NOTICE OF EXEMPTION

TO: County Clerk
County of Alameda
1106 Madison St. – First Floor
Oakland, CA 94607

FROM: City of Livermore
1052 South Livermore
Livermore, CA 94550

SUBJECT: NOTICE OF EXEMPTION in compliance with the California Environmental Quality Act (CEQA).

PROJECT:

Title: Development Agreement Amendment 26-002 for McGrath RentCorp
Location: APNs: 99-40-72, 99-40-80, 99-40-73, and 99-40-74

Description: The Project is an ordinance authorizing the first amendment to Development Agreement 08-002 ("Agreement") with McGrath RentCorp. Generally, the Agreement term would be extended 30 years to 2059, the Agreement boundary would be adjusted, and the Property Owner Obligations would be modified to: 1) effectuate a commercial land transfer to a high-revenue commercial user; and 2) secure support for 2045 General Plan and Midtown Area planning objectives.

Applicant: McGrath RentCorp
City's Contact: Jake Potter, Economic Development Manager
Telephone: 925-960-4548
Public Agency Approving Project: City of Livermore

EXEMPT STATUS:

- X Categorical Exemption (Sec. 15301 Existing Facilities)
- ____ Declared Emergency (Sec. 15269(a); 21080(b)(3))
- ____ Emergency Project (Sec. 15269(b)(c); 21080(b)(4)
- ____ Ministerial (Sec. 15268; 21080(b)(1))
- ____ Statutory Exemption
- X "Common Sense" Exemption (Sec. 15061(b)(3))

Reasons why project is exempt: The Livermore City Council introduced the project and previously considered and evaluated its possible environmental impacts on July 27, 2026. A Notice of Exemption was previously endorsed and filed with the Alameda County Clerk on July 28, 2026 (File No. 26-240). The City Council performed a subsequent project approval on September 14, 2026. The Project continues to be exempt from CEQA, and since the initial approval there have been no substantial changes proposed in the project, no substantial changes to the project's circumstances, and no new information that has become available that could not have been known previously. The project's description, scope, boundaries, and terms all remain unchanged from the July 27, 2026 evaluation, and the following previously-considered findings still apply to the project:

1. Section 15301: The Amended Agreement qualifies for the Existing Facilities exemption under CEQA Guidelines Section 15301, which applies to the 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 key consideration is whether the project involves negligible or no expansion of use. This

Exemption shall not apply to any projects that meet any of the following Exceptions, as specified in CEQA Guidelines Section 15300.2:

a. 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.
b. 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.
c. 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.
d. 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.
e. 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.

Response: The Amended Agreement is limited to facilitating the continuation of existing operations and does not authorize expansion of facilities, new construction, or intensification of use. The Amended Agreement does not authorize any physical development, construction activity, or site disturbance on the Property; rather, it establishes vested rights and procedural requirements for future discretionary approvals, including subsequent implementing entitlements, all of which will undergo their own CEQA review at the appropriate time. The Amended Agreement does not grant new development rights, increase development intensity, or modify the land use assumptions evaluated in the General Plan 2045 EIR, and therefore cannot result in any environmental impacts beyond those already analyzed in that Program EIR. No unusual circumstances exist that would create a reasonable possibility of a significant environmental effect, and the administrative and procedural nature of the Amended Agreement ensures that no physical change to the environment will occur as a result of its approval. Because the Amended Agreement facilitates continuation of existing uses, the Class 1 Existing Facilities Exemption applies. Further, none of the Section 15300.2 Exceptions apply based on the following analysis:

- Section 153002(b) Cumulative Impact: This exception does not apply given the DA Amendment would only facilitate the continuation of the existing use on the site and does not include authorization for site-specific designs or proposals to develop any new specific project.
- Section 153002(c) Significant Effect Due to Unusual Circumstances: This exception does not apply given the DA Amendment would only facilitate the continuation of the existing use on the site and does not include authorization for site-specific designs or proposals to develop a specific project.
- Section 153002(d) Scenic Highways: According to the California Department of Transportation (Caltrans) California Scenic Highway Mapping System, the nearest eligible designated state scenic highway to the project site is a segment of Interstate-580, adjacent to the northern boundary of the site. This exception includes “damage to a scenic resource.” Given the DA Amendment would only allow for the continuation of the existing use on the site and would not allow site-specific designs or proposals to develop a specific project, it would not damage existing views provided from the highway.
- Section 153002(e) Hazardous Waste Sites: California Government Code Section 65962.5 requires the compiling of lists of hazardous materials sites. The required lists of hazardous material release sites are commonly referred to as the “Cortese List,” named for the author of the legislation. In a review of the following environmental data resources regarding the facilities or sites identified as meeting the “Cortese List” requirements compiled by CalEPA, the site is not on the “Cortese List.”
    - EnviroStor. Department of Toxic Substances Control-Hazardous Waste and

Substances Site List (Corteste)
    - GeoTracker. List of Leaking Underground Storage Tank Sites from the State Water Board's GeoTracker database
    - Water Board. List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit
    - List of Site Cleanup Program Sites on the Cortese List from the Water Boards
    - Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code

- Section 153002(f) Historical Resources: This exception does not apply given Amended Agreement would only allow for the continuation of the existing use on the site and would not result in the demolition or alteration of any historical resource.

2. Section 15061(b)(3): The Amended Agreement qualifies for the common-sense exemption under CEQA Guidelines Section 15061(b)(3), which applies where an activity can be seen with certainty to have no possibility of causing a significant effect on the environment.

   Response: The Amended Agreement does not authorize any physical development, construction activity, or site disturbance on the Property; rather, it establishes vested rights and procedural requirements for future discretionary approvals, including subsequent implementing entitlements, all of which will undergo their own CEQA review at the appropriate time. The Amended Agreement does not grant new development rights, increase development intensity, or modify the land use assumptions evaluated in the General Plan 2045 EIR, and therefore cannot result in any environmental impacts beyond those already analyzed in that Program EIR. No unusual circumstances exist that would create a reasonable possibility of a significant environmental effect, and the administrative and procedural nature of the Amended Agreement ensures that no physical change to the environment will occur as a result of its approval.

   Accordingly, the Amended Agreement qualifies for the common sense exemption under CEQA Guidelines Section 15061(b)(3) because there is no possibility that its approval will cause a significant effect on the environment.

Signature:

Name & Title: Jake Potter, Economic Development Manager
Project Introduction Date: July 27, 2026
Project Approval Date: September 14, 2026