

Notice of Exemption

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

From: Fremont Unified School District
4210 Technology Drive
Fremont, CA 94538

Alameda County Clerk
Recorder's Office
1106 Madison Street
Oakland, CA 94607

Project Title: Mattos ES Modernization – Flooring and Roofing

Project Applicant: Adam Lint

Project Location - Specific: 37944 Farwell Dr, Fremont, CA 94536

Project Location - City: Fremont

Project Location - County: Alameda

Description of Nature, Purpose, and Beneficiaries of Project:

The Mattos ES Modernization (“Project”) consists of remove and replace existing flooring, with emphasis on areas containing asbestos materials. Replacement of roof in kind at Multipurpose building and other buildings.

Zero classrooms will be added as a result of the Project. The Project will not increase student enrollment capacity on the campus and involves negligible or no expansion of the existing use of the Mattos Elementary School campus. Construction would commence around June 2024, and be completed by approximately August 2024.

Name of Public Agency Approving Project: Fremont Unified School District

Name of Agency Carrying Out Project: Fremont 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 2: Sec. 15302; Class 3: Sec. 15303; Class 4: Section 15304; and Class 14: 15314.**
- Statutory Exemptions. State code number:
- Other. Common Sense Exemption: **Sec. 15061(b)(3)**

Reasons Why Project Is Exempt:

- Class 2 (Sec. 15302): Replacement of existing structures and facilities and/or existing utility systems involving substantially the same purpose, involving negligible or no expansion of capacity.
- Class 3 (Sec. 15303): Construction of limited small new facilities, reasonable utilities extensions, and accessory improvements.
- Class 4 (Sec. 15304): Minor alterations to land and associated site work which do not involve removal of healthy, mature, scenic trees.
- Class 14 (Sec. 15314): Minor additions to an existing school within an existing school ground that does not increase capacity by more than 25 percent or ten classrooms (specifically, 0%).
- Common Sense Exemption (Sec. 15061(b)(3)): It can be seen with certainty that there is no possibility that the proposed Project involves any activity that may have a significant effect on the environment. District will be making modernizations at an existing school site, with no additional student enrollment capacity.

Lead Agency

Contact Person: **Adam Lint**

Area Code/Telephone: **(510) 659-2559**

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

DocuSigned by:
Signature: Adam Lint Date: May 9, 2024 Title: **Director of Facilities & Construction**
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Signed by Lead Agency Signed by Applicant

FREMONT UNIFIED SCHOOL DISTRICT

MEMORANDUM

TO: File
FROM: Adam Lint, Director of Facilities and Construction
DATE: May 3, 2024
RE: CEQA Compliance for Mattos Elementary School Modernization – Flooring and Roofing

Project Title and Project Location

Project Title: Mattos Elementary School Modernization – Flooring and Roofing
Project Location: 38944 Farwell Dr,
Fremont, CA 94536

Description of the Project:

The Mattos ES Modernization (“Project”) consists of remove and replace existing flooring, with emphasis on areas containing asbestos materials. Replacement of roof in kind at Multipurpose building, and other buildings.

Zero classrooms will be added as a result of the Project. The Project will not increase student enrollment capacity on the campus and involves negligible or no expansion of the existing use of the Mattos Elementary School campus. Construction would commence around June 2024, and be completed by approximately August 2024.

Project Beneficiaries

Project beneficiaries will include the community, students, teachers/staff, the Mattos Elementary School campus, and Fremont Unified School District (“District”).

I evaluated the Project to determine whether it was exempt from the California Environmental Quality Act (CEQA) by considering the following:

1. Application of Statutory Exemptions: The Project does not appear to fall under any of the Statutory Exemptions delineated in Public Resources Code section 21080, *et seq.*
2. Application of Ministerial Exemptions: Not applicable.
3. Application of Declared Emergency of Emergency Project Exemptions: Not applicable.
4. Application of Categorical Exemptions (Cal. Code Regs., tit. 14, § 15301, et seq.):

- a. Class 2 – Replacement or Reconstruction (Sec. 15302): Does the Project consist of the 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?

Yes No

Consistent with subdivision (a), the Project will result in the removing and replacement existing flooring. Replacement of roof in kind at Multipurpose building, and other buildings. This does not increase the campus' student enrollment capacity.

- b. Class 3 – New Construction or Conversion of Small Structures (Sec. 15303): Does the Project consist of the construction and location of limited numbers of new, small facilities or structures; installation of 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 structures?

Yes No

Consistent with subdivision (d), the Project will result in the removing and replacement existing flooring. Replacement of roof in kind at Multipurpose building, and other buildings.

- c. Class 4 – Minor Alterations to Land (Sec. 15304): Does the Project consist 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 and agricultural purposes?

Yes No

Consistent with subdivisions (a) and (h), the Project will result in the removing and replacement existing flooring. Replacement of roof in kind at Multipurpose building, and other buildings. The Project does not involve the removal of any healthy, mature trees.

- d. Class 11 – Accessory Structures (Sec. 15311): Does the Project consist of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities?

Yes No

The Project does not include construction or replacement of minor structures that are accessory to the existing school facilities.

- e. Class 14 – Minor Additions to Schools (Sec. 15314): Does the Project consist 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?

Yes No

The proposed Project includes the consists of remove and replace existing flooring, with emphasis on areas containing asbestos materials. Replacement of roof in kind at Multipurpose building, and other buildings.

This replacement will not increase the number of existing classrooms by more than 10 (no classrooms will be added), nor will it increase student capacity at the school by more than 25% (specifically, 0%).

I evaluated the Project to determine whether any of the Section 15300.2 Exceptions to the Categorical Exemptions apply to the Project:

- (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 in 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.*

This exception does not apply to the Project. The Project site is located on an existing, operating public school site in a developed residential neighborhood. The school is surrounded by small family residences to the East and West, single family homes to the North, convenience store, and restaurants to the South. The Project is not located in or near a uniquely sensitive environment nor would the Project impact a designated environmental resource of hazardous or critical concern.

- (b) **Cumulative Impacts.** *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.*

This exception does not apply to the Project. The proposed Project includes the consists of remove and replace existing flooring, with emphasis on areas containing asbestos materials. Replacement of roofing in kind at Multipurpose building, restoration of roofing at other buildings. No other projects of the same type are planned in the same place. Further, as discussed below, the Project would not result in any significant environmental impacts and would not contribute to any cumulative environmental impacts. Therefore, this exception would not apply to the proposed Project.

- (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.*

This exception does not apply to the Project. The proposed Project includes the consists of remove and replace existing flooring, with emphasis on areas containing asbestos materials. Replacement of roofing in kind at Multipurpose building, restoration of roofing at other buildings.

The Project involves negligible or no expansion of the existing use of Brookvale Elementary School and will not increase student enrollment. The Project site would continue to operate as a school, and no changes would be made to school operation due to the Project. The Project does not present any circumstances unusual for projects in the exempt classes set forth above, and further, no possible significant adverse effects on the environment would result from the Project construction or planned Project operations.

- Aesthetics

The proposed Project includes the consists of remove and replace existing flooring, with emphasis on areas containing asbestos materials. Replacement of roofing in kind at Multipurpose building, restoration of roofing at other buildings. The Project does not present any circumstances, aesthetic or otherwise, unusual for projects in the exempt classes 2, 3, 4, 11, or 14.

The Project would not have a substantial adverse effect on a scenic vista, nor would it substantially damage scenic resources within a state scenic highway because the Project is not located on or near a state scenic highway per the Department of Transportation's online California Scenic Highway Mapping System. Further, the Project does not involve the removal of any healthy, mature trees, nor are there any historic buildings on the Project site (see discussion below). None of the proposed components of the Project would create a new source of substantial light or glare. Nor would the Project substantially degrade the existing visual character or quality of the site and its surroundings because the Project is to be constructed on an existing developed school site within or near the parameters of existing school buildings, and the existing visual barrier between the campus and surrounding neighborhoods would remain unchanged.

- Noise

The Project would be constructed on an existing school site and would not increase the student population; therefore, it would not increase ambient noise levels in the surrounding areas or have any operational impact on noise. Pursuant to the City of Fremont Municipal Code, construction of projects located within 500 feet of residences may only occur Monday through Friday during the hours of 7:00 a.m. to 7:00 p.m., and on Saturdays between 9:00 a.m. and 6:00 p.m. Construction activities occurring more than 500 feet away from residences may occur Monday through Friday during the hours of 6:00 a.m. to 10:00 p.m., and on weekends between 8:00 a.m. and 8:00 p.m. The Washington High School campus is not located within an airport land use plan, and no airstrips are in the High School vicinity. The Project does not present any circumstances, noise related or otherwise, that are unusual for projects of this type in the exempt classes 2, 3, 4, 11, or 14.

- Cultural Resources

Although the Project does not include ground-disturbing activities, the possibility of discovering any cultural resources is low. The Project site is an existing elementary school campus, and the areas proposed for construction are previously disturbed and developed areas that are currently covered in rubberized track, concrete or asphalt. In the case of discovery of unknown cultural materials during construction, stop work procedures would be implemented in accordance with federal and state regulations, thus the Project would not impact archaeological or paleontological resources. The project would not result in a substantial adverse change to significant historical resources, as none exist on the project site or near the project. The Project does not present any circumstances, cultural resource related or otherwise, that are unusual for projects of this type in the exempt classes 2, 3, 4, 11, or 14.

- Traffic

The Project would be constructed on an existing school site and would not increase the student population; therefore, it would not increase traffic in the surrounding areas or have any operational impacts on traffic or existing levels of service. The Project would not substantially increase hazards due to a design feature or otherwise decrease the performance or safety of public transit, bicycle, or pedestrian facilities given that the Project consists of the replacement of existing rubberized track, concrete and asphalt. The Project does not present any circumstances, traffic related or otherwise, that are unusual for projects of this type in

the exempt classes 2, 3, 4, 11 or 14.

- (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. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

This exception does not apply to the Project. As discussed above, there are no designated state scenic highways in the project vicinity per the Department of Transportation’s online California Scenic Highway Mapping System. As such, the Project would not impact any scenic resources within an officially designated 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.*

This exception does apply to the Project. Government Code section 65962.5, the Cortese List, contains locations of hazardous materials release sites in California that meet certain criteria. The Department of Toxic Substances Control compiles and updates this list as appropriate, at least annually, and submits it to the Secretary for Environmental Protections. The Project site is not identified on the Cortese List as of the date of this Memorandum.

- (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.*

This exception does not apply to the Project. Please see relevant discussion of historical resources, above.

5. Application of Other Exemptions:

- a. Common Sense Exemption (Sec. 15061(b)(3)): It can be seen with certainty that there is no possibility that the proposed Project involves any activity that may have a significant effect on the environment. District will be making modernizations at an existing school site, with no additional enrollment.

The Project appears to be exempt from CEQA pursuant to:

- **Class 2,** Replacement or Reconstruction (Sec. 15302);
- **Class 3,** New Construction or Conversion of Small Structures (Sec. 15303);
- **Class 4,** Minor Alterations to Land (Sec. 15304);
- **Class 14,** Minor Additions to Schools (Sec. 15314);
- **Common Sense Exemption,** no significant effect (Sec. 15061(b)(3)).

Based on the foregoing, I recommended to the Associate Superintendent, Daniel Hillman, the filing of the Notice of Exemption for the Project.

May 9, 2024

Dated

DocuSigned by:

 Adam Lint
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 Director of Facilities and Construction
 Fremont Unified School District