enrollment of the District at that time was 11,627; by comparison, the District’s enrollment as of the 2021-2022 school year is approximately 9,348. Under any of these baselines, the criteria of Class 14 are met. Data regarding the District’s capacity calculations for each school that was included in the School Consolidation & Realignment Study (January 12, 2021) is attached to this report as Attachment C. California Department of Education data regarding 2009-2010 enrollment is included as Attachment D. Existing enrollment is calculated as a “snapshot in time,” using enrollment figures as of September 2021, which are reflected in the Boundary Scenario Proposals presented to the Board on September 28, 2021.

La Mesa Elementary School

Foothill Elementary School, with a current enrollment of 198 students, and will be consolidated into La Mesa Elementary School and Monte Vista Elementary School.

La Mesa’s campus capacity is 663. Its current enrollment is 455 students. 2009-2010 enrollment was 547 students. Following the addition of its proportion of Foothill Elementary School students, La Mesa Elementary School’s projected enrollment would be 510 students. There would be no increase beyond the school’s original student capacity, regardless of which baseline is applied. The addition of the Foothill Elementary School students requires the following work to be done: demolition of three portable classrooms and the addition of four modular classrooms, with a net gain of one additional classroom, as well as the addition of a restroom building, an age appropriate playground structure, and one new shade structure. Based on this information, the categorical exemption applies to the consolidation of Foothill Elementary School students into La Mesa Elementary School.

Monte Vista Campus

As noted above, Monte Vista Elementary School will move to the Colton campus. For 2022 – 2023, Monte Vista Elementary School TK/K and the final 8th grade class of Colton Middle School will be at the Monte Vista campus.

Monte Vista's campus capacity is 498. Its current enrollment is 417. The school was not open in 2009-2010. The projected enrollment at Monte Vista campus is 243 students, comprised of 89 TK/K Monte Vista Elementary School students and 154 8th grade Colton Middle School students.

There would be no increase in the school's original student capacity as a result of the Project. Thus, the categorical exemption applies to the Monte Vista campus.

Del Rey Woods Elementary School

Highland Elementary School has a current enrollment of 277 students and will be consolidated into Del Rey Woods and King Elementary Schools.

Del Rey Woods has a capacity of 587. Its current enrollment is 357. In 2009-2010, its enrollment was 490 students. Following the addition of its portion of Highland students, Del Rey Woods' projected enrollment would be 515 students. This does not result in an increase of the school's original student capacity and there will be no classrooms built. An age-appropriate play structure and one shade structure will be added that will not increase capacity. Even using the 2009-2010 enrollment as the baseline, the increase in enrollment would only be approximately 5%, well under the 25% threshold of the Class 14 exemption.

Martin Luther King Elementary School

Martin Luther King Elementary (King) has a capacity of 987. Its current enrollment is 355 students. Enrollment in 2009-2010 was 756 students. Following the addition of its portion of Highland students, King's projected enrollment would be 646 students. No classrooms will be added, and the enrollment will be well under both the overall capacity of the school and the 2009-2010 enrollment of the school. An age-appropriate play structure and one shade structure will be added that will not increase capacity. Thus, the categorical exemption applies to the consolidation of Highland students into King.

Colton Campus

As noted above, 198 Foothill Elementary School students will be relocated in part to La Mesa Elementary School and in part to Monte Vista Elementary School, and Monte Vista Elementary School will move to the Colton campus. Colton's campus capacity is 889 and its current enrollment is 316. Its 2009-2010 enrollment was 806. Following the consolidation of Foothill, Monte Vista Elementary School's projected enrollment would be 469 students at the Colton campus. Enrollment will be well under both the overall capacity of the school and the 2009-2010 enrollment of the Colton campus.

All other work to be performed on campus as a result of the Project (reconfiguration of the student drop-off and faculty parking area, repaving and striping of the lower basketball court, and addition of ADA compliant elements such as lighted paths of travel, a new elevator to the lower basketball court, etc.) do not increase capacity.

Additional work to be completed at Colton campus is the remodel of three classrooms into five classrooms, with a net gain of two classrooms, well below the 10-classroom threshold under the Class 14 exemption. Based on this information, the categorical exemption applies to the consolidation of the Foothill students into Monte Vista Elementary School, and Monte Vista Elementary School’s move to the Colton campus.

Highland Campus

DLAMP has an enrollment of 292 students. In 2009-2010, its enrollment was 453 students. In the 2022-23 school year, the DLAMP students will be moved from the Marshall West campus to Highland Elementary School. Highland has a capacity of 598 students. This does not result in an increase of the school’s original student capacity. While an age-appropriate play structure and one shade structure will be added, there will be no classrooms built. Thus, the categorical exemption applies to this campus as well.

Conclusion on Minor Addition Exemption

Based on the above analysis related to the consolidation of schools, on both a school-by-school basis and cumulatively, the Project does not result in an increase in student capacity of more than 25%, or the addition of more than 10 classrooms. Because of the nature of the enrollment decline in the District over the past decade plus, ample capacity exists at District schools to accommodate students as a result of the boundary adjustments. In all, only a total of three classrooms are being added District-wide as a result of the Project. The Class 14 categorical exemption thus applies to the Project.

Class 1 Exemption - Existing Facilities

The Class 1 exemption “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” (Cal. Code Regs., tit. 14, § 15301.) The work to be performed as part of the Project, specifically including Colton, consists of repairs and minor alterations and improvements, primarily to the interior of classrooms, fitting squarely within the Class 1 exemption. As discussed above in relation to the Class 14 exemption, the Project involves only negligible expansion of classrooms, no increase in overall capacity, and the schools receiving students as a result of the attendance boundary change will continue to be operated as they were previously, as schools. The playground equipment and shade structures being added at Highland, Del Mar Woods and King, and the ADA compliance work at Colton campus, all fall into the category of minor alteration of existing structures.

Class 2 Exemption - Replacement or Reconstruction

The Class 2 exemption “consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced...” (Cal. Code Regs., tit. 14, § 15302.) The remodeling of classrooms at the Colton campus will allow for the continued use of the classrooms in the same location at which they were previously operated. To the extent that three existing portable classrooms will be demolished at the La Mesa campus and replaced with four modular classrooms and a restroom building, the structures in question are being replaced at the same general location and for the same general use, within the definition of the Class 2 exemption. The same is true for the play structures and shade structures being added to the sites as described above and the improvements to the lower basketball court at Colton campus.

Class 3 Exemption - New Construction or Conversion of Small Structures

The Class 3 exemption “consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” (Cal. Code Regs., tit. 14, § 15303.) The conversion of three classrooms into five at the Colton campus and replacement of three portable classrooms with four new modular classrooms and a restroom building at the La Mesa campus all involve conversion of existing buildings or small facilities, and in limited numbers, consistent with Class 3. The same is true for the play structures and shade structures being added to the sites as described above and the improvements to the lower basketball court at Colton.

Class 11 Exemption – Accessory Structures

The Class 11 exemption “consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities,” and includes examples such as “[s]mall parking lots.” (Cal. Code Regs., tit. 14, § 15311.) The work to be performed at La Mesa of adding a total of one new modular classroom involves a minor structure (the modular) being attached to an existing school. The same is true for the play equipment and shade structures being added to the Highlands, Del Rey Woods, King and Colton campuses. Addition of a new elevator to the lower basketball court at Colton is also a minor accessory structure. Finally, the reconfiguration of the student drop-off area and faculty parking at Colton campus, as well as the addition of ADA compliant measures such as lighted paths of travel, also meet the definition of the Class 11 exemption.

Class 22 Exemption - Educational or Training Programs Involving No Physical Changes

The Class 22 exemption “consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures.” (Cal. Code Regs., tit. 14, § 15322.) The exemption includes any “[c]hanges in the grade structure in a school

which do not result in changes in student transportation.” (Cal. Code Regs., tit. 14, § 15322, subd.(b).) The conversion of three classrooms into five at Colton campus will involve interior changes, intended to accommodate the District’s educational programs. While travel to particular schools by particular students will change as a result of the Project due to the boundary changes, as discussed above, the traffic analysis performed by Hexagon confirms that there will not be an increase in vehicle miles traveled.

“Common Sense” Exemption

The common sense exemption “applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” (Cal. Code Regs., tit. 14, § 15061, subd. (b)(3).) The Board previously voted to close Foothill and Highland, and to phase out Colton Middle School, with a plan to relocate Monta Vista Elementary School to the Colton campus. Significant declining enrollment necessitates that the District consolidate its schools, with accompanying attendance boundary changes and grade re-configurations. The students from the closed schools would be consolidated into new schools without increasing school capacity or necessitating the construction of a substantial number of new classrooms. The consolidation would result in less vehicle miles travelled by students. Additionally, any facilities work resulting from the Project will not increase the footprint of any of the existing school sites. Particularly because each of the schools that will be receiving students are already populated and in use as schools, there are no known environmentally sensitive elements present at the school sites. Based on this information, the common sense exemption also applies.

Recommendation

Staff recommends that the Board approve the Project, and that based on the information above, the Board approve the filing of a Notice of Exemption in substantially the form set forth in Attachment E to this report.