

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 Street, Suite 1900
Fairfield, CA 34533

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

Vacaville, CA 95687

(Address)

Project Title: VUSD 621 S. Orchard Avenue Project

Project Applicant: Vacaville Unified School District

Project Location - Specific:

621 S. Orchard Avenue, Vacaville, CA 95688

Project Location - City: Vacaville Project Location - County: Solano

Description of Nature, Purpose and Beneficiaries of Project:

The project includes in-fill development at 621 S. Orchard Avenue, including improvements to existing facilities, reconstruction of damaged structures, and construction and operation of a new preschool.

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: 15301, 15302, 15332
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The 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 the applicability of exceptions listed in Section 15300.2 of the CEQA Guidelines.

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: [Handwritten Signature] Date: 10/9/2020 Title: Asst Super

Signed by Lead Agency Signed by Applicant Planning Board approved Board approved 10/8/20

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: _____

Governor's Office of Planning & Research

OCT 28 2020

STATE CLEARINGHOUSE



Technical Memorandum

August 31, 2020

To: Daniel Banowetz, Vacaville Unified School District Ref. No.:
From: Chryss Meier & Brian Bacciarini, GHD Tel: (707) 523-1010
CC:
Subject: VUSD 621 S. Orchard Avenue Project – Review for CEQA Exemption

1. Introduction

GHD has performed a California Environmental Quality Act (CEQA) compliance review for the Vacaville Unified School District (VUSD) 621 S. Orchard Avenue 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 VUSD is proposing to purchase and use property located at 621 S. Orchard Avenue (APNs 0126-282-030 & -020). The project site is approximately 2.12 acres of land in Vacaville, California, and is located across S. Orchard Avenue from Alamo Elementary School. The project site currently includes developed property associated with the Bethany Lutheran Church, including an approximately 8,500 square-foot 2-story church building, an approximately 10,000 square-foot single story multipurpose building entailing a multipurpose room, kitchen, and office space, and the building foundation for a former fire-damaged preschool building. The fire-damaged preschool was demolished and removed, but the previous foundation remains. Additional existing improvements on the site include a small shed, asphalt paved parking areas, concrete walkways, and landscaped areas. An existing parking lot in the southern portion of the site provides approximately 33 parking spaces, including 3 ADA-compliant spaces, while a parking lot in the northern portion of the site has 19 parking spaces, including 1 ADA-compliant space, for a total of approximately 52 parking spaces.

As part of the purchase agreement, the VUSD and Bethany Lutheran would enter into a one year Lease Agreement that would allow Bethany Lutheran continued use of the church, multi-purpose room, and kitchen. Over time, the VUSD would make improvements to the property that would include renovation of existing buildings and addition of approximately six to seven State certified preschool classrooms (approximately 7,700 square feet) in the location of the former fire-damaged preschool building. The preschool classrooms would likely be prefabricated modular units. The project would require a new fire hydrant service connection and possible relocation of an existing PG&E electrical riser and gas meter. Approximately four trees located along Azalea Way that may encroach on the proposed preschool facilities would be avoided if possible, or would be trimmed back or removed.



Long term, the Bethany Lutheran operations would cease at the project site, and VUSD may utilize the church building as a meeting and small performance space. VUSD may use the renovated offices for VUSD staff such as nursing and preschool assessment teams, and the renovated multi-purpose room and kitchen would for events and meetings. At full build out, the VUSD anticipates approximately 150 preschool students and approximately 30 staff may be accommodated on site.

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 Categorical Exemption under three classes of exemptions: CEQA Guidelines Section 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction), and Section 15332 (In-Fill Development Projects). Each exemption is described below.

Section 15301: Existing Facilities

Class 1 consists of 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. The project meets the criteria language identified in CEQA Guidelines Section 15301 (a) (b) and (c), which applies to interior or exterior alterations, restoration or rehabilitation of deteriorated or damaged structures, and minor additions to existing structures. The project meets the criteria for this exemption as the project includes the renovation and use of existing facilities on the project site. Renovation would not expand the size of the existing church and office facilities. The project includes the installation and use of six or seven preschool classrooms in the location of the former fire-damaged preschool building. The proposed preschool classrooms would be less than 10,000 square feet in size.

Section 15302: Replacement or Reconstruction

Class 2 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. The project meets the criteria language identified in CEQA Guidelines Section 15302, as the project includes the installation and use of preschool classrooms in the location of the former fire-damaged preschool building and would have substantially the same purpose and capacity as the structure replaced.

Section 15332: In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development that meet the following conditions:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.



- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

As summarized in Section 3.1 below, the project meets the criteria language identified for in-fill development projects.

3.1 Class 32 In-Fill Development Exemption

15332 (a) - Consistency with Local Zoning and General Plan

The VUSD has exercised its rights under Government Code Section 53094 to exempt projects involving the development of educational facilities from local zoning and land use designations and regulations. The proposed project is directly for and related to educational purposes as defined by Government Code Section 53094 and relevant case law. The proposed preschool facilities are subject to design review by the Division of the State Architect ("DSA") under the California Education Code, and the VUSD is subject to numerous state requirements and state oversight regarding construction on VUSD school sites, which are designed to ensure that school construction projects are safe and promote the public interest, and state approval for the project will be obtained as required by law.

15332 (b) - Location and Site Size

The project site is located within the Vacaville city limits on two parcels that together comprise 2.12 acres of land. The project site is less than five acres in size and is substantially surrounded by urban uses, bounded by S. Orchard Avenue to the southwest, Azalea Way to the northeast, and residences to the north and south. Surrounding land uses beyond S. Orchard Avenue and Azalea Way include Alamo Elementary School and residences.

15332 (c) - Habitat for Special Status Species

The project site is located in an area of urban development and is comprised of existing buildings, landscaped areas, paved paths, parking lots, and roadways. The project site does not include riparian habitat or other sensitive natural communities, such as grasslands or wetlands (including marsh or vernal pools) or oak woodlands. The project site does not include waterways or other sensitive natural communities that provide wildlife movement corridors. No occurrences of special-status plant or wildlife species have been recorded on the project site. The project site is located in an 'Urban Zone' as identified by the Solano Habitat Conservation Plan, and is not within the California Red-Legged Frog Conservation Area, Contra Costa Goldfield population or potential habitat or corridor areas, California Tiger Salamander breeding area or potential range, Giant Garter Snake conservation areas, or within a key wildlife corridor within the county (SCWA 2012). Because of the lack of suitable habitat and the location of the project in an urbanized and developed environment, no habitat for special-status species occurs within the project area. Any required tree pruning or removal would be conducted outside of the nesting bird season.



15332 (d) - Traffic, Noise, Air Quality, or Water Quality Considerations

Traffic

Based on ITE Trip Generation rates, the project would result in approximately 369 daily two-way trips and an average of 39 trips during the AM and PM peak hours. Per Vallejo Traffic Guidelines, the trip generation rates for the project are below that which requires completion of a traffic study. Operating conditions during the a.m. and p.m. peak periods would be substantially similar to that of the existing church and the preschool that was previously in operation. The VUSD and Bethany Lutheran would enter into a one year Lease Agreement that would allow Bethany Lutheran continued use of the church, multi-purpose room, and kitchen. After the one-year lease, existing activities for Bethany Lutheran Church would be phased out and trips associated with the church would cease, which would result in a reduction of weekend trips associated with Church service. The southern parking lot at the site is accessible from Azalea Way, while the northern parking lot is accessible from S. Orchard Avenue. Pedestrian facilities serving the project site include existing sidewalks on both sides of S. Orchard Avenue, an existing crosswalk across S. Orchard Avenue, sidewalks along Azalea Way, and a crosswalk across Azalea Way at Palm Avenue. The project would not result in significant effects relating to traffic.

Noise

The primary noise source at the project site is traffic associated with Interstate 80, which is located approximately 0.45 mile to the south of the project site. Alamo Drive, located west of the project site, is also a contributor to ambient noise in the area. The project site is located outside of the 60 Ldn noise contours for Interstate 80 and Alamo Avenue. The proposed prefabricated preschool classroom buildings are designed to include sound-rated windows and doors with the necessary sound transmission class (STC) ratings to meet the California Building Code interior noise level requirement of 45 dBA DNL. Non-amplified and low-level amplified music and speech resulting from on-site events would occur inside buildings, and would not result in sound levels above outdoor standards at nearby residences or other surrounding sensitive uses. Construction would take place within the hours defined in the Vacaville Municipal Code and nighttime work would not be required. Project construction would not require the use of impact pile drivers or other types of equipment that would generate substantial levels of groundborne vibration. Project-related traffic is not anticipated to result in a measurable noise increase above existing traffic noise levels (any increase would be less than 1 dBA). The project would not result in significant effects relating to noise.

Air Quality

The project site is located within the Sacramento Valley Air Basin. The Solano portion of the Sacramento Valley Air Basin meets all National ambient air quality standards with the exception of ground-level ozone and fine particulate matter (PM_{2.5}), and all California ambient air quality standards with the exception of ground-level ozone and coarse particulate matter (PM₁₀). The Yolo-Solano Air Quality Management District (YSAQMD) has adopted recommended thresholds of significance and published a Handbook for Assessing and Mitigating Air Quality Impacts (Handbook). In developing thresholds of significance for air pollutants, the YSAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The YSAQMD's Handbook also provides screening criteria for determining if a project



could potentially result in significant construction-phase impacts from criteria pollutants and precursors. An evaluation of project air emissions, community health risk, and greenhouse gas emissions is provided below. The project would not result in significant effects relating to air quality.

Construction and Operational Emissions

Applicable construction thresholds are 10 tons/year for reactive organic gases, 10 tons/year for oxides of nitrogen (NO_x), 80 pounds/day of PM₁₀, or violation of the state ambient air quality standard for CO. The YSAQMD does not provide a screening level for construction-generated criteria pollutants. However, the Bay Area Air Quality Management District has equivalent thresholds for construction, and provides a construction screening size for a day care center of 277,000 square feet. The project would be substantially less than the screening level and, therefore, would not exceed applicable significance thresholds contained in the YSAQMD Handbook. There would be little to no earthwork or ground disturbance during project construction; therefore, the project would not generate substantial quantities of fugitive dust. The YSAQMD's operational screening level for a daycare center is 140,000 square feet. The project would be substantially less than the screening level and, therefore, would not exceed applicable significance thresholds contained in the YSAQMD's Handbook.

Community Health Risk

The project would place a preschool, which is a location of sensitive receptors, within an existing residential neighborhood. There are no sources of substantial health risk identified within the vicinity of the project site. Additionally, project construction would be limited in scope and duration, and would not include prolonged use of heavy-duty diesel fueled equipment. Therefore, the project would not expose new sensitive receptors to substantial health risk, and project construction would not expose existing receptors to substantial health risk.

Greenhouse Gas Emissions

The project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in California Air Resource Board's Scoping Plan. The project would be constructed in conformance with CALGreen and the Title 24 Building Code. Renovations to existing buildings would similarly follow current energy codes. The YSAQMD does not have adopted thresholds of significance for GHG emissions.

Water Quality

The project site contains existing impervious surfaces and landscaping. The project would require minimal earthwork and ground disturbance during construction. Project construction would disturb less than one acre of land. Operationally, the project would not change the drainage system or substantially increase the amount of impervious surfaces at the site. Following construction, the project would not substantially change existing drainage patterns. The project is not located within a 100-year floodplain or within the vicinity of a waterway, and would not directly alter the course of a stream or river. The project would not utilize on-site groundwater, and would not result in an increase in groundwater demand or an increase in impervious areas. The project would not result in significant effects relating to water quality.



15332 (e) – Utilities and Public Services

Utilities

The project would include the use of existing facilities and proposed preschool classrooms on the project site. Existing activities for Bethany Lutheran Church would be phased out and, at full buildout, cease at the project site, and the project's use of existing facilities would include school-related events and meetings. The proposed preschool facilities would be located near the footprint of the former fire-damaged preschool. The proposed preschool would be substantially similar in size and operation as the previous preschool and would generate similar water demands and wastewater generation as the previous facilities. The existing public utility infrastructure has capacity to serve the proposed project demands, and off-site improvements to the existing public utility infrastructure would not be required.

Public Services

The project site is within the service area of the Vacaville Fire Department. The project would include a fire hydrant service connection to an existing hydrant located near the southwest corner of the property. The project may also install sprinkler systems within the existing buildings. The Vacaville Police Department would provide the primary police presence for the project. The project constitutes infill development and would not substantially expand facility size or use above that of the former use. Therefore, it is reasonable to conclude that the site will be adequately served by existing public services.

3.2 CEQA Guidelines Section 15300.2 Exceptions

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

- a) Location. Classes 3, 4, 5, 6, and 11 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. Therefore, these classes are considered to apply all instances, except where the project may impact on 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 exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c) Significant Effect. 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. 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. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.



- f) Historical Resources. 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 the review for exemption, the project was evaluated against each of the applicable exceptions.

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 location exception is not used to qualify Class 1, Class 2, or Class 32 categorical exemptions. Therefore, the exception under Section 15300.2(a) does not apply to the project.

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. Efforts to identify cumulative projects included review of local agency project lists, local Capital Improvement Plans, and coordination with VUSD staff. No information has become available to indicate planned cumulative projects of the same type in the same place or immediate vicinity of the project site. Off-site cumulative projects that are presently undergoing VUSD design and review include renovations of the school grounds located at 100 McClellan Street, located approximately 1 mile east of the project site, including the addition of portable classrooms, a multi-purpose room, and minor accessory changes to parking areas within the existing school grounds. The VUSD is also currently designing and reviewing the addition of a new gymnasium at Vacaville High School, located at 100 W Monte Vista Avenue approximately 0.6 mile northeast of the project site. Additionally, a private project identified as the Farmstead at North Orchard is an approved subdivision on approximately 20 acres at the southeast corner of Fruitvale Road and N. Orchard Avenue, approximately 1 mile north of the project site. The identified cumulative projects are not located adjacent to the project site and construction and operational traffic would not be expected to utilize similar local roadways. Given the location of the cumulative projects in relation to the proposed project and the short construction duration for the proposed project, the project would not add appreciably to any existing or foreseeable future cumulative impact. Therefore, the cumulative impact exception under Section 15300.2(b) would not apply to the project.

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 proposed project includes minor alteration of existing facilities involving negligible or no expansion of existing or former uses (Class 1), replacement or reconstruction of facilities (preschool classrooms) where the new structure would be located on the same site as the structure replaced, with substantially the same purpose and capacity as the structure replaced (Class 2), and in-fill development within city limits on a site less than five acres in size surrounded by urban uses (Class 32). The project can be adequately served by local utilities and public services. The project site has no value as habitat for endangered, rare or threatened species, and the project would not result in significant effects relating to traffic, noise, air quality, or water quality. The proposed improvements are consistent with an



exempt class of projects and do not include a feature that distinguishes it from others in the exempt classes. The project would not impact an environmental resource of hazardous or critical concern. No such areas, such as an Alquist-Priolo Earthquake Fault zone or critical habitat pursuant to the federal Endangered Species Act, occur at the location of the project. No occurrences of special-status plant or wildlife species have been recorded on the project site, and any required tree pruning or removal would be conducted outside of the nesting bird season. No unusual circumstances have been identified. Therefore, the exception under Section 15300.2(c) does not apply to the project.

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. The nearest highway in relation to the project site is Interstate 80, which is not a State-designated scenic highway. No other State-designated scenic highways are located adjacent to the project site. Therefore, the exception under Section 15300.2(d) does not apply to the project.

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 is located on such a list, the online data resources that provide information on facilities or sites pursuant to Section 65962.5 were reviewed, as well as relevant reports to any listed hazardous waste sites (CalEPA 2020). 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;
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.

The project site is not located on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the exception under Section 15300.2(e) does not apply to the project.

15300.2 (f) - Historical Resources

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 existing Bethany Lutheran Church facilities are less than 50 years old and would undergo interior renovations. VUSD plans to utilize the existing church building as a meeting and small performance space. No information has become available to indicate that the existing Church facilities would be eligible under any of the established criteria for listing in national, state or local historic inventories. Additionally, the project site is not located within a designated historic district. The preschool classrooms are anticipated to be