

# NOTICE OF EXEMPTION

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814  
  
 County Clerk, Riverside  
2724 Gateway Drive  
Riverside, CA 92507

From: Desert Sands Unified School District  
47-950 Dune Palms Road  
La Quinta, CA 92253

Andrew Jackson Elementary School Relocatable Classrooms and Site Work Project  
Project Title

82-850 Kenner Avenue  
Project Location - Specific

Indio  
Project Location - City

Riverside  
Project Location - County

The Desert Sands Unified School District proposes construction of six new relocatable classrooms and one new relocatable restroom facility to accommodate projected enrollment growth at Andrew Jackson Elementary School. The new classrooms and restroom facility would be constructed in two areas currently occupied by turf immediately south of the school's northern parking lot. All proposed utilities and systems would be connected to the campus's existing facilities. The Project would not change the existing school's operations as a public elementary school. The Project would increase the existing enrollment capacity by 18.5 percent, from 778 to 922 seats.

Description of Nature, Purpose, and Beneficiaries of Project

Desert Sands Unified School District  
Name of Public Agency Approving Project

Desert Sands Unified School District  
Name of Person or Agency Carrying Out Project

Exempt Status: (check one)

Categorical Exemption: CEQA Guidelines §15304 (Class 4, Minor Alterations to Land); §15314 (Class 14 Minor Additions to Schools)

None of the exceptions listed under CEQA Guidelines §15300.2 apply to the Project.  
Reasons why project is exempt

Patrick Cisneros  
Lead Agency Contact Person

(760) 771-8520  
Area Code/Telephone/Extension

If filed by applicant:

1. Attach certified document of exemption findings

2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: 

Date: 6/7/23

Title: DIRECTOR, FACILITIES SERVICES

Signed by Lead Agency  Signed by Applicant

**FILED / POSTED**

County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder

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06/08/2023 10:03 AM Fee: \$ 50.00  
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# CATEGORICAL EXEMPTION EVALUATION REPORT

## Andrew Jackson Elementary School Relocatable Classrooms and Site Work Project June 2023

This Categorical Exemption Evaluation Report (CE Evaluation) documents the eligibility of the Desert Sands Unified School District's (District) proposed relocatable classrooms and site work project at Andrew Jackson Elementary School (Project) to be exempt from expanded environmental review pursuant to the California Environmental Quality Act (CEQA), under California Public Resources Code Section 21084 and California Code of Regulations, Title 14, CEQA Guidelines Sections 15061(b)(2) and 15300 et seq.

### 1. Location

The Project is proposed at Andrew Jackson Elementary School, located at 82-850 Kenner Avenue in the City of Indio (City), Riverside County. The school is located on Assessor's Parcel Number 610230003 and is west of Jackson Street, north of Kenner Avenue, and east of Towne Street.<sup>1</sup> Regional access is via Interstate 10, approximately 0.2 miles to the north and east of the school, and State Route (SR) 111, approximately 0.6 miles to the south and west. The Project would affect an approximately 0.3-acre area (Project site) in the northern portion of the approximately 10-acre campus. Figure 1, *Local/Regional Vicinity and Locations of Proposed Improvements*, shows the location of the Project site.

### 2. Existing Setting

#### Existing Uses

Andrew Jackson Elementary School is a traditional public elementary school for kindergarten through fifth-grade students and has an enrollment capacity of 778 seats. During the 2022-23 school year, 748 students were enrolled, which represents the highest school enrollment over the last ten years. The lowest enrollment over the last ten years occurred in 2017-18 with 606 students.<sup>2</sup>

The campus is approximately 10 feet above mean sea level.<sup>3</sup> As shown in Figure 1, the western two-thirds of the campus is developed with school facilities; most of the permanent buildings are clustered near the center. The school's hardscape play areas, including basketball courts and playgrounds, and natural turf fields are east of the buildings, on the eastern third. Relocatable classroom buildings and shade structures are in the northwestern corner of campus. A chain-link fence surrounds the perimeter of the campus.

Passenger loading occurs on-site, off of Kenner Avenue and Towne Street, at a paved lot in the southwestern corner of the campus; off of Kenner Avenue in the southeast portion of the campus; and off Towne Street in the northwest portion. Parking is available at the southwestern parking lot and at a paved lot along the northern perimeter of the campus.

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<sup>1</sup> County of Riverside Assessor-County Clerk-Recorder, RivCoView, accessed May 23, 2023, <https://rivcoview.rivcoacr.org/#/Property-Search>.

<sup>2</sup> California Department of Education, DataQuest, accessed May 2, 2023, <https://dq.cde.ca.gov/dataquest>.

<sup>3</sup> United States Geological Survey, Indio Quadrangle, California – Riverside County, 7.5-Minute Series, 2021, accessed May 25, 2023, [https://ngmdb.usgs.gov/ht-bin/tv\\_browse.pl?id=5dc079ad22e7b23ec3f29d64b2ffed27](https://ngmdb.usgs.gov/ht-bin/tv_browse.pl?id=5dc079ad22e7b23ec3f29d64b2ffed27).

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The Project site comprises two areas of natural turf, immediately south of the northern parking lot. This area was previously occupied by several relocatable school buildings that have since been removed. No trees are located within the Project site.

### Surrounding Land Uses

As shown in Figure 1, residential uses are west and south of Andrew Jackson Elementary School, across Kenner Avenue and Towne Street, respectively. North Jackson Park is adjacent to the north of the school, and Whitewater River is located farther north. A commercial office building is adjacent to the northeast and east, and vacant land is southeast. Land farther east, across Jackson Street, is primarily vacant with the exception of a residence and commercial business.

The Project site is bordered by the school's northern parking lot to the north, hardscape basketball courts to the east, and a turf courtyard and permanent school buildings to the south. West of the Project site is a driveway that provides access to the northern parking lot.

### Land Use and Zoning

The Project site is zoned Public and Institutional (PI) by the City of Indio.<sup>4</sup> According to the City of Indio General Plan 2040, the campus has a Public/Institutional land use designation, which reserves areas for public, educational, and institutional uses. Permitted land uses include libraries, community centers, senior centers, police stations, fire stations, corporate yards, public and private schools, higher educational facilities, drainage facilities, public/private recreational facilities, and other similar uses.<sup>5</sup>

## 3. Project Description

### Project Characteristics

The District proposes construction of six relocatable classrooms and one relocatable boys and girls restroom facility to accommodate projected enrollment growth at Andrew Jackson Elementary School. Each classroom building would be rectangular and approximately 850 square feet, and the restroom facility would be 400 square feet. As shown in Figure 1, access to the five western classrooms would be from the south. The sixth classroom would face west, toward an existing walkway, and the restroom facility would face east, toward the playground.

The utilities and systems for the new classrooms and restroom, including potable water, sewer, electricity, fire, and communications, would be connected to the campus's existing facilities. No new connections would be made to off-site infrastructure.

All improvements would comply with the 2022 Title 24 California Building Standards Code (CBSC), which includes the Building Code (Part 2), Fire Code (Part 9), Energy Code (Part 6), and CALGreen Code (Part 11), as well as with District standards and the Americans with Disabilities Act (ADA).

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<sup>4</sup> City of Indio, Zoning 2022/General Plan Map, accessed May 23, 2023, <https://www.indio.org/departments/community-development-department/gis-map>.

<sup>5</sup> City of Indio, 2019, General Plan 2040, Chapter 3 – Land Use and Urban Design, <https://www.indio.org/home/showpublisheddocument/3321/638053330127130000>.

## Operation

The Project would not change Andrew Jackson Elementary School's existing operations as a public elementary school. The proposed classrooms would provide additional seating capacity to support existing school programs and needs. The Project would increase the school's existing classroom count by six classrooms, which corresponds to an increased enrollment capacity of 144 seats, based on the District's classroom loading standard of 24 seats.

## Construction

Project implementation would entail site preparation, grading, construction, and paving. Construction would begin on June 26, 2023, and end on August 15, 2023.

## Construction Best Management Practices (BMP) and Regulatory Compliance

Construction staging for vehicles and equipment would occur on-site in the northern parking lot. The construction site and staging and storage areas would be fenced and gated to limit trespassing and vandalism. They would be fenced with green screening, and fiber rolls would be placed along the interior perimeter of the fenced areas. All existing storm drain inlets would be protected, and driveways providing construction access would be stabilized and installed with a tire wash.

No trees are located within the construction area. To avoid potential direct and/or indirect impacts to active bird nests and/or nesting birds that may occur in the surrounding area, and in compliance with the federal Migratory Bird Treaty Act and California Fish and Game Code, the District will conduct preconstruction clearance surveys as a BMP, prior to ground disturbance or vegetation removal activities, as follows:

**Migratory Bird Treaty Act/California Fish and Game Code Preconstruction Clearance Surveys** – In compliance with the Migratory Bird Treaty Act and California Fish and Game Code, if Project-related activities are initiated during bird nesting season (February 15 to August 31), the District and/or its construction contractor shall retain a qualified biologist to conduct a preconstruction nesting bird clearance survey no more than three days prior to the start of any vegetation removal or ground-disturbing activities. The qualified biologist shall survey all trees within 50 feet of the construction area. If no active bird nests are detected during the clearance survey, Project construction activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a "no-disturbance" buffer shall be established around the active nest. The size of the no-disturbance buffer shall be increased or decreased based on the judgment of the qualified biologist and level of activity and sensitivity of the species. The qualified biologist shall periodically monitor any active bird nests identified to determine if Project-related activities occurring outside the no-disturbance buffer disturb the birds and if the buffer needs to be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, Project activities within the no-disturbance buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.

Project construction may have the potential to release pollution into the air and waterways. To minimize potential Project effects on air quality, the Project would be subject to rules and regulations enforced by the South Coast Air Quality Management District (SCAQMD), including the following:

**Rule 402 (Nuisance)** – This rule prohibits the discharge “from any source whatsoever in such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.” This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

**Rule 403 (Fugitive Dust)** – This rule requires fugitive dust sources to implement best available control measures for all sources and prohibits all forms of visible particulate matter (PM) from crossing any property line. This rule is intended to reduce coarse PM (PM<sub>10</sub>) emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. Potential PM<sub>10</sub> suppression techniques are summarized below.

- Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
- All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
- All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
- Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.

**Rule 1113 (Architectural Coatings)** – This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce reactive organic gas (ROG) emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories.

#### 4. Applicability of Categorical Exemption

The CEQA Guidelines identify classes of projects that have been determined to not have a significant effect on the environment and that can be categorically exempt from extended environmental review. As discussed below, the Project qualifies for a categorical exemption under Classes 4 and 14.

**Class 4, Minor Alterations to Land.** Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. (CEQA Guidelines §15304)

The proposed improvements would disturb on-site soils and vegetation. All areas disturbed by the Project would be restored with new hardscape and buildings to minimize erosion and to allow for continued school operations. No trees would be removed by the Project. Therefore, the Project complies with CEQA Guidelines §15304.

**Class 14, Minor Additions to School.** Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25 percent or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption. (CEQA Guidelines §15314)

The Project would add a total of six classrooms to the existing campus, which represents an increase of 18.5 percent of the current student capacity of 778. Therefore, the Project complies with CEQA Guidelines §15314.

## 5. Exceptions to Categorical Exemptions

CEQA Guidelines Section 15300.2, Exceptions, lists conditions under which categorical exemptions are inapplicable. The discussion below addresses whether these conditions apply.

### a. Location

Section 15300.2(a) of the CEQA Guidelines states that Classes 3, 4, 5, 6, and 11 are qualified by consideration of whether a project is located in a uniquely sensitive environment of hazardous or critical concern that has been designated, precisely mapped, or officially adopted pursuant to federal, state, or local laws, i.e., the project that would ordinarily be insignificant may in that particularly sensitive environment be significant.

Andrew Jackson Elementary School is mapped within an area subject to land subsidence due to groundwater pumping.<sup>6</sup> Additionally, the Final Environmental Impact Report for the General Plan 2040 maps the school as being within an area with a moderate risk for ground shaking and a moderate risk for liquefaction.<sup>7</sup> A Geotechnical Report will be prepared for the proposed Project to ensure that appropriate engineering requirements are implemented in compliance with the 2022 CBSC, which would ensure that potential impacts associated with geologic hazards, including liquefaction, would be mitigated by design and construction and therefore would be less than significant.

The Final Environmental Impact Report for the General Plan 2040 maps most of the City, including Andrew Jackson Elementary School, as being within an area with a high potential to contain sensitive paleontological resources.<sup>8</sup> Given the nature of the proposed improvements, i.e., minimal ground disturbance for the installation of the relocatable buildings and utilities and in an area that was previously occupied by several relocatable school buildings, the potential to discover paleontological resources is very low.

The Project site is not within any additional areas of unique sensitive environments of hazardous or critical concern—including agricultural resources, biological resources, cultural and historic resources, flooding hazards, mineral resources, noise hazards, or wildfire hazards—mapped and/or designated by federal, state, or local agencies.<sup>9</sup> This exception does not apply to the Project.

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<sup>6</sup> City of Indio, 2019, General Plan 2040, Chapter 10: Safety.

<sup>7</sup> Rincon Consultants, Inc., 2019, Final Environmental Impact Report for the City of Indio General Plan Update – Geology and Soils, <https://www.indio.org/home/showpublisheddocument/3681/638174340014770000>.

<sup>8</sup> Ibid.

<sup>9</sup> Rincon Consultants, Inc., 2019, Final Environmental Impact Report for the City of Indio General Plan Update; City of Indio, 2019, General Plan 2040; Federal Emergency Management Agency, National Flood Insurance Program, 2018, Flood Insurance Rate Map, Map Number 06065C2252H.

b. Cumulative Impact

Exemptions are inapplicable when there is a significant cumulative impact of “successive projects of the same type in the same place, over time (§15300.2(b)).”

Other than the proposed Project, the District has no plans to implement any other improvements at Andrew Jackson Elementary School during summer 2023, and there are also no other foreseeable projects at the campus. Therefore, the Project would not overlap with other projects of the same type in the same place and would not result in cumulatively considerable environmental effects. This exception does not apply to the Project.

c. Significant Effects

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The determination of whether this exception applies involves two distinct questions: (1) whether the project presents unusual circumstances, and (2) whether there is a reasonable possibility that a significant environmental impact will result from the unusual circumstances. The lead agency considers the second prong of this test only if it finds that some circumstance of the project is unusual.<sup>10</sup>

The Project would not present unusual circumstances or special environmental constraints during Project planning, construction, or operation that may lead to a significant impact. The existing school has operated since 1980. The Project would provide additional capacity to support the school’s existing operations and programs. The Project would comply with all applicable California laws and regulations. Construction methods would be typical for school facilities and would comply with standard practices for public school facilities, including the current CBSC and ADA. The Project would also comply with applicable water quality and air emissions rules and standards and would implement BMPs required during construction. Therefore, this exception does not apply to the Project.

d. Scenic Highways

A categorical exemption cannot be used for a project that may damage scenic resources—including but not limited to trees, historic buildings, rock outcroppings, or similar resources—within an officially designated state scenic highway. The closest officially designated state scenic highway is a segment of SR 74, approximately 11.7 miles southwest of the Andrew Jackson Elementary School, near the Santa Rosa and San Jacinto Mountains National Monument Visitor Center.<sup>11</sup> Due to the distance, Project implementation would not have the ability to devalue the highway. This exception does not apply to the Project.

e. Hazardous Waste Sites

Subsection 15300.2 of the CEQA Guidelines states that a categorical exemption shall not be used for a project on a site that is on any list compiled pursuant to Section 65962.5 of the California Government Code. Section 65962.5 specifies lists of hazardous materials sites: hazardous waste facilities; hazardous waste discharges for which the State Water Resources Control Board (SWRCB) has issued certain types of orders; public drinking water wells containing detectable levels of organic contaminants; underground

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<sup>10</sup> *Berkeley Hillside Preservation v City of Berkeley* (2015) 60 C4th 1086, 1104.

<sup>11</sup> ArcGIS, California Scenic Highways, accessed May 24, 2023, <https://www.arcgis.com/home/item.html?id=f0259b1ad0fe4093a5604c9b838a486a>.

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storage tanks with reported unauthorized releases; and solid waste disposal facilities from which hazardous waste has migrated.

To determine if the Project site is on a list compiled by Section 65962.5, the following data resources, also known as the Cortese list, were examined for the Andrew Jackson Elementary School campus:

- List of Hazardous Waste and Substances sites from the California Department of Toxic Substances Control (DTSC) online EnviroStor database<sup>12</sup>
- List of leaking underground storage tank sites from the SWRCB online GeoTracker database<sup>13</sup>
- California Environmental Protection Agency:<sup>14</sup>
  - List of solid waste disposal sites identified by the SWRCB with waste constituents above hazardous waste levels outside the waste management unit
  - List of “active” Cease and Desist Orders and Cleanup and Abatement Orders from the SWRCB
  - List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC

A computer search of the databases above did not identify the campus as being listed on a hazardous materials/waste site, pursuant to Section 65962.5 of the California Government Code. Therefore, this exception does not apply to the proposed Project.

#### f. Historic Resources

A categorical exemption cannot be used for a project that may cause a substantial adverse change in the significance of a historical resource, as specified in Public Resources Code Section 21084.1, which defines a resource as one listed in or determined to be eligible for listing in the California Register of Historical Resources and local register of historical resources. Andrew Jackson Elementary School is not listed on the National Register of Historic Places, California Historical Resources, California Historical Landmarks, or California Office of Historic Preservation’s Built Environment Resource Directory.<sup>15</sup> Additionally, the school is not listed in the City’s list of historic buildings.<sup>16</sup> Therefore, this exception does not apply to the proposed Project.

## 6. Conclusion

As documented herein, the proposed Project meets the requirements of Categorical Exemption Class 4, *Minor Alterations to Land*, and Class 14, *Minor Additions to Schools*, and none of the conditions listed in

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<sup>12</sup> Department of Toxic Substances Control, EnviroStor, accessed May 23, 2023, <https://www.envirostor.dtsc.ca.gov/public/>.

<sup>13</sup> California State Water Resources Control Board, GeoTracker, accessed May 23, 2023, <https://geotracker.waterboards.ca.gov/>.

<sup>14</sup> California Environmental Protection Agency, Cortese List Data Resources, accessed May 23, 2023, <https://calepa.ca.gov/sitecleanup/corteselist/>.

<sup>15</sup> National Park Services, National Register of Historic Places, accessed May 24, 2023, <https://www.nps.gov/subjects/nationalregister/database-research.htm#table>; Office of Historic Preservation, California Historical Resources, accessed May 24, 2023, <https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=19>; Office of Historic Preservation, California Historical Landmarks, accessed May 24, 2023, [https://ohp.parks.ca.gov/?page\\_id=21387](https://ohp.parks.ca.gov/?page_id=21387); Office of Historic Preservation, Built Environment Resource Directory, accessed May 24, 2023, [https://ohp.parks.ca.gov/?page\\_id=30338](https://ohp.parks.ca.gov/?page_id=30338).

<sup>16</sup> Kevin Snyder, AICP, Community Development Director at the City of Indio, via email to Milena LaBarbiera, Environmental Planner, Michael Baker International, May 24, 2023.







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CEQA Guidelines Section 15300.2, *Exceptions*, apply. Accordingly, the Project is exempt from extended environmental review in accordance with the provisions of CEQA.



**Legend**

-  Andrew Jackson Elementary School
-  Project Site
-  Proposed Relocatable Classrooms
-  Proposed Relocatable Restroom