

## **NOTICE OF EXEMPTION**

TO:      x   County Clerk-Recorder  
          County of Santa Clara  
          70 W. Hedding Street  
          1<sup>st</sup> Fl., E. Wing  
          San Jose, CA 95110  
          [filings pursuant to Government  
          Code Section 21152(b)]

FROM:  
West Valley – Mission  
Community College District  
14000 Fruitvale Avenue  
Saratoga, CA 95070

  x   State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

**Project Title:** West Valley College Performing Arts Center

**Project Location:** This project is situated on the West Valley College (WVC) campus in the City of Saratoga, County of Santa Clara. The campus is located at the intersection of Fruitvale and Allendale Avenues (14000 Fruitvale Avenue).

**Description of Nature, Purpose, and Beneficiaries of Project:**

Background/Purpose of the Project

West Valley College is in the process of renovating, replacing, and constructing proposed facilities consistent with its *Long-Range Development Plan/Master Plan* (LRDP). The LRDP was completed and approved in 2005, and has undergone review and revision as required, specifically with the *West Valley College 2020 Educational and Facilities Master Plan* (2015). A Final Environmental Impact Report (FEIR) for the LRDP was certified in September 2005. The FEIR addressed planned campus improvement projects and also acknowledged that further environmental review may be required for specific projects when more detailed plans become available. The LRDP/Master Plan includes the renovation of both the Music and Theater buildings:

“The Music (MU), Theater (TA), and Fine Arts (FA) facilities are in critical need of renovation. Accessibility, emergency exiting from below-grade spaces, roofing, and the mechanical, electrical, and plumbing (notably sanitary sewer) systems all need to be upgraded. Many of the above ground teaching and office spaces in the Performing Arts are in fair, yet dated, condition. However, the below-grade areas’ accessibility and emergency exiting should be thoroughly investigated, and any code deficiencies addressed. The main theater will need accessibility upgrades to interior, exterior, and parking areas, as well as a determination if a re-roof is needed. Special attention should be paid to the sanitary sewer lines and their propensity for clogging and thus flooding the building. Due to the age of the facilities, the mechanical, electrical and plumbing systems will need major upgrades to bring these systems up to current building code and energy requirements.”

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The existing music and theater have inefficient use of space and antiquated technology within the buildings impedes West Valley College's ability to reach instructional goals and the ability of students to perform in an optimal setting. The proposed project would alleviate problems within the current buildings by reconstructing the existing facilities to meet programmatic needs. The reconstruction and replacement effort will improve functional space, promote sharing of resources, and upgrade technology and building systems with minimal changes to the overall building footprint.

The proposed new Music and Theater facilities, referred to in combination as the "Performing Arts Center", would be used as a vehicle not only to educate the students at West Valley College, but would also benefit the community. The modernization of these campus facilities would ensure not only the safety of students, staff, and employees of the District, but also general public visitors using the college facilities. Consequently, the West Valley College Performing Arts Center renovation project would benefit: 1) the College's students, staff, and visitors; 2) the residents of the Saratoga and surrounding communities; and 3) the general public.

### Proposed Improvements

In the years since preparation of the LRDP and Master Plan, the College determined that replacement of the Music Building would be preferable to renovating it. Upon close inspection the Music Building was not deemed architecturally or structurally beneficial for renovation, the building is severely outdated and of wood frame construction. The design and building systems are all insufficient to meet current structural, seismic, fire and ADA codes. It was determined that the cost for renovation of this portion of the structure to bring up to current code is very close to the costs for complete replacement, therefore replacement with a modern building better suited to the College's current needs was preferred. The Theater Building is still proposed primarily for renovation, with a small addition.

This project proposes to demolish the existing 12,300 sq. ft. Music Building and replace it with a new 19,832 sq. ft. building on substantially the same site, with extensions to the south and north. It would be designed not to encroach into the riparian zone to the northwest of the building and would be slightly more distant from that zone than the current building. The new Music Building would be designed to work as a unit with the renovated Theater Building. The renovated Theater Building would expand from its current 26,052 sq. ft. to 29,770 sq. ft., including interior renovations and an approximately 1500 sq. ft. new addition.

The new and renovated buildings would be on substantially the same footprints (with a minor expansion in footprint) as are the current buildings and would have similar capacities and operations. They are funded separately (the Theater building is state funded and Music building will be bond funded). It is not certain if these will be constructed at the same time, but that is the goal of the College. The current Music and Theater Buildings, encompass a combined building footprint of 27,783 Gross Square Feet (GSF). The existing 12,000 GSF footprint Music Building would be replaced with a new building with a footprint of 20,893 GSF, resulting in approximately a 74% increase in the building footprint. The Theater Building's footprint would change from 15,783 GSF to 18,937 GSF, an increase of approximately 20%. The combined increase of the Performing Arts Center Project would be about 43%.

Runoff from new impervious surface areas of the proposed project would be collected and treated in a bioretention basin; current storm runoff receives no treatment. The project would involve removal and pruning of protected native trees on and immediately adjacent to the construction site. An arborist's report prepared for the project identified 76 protected trees and one "memorial tree" on or near the proposed project site. These include 40 coast live oaks and 14 coast redwoods, among others. The report concluded that 53 of these trees have high suitability for preservation and one has a moderate suitability for preservation. The project includes protection of these trees during construction using fencing methods identified in the arborist's report (Anderson's tree Care Specialists, February 2022).

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The remaining 22 protected trees have a low suitability for preservation, and can be assumed to be removed by the proposed project. The District also will replace protected trees as called for in the City of Saratoga’s Tree Ordinance. In addition, trees will be removed only during the non-nesting season for special status birds (typically September 1 through February 1) to protect fledglings.

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**Name of Public Agency Approving Project:** West Valley – Mission  
Community College District

**Name of Person or Agency Carrying out Project:** West Valley – Mission  
Community College District

**Exempt Status:**

- Ministerial (§15073, State Guidelines; §4.5, Local Guidelines)
- Declared Emergency (§15269[a], State Guidelines; §4.4[A], Local Guidelines)
- Emergency Project (§15269 [b] and [c], State Guidelines; §4.4[B] and [C], Local Guidelines)
- Categorical or Statutory Exemption, State type and section number: State Guidelines: §15302, Class 2: Replacement or Reconstruction

Reasons why project is exempt: This project is exempt pursuant to categorical exemption per CEQA Guidelines §15302 – *Class 2, Replacement or Reconstruction*, which identifies exemptions for 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. This proposed project involves the replacement of the existing Music Building, and renovation of the existing Theater Building with two new buildings on the same overall site. The proposed replacement Music Building and renovated (and slightly expanded) Theater Building would be located on the same overall site as existing facilities and have the same purpose and capacity as the structures replaced.

The new and renovated buildings envisioned for this project would serve the same purpose as existing music and theater facilities but updated to current and future standards for an improved educational experience. As a result of the proposed reconstruction of the existing facilities, the proposed project would enhance the quality of educational facilities on the campus and improve the educational opportunities at West Valley College for College students and faculty, K – 12 grade students and teachers in the community, and the community of Saratoga in general.

The project does not include any of the exceptions to applicable exemptions listed in CEQA Guidelines §15300.2, which would disallow use of a categorical exemption. Those exceptions are:

- *The cumulative impact of the project and successive projects of the same type in the same place, over time is significant.*

A review of the College’s proposed construction plans indicated that there would be no nearby projects with potentially significant overlapping impacts. The Fine Arts building which is adjacent to the proposed Performing Arts Center (Theater and Music) is currently under construction and is scheduled for completion in the Fall of 2022, before work begins on the Performing Arts Center buildings (summer/fall of 2023, with completion scheduled for 2025). The renovation of the existing library will take place at the same time as part of the project construction but is unlikely to have overlapping impacts with those of the Performing Arts Center project construction. There

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would be no cumulative operational impacts as operations would be substantially the same as at present.

- *There is a reasonable possibility that the project would result in a significant adverse impact due to unusual circumstances.*

The only known “unusual circumstance” associate with the project location is its proximity to Saratoga Creek and its adjacent riparian zone. The project buildings would be designed to be further from that area than the current buildings. In addition, the project would include construction fencing and erosion control features to ensure that the riparian area and creek are not adversely affected by construction. Tree removal would be minimal in the context of the number of trees surrounding the project site. Operations of the facilities would not change and would not have any potential to affect the sensitive habitats.

- *The project will adversely affect a scenic highway or other scenic resources.*

The project site and buildings are not visible from any state scenic highway.

- *The project site is located on a hazardous waste site listed pursuant to Government code Section 65962.5 (i.e., Cortese List).*

The project site is not located on or near any Cortese List listed hazardous waste sites<sup>1</sup>.

- *The project may cause a substantial adverse change in the significance of a historical resource.*

The existing Music and Theater buildings were constructed in 1973-74, so are less than 50 years old, and are of standard institutional design of that period. Therefore, the buildings would not be considered a potential historical resource.

None of these exceptions apply to the proposed project.

Staff believes this project qualifies for CEQA Guidelines §15302 – Class 2, *Replacement or Reconstruction* Categorical Exemptions; therefore, preparation of a CEQA Initial Study is not required.

**Contact Person:** Javier Castruita      **Telephone:** 408-593-2030

**Date Mailed:** 2/28/22

**Signature:**   
Javier Castruita, Associate Vice Chancellor  
Facilities Development and Operations

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<sup>1</sup>[https://www.envirostor.dtsc.ca.gov/public/search?CMD=search&city=Saratoga&zip=&county=Santa+Clara&case\\_number=&business\\_name=west+valley+college&FEDERAL\\_SUPERFUND=True&STATE\\_RESPONSE=True&VOLUNTARY\\_CLEANUP=True&SCHOOL\\_CLEANUP=True&CORRECTIVE\\_ACTION=True&tiered\\_permit=T](https://www.envirostor.dtsc.ca.gov/public/search?CMD=search&city=Saratoga&zip=&county=Santa+Clara&case_number=&business_name=west+valley+college&FEDERAL_SUPERFUND=True&STATE_RESPONSE=True&VOLUNTARY_CLEANUP=True&SCHOOL_CLEANUP=True&CORRECTIVE_ACTION=True&tiered_permit=T)

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