Attachment A

Grant School Demolition, Hazardous Materials Abatement, & Site Clearance Project

I. Introduction

The Vallejo City Unified School District ("District") proposes to undertake the emergency demolition and removal of vacant and deteriorated former school facilities located at 740 Fifth Street, Vallejo, CA 94590 (the "Project"). The Project includes demolition of existing structures; removal of debris, foundations, and other site improvements as necessary; hazardous materials abatement; utility disconnection or removal; and related site restoration and stabilization activities necessary to eliminate hazardous conditions and protect public health and safety. As discussed below, the District has determined that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to the statutory emergency exemption, as well as the General Rule (Common Sense Exemption) and the Class 1 Categorical Exemption. (Section 15061(b)(3); Section 15301.)

II. Applicable Statutory Exemption

Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c) exempt from CEQA "specific actions necessary to prevent or mitigate an emergency." An "emergency" is defined as "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." (Cal. Code Regs. tit. 14, § 15359). In the alternative, the proposed Project is also exempt under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 CEQA. (Section 15061(b)(3)).

The Project is also exempt under CEQA Guidelines section 15301 (Class 1). Class 1 consists of 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." (CEQA Guidelines, § 15301.) The key consideration in applying the Class 1 exemption is whether the project involves negligible or no expansion of the existing or former use of the site. CEQA Guidelines section 15300.2 identifies circumstances under which a categorical exemption may not be used. The District has considered each applicable exception below and finds that none precludes application of the Class 1 categorical exemption to the Project. (See Section 15300.2).

III. Supporting Analysis

a. Statutory Emergency Exemption (Pub. Resources Code, § 21080(b)(4); CEQA Guidelines, § 15269(c))

The Project consists of emergency demolition and site abatement activities undertaken to eliminate hazardous conditions affecting a long-vacant former school campus. The Project site is

vacant and has experienced significant deterioration. The District has documented ongoing hazardous conditions affecting the property, including repeated unauthorized entry, vandalism, structural deterioration, and fire damage. Although the District has boarded portions of the buildings in an effort to deter trespassing and protect the public, those measures have not eliminated the hazardous conditions present at the site.

The Project is therefore necessary to prevent or mitigate an emergency by removing unsafe structures and eliminating conditions that threaten persons and property. Accordingly, the Project is exempt from CEQA pursuant to Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c).

b. General Rule (Common Sense Exemption; CEQA Guidelines, § 15061(b)(3))

It can be seen with certainty that the Project will not have a significant effect on the environment. The Project is limited to the demolition and removal of existing deteriorated structures and associated site abatement activities on an already developed former school campus. The Project does not authorize redevelopment, expansion of the site's existing or former use, or any other physical changes beyond those necessary to remove unsafe structures and stabilize the property. Any temporary effects associated with demolition and abatement activities will be subject to applicable regulatory requirements and do not constitute significant environmental impacts. Rather than creating new environmental impacts, the Project eliminates hazardous conditions that presently threaten public health and safety. Accordingly, the Project is exempt pursuant to CEQA Guidelines section 15061(b)(3).

c. Class 1 Categorical Exemption (Existing Facilities; CEQA Guidelines, § 15301)

The Project is exempt under CEQA Guidelines section 15301. Class 1 consists of 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." (CEQA Guidelines, § 15301.)

The key consideration in applying the Class 1 exemption is whether the project involves negligible or no expansion of the existing or former use of the site. (*Id.*) Here, the Project is limited to the demolition and removal of deteriorated existing facilities and associated site abatement activities on a previously developed former school campus. The Project does not authorize new development, increase the intensity of use, expand the footprint of existing facilities, or otherwise alter the site's existing or former use. Accordingly, the Project qualifies for the Class 1 categorical exemption.

The District has considered the exceptions to the use of categorical exemptions set forth in CEQA Guidelines section 15300.2 and has determined that none applies to the Project. (Section 15300.2). The Project does not involve work in an environmentally sensitive location. (Section 15300.2(a)). The Project is a discrete action undertaken to eliminate hazardous conditions on a single property and will not contribute to significant cumulative impacts. (Section 15300.2(b)). Likewise, the District is not aware of any unusual circumstances that would create a reasonable possibility of a significant environmental effect, as the Project does not authorize expansion of

the existing or former use of the property, or other physical changes beyond those necessary to remove unsafe structures and stabilize the site. (Section 15300.2(c)). The Project will not damage scenic resources within a designated state scenic highway corridor and the Project site is not included on any list compiled pursuant to Government Code section 65962.5. (Section 15300.2(d); Section 15300.2(e)). Furthermore, based on the information available to the District, the District is not aware of any evidence demonstrating that the Project involves a historical resource within the meaning of CEQA Guidelines section 15064.5 or that the historical resources exception in CEQA Guidelines section 15300.2(f) otherwise applies. Accordingly, none of the exceptions set forth in CEQA Guidelines section 15300.2 precludes application of the Class 1 categorical exemption.

IV. Conclusion

Based on the foregoing, the District has determined that the Project is exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080(b)(4), CEQA Guidelines section 15269(c), CEQA Guidelines section 15061(b)(3), and CEQA Guidelines section 15301.