271 South Brea Canyon Road • Walnut, CA 91789-3002 (909) 595-7554 • Fax: (909) 444-5521 walnutvalleywater.gov



# SPECIAL BOARD MEETING THURSDAY, MAY 1, 2025 4:00 P.M.

Agenda materials are available for public review at <u>https://walnutvalleywater.gov/about-us/meetings-minutes-and-agendas/</u>.

Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review during regular business hours at the District office, located at: 271 S. Brea Canyon Road, Walnut, CA.

1. Flag Salute

2. Roll Call: Mr. Hilden\_\_\_\_ Ms. Kwong\_\_\_\_ Ms. Lee\_\_\_\_ Mr. Tang\_\_\_\_ Mr. Woo\_\_\_\_\_

3. Public Comment

President Kwong

The Presiding Officer of the Board of Directors may impose reasonable limitations on public comments to assure an orderly and timely meeting.

- A. Agenda Items Any person desiring to address the Board of Directors on any Agenda item may do so at the time the item is considered on the Agenda by requesting the privilege of doing so at this time and stating the Agenda item to be addressed. At the time the item is discussed, those requesting to speak will be called to do so.
- B. **Non-Agenda Items -** At this time, the public shall have an opportunity to comment on any non-agenda item relevant to the jurisdiction of the District. Reasonable time limits on each topic and on each speaker are imposed in accordance with Board policy.
- 4. Consider Award to Pacific Hydrotech Corporation for the Operations
  & Maintenance Site Improvements Labor and Material (P.N. 19-3569-0)
  A. Discussion
  B. Action Taken

Adjournment

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disabilityrelated modification or accommodation to participate in a meeting may request such modification or accommodation from the District's General Manager's Office at (909) 595-1268 Ext. 201.

I, Lucie Cazares, MMC, Walnut Valley Water District, do hereby certify, under penalty of perjury under the laws of the State of California that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at 271 S. Brea Canyon Road, Walnut, CA., and uploaded to the Walnut Valley Water District website <u>https://walnutvalleywater.gov/about-us/meetings-minutes-and-agendas/</u>

Date Posted: April 30, 2025

Lucie Cazares, MMC, Executive Services Administrator

# WVWD – Staff Report



TO: FROM: SUBMITTED BY: DATE: SUBJECT:	Board of Directors General Manager Engineering Manager May 1, 2025 Consider Award to Pacific Hydrotech Corporation for the Operations & Maintenance Site Improvements – Labor and Material (P.N. 19-3569-0)
	Maintenance Site Improvements – Labor and Material (P.N. 19-3569-0)

Action/Discussion	Fiscal Impact	Resolution	Information Only
Action/Discussion		Resolution	Information Only

## **Recommendation**

Request the Board of Directors:

- 1. Award a contract to Pacific Hydrotech Corporation (Contractor) in the amount of \$4,085,333.00 for the construction of the Operations & Maintenance Site Improvements (Project);
- 2. Authorize the General Manager to execute the contract in a form acceptable to General Counsel;
- 3. Find that the project is exempt pursuant to Article 19, Categorical Exemptions, Section 15302, Class 2 and Section 15311, Class 11;
- 4. Authorize Staff to file a Notice of Exemption for the subject project with the Office of the Los Angeles County Registrar-Recorder/County Clerk.

## Background Information

The District is proposing to improve the existing Headquarters site (future Operations & Maintenance building) which will enhance material and equipment storage, improve operations activities and provide parking for employees as shown on the attached site plan layout.

The Project includes all labor and material for earthwork, demolition, construction of a concrete pad for a new storage building, a new parking lot and rolling gate, and enhancements to the existing parking area in the southwest and northwest vicinities of the existing Operations & Maintenance building. In addition, the project will redevelop the entrance and visitor parking area to the southeast, incorporating security fencing, a pedestrian gate, and a rolling gate. The project also involves on-site drainage improvements, electrical work, including furnishing and installing power boxes, conduit lines, duct banks, gate controls, an exit loop, and a ground rod system. Additionally, low-impact development and stormwater pollution prevention plan measures will be implemented to manage on-site stormwater runoff, incorporating BMPs, storm drains, curb gutters, and catch basins.

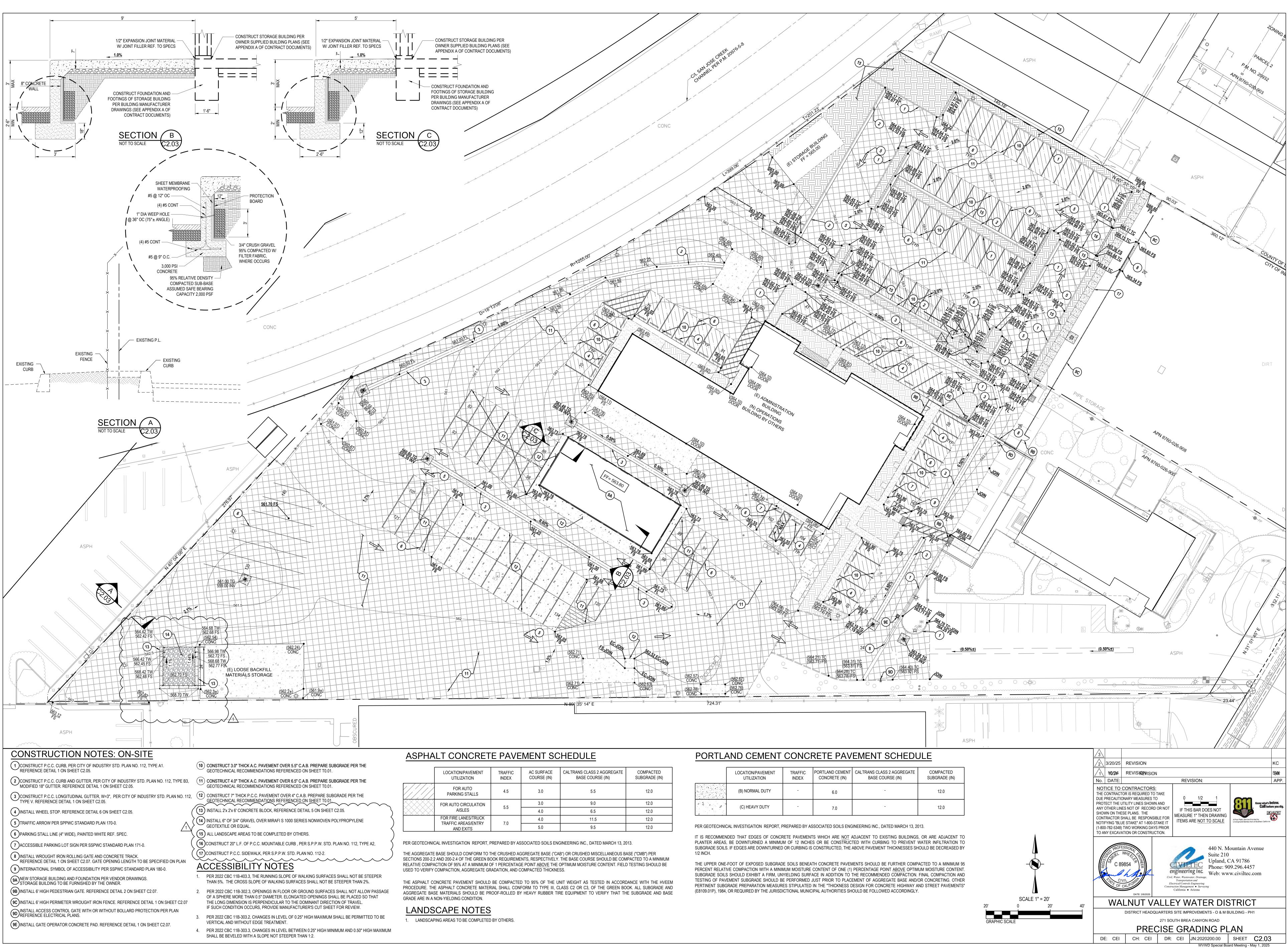
Civiltec Engineering, Inc. (Civiltec) was retained to provide professional engineering services for the preparation of preliminary and final plans, specifications and cost estimate for the proposed project.

On March 6, 2025, a Request for Bids was posted on PlanetBids and on April 3, 2025, three (3) bids were received for the labor and materials of the project. Attached for your information is the bid recap and a project description. Staff and Civiltec have reviewed the bid information, performed value engineering with Pacific Hydrotech to reduce the bid cost, and confirmed that Pacific Hydrotech Corp., is the lowest and responsible bidder. Staff recommends the award of this project in the amount of \$4,085,333.00. The estimated delivery date is 270 calendar days. Attached is a letter of recommendation provided by Civiltec.

In addition, District staff has determined, based on the CEQA Environmental Review Guidelines, that the project is exempt pursuant to Article 19, Categorical Exemptions, Section 15302, Replacement or Reconstruction under Class 2 and Section 15311, Accessory Structures under Class 11.

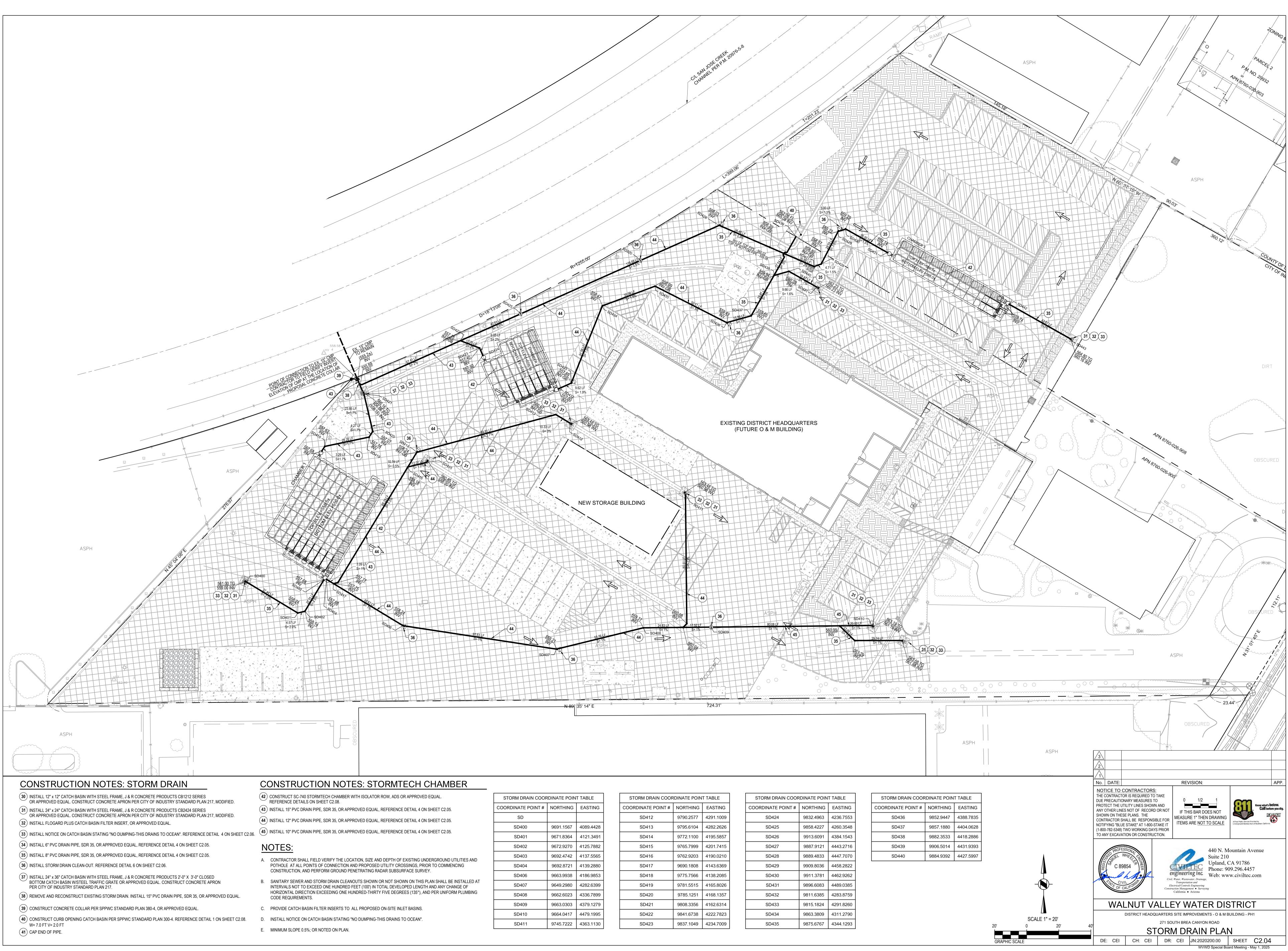
Funds for this project will be provided from the PBWA revenue bond agreement approved by the Board.

<u>Attachments:</u> Site Plan Layout Bid Recap Project Description Civiltec's Letter of Recommendation Notice of Exemption, CEQA Sections 15302 & 15311



LOCATION/PAVEMENT UTILIZATION	TRAFFIC INDEX	AC SURFACE COURSE (IN)	CALTRANS CLASS 2 AGGREGATE BASE COURSE (IN)	COMPACTED SUBGRADE (IN)
FOR AUTO PARKING STALLS	4.5	3.0	5.5	12.0
FOR AUTO CIRCULATION	5.5	3.0	9.0	12.0
AISLES	5.5	4.0	6.5	12.0
FOR FIRE LANES/TRUCK TRAFFIC AREAS/ENTRY	7.0	4.0	11.5	12.0
AND EXITS	1.0	5.0	9.5	12.0

LOCATION/P UTILIZA
(B) NORMA
(C) HEAVY



STORM DRAIN COORDINATE POINT TABLE				
COORDINATE POINT #	NORTHING	EASTING		
SD				
SD400	9691.1567	4089.4428		
SD401	9671.8364	4121.3491		
SD402	9672.9270	4125.7882		
SD403	9692.4742	4137.5565		
SD404	9692.8721	4139.2880		
SD406	9663.9938	4186.9853		
SD407	9649.2980	4282.6399		
SD408	9662.6023	4336.7899		
SD409	9663.0303	4379.1279		
SD410	9664.0417	4479.1995		
SD411	9745.7222	4363.1130		

STORM DRAIN COORDINATE POINT TABLE				
COORDINATE POINT #	NORTHING	EASTING		
SD412	9790.2577	4291.1009		
SD413	9795.6104	4282.2626		
SD414	9772.1100	4195.5857		
SD415	9765.7999	4201.7415		
SD416	9762.9203	4190.0210		
SD417	9690.1808	4143.6369		
SD418	9775.7566	4138.2085		
SD419	9781.5515	4165.8026		
SD420	9785.1251	4168.1357		
SD421	9808.3356	4162.6314		
SD422	9841.6738	4222.7823		
SD423	9837.1049	4234.7009		

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271 South Brea Canyon Road, Walnut, CA 91789 April 3, 2025

# Bid Results O&M Site Improvements 19-3569

CONTRACTOR	BID PRICE		
PACIFIC HYDROTECH <sup>1</sup>	\$	4,085,333.00	
GM SAGER	\$	5,473,670.00	
W.A. RASIC	\$	6,044,490.00	
<sup>1</sup> Per Legal Counsel approval, negotiation with Pacific Hydrotech ocurred on 4/28/2025 to reduce the cost upon clarification of discrepancies found on the bid items. Original bid price was \$4,702,718.00			

# WALNUT VALLEY WATER DISTRICT 271 S. Brea Canyon Road Walnut, CA 91789



Project Name:	Operations & Maintenance Site Improvements
Project Number:	19-3569-0
Location:	271 S. Brea Canyon Rd, Walnut
Project Manager:	Bertha Perez/Tai Diep
Contractor:	Pacific Hydrotech Corporation

# Background:

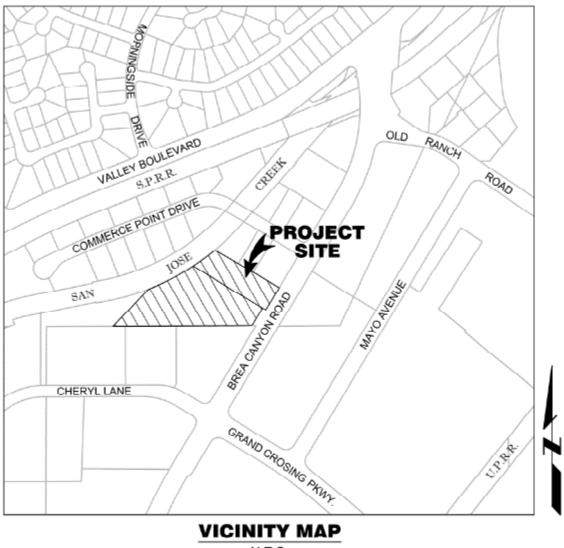
The District is proposing to improve the existing Headquarters site (future Operations & Maintenance building) which will enhance material and equipment storage, house operations activities and provide parking for employees as shown on the attached site plan layout.

# Scope of Work:

The Consultant-design project consists of site improvements, including earthwork, demolition, construction of a concrete pad for a new storage building, a new parking lot and rolling gate, and enhancements to the existing parking area in the southwest and northwest vicinities of the existing O&M building, developing the entrance and visitor parking area to the southeast, incorporating security fencing, a pedestrian gate, and a rolling gate. The project also involves on-site drainage improvements, electrical work, including furnishing and installing power boxes, conduit lines, duct banks, gate controls, an exit loop, and a ground rod system. Additionally, low-impact development and stormwater pollution prevention plan measures will be implemented to manage on-site stormwater runoff, incorporating BMPs, storm drains, curb gutters, and catch basins.

## Project Schedule:

Bid Date	April 3, 2025
Contract Award Date	May 1, 2025
Contract Duration	270 Calendar Days
Construction Start Date	TBD
Construction End Date	
<u>Cost:</u>	
Original Contract Amount:	\$4,085,333.00
Net Change Order Amount:	
Revised Contract Amount:	



N.T.S.



Electrical/Controls Engineering 
• Construction Management • Surveying California • Arizona

TO: Bertha Perez, P.E., Engineering Manager

FROM: Shem Hawes, P.E., Principal, Principal Engineer

DATE: April 30, 2025

SUBJECT: Recommendation for the Award of Construction Contract – Walnut Valley Water District - District Operations and Maintenance Building Site Improvements Phase One, Project No. 19-3569

Construction Drawings and Specifications for the subject project were issued on March 6, 2025, and bids were received on April 3, 2025. A mandatory pre-bid conference was scheduled for the project, and a site meeting was conducted on March 17, 2025, to review the construction scope and bidding procedures. Three contractors submitted bids, as summarized below:

				Value Engineered
Bidder's Name	Bid Bond	Addendum	Bid	Bid
GM Sager Construction	Yes	Yes	\$5,473,670.00	-
Pacific Hydrotech	Yes	Yes	\$4,702,718.00	\$4,085,333.00
W.A. Rasic Construction	Yes	Yes	\$6,044,490.00	-
Average			\$5,406,959.33	-
Engineer's Estimate			\$3,062,973.83	\$3,062,973.83

# ANALYSIS

The bid prices received significantly exceeded the engineer's cost estimate. The bid prices exhibited a moderate degree of variance, with a standard deviation of approximately \$549,803, representing 10.17% of the average total bid amount.

The District interviewed all three contractors to clarify the factors contributing to the elevated bid prices, which subsequently led to a decision to initiate a value engineering bid process. With approval from the District's legal counsel, the District proceeded to rebid the project exclusively with Pacific Hydrotech— the original low bidder—treating the process as a refinement to the project scope. Contributing factors under consideration included potential misinterpretations of the steel building construction scope, inaccuracies in the quantity take-offs of certain bid schedule items, recent discussions regarding the implementation of tariffs, and the effects of inflation. Civiltec provided value engineering services that included eliminating phasing requirements, adjusting bid item quantities to align with the plans and specifications, and removing non-essential

Bertha Perez, P.E., WVWD District Operations and Maintenance Building Site Improvements Phase One April 29, 2025 Page 2 of 2



language from the bid schedule. These refinements resulted in significant cost reductions across multiple bid items. These efforts led to more competitive bid submission from Pacific Hydrotech.

# RECOMMENDATIONS

The bid submitted by the apparent low bidder, Pacific Hydrotech, was thoroughly reviewed for compliance with the Bidding and Contract Documents. Based on this evaluation, the bid was found to be in conformance with the issued Contract Documents. Pacific Hydrotech also demonstrated a high level of interest and engagement during the bidding phase, submitting the greatest number of inquiries and requests for clarification related to the project scope and requirements.

Pacific Hydrotech is a well-established and reputable contractor with extensive experience in land development, water and wastewater infrastructure, and pumping facilities throughout California. References indicate that the firm consistently delivers quality construction services. As with any project undertaken by the District, particular attention should be given to any contractor-requested changes or extra work. It is in the District's best interest to ensure that all work performed by Pacific Hydrotech and its subcontractors is closely monitored—either by District staff or a designated third-party inspector—to verify full compliance with the construction drawings and contract requirements.

Overall, Pacific Hydrotech is a highly qualified general contractor that meets or exceeds the qualifications necessary to successfully complete this project. Accordingly, it is recommended that the Construction Contract for the District Operations and Maintenance Building Site Improvements – Phase One, Project No. 19-3569, be awarded to Pacific Hydrotech in the amount of **\$4,085,333.00**.

271 S. Brea Canyon Road, Walnut, CA 91789

# **Notice of Exemption**

To: Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814 From: (Public Agency) Walnut Valley Water District 271 S. Brea Canyon Road Walnut, CA 91789

County Clerk
 County of Los Angeles
 Registrar-Recorder/County Clerk
 12400 Imperial Highway
 Norwalk, CA 90650

**Project Title:** 

Operations & Maintenance Site Improvements Phase I (P.N. 19-3569)

### **Project Location - Specific:**

271 S. Brea Canyon Road (see attached vicinity map).

Project Location – City: City of Industry Project Location – County: Los Angeles

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

The District is proposing to improve the existing Headquarters site (future Operations & Maintenance building) which will enhance material and equipment storage, house operations activities and provide parking for employees.

Name of Public Agency Approving Project: Walnut Valley Water District

Name of Person or Agency Carrying Out Project: Walnut Valley Water District

### Exempt Status: (check one)

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

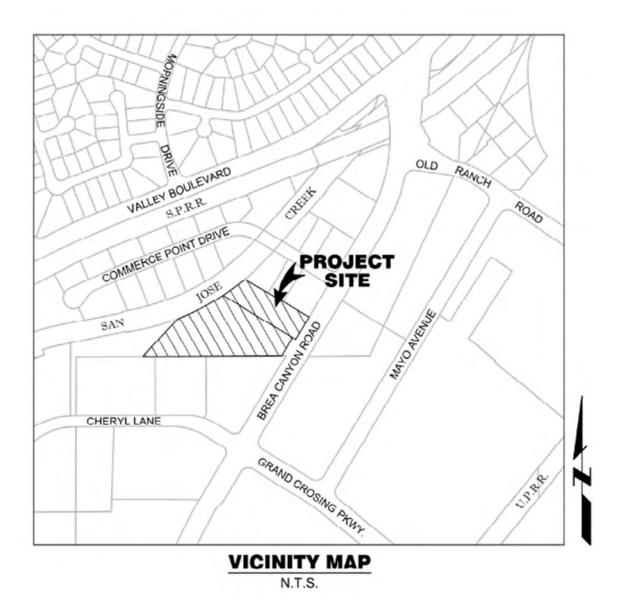
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. Article 19, Categorical Exemptions, Section 15302, Replacement or Reconstruction and Section 15311, Accessory Structures
- Statutory Exemption

#### Reasons why project is exempt:

The proposed project is exempt under CEQA, Article 19, Categorical Exemption, Section 15302, Replacement or Reconstruction under Class 2 as the improvements will be replacing existing facilities at the same location and Section 15311, Accessory Structures under Class 11 as an enclose storage structure is added to the District's existing facilities to store materials and equipment that are currently exposed to the elements.

Lead Age Sheryl L	<b>ncy Contact Person:</b> . Shaw	Area Code/Telephone/E (909) 595-7554	Extension:	
lf filed by	applicant:			
1. Atta	ched certified document of exemption	finding.		
2. Has proje	a Notice of Exemption been filed by t ect?	he public agency approving the	🗌 Yes	🛛 No
Signature:		Date: Ma	ay 2, 2025	
	Sheryl L. Shaw		-	
	General Manager/Chief Engineer			
$\boxtimes$	Signed by Lead Agency	Date received for filing at OPR:	·	
	Signed by Applicant			

271 S. Brea Canyon Road, Walnut, CA 91789



carrier, and the common carrier owns and serves by pipeline at least five such facilities in California.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21080.23, Public Resources Code.

### 15285. TRANSIT AGENCY RESPONSES TO REVENUE SHORTFALLS

- (a) CEQA does not apply to actions taken on or after July 1, 1995 to implement budget reductions made by a publicly owned transit agency as a result of a fiscal emergency caused by the failure of agency revenues to adequately fund agency programs and facilities. Actions shall be limited to those directly undertaken by or financially supported in whole or in part by the transit agency pursuant to Section 15378(a)(1) or (2), including actions which reduce or eliminate the availability of an existing publicly owned transit service, facility, program, or activity.
- (b) When invoking this exemption, the transit agency shall make a specific finding that there is a fiscal emergency. Before taking its proposed budgetary actions and making the finding of fiscal emergency, the transit agency shall hold a public hearing. After this public hearing, the transit agency shall respond within 30 days at a regular public meeting to suggestions made by the public at that initial hearing. The transit agency may make the finding of fiscal emergency only after it has responded to public suggestions.
- (c) For purposes of this subdivision, "fiscal emergency" means that the transit agency is projected to have negative working capital within one year from the date that the agency finds that a fiscal emergency exists. "Working capital" is defined as the sum of all unrestricted cash, unrestricted short-term investments, and unrestricted short-term accounts receivable, minus unrestricted accounts payable. Employee retirements funds, including deferred compensation plans and Section 401(k) plans, health insurance reserves, bond payment reserves, workers' compensation reserves, and insurance reserves shall not be included as working capital.
- (d) This exemption does not apply to the action of any publicly owned transit agency to reduce or eliminate a transit service, facility, program, or activity that was approved or adopted as a mitigation measure in any environmental document certified or adopted by any public agency under either CEQA or NEPA. Further, it does not apply to actions of the Los Angeles County Metropolitan Transportation Authority.

**Note:** Authority cited: Sections Section 21083, Public Resources Code; References: Sections 21080 and 21080.32, Public Resources Code.

# Article 19. Categorical Exemptions

#### SECTIONS 15300 TO 15332

#### 15300. CATEGORICAL EXEMPTIONS

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

### 15300.1. RELATION TO MINISTERIAL PROJECTS

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, categorical exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

#### 15300.2. EXCEPTIONS

- (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 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.
- (b) 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.
- (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.
- (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.
- (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.
- (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.

**Note:** Authority cited: Section 21083, Public Resources Code; References: Sections 21084 and 21084.1, Public Resources Code; *Wildlife Alive v. Chickering* (1977) 18 Cal.3d 190; *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 925; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810; *Association for the Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720; and *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464

#### 15300.3. REVISIONS TO LIST OF CATEGORICAL EXEMPTIONS

A public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

### 15300.4. APPLICATION BY PUBLIC AGENCIES

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

### **15301. EXISTING FACILITIES**

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. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
  - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
  - (2) 10,000 square feet if:
    - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
    - (B) The area in which the project is located is not environmentally sensitive.
- Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);

- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- () Demolition and removal of individual small structures listed in this subdivision:
  - (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.
  - (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.
  - (3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.
  - (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
- (n) Conversion of a single family residence to office use.
- (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.
- (p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

**Note:** Authority cited: Section 21083, Public Resources Code; References: Sections 21084, Public Resources Code; *North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94; *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310; *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.

#### 15302. REPLACEMENT OR RECONSTRUCTION

Class 2 consists of 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, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

# **Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

### 15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small 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 structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084, Public Resources Code.

#### 15304. MINOR ALTERATIONS TO LAND

Class 4 consists 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 or agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
- (h) The creation of bicycle lanes on existing rights-of-way.
- (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

### 15305. MINOR ALTERATIONS IN LAND USE LIMITATIONS

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

#### **15306. INFORMATION COLLECTION**

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

# 15307. ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

**Note:** Authority cited: Section 21083, Public Resources Codee; Reference: Section 21084, Public Resources Code.

#### 15308. ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the

regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code; *International Longshoremen's and Warehousemen's Union v. Board of Supervisors*, (1981) 116 Cal. App. 3d 265.

#### 15309. INSPECTIONS

Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

#### 15310. LOANS

Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

- (a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.
- (b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

#### 15311. ACCESSORY STRUCTURES

Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

- (a) On-premise signs;
- (b) Small parking lots;
- (c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

#### 15312. SURPLUS GOVERNMENT PROPERTY SALES

Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

- (a) The property does not have significant values for wildlife habitat or other environmental purposes, and
- (b) Any of the following conditions exist:
  - (1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or