



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

RECEIPT NUMBER: ENV22710
STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY UNION SCHOOL DISTRICT	LEAD AGENCY EMAIL	DATE 04/22/2020
COUNTY/STATE AGENCY OF FILING SANTA CLARA	DOCUMENT NUMBER	

PROJECT TITLE
 OSTER ELEMENTARY SCHOOL PAVING PROJECT

PROJECT APPLICANT NAME UNION SCHOOL DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER (408) 377-8010
PROJECT APPLICANT ADDRESS 5175 UNION AVE	CITY SAN JOSE	STATE CA
		ZIP CODE 95124

PROJECT APPLICANT (Check appropriate box)

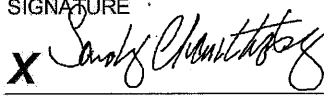
Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,271.00 \$ _____
- Mitigated/Negative Declaration (MND)(ND) \$2,354.75 \$ _____
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$1,112.00 \$ _____
- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)
- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ _____
- County documentary handling fee \$ _____ \$50.00
- Other \$ _____

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other
- TOTAL RECEIVED** \$ _____ \$50.00

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Sandy Chanthasy, Deputy County Clerk-Recorder
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County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5688

File Number: ENV22710

ENVIRONMENTAL FILING

No. of Pages: 5

Total Fees: \$50.00

File Date: 04/22/2020

Expires: 05/22/2020

REGINA ALCOMENDRAS, Clerk-Recorder
By: Sandy Chanthasy, Deputy Clerk-Recorder

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: Union School District
2. PROJECT TITLE: Oster Elementary School Paving Project
3. APPLICANT NAME: Union School District PHONE: (408) 377-8010
4. APPLICANT ADDRESS: 5175 Union Ave, San Jose, CA 95124
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 35 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152)	\$ 3,343.25	\$ <u>0.00</u>
<input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C))	\$ 2,406.75	\$ <u>0.00</u>
<input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ <u>0.00</u>
<input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS	\$ 1,136.50	\$ <u>0.00</u>
<input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ <u>0.00</u>

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input checked="" type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ <u>50.00</u>
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		
DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION	\$ 50.00	\$ <u>0.00</u>

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

<input type="checkbox"/> NOTICE OF PREPARATION	<input type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ <u>NO FEE</u>
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8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 50.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. IF THERE ARE ATTACHMENTS, PLEASE PROVIDE THREE (3) SETS OF ATTACHMENTS FOR SUBMISSION. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

(Fees Effective 01-01-2020)

2020050013

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: Santa Clara70 West Hedding StreetSan Jose, CA 95110From: (Public Agency): Union School District5175 Union AvenueSan Jose, CA 95124

(Address)

Project Title: Oster Elementary School Paving ProjectProject Applicant: Union School District

Project Location - Specific:

1855 Lencar Way, San Jose, CA. 95124-3603

Project Location - City: San JoseProject Location - County: Santa Clara

Description of Nature, Purpose and Beneficiaries of Project:

The project involves asphalt paving of a grassy playfield under and around existing solar panels, and replacing asphalt paving at existing utility boxes. The purpose of the project is to update paved surfaces in order to meet school needs.

Name of Public Agency Approving Project: Union School DistrictName of Person or Agency Carrying Out Project: Ms. Rita Sohal, Assistant Superintendent of Bus. Svcs.

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; Sec. 15301; Statutory Exemptions. State code number: 15061(b)(3)

Reasons why project is exempt:

The paving project would be a minor alteration of existing facilities so the Class 1 Exemption would apply. In addition, the proposed project does not have the potential to result in a significant impact to the physical environment. Therefore, the project is exempt.

Lead Agency

Contact Person: Ms. Rita Sohal, Asst. Sup. Bus. Area Code/Telephone/Extension: 408-377-8010

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 NoSignature: RK Sohal Date: 3/11/2020 Title: Asst. Sup. Business Svcs 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 OPB:

Governor's Office of Planning & Research

APR 29 2020

STATE CLEARINGHOUSE

Revised 2011

OSTER SCHOOL DISTRICT PAVING PROJECT
CEQA EXEMPTION DISCUSSION

Project Description

Existing Conditions

Oster Elementary School, located at 1855 Lencar Way in San Jose is owned and operated by the Union School District. The primary site proposed for asphalt paving is located at the north side of campus adjacent to Gates Drive, around and beneath existing solar panels, with addition work proposed for replacing a small section of asphalt at existing utility boxes on the west side of campus adjacent to Linwood Drive. The school is in a primarily single-family residential neighborhood. Mature trees and grass fields visually separate the school grounds and the neighborhood.

Proposed Project

The proposed project involves paving an approximately 26,986 sq. ft. area under the existing solar panels on the existing school grounds. The proposed project consists of:

- Replace asphalt paving at existing utility boxes on the west side of campus (2,486 sq. ft. area)
- Pave a new asphalt area (24,500 sq. ft.) beneath and around the existing solar panels on the north section of campus, adjacent to existing recreation courts and Gates Drive

The project would be constructed in one phase: May – August 2020.

The purpose of this project is to upgrade school grounds. No other construction on the school grounds is proposed as part of this project.

Categorical Exemption Analysis

Class 1 Exemption

The CEQA Class 1 Exemption applies to minor alteration of existing facilities, including mechanical equipment and electrical conveyances as well as repairs and maintenance, where there would be negligible or no expansion of existing use (per CEQA Guidelines Section 15301). Minor alterations of existing streets, sidewalks, bicycle and pedestrian trails, and similar facilities is also covered under this exemption (Section 15301 (c)). Further, this exemption includes restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety Section 15301 (d)).

The project would involve asphalt paving in two locations on the existing school grounds, with negligible or no expansion of existing use. Therefore, this exemption would apply.

Analysis of Possible Exceptions to Class 1 Exemption

Per CEQA Guidelines section 15300.2, exceptions to the Section 15301 Categorical Exemption can apply (and make the exemption not applicable to a project) where the following occur:

- **Cumulative Impact.** This exception would apply if the project were to contribute to significant impacts to a resource in combination with other proposed new development nearby. Construction of two portable classrooms also is proposed on the school grounds, with potentially overlapping construction activities. While construction of these projects may overlap, no off-site impacts are anticipated, and cumulative on-site noise and air pollution impacts are expected to be minimal. No off-site projects are known to be proposed in proximity of the school.
- **Scenic Highways.** This exception would apply if the project were to result in damage to scenic resources within a scenic highway corridor. The project site is not within or visible from any designated scenic highways, so this exception would not apply. The paving project areas would not create a visual impact in the neighborhood because they will be protected by trees or otherwise not be in view by the surrounding neighborhood.
- **Hazardous Waste Sites.** This exception would apply if the project were to be located on a hazardous waste site listed pursuant to California Government Code section 65962.5. A search of the State Envirostor database conducted on January 27, 2020, found no listed hazardous wastes sites on or within one mile of the school site. (http://www.envirostor.dtsc.ca.gov/public/map/?global_id=21880002)
- **Historical Resources.** This exception would apply if the project were to potentially significantly adversely affect an historical resource. The proposed project includes no alterations to the existing school buildings, and therefore would not have the potential to adversely affect any historical resources.
- **Significant Effect.** The exception would apply if the project would have the potential for a significant effect to the environment due to unusual circumstances. Unusual circumstances may include historic structures, hazardous materials contamination, protected species or habitats, and other similar conditions. There are no other unusual circumstances on the site and there is no potential for significant effect, therefore this exception would not apply.

General Rule Exemption

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 environmental review. In such cases, the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. (See CEQA Guidelines Section 15061(b)(3)). As described above, the proposed project does not have the potential to result in a significant impact to the physical environment. Therefore, this exemption would apply.

Conclusions

As discussed above, the project is within the parameters of the Class 1 Categorical Exemption and the General Rule Exemption. Further, as detailed above, none of the exceptions to this exemption would apply. Therefore, these exemptions would apply to the proposed project.