

## Notice of Exemption

Appendix E

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: Solano

675 Texas St # 2700

Fairfield, CA 94533

From: (Public Agency): Vacaville Unified School District  
401 Nut Tree Road  
Vacaville, CA 95687

(Address)

# FILED

Project Title: Vaca Pena Middle School Modernization Project

Project Applicant: Vacaville Unified School District

MAY - 5 2022

Project Location - Specific:

Vaca Pena Middle School, 200 Keith Way

Bill Emien, Clerk of the  
Board of Supervisors of  
the County of Solano,  
State of California

Project Location - City: Vacaville

Project Location - County:

Deputy  
Solano

Description of Nature, Purpose and Beneficiaries of Project:

The Project includes upgrades to classroom technology and infrastructure, conversion of a classroom to counsellor offices, conversion of an administrative counsellor office into a conference room, new outdoor shade structures, and path of travel improvements adhering to DSA requirements.

Name of Public Agency Approving Project: Vacaville Unified School District

Name of Person or Agency Carrying Out Project: Vacaville Unified School District

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 1, 3, 11, 14 (15301, 15303, 15311, 15314)
- ☐ Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Project qualifies under a class of projects which have been determined in the CEQA Guidelines as not to have a significant effect on the environment and which may be exempted. Environmental review did not identify any significant effects that would occur from the Project, and the exceptions listed in Section 15300.2 of the CEQA Guidelines were found not to apply to the Project.

Lead Agency

Contact Person: Daniel Banowetz

Area Code/Telephone/Extension: (707) 453-6139

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ■ Yes No

Signature: Kelly Emien

Date: 4/29/2022

Title: Asst Supt of Business

■ Signed by Lead Agency

Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

Document Posted From

05/05/22 to \_\_\_\_\_

Revised 2011

Deputy Clerk of the Board



# Memorandum

25 March 2022

<b>To</b>	Daniel Banowetz, Vacaville Unified School District		
<b>From</b>	Sam Moose & Brian Bacciarini	<b>Tel</b>	(707) 523-1010
<b>Subject</b>	Vaca Peña Middle School Modernization Project - Review for CEQA Exemption	<b>Project no.</b>	12568468

## 1. Introduction

GHD has performed a California Environmental Quality Act (CEQA) compliance review for the Vacaville Unified School District's Vaca Peña Middle School Modernization Project (Project). This memorandum provides a brief description of the Project, summarizes the CEQA exemption that the Project qualifies for, and reports the findings of supporting documentation.

## 2. Project Background

The Project includes upgrades to classroom technology and infrastructure, conversion of a classroom to counsellor offices, conversion of an administrative counsellor office into a conference room, new outdoor shade structures, and path of travel improvements adhering to DSA requirements. The improvements will occur entirely within the existing school campus at 200 Keith Way in the City of Vacaville. The updated classroom technology will occur throughout the campus with small interior modifications to existing buildings. The existing classroom to be transformed into counsellor offices will provide approximately three new offices, a waiting area, a reception area, and a conference room. The shade structures will be installed near two buildings, one being approximately 24 feet wide by 20 feet long and the second approximately 15 feet wide by 30 feet long. Existing paths of travel will be improved from a school parking lot and within the school to improve access to buildings.

## 3. Review for CEQA Exemption

The Project was reviewed relative to the CEQA Guidelines to determine if it qualifies under a class of projects that has been determined not to have a significant effect on the environment and which may be exempted. The Project meets the criteria for a combination of Class 1, Class 3, Class 11, and Class 14 Categorical Exemptions, which are described below.

### **CEQA Guidelines Section 15301: Existing Facilities**

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible, or no expansion of existing or former use. The Project would meet the criteria for the Class 1 exemption, as the Project would improve existing pathways for accessibility and reconfigure existing school buildings.

### **CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures**

Class 3 consists of construction and location of limited numbers of small new 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. The Project meets the criteria for the Class 3 exemption, as the Project includes conversion of a classroom to counsellor offices, conversion of an administrative counsellor office into a conference room, and installation of small new outdoor shade structures.

#### **CEQA Guidelines Section 15311: Accessory Structures**

Class 11 consists of construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities. The Project meets the criteria for the Class 11 exemption, as the Project adds two small accessory shade structures at the school.

#### **CEQA Guidelines Section 15314: Minor Additions to Schools**

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% or ten classrooms, whichever is less. The Project meets the criteria for the Class 14 exemption, as the Project involves minor additions entirely within existing grounds of Vaca Peña Middle School that do not increase student capacity.

### **3.1 CEQA Guidelines Section 15300.2 Exceptions**

Section 15300.2 of the CEQA Guidelines includes a list of circumstances in which a Categorical Exemption cannot be used, including the following:

- a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where a project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, Classes 3, 4, 5, 6, and 11 are considered to apply in all instances, except where a project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b) Cumulative Impact. All Classes of exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant.
- c) Significant Effect. The CEQA Guidelines state that 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.
- d) Scenic Highways. The CEQA Guidelines state that a Categorical Exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.
- e) Hazardous Waste Sites. The CEQA Guidelines state that a Categorical Exemption shall not be used for a project located on a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f) Historical Resources. The CEQA Guidelines state that a Categorical Exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

As part of this review for exemption, GHD evaluated the Project against each of the applicable exceptions, summarized below.

#### **Exception 15300.2 (a) - Location**

CEQA Guidelines Section 15300.2(a) specifies that certain classes of exemptions are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The 15300.2(a) exception is not



applicable to Class 1 and Class 14 Categorical Exemptions. However, the exception does apply to the Class 3 and Class 11 Categorical Exemptions, if a project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The Project is located within a previously developed area and entirely within the existing grounds of Vaca Peña Middle School. No such areas, such as an Alquist-Priolo Earthquake Fault zone, Federal Emergency Management Agency flood hazard zone, or critical habitat pursuant to the federal Endangered Species Act, are known to occur at the Project site. Based on the review, the Section 15300.2(a) exception does not apply to the Project.

#### **Exception 15300.2 (b) - Cumulative Impact**

CEQA Guidelines Section 15300.2(b) specifies that a Categorical Exemption shall not be used when the cumulative impact of successive projects of the same type in the same place over time is significant. Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines Section 15355).

A search was undertaken to identify reasonably foreseeable cumulative projects that may have overlapping or cumulative impacts with the Project. Efforts to identify cumulative projects included review of ongoing and planned projects within the City of Vacaville, including capital improvement projects and development projects. No additional projects are ongoing or planned at the school campus, and no off-site cumulative projects were identified in the vicinity of the school. Based on the review, the Section 15300.2(b) exception does not apply to the Project.

#### **Exception 15300.2 (c) - Significant Effect from Unusual Circumstances**

CEQA Guidelines Section 15300.2(c) specifies that 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 Project is consistent with exempt classes of projects (Class 1, Class 3, Class 11, and Class 14) and does not include a feature that distinguishes it from others in the exempt classes, such as size or location. Construction, alteration, and demolition are common features within the exempt class of projects. The Project would not increase student capacity at the school. The environment within the Project area is not unusually sensitive: no occurrences of special-status plant or wildlife species have been recorded on the Project site (CNDDB 2022, USFWS 2022), and no habitat for such species is present at the school. No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan exists for the Project area. No unusual circumstances have been identified. Based on the review, the Section 15300.2(c) exception is not applicable to the Project.

#### **Exception 15300.2 (d) - Scenic Highways**

CEQA Guidelines Section 15300.2(d) specifies that a Categorical Exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State scenic highway. There are no officially designated State scenic highways in the Project area (Caltrans 2022). Therefore, the exception under Section 15300.2(d) is not applicable to the Project.

#### **Exception 15300.2 (e) - Hazardous Waste Sites**

CEQA Guidelines Section 15300.2(e) specifies that a Categorical Exemption shall not be used for a project located on a site which is included on a list compiled pursuant to Section 65962.5 of the Government Code. To determine if any portion of the Project would be located on such a list, GHD reviewed the online data resources that provide information on facilities or sites pursuant to Section 65962.5, as well as relevant reports to any listed hazardous waste sites. These include:



- Department of Toxic Substances Control EnviroStor database;
- List of Leaking Underground Storage Tank Sites from the Water Board GeoTracker database;
- List of solid waste disposal sites identified by the Water Board with waste constituents above hazardous waste levels;
- List of "active" Cease and Desist Orders and Cleanup and Abatement Orders from the Water Board; and
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.

Based on the review of the above-mentioned lists, the Project is not included on a site that is included on a list compiled pursuant to Section 65962.5 of the Government Code (CalEPA 2022), and no adjacent sites were identified where contamination may have extended onto the school property. Based on the review, the Section 15300.2(e) exception does not apply to the Project.

### **Exception 15300.2 (f) - Historical Resource**

CEQA Guidelines Section 15300.2(f) specifies that a Categorical Exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The CEQA Guidelines define a historical resource as: (1) a resource listed in the California Register of Historical Resources; (2) a resource included in a local register of historical resources, as defined in the California Public Resources Code (PRC) Section 5020.1(k), or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

The Project site is composed of existing hardscapes and will require relatively shallow excavations in areas that have been previously disturbed. The Project area contains no recorded archaeological resources. The State Office of Historic Preservation Built Environment Resources Directory, which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, lists no recorded buildings or structures within or adjacent to the Project area. In addition, the Project site is not included within a City of Vacaville Historic Preservation Overlay District. No information has become available to indicate that the existing school or buildings would be eligible under any of the established historic resource criteria. Based on the review, the Section 15300.2(f) exception does not apply to the Project.

## **4. Conclusion**

The Project qualifies for a combination of Class 1, Class 3, Class 11, and Class 14 Categorical Exemptions from CEQA under Sections 15301, 15303, 15311, and 15314 of the CEQA Guidelines. The environmental review and documentation reported above did not identify any significant effects that would occur from the Project, and the exceptions listed in Section 15300.2 of the CEQA Guidelines were found not to apply to the Project.

## **5. References**

California Environmental Protection Agency (CalEPA). 2022. Cortese List Data Resources.  
<https://calepa.ca.gov/sitecleanup/corteseelist/>. Accessed January.

- California Department of Transportation. 2022. California State Scenic Highway Map.  
<https://www.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>.  
Accessed January.
- California Natural Diversity Database (CNDDB). 2022. CNDDB. California Department of Fish and Wildlife.  
January.
- United State Fish and Wildlife Service (FWS). 2022. Critical Habitat for Threatened and Endangered  
Species Map.  
<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>