



Memo

To: Alex Kristal, Senior Construction Project Manager, San Mateo-Foster City School District
From: Chris Dugan, Senior Project Manager, and Christina Lau, Senior Analyst
CC: --
Date: January 25, 2018

SUBJECT: Bayside Academy Gymnasium Project

MIG has prepared this memorandum to evaluate the applicability of a California Environmental Quality Act (CEQA) Categorical Exemption for the San Mateo-Foster City School District's Bayside Academy Gymnasium Project (project). This memorandum describes our understanding of the project and presents our factual substantiation for the use of a Class 14 (Minor Additions to Schools) Categorical Exemption for the project.

Background

The San Mateo-Foster City School District (District) is comprised of 15 elementary schools (TK-5), 4 middle schools (grades 6-8), 1 TK-8 school, and other pre-school and school-aged programs. Bayside Academy at 2025 Kehoe Ave in San Mateo was formerly an underutilized middle school site which was recently renovated and now serves both elementary (K-5) and middle school students (6-8). The campus does not have an indoor gym facility therefore the District is proposing to construct a new gym that can serve both students and potentially City of San Mateo (City) recreational users through a lease agreement.

Summary of Findings

Based on the analysis contained herein, it is MIG's professional opinion the project is eligible for a Categorical Exemption under CEQA Guidelines Section 15314 (Minor Additions to Schools). None of the exceptions to the exemptions specified in CEQA Guidelines Section 15300.2 apply to the proposed project (see *Exceptions* section below). This determination is based, in part, on the incorporation of best management practices (BMPs) into the project's plans and specifications to avoid the potential for significant environmental effects (see *Best Management Practices* in the Project Description, below).

Project Description

The District plans to add a new gymnasium to the Bayside Academy campus located at 2025 Kehoe Avenue in San Mateo. The new gym will serve both school and community space for physical health and education and sports activities.

The proposed project includes construction of a new gymnasium, roughly 14,300 square feet in total size including entrance lobby, locker rooms, restrooms, and storage areas. The gymnasium space would accommodate a full-sized basketball court and retractable bleachers. The building would be type V construction (wood frame), non-rated, with fire sprinklers. Landscaping would be installed around the front entrance of the building.

The gym would be accessed from a shared access driveway located on the eastern perimeter of the school, within the City of San Mateo's Joinville Park (the park is leased to the City by the District).

The District proposes to begin construction of the gymnasium in fall of 2018.

Best Management Practices

The project would include the following Best Management Practices (BMPs) in the project plans and specifications:

Air Quality

The Bay Area Air Quality Management District (BAAQMD) is responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the San Francisco Bay Area Air Basin (SFBAAB). The proposed project is in the SFBAAB, an area of non-attainment for national and state ozone (O₃), state particulate matter (PM₁₀), and national and state fine particulate matter (PM_{2.5}) air quality standards (BAAQMD 2017a). For all projects, the BAAQMD recommends implementation of eight Basic Construction Mitigation Measures (BAAQMD 2017b) to reduce construction emissions; these basic measures are also used to meet the BAAQMD's BMP thresholds of significance for construction fugitive dust emissions. Accordingly, the District shall incorporate the following BMPs into the project:

BMP-1: Reduce Fugitive Dust Emissions

To reduce potential fugitive dust that may be generated by the project, the District shall implement the following BAAQMD basic construction measures:

- Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
- Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
- Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the propose project.
- Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time of diesel powered construction equipment to five minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed project.
- Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- Post a publicly visible sign with the name and telephone number of the construction contractor and District staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the Bay Area Air Quality Management District to ensure compliance with applicable regulations.

Biological Resources

Construction (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) of the new gymnasium has the potential to impact nesting birds near the construction site. Therefore, the following BMP shall be conducted as follows:

BMP-2: Protection of Nesting Birds

To avoid impacts to nesting birds and violation of state and federal laws pertaining to birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) should occur outside the avian nesting season (that is, prior to February 1 or after August 31). If construction and construction noise occurs within the avian nesting season (from February 1 to August 31), all suitable habitats located within the project's area of disturbance including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas shall be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented.

If pre-construction nesting bird surveys result in the location of active nests, no site disturbance and mobilization of heavy equipment (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, or as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife, until the chicks have fledged. Monitoring shall be required to insure compliance with MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented.

Cultural Resources

The General Plan of San Mateo states:

"It is known that the Ohlone congregated near San Mateo Creek and the Bay Marshes. A 1983 archaeological survey concluded that while soil removal and construction have eliminated most aboveground shellmounds, good potential still exists for the presence of undisturbed subsurface archaeological deposits at surveyed sites. It was also concluded that high research potential exists for sites adjacent to San Mateo Creek" (San Mateo 2011).

Bayside Academy is located adjacent to Leslie Creek and less than a mile away from the San Mateo Creek. The District would implement the following BMPs during project activities to avoid potential impacts on unanticipated and previously unknown cultural resources.

BMP-3: Protection of Unrecorded Cultural and Historic Resources, Tribal Cultural Resources, and Human Remains

In the event that unrecorded cultural or historical resources, or tribal cultural resources are accidentally discovered during project construction, the District shall:

- Treat any potential cultural, historical, tribal and paleontological material as a resource to be protected until determined otherwise by a qualified archaeologist or paleontologist.
- Ensure that no potential resource is removed or damaged by project personnel.
- Stop all earth-disturbing work (e.g., excavation, piling, foundation removal, etc.) within 50 feet of the discovered material, avoid altering the material and its context in any way, and immediately (within 24 hours) have the resource evaluated by a qualified archaeologist or paleontologist before continuing work within 50 feet of the location of the discovered resource.

- In the event the find is determined to be a historical or unique archaeological resource, a qualified archaeologist shall develop measures, in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, which avoid or substantially lessen potentially significant impacts on cultural or tribal cultural resources, with a preference for preservation in place. The District shall consult with the project archaeologist before continuing work within 50 feet of the location of the discovered resource.

If unrecorded human remains are accidentally discovered during construction activities, the measures specified in Section 15064.5(e)(1) of the CEQA Guidelines shall be followed:

- There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Mateo coroner is contacted to determine that no investigation of the death is required. If the coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall identify the person or persons it believes to be most likely descended from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or, if the NAHC cannot identify the most likely descendants (MLD), the MLD fails to make a recommendation, or the property owner rejects the MLD's recommendations, the property owner can rebury the remains and associated burial goods with appropriate dignity in an area not subject to ground disturbance.

BMP-4: Minimize and Avoid Impacts to Paleontological Resources

If paleontological resources are encountered, the District shall avoid altering the resource. All construction activities will cease immediately and, additionally, no work shall be carried out within the stratigraphic context that the resource was discovered in until a qualified paleontologist has evaluated, recorded, and determined appropriate treatment of the resource consistent with protocols of the Society for Vertebrate Paleontology and in consultation with the County.

Hydrology and Water Quality

Despite the project occurring over the summer months, project development could result in short-term impacts to water quality during construction from soil erosion, increased sediment, or construction fuels and fluids entering stormwater runoff exiting the project site. The District shall incorporate BMPs to protect water quality during construction, such as limiting construction to the dry season, use of fiber rolls or silt fencing to prevent sediment from entering runoff water and a spill prevention plan to contain accidental spills or fuels or fluids associated with construction. The proposed project would result in a small net increase in impervious surface area as a portion of the gym facility would cover an area currently containing both pervious and impervious surfaces, but it would not provide a substantial increase in stormwater runoff as the gym would be located on a site that is already partially paved and would remain adjacent to a large grassy field.

BMP-5: Protect Water Quality

The project shall incorporate appropriate BMPs to protect water quality during construction in the project plans and specifications. These measures can include, but are not limited to: limiting construction to the dry season, use of fiber rolls or silt fencing to prevent sediment from entering runoff water, covering stockpiles, using soil stabilizers, and development of a spill prevention plan to contain accidental spills or fuels or fluids associated with construction.

Noise

The proposed project would generate short-term construction noise from portable relocation/construction. Although the District is not required to obtain a permit from the City of San Mateo, the District would abide by the standard city permit's construction operating hours, which limits construction related activities to the hours of 7:00 AM to 7:00 PM on weekdays, on Saturdays from 9:00 AM to 5:00 PM and Sundays and holidays from 12:00 PM to 4:00 PM.

BMP-6: Construction Hours

The project will restrict construction to the hours between 7:00 AM to 7:00 PM on weekdays, 9:00 AM to 5:00 PM on Saturdays, and 12:00 PM to 4:00 PM on Sundays and holidays.

Applicability of a CEQA Categorical Exemption

CEQA applies to discretionary actions by public agencies that have the potential to result in a physical change in the environment. Projects subject to CEQA typically have one of three outcomes: preparation of a Notice of Exemption, an Initial Study (IS) / Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR). The CEQA Guidelines includes a list of classes of projects which have been determined to not have a significant effect on the environment and are therefore exempt from the provisions of CEQA. The District, as lead agency, has the ultimate determination on the appropriate CEQA documentation for a potential project; however, it is MIG's professional opinion that the proposed project does not have the potential to have a significant effect on the environment and is eligible for a Class 14 Categorical Exemption under CEQA Guidelines Section 15314 (Minor Additions to Schools).

CEQA Guidelines Section 15314 (Class 14) provides for 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. The proposed project would add a gymnasium facility to the school site (where there is none presently) and does not provide for in an increase in enrollment.

The gym would be located in a space that is currently a turf field and paved area that where portable classrooms were previously located. Therefore, the project is eligible for categorical exemption under CEQA Guidelines Section 15314 (Class 14).

Exceptions to the use of a Categorical Exemption

Categorical Exemptions are subject to certain exceptions and other limitations) that can defeat the use of the Categorical Exemption. Section 15300.2 of the CEQA Guidelines lists the "exceptions" to CEQA exemptions, or situations in which a Categorical Exemption cannot be used for a project. As described below, none of the exceptions that could defeat the use of a Class 14 Categorical Exemption apply to the proposed Bayside Academy New Gymnasium Project. These are:

- (a) **Location.** This exception only applies to Classes 3, 4, 5, 6, and 11. As stated above, the project is considered to qualify under Class 14: Minor Additions to Schools; therefore, the location exception does not apply.
- (b) **Cumulative Impact.** A categorical exemption is inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant. The proposed project would build a gymnasium building at the Bayside S.T.E.M Academy to facilitate its use for middle school. While the District does have other capital repair and school projects planned or under consideration, these other projects would occur at other schools and would not combine with impacts from the proposed project. Furthermore, the BMPs included in the project would render the

project's contribution to any potential cumulative impact less than significant (i.e., not cumulative considerable).

- (c) **Significant Effect Due to Unusual Circumstances.** A categorical exemption shall not be used where there is a reasonable possibility that the activity will have a significant effect on the environment *due to unusual circumstances* (emphasis added). The proposed projects would consist of constructing a new gym at the Bayside Academy, which does not currently have a gym. No unusual circumstances exist. Although Leslie Creek runs along the west and north sides of the school, there is no undeveloped habitat on-site and there is a BMP in place to reduce pollutants from flowing into the creek. Furthermore, the project is outside the jurisdiction of the San Francisco Bay Conservation and Development Commission as it is located more than 100 feet from a tidally influenced waterway (Pers. Comm A. Kristal, Oct. 23, 2017). Ground disturbing activities are anticipated to occur no less than 110 feet from the waterway. The site is relatively flat and therefore the project does not involve significant grading. The main ground disturbance would be grading to install the new gym foundation. The area of disturbance is minimal and is estimated have little to no excavated material for off-haul.
- (d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources within an officially-designated state scenic highway. The project site is four miles from Interstate 280, which is a designated State Scenic Highway (Caltrans 2011). The project would not damage scenic resources within, and is not visible from, this State Scenic Highway.
- (e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code (the Cortese List). The proposed project is not located on any such site (DTSC 2017a, 2017b, 2017c, 2017d).
- (f) **Historical Resources.** A categorical exemption shall not be used when the project may cause a substantial adverse change in the significance of a historical resource. The proposed project would not affect historic resources. The Bayside Academy was constructed in 1959 and has been subject to minor interior and exterior modifications since then (SMFCSD 2016e). The project consists of the construction of a new gym encompassing an area where four portables were located previously. The addition of a new gym on campus would not adversely impact the character of use at the site as the addition is school related and does not result in the demolition, destruction, relocation or alteration activities which would entail historical significance. Construction of the gym would only disturb pavement and topsoil and has a low possibility for uncovering unrecorded archaeological or paleontological sites since the project site is already developed. The San Mateo-Foster City School District would implement best management practices in the event historic resources are discovered. The project therefore would not have a significant effect to historical resources under CEQA.

Conclusion

Based on our understanding of the proposed Bayside Academy Gymnasium Project and the materials and references listed in this memo, it is MIG's professional opinion that the project would not have a significant effect on the environment and qualifies for a CEQA Categorical Exemption under CEQA Guidelines Section 15314 (Minor Additions to Schools). Accordingly, the District should file a Notice of Exemption (NOE) for the project with the San Mateo County Clerk-Recorder's Office and the State Clearinghouse. The filing of an NOE for the project would start a 35-day statute of limitations period on legal challenges to the determination the project is exempt from CEQA.

References

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