

# CEQA MEMORANDUM

## MEMORANDUM

June 8, 2023

**From:** Akoni Danielsen, Principal  
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1736 Franklin Street, Suite 300  
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**To:** Marlon Quiambao, Senior Engineer  
City of Sunnyvale  
456 W Olive Avenue  
Sunnyvale, CA 94086

**Re:** Qualification of the Sunnyvale Community Center Grounds Renovation and Enhancement for CEQA Categorical Exemption

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### INTRODUCTION TO CATEGORICAL EXEMPTIONS

The California Environmental Quality Act (CEQA) Guidelines contain classes (or categories) of projects that have been determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. CEQA Guidelines Sections 15301 – 15333 constitute the list of categorically exempt projects and contain specific criteria that must be met in order for a project to be found exempt. Additionally, CEQA Guidelines Section 15300.2 includes a list of exceptions to exemptions, none of which may apply to a project in order for it to qualify for a categorical exemption, i.e., if an exception applies, a project is precluded from being found categorically exempt.

CEQA Guidelines Section 15301 – Existing Facilities sets forth criteria for projects characterized as existing facilities that may be found categorically exempt. The analysis below shows that: a) none of the exceptions contained in 15300.2 apply to the project, and b) the project is consistent with the existing facilities criteria in Section 15301. We conclude that the project proposed for the Sunnyvale Community Center Ground Renovation and Enhancement can be found categorically exempt from CEQA under Guidelines Section 15301. Additionally, the analysis that follows shows the project may also be found exempt under additional classes, including Class 2 (Replacement or Reconstruction), and Class 30 (Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances).

### PROJECT DESCRIPTION

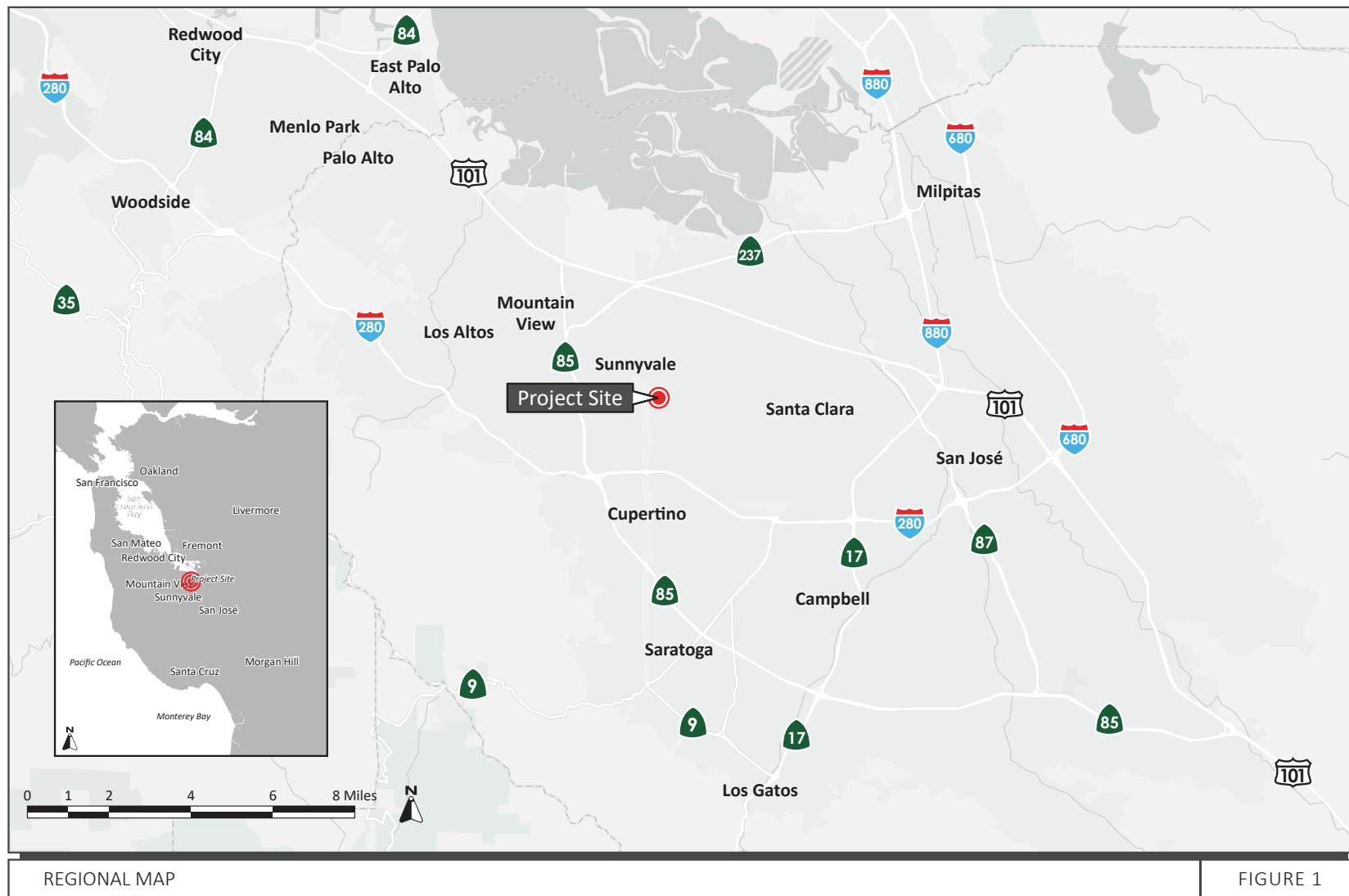
#### Existing Setting and Surrounding Land Uses

The project site is located at 550 E. Remington Drive in the City of Sunnyvale. A regional map, vicinity map, and aerial photograph are shown in Figures 1 through 3, respectively. The existing community center consists of six buildings including the recreation center, creative arts center, performing arts center, indoor sports center, and senior center.. The approximately 14.0-acre site also contains three surface parking lots, two manmade ponds, walking paths, open lawn areas, and a total of 223 existing trees<sup>1</sup>. The existing upper pond is approximately 9,700 square feet in size and the lower pond is approximately 99,000 square feet in size.

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<sup>1</sup> The 14.0-acre project site does not include the orchard south of the community center and the 223 trees on-site do not include the orchard trees.

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REGIONAL MAP

FIGURE 1

PROJECT SCHEDULE UPDATE

75% CONSTRUCTION COST ESTIMATE

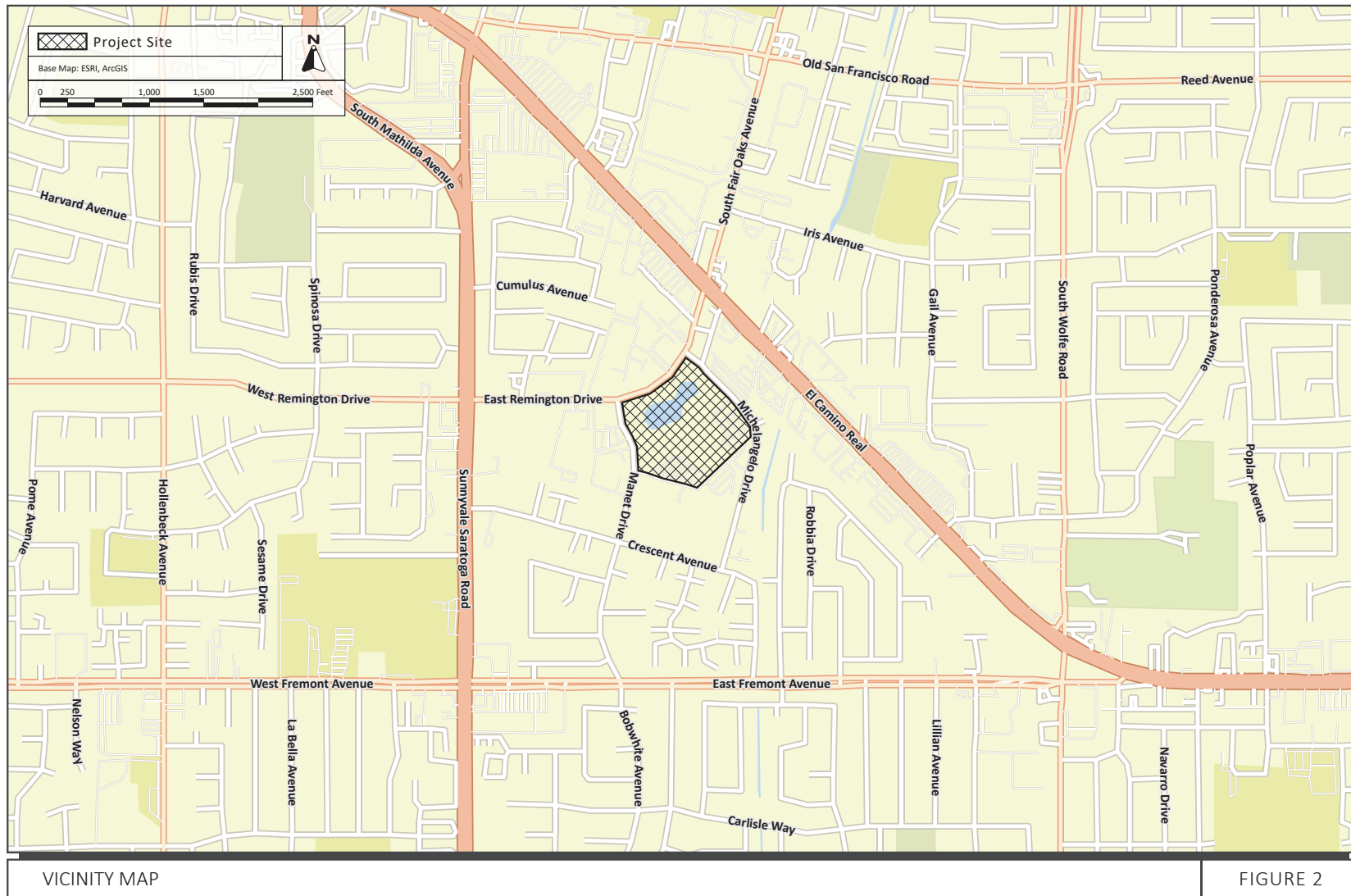
CEQA MEMORANDUM

STORMWATER MGMT INFORMATION

CITY COMMENT RESPONSES - 30% SD

DESIGN LOG

CEQA MEMORANDUM (CONT.)



CEQA MEMORANDUM (CONT.)



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3

PROJECT SCHEDULE UPDATE

75% CONSTRUCTION COST ESTIMATE

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STORMWATER MGMT INFORMATION

CITY COMMENT RESPONSES - 30% SD

DESIGN LOG

## CEQA MEMORANDUM (CONT.)

The City has identified that the condition of the existing ponds on-site is deteriorating. As described further in this memo, the water in the existing ponds is contaminated due to the application of a copper-based algae treatment and the presence of waterbird feces.

The Sunnyvale Community Center is used for many City-sponsored events and various facilities on-site are available for the public to rent for private events. The recreation center is where class and facility reservations take place. It has five rooms available for rent, with a total building capacity of 411 people. The senior center includes a large ballroom, a professional kitchen, and is typically used to host recreational and cultural activities for adults of 50 years and older. The senior center has a total building capacity of 486 people. The creative arts center has one room with a capacity of 45 people for hosting art classes and open studio sessions.

The performing arts center includes the 200-seat Sunnyvale Theatre and Dance Studio, a fully rigged and lighted stage that accommodates plays, recitals, and concerts. The studio's resident theatre company, the Sunnyvale Community Players, presents more than 45 performances per year. The indoor sports center hosts classes for various ages and includes a gymnastics program, adult sports leagues, and a drop-in gym. The drop-in gym includes a basketball court and has regularly scheduled volleyball and badminton games.

The Sunnyvale Community Center hosts an average of 100 events in the theatre and dance studio where attendance is approximately 150 people per event annually. The center also rents out space for an average of 50 church events where attendance is approximately 250 people per rental annually and 55 other private events where attendance is approximately 200 people annually. Additionally, the City also hosts various special events throughout the year. These events include the Hands on the Arts Festival/Cultural Celebration (approximately 6,000 people) in May and various holiday events in December that result in 200 or less people on-site on any given day.

Surrounding land uses include commercial offices and multifamily residences to the northwest across E Remington Drive, commercial offices and a car dealership to the northeast across Michelangelo Drive, single family residences to the east across Michelangelo Drive, the Sunnyvale Heritage Park Museum, Orchard Heritage Park, and 10-acre apricot orchard to the south along with single family residences across Crescent Avenue, and multifamily residences and commercial offices to the west across Manet Drive.

### **Proposed Project**

The project will enhance approximately 2.27-acres of the 14.0-acre Sunnyvale Community Center grounds. The proposed enhancements would take place at the existing upper and lower ponds, and the area surrounding the lower pond. The project would remove approximately 58 percent (approximately 5,590 square feet) of the existing upper pond and approximately 73 percent (approximately 72,590 square feet) of the existing lower pond and utilize the space for other recreational features. The project would also add a new waterfall feature below the upper pond area. After project implementation, the lower pond would be approximately 26,410 square-feet in size, the upper pond would be approximately 4,110 square feet, and the waterfall basin would be approximately 3,935 square feet. The existing ponds will be dewatered, and pond sediment will be centrifuged to separate out the solids suspended in the water. The liquids will be filtered through an enhanced sand filter prior to discharge into the City's sanitary sewer system. The solids from the existing ponds would be dried and off-hauled to a landfill. Project construction would require the off-haul of approximately 2,000 cubic yards of pond sediment and approximately 3,800 cubic yards of soil

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would be imported to fill the portions of the ponds being converted to other uses. Project construction is anticipated to take a total of 16 to 18 months and draining of the existing ponds is anticipated to take approximately eight weeks.

The project would add new plaza areas, a synthetic turf lawn, a playground area, a recreation area, a restroom building, a public art display, and an amphitheater. The project would add an outfall to the upper pond leading into a lower stream bed with boulders and cascading water. The playground area would include one playground for children ages two through five and another playground for children ages five through 12. The recreation area would include games such as cornhole, table tennis, and chess/checkers tables. The amphitheater would include seating for up to 110 people. The project would not include any permanent speakers or lights for the amphitheater. The amphitheater is not proposed to be used for concert series. The amphitheater is anticipated to serve as a permanent replacement to the temporary staging that is used during existing events on-site such as the Hands on the Arts Festival/Cultural Celebration and December events and to be used for other events such as poetry reading, tai chi, yoga, and story time. The temporary staging used during existing events is typically located near the southwestern corner of the site, adjacent to the lower pond. Attendees currently sit on the lawn surrounding the lower pond. As previously described, the number of attendees can reach up to 6,000 people for the Hands on the Arts Festival and several hundred for other events throughout the year.

The project would also include ADA accessibility improvements along the existing paving areas, and landscaping and trail improvements throughout the project site. The project would remove a total of 41 existing trees from the project site, leaving 182 of the existing trees remaining. The project would plant approximately 79 new trees on-site, resulting in a net increase of 38 trees on-site. A site plan of the proposed grounds renovations and enhancements are shown in Figure 4.

PROJECT  
SCHEDULE UPDATE

75% CONSTRUCTION  
COST ESTIMATE

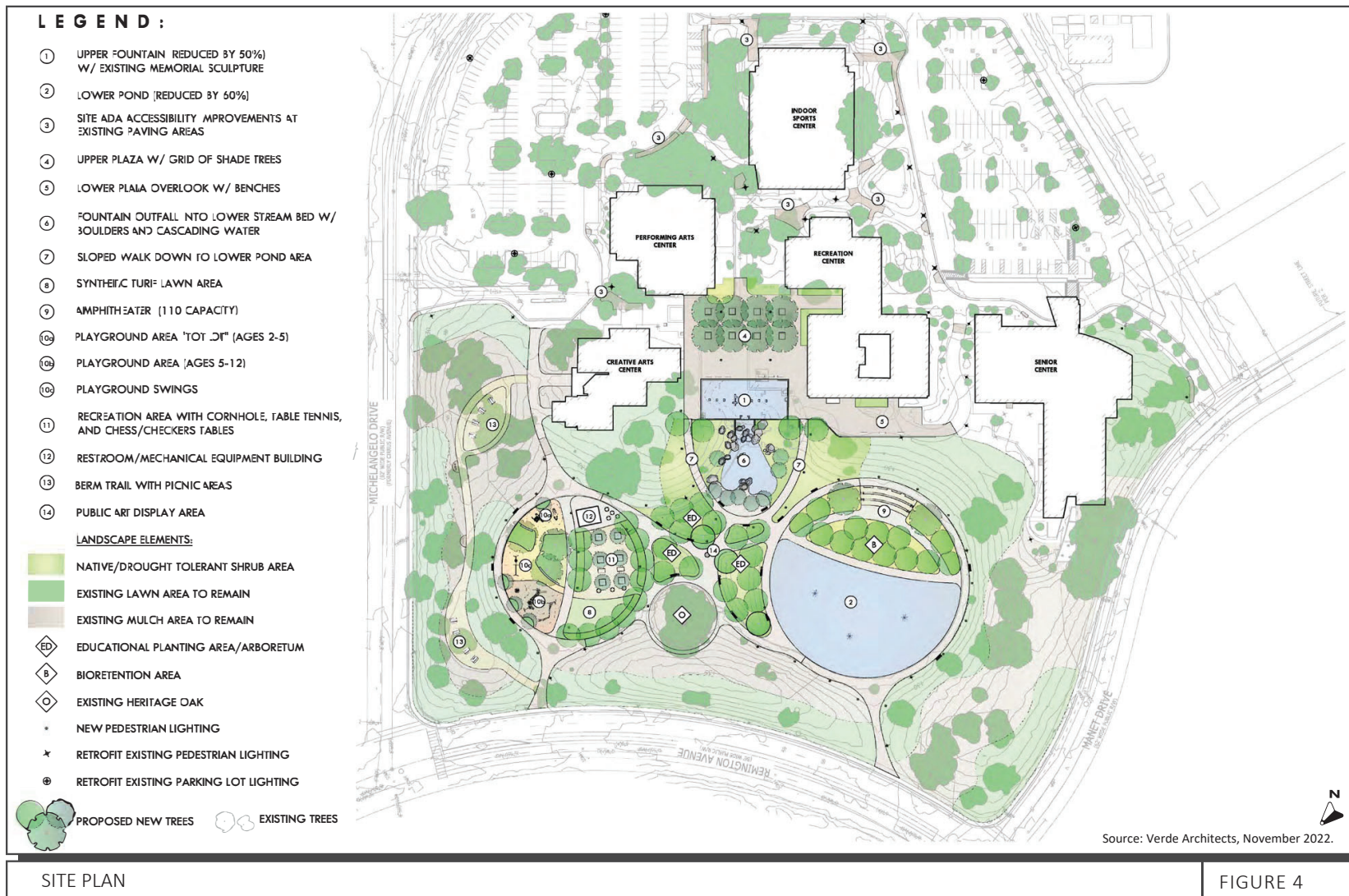
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STORMWATER  
MGMT INFORMATION

CITY COMMENT  
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DESIGN LOG

CEQA MEMORANDUM (CONT.)



# CEQA MEMORANDUM (CONT.)

## I. EXCEPTIONS TO CATEGORICAL EXEMPTIONS

This section documents that none of the exceptions in CEQA Guidelines Section 15300.2 would disqualify the project from being found categorically exempt.

### CEQA Guidelines Section 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.*

This exception only applies to Class 3, 5, 6, and 11 exemptions. The proposed project is categorically exempt under Class 1,2, and 30, therefore the exception under CEQA Guidelines Section 15300.2(a) is inapplicable.

*(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.*

There are no other projects of the same type in the same place currently under construction or that are anticipated to be under construction at the same time as the proposed grounds enhancements. While most of the project’s impacts would be limited to the project site, emissions of greenhouse gas emissions and regional criteria pollutants would have potential to have a broader impact. The cumulative impacts of these emissions are discussed below.

### Greenhouse Gas Emissions

Global climate change is by its very nature a cumulative impact. In April 2022, the Bay Area Air Quality Management District (BAAQMD) adopted new thresholds for assessing the impacts that projects and plans would have on climate change. BAAQMD provided a justification report that described these new qualitative thresholds that are recommended for lead agencies to consider when approving projects or plans through the CEQA process. BAAQMD has determined that projects meeting the following requirements would contribute their fair share to the goal of carbon neutrality by 2045:

- The project will not include natural gas plumbing or appliances,
- The project will not result in wasteful, inefficient, or unnecessary energy usage,
- Complies with SB 743 vehicle miles traveled (VMT) targets, and
- Complies with off-street electric vehicle (EV) requirements in CALGreen Tier 2.

The proposed grounds enhancements will not include the use of any natural gas plumbing or appliances. Energy would be consumed during project construction and operation. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting, maintaining, and fueling equipment. Energy is consumed during construction because the use of fuels and building materials are fundamental to construction of new buildings; however, energy would not be wasted or used inefficiently by project construction equipment. Project operation would consume energy in the form of electricity for nighttime pathway lighting, water use and lighting at the proposed restrooms, and running the fountain at the ponds. The site currently includes pathway lighting and pond fountains; thus, these elements

## CEQA MEMORANDUM (CONT.)

of the project would not represent a substantial increase in energy usage. Less energy would be required for the fountains on-site due to the substantial reduction in pond size. The proposed restrooms would utilize paperless hand dryers, low-flow toilets and urinals, and metered sink faucets. Thus, the proposed restrooms would not use energy inefficiently or wastefully.

The project does not propose any additional vehicle parking at the site and thus, is not required to provide electric vehicle charging spaces. There are four existing EV charging spaces in the north parking lot. According to the City's Transportation Analysis Guidelines, City facilities such as community centers are exempt from VMT analysis and presumed to have a less than significant transportation impact. Therefore, the project would comply with the SB 743 VMT reduction targets. For these reasons, the project would have a less than significant contribution toward the globally cumulative GHG emissions impact.

### Regional Criteria Pollutants

In its CEQA Air Quality Guidelines, BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If the size of the project is below the BAAQMD screening criteria, then the lead agency does not need to perform a detailed air quality assessment to compare the project's emissions to the BAAQMD significance thresholds. Project construction and operations would generate regional criteria pollutants that would contribute to cumulative regional air quality impacts. BAAQMD has adopted thresholds for screening levels for land uses to indicate whether a project would contribute a significant cumulative regional air quality impact. The project, which proposes to enhance approximately 2.27 acres of the 14.0-acre site would not exceed the operational criteria pollutant screening threshold of 2,613 acres for a city park or the construction-related screening size threshold of 67 acres for a city park. These thresholds are related to construction and operation of new parks, while the existing community center operations are the baseline condition, and the proposed project would only incrementally increase the daily use of the community center and grounds, as discussed in more detail below in Section II Existing Facilities Criteria. Vehicle trips would be the primary source of operational air pollution and as previously described, City facilities are assumed to result in a less than significant VMT impact per the City's Transportation Analysis Guidelines due to a low number of vehicle trips. The project, therefore, would not make a substantial contribution toward a significant cumulative impact of regional criteria pollutants.

***(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.***

The proposed grounds enhancements and renovations would not include any features that are unique or that would constitute "unusual" circumstances for a community center in the San Francisco Bay Area. Playgrounds, man-made ponds, outdoor amphitheaters, restrooms, pathways, and landscaping are all common features of City community center and parks. The surrounding land uses (residential and commercial) are commonly located near community centers and parks, and do not make for an unusual location or setting for such community features. The existing Sunnyvale Community Center grounds do not contain any unusual or unique environmental resources. Conditions related to the existing man-made ponds are discussed in detail below, related to the ponds' ability to support wildlife and to the removal of material from the bottom of the ponds.

# CEQA MEMORANDUM (CONT.)

## Biological Resources

H.T. Harvey & Associates, Inc. (H.T. Harvey) prepared a Biological Resources Report (see Appendix A) for the project, to document the existing biological setting of the project site. H.T. Harvey determined that no special-status (i.e., rare, endangered, or threatened) plant species are present given that there is no suitable habitat due to the highly urbanized nature of the site and the surrounding area. Wildlife species expected to occur on-site are largely limited to those that are adapted to the urban environment and tolerant of human disturbances such as nonnative eastern gray squirrel (*Sciurus carolinensis*), Virginia opossum (*Didelphis virginianus*), house mouse (*Mus musculus*), and Norway rat (*Rattus norvegicus*), as well as the native raccoon (*Procyon lotor*) and striped skunk (*Mephitis mephitis*), and western fence lizard (*Sceloporus occidentalis*). Common bird species expected to occur on-site year-round include the American crow (*Corvus brachyrhynchos*), Anna’s hummingbird (*Calypte anna*), dark-eyed junco (*Junco hyemalis*), lesser goldfinch (*Spinus psaltria*), house finch (*Haemorhous mexicanus*), and black phoebe (*Sayornis nigricans*). Migrants and wintering birds that forage within this habitat include the white-crowned sparrow (*Zonotrichia leucophrys*), golden-crowned sparrow (*Zonotrichia atricapilla*), yellow-rumped warbler (*Setophaga coronata*), and ruby-crowned kinglet (*Corthylio calendula*). A small population of introduced mitred parakeets (*Psittacara mitratus*) also occurs in the site vicinity, and these birds occasionally forage in trees on the project site year-round. Common waterbirds that are regularly observed in the existing lower pond on-site include the Canada goose (*Branta canadensis*), mallard (*Anas platyrhynchos*), and American coot (*Fulica americana*).

The existing man-made ponds on-site are characterized by poor water quality due to the presence of copper and zinc in the water that have been introduced by algae treatments. These chemicals prevent the growth of vegetation and can be toxic to wildlife. As a result, it is unlikely that aquatic species such as amphibians, reptiles, fish, and invertebrates are able to persist in these ponds, at least in numbers due to the poor water quality. Nevertheless, invertebrates that are tolerant of the poor water quality conditions may be present in the ponds, and fish may also be present if they have been introduced in the ponds by humans. An introduced red-eared slider turtle (*Trachemys scripta*) was observed in the pond in 2017; however no turtles were observed in the pond during H.T. Harvey’s January 2022 site visit, and no additional records of turtles or other aquatic wildlife in the pond are known. Any individuals of these species would be expected to subsist in the ponds for the length of time that they are able to tolerate the poor water quality. Healthy communities of fish and invertebrates are not expected to thrive in the ponds; rather, only small numbers of individuals of certain highly tolerant (likely nonnative) species are expected to be present.

A number of special-status species can occasionally occur on the project site as nonbreeding foragers. These include the white-tailed kite (*Elanus leucurus*), Vaux’s swift (*Chaetura vauxi*), tricolored blackbird (*Agelaius tricolor*), and monarch butterfly (*Danaus plexippus*). These species are not expected to nest, roost, or breed in or immediately adjacent to the project site due to a lack of suitable nesting, roosting, or breeding habitat, and will be affected very little, if at all, by the proposed project.

If construction of the proposed project occurs during the bird nesting season (February 1 to August 30), construction activities have the potential to impact nesting birds that are protected under the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA and the California Fish and Game Code, the proposed project shall implement the following standard measures to avoid construction-related impacts to nesting raptors and their nests:

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- General construction activities and the removal of trees could impact nesting birds. To the extent practicable, vegetation removal shall be performed from September 1<sup>st</sup> through January 31 to avoid the general nesting period for birds. If tree removal cannot be performed during this period, preconstruction surveys for nesting birds shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of vegetation removal, grading, or other construction activities.
- If vegetation removal or other construction or operational activities are not started within 14 days of the survey, another survey shall be required. The survey area shall include all of the construction site and staging areas as well as areas within 150 feet of the project site. In the event that an active nest is discovered in the areas to be cleared and or developed or in habitats within 100 feet of the proposed activities vegetation removal and construction shall be postponed for at least two weeks or until a wildlife biologist has determined that the young have fledged, and the nest is vacated and there is no evidence of a second nesting attempt.

Implementation of the measures described above is standard practice for virtually all construction projects that have trees or are located near trees and is not unusual to the project. Implementation of these measures would ensure that the project would have a less than significant impact on nesting and migratory birds that may be present at the project site during construction.

The southwestern pond turtle (*Emys pallida*), a California species of special concern, is not known to occur at the project site and is unlikely to occur due to the poor water quality and high level of human disturbance. Individual southwestern pond turtles are known to have been occasionally released into artificial waterbodies in the region, thus, the possibility that small numbers of released southwestern pond turtles may be present on-site cannot be ruled out. If any turtles are present in the ponds when construction occurs, they may be injured or killed due to crushing by construction personnel or equipment, as a result of exposure to predators when their cover is removed, or due to exposure following the removal of their habitat. Any such individuals are not currently a part of a viable breeding population, due to the absence of suitable nesting habitat and the inability of turtles to exit the ponds. However, this species is relatively scarce in the region, and due to the sensitivity of this species, injury or mortality of individual western pond turtles would be considered significant under CEQA. Therefore, the project shall implement the following measures to protect against the unlikely circumstance in which a southwestern pond turtle were to be released into one of the ponds prior to construction:

- A qualified biologist approved by the City of Sunnyvale will be present during dewatering activities to capture and relocate any southwestern pond turtles that are found during dewatering of the lower pond. Depending on the duration of dewatering, the biologist will visit the site at appropriate intervals based on the rate of change of the water level to ensure that any southwestern pond turtles that may be present are captured and relocated before there is a high risk of predation. A dip net or seine may be used to clear remaining water of turtles, if necessary.
- Prior to the start of dewatering, the biologist will coordinate with the CDFW regarding appropriate relocation methods for any pond turtles detected during the dewatering process to minimize the spread of shell-wasting disease. Because the closest populations of southwestern pond turtles are located more than four miles from the project site, it may be necessary to transfer the individual to a wildlife care facility temporarily so that it can be tested for shell-wasting disease prior to its release into a natural population.
- It is possible that animals such as fish, turtles, and amphibians may be present in the upper and

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lower ponds when they are drained. No nonnative animal species that may be present in the ponds will be released into the wild, into either natural or artificial waterbodies, when the on-site ponds are dewatered, to avoid having non-native animals prey on, compete with, or introduce pathogens that could affect native animals, including the southwestern pond turtle.

As previously described, encounter of a southwestern pond turtle on-site is not likely due to the poor quality of habitat on-site. The measures described above are a conservative precaution for the site's man-made water features and are common practice for projects involving dewatering of bodies of water that may contain wildlife. With implementation of the precautionary measures described above, the project would not result in any significant impacts to individual southwestern pond turtles encountered during construction, in the unlikely event they had been released into the ponds prior to construction.

## Soil and Water Conditions

As previously described, the project would result in the reconstruction and reduction of the existing upper and lower ponds. Thus, the excavation and off-haul of approximately 2,000 cubic yards of soil would be required and the water in the existing ponds would be drained over a course of approximately eight weeks. A Water and Soils Assessment was prepared for the project by Cornerstone Earth Group, Inc. (Cornerstone), dated January 2022 (see Appendix B). The existing ponds on-site have been treated with a copper-based algicide to prevent algae growth. Additionally, the ponds have been contaminated with feces from waterbirds that frequent the site. Cornerstone collected soil and water samples from the existing lower pond and analyzed them for metals and other hazardous materials. All concentrations in the soil samples analyzed were found to be below Tier 1 Environmental Screening Levels (ESLs), the most conservative screening levels used for evaluating soil for unrestricted use, with the exception of dichlorodiphenyltrichloroethane (DDT), which was found to exceed the Tier 1 ESLs in three out of the four soil samples taken. Due to this fact, soil hauled off-site may need to be disposed of at a non-hazardous Class 2 permitted landfill rather than a reuse facility.

Analysis of the water samples taken revealed high levels of barium, copper, and zinc suspended in both the middle and bottom layers of the pond. These metals are occurring at higher concentrations than allowed by local wastewater limits set forth by Sunnyvale Municipal Code Chapter 12 Section 12.120. Given that the upper pond currently outfalls to the lower pond, it is likely that similar conditions exist in the upper pond. Thus, the water and sediment in the lower and upper ponds would need to be treated and filtered on-site prior to disposal into the City's sanitary sewer system. As previously discussed, the project proposes to centrifuge the pond water to separate out the sediment and would filter the water through an enhanced sand filter prior to discharge into the City's sanitary sewer system.

It is not uncommon for urban redevelopment projects to encounter metals in soil and/or water on-site, as they are a result of algae treatment and bird feces, nor is it uncommon that projects be required to dispose of construction waste at specific facilities for public safety. Thus, the soil and water conditions on-site do not represent an unusual circumstance for the project.

Additionally, all soil concentrations were below the construction direct exposure ESL. Thus, construction workers would not be exposed to hazardous conditions while removing soil on-site. The project would not result in a significant impact related to draining of the lower and upper ponds and removal of soil on-site.

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***(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.***

The nearest officially designated state scenic highway is Route 9, located approximately seven miles south of the project site.<sup>2</sup> The project site is not visible from Route 9 at this distance; therefore, the project would not result in damage to any scenic resources within view of 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.***

The project site is not included on any lists compiled pursuant to Section 65962.5 of the Government Code. Therefore, no exceptions to the exemption apply under 15300.2(e). Additionally, there are no sites included on any such list that are adjacent to the project site.

***(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.***

The project would be limited to grounds renovations and enhancements, the project would not result in any changes to the existing buildings. The existing buildings and ponds were constructed in 1972, and at the time the City initiated the CEQA process for the project in 2021, they were not over 50 years in age, and not included on any federal, state, or local register. The existing buildings and ponds are not designated as historic resources and the project would not result in any changes to the existing buildings. The Bianchi Barn, also located at 550 E. Remington Drive, is designated as a Heritage Resources by the City of Sunnyvale. Although the Bianchi Barn shares the same address as the project site, it is part of the Sunnyvale Heritage Park Museum adjacent to the Sunnyvale Community Center. The project does not propose any changes to any of the Sunnyvale Heritage Park Museum structures or grounds. The Bianchi Barn is located approximately 400 feet south of the project site limits. Given this distance, the Bianchi Barn would not be affected by project construction activities (i.e., vibrations generated by construction equipment).

The site has been previously disturbed for construction, making the likelihood of encountering buried cultural resources low. The project would not require extensive excavation. The existing pond areas are lined with concrete, which the project would not excavate below. The following standard measures would be implemented as part of the project to avoid impacts to unknown subsurface resources:

- **Discovery of Archaeological Resources.** If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 100 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the

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<sup>2</sup> California Department of Transportation. California State Scenic Highway System Map. Accessed February 3, 2023. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

# CEQA MEMORANDUM (CONT.)

archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

- Discovery of Human Remains. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

## Conclusion

Based on the analysis above, none of the exceptions to categorical exemptions detailed in CEQA Guidelines Section 15300.2 apply to the proposed project.

PROJECT  
SCHEDULE UPDATE

75% CONSTRUCTION  
COST ESTIMATE

CEQA MEMORANDUM

STORMWATER  
MGMT INFORMATION

CITY COMMENT  
RESPONSES - 30% SD

DESIGN LOG

# CEQA MEMORANDUM (CONT.)

## II. EXISTING FACILITIES CRITERIA

This section documents that the proposed project qualifies for a Class 1 Existing Facilities exemption because it meets the criteria set forth in CEQA Guidelines Section 15301.

### **CEQA Guidelines Section 15301 – Existing Facilities Projects**

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 project proposes to renovate and enhance the grounds of the Sunnyvale Community Center. The project would not alter the existing buildings or change the functions or events that occur within them. The existing grounds currently serve as a recreational facility and gathering place for the local community. The project would alter the site by decreasing the size of the existing ponds and providing more recreational features. However, the site would still function as local-serving recreational and gathering area. The project does not intend to attract new users from beyond the current population, primarily Sunnyvale residents that currently use the existing community center and its grounds.

The proposed amphitheater would accommodate up to 110 people, however, it would not include any permanent sound system or lighting. The amphitheater would serve as a permanent replacement to the temporary staging that is used during existing events on-site such as the Hands on the Arts Festival/Cultural Celebration and December events. The amphitheater is also anticipated to be used for poetry reading, tai chi, yoga, and story time. The amphitheater is not proposed to be used for hosting concert series. As previously stated earlier in this memo, the existing events draw large numbers of visitors to the site (e.g., up to 200 people for each of the various December events and up to 6,000 people for the Hands on the Arts Festival). The City is also planning to begin hosting an annual cultural event anticipated to draw an attendance of 1,000 people or less. The annual cultural event is not part of the proposed project and would be implemented by City staff separately.

Therefore, the proposed 110-person amphitheater would not result in a substantial expansion of the existing or planned future use of the community center grounds and would provide a formal setting to replace temporary staging used during existing and planned future events. The other proposed renovations include plaza and picnic areas, a turf lawn, a playground area, a restroom building, and a public art display. These new recreational features would enhance the experience of visitors but would not substantially change the use of the community center grounds as a recreation and gathering area. Therefore, the project would result in a negligible expansion of current use. As noted above, no additional parking is proposed, as the

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improvements are not expected to draw substantial new visitors to the site that would not be accommodated by the existing parking supply.

### III. Replacement or Reconstruction Criteria

This section documents that the proposed project qualifies for a Class 2 Replacement or Reconstruction exemption because it meets the criteria set forth in CEQA Guidelines Section 15302.

#### CEQA Guidelines Section 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.

The project would replace the existing upper and lower ponds on-site with smaller ponds and water features and expanded recreational areas. The community center grounds would serve the same purpose as a public recreational facility. As previously discussed, while the proposed amphitheater area would include new seating that can accommodate up to 110 people, this would not be a substantial increase in capacity given the large events that are currently hosted by the City on the community center grounds throughout the year. The proposed amphitheater would largely serve as a passive seating area throughout the year and would serve as a permanent replacement to the temporary staging that is used during existing events. Therefore, the proposed project would not result in a substantial change in purpose or capacity of the community center grounds.

### IV. MINOR ACTIONS TO PREVENT, MINIMIZE, STABILIZE, MITIGATE, OR ELIMINATE THE RELEASE OR THREAT OF RELEASE OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCES CRITERIA

#### CEQA Guidelines Section 15330 - Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less. Examples of such minor cleanup include but are not limited to: [...] excavation and/or offsite disposal of contaminated soils or sludges in regulated units, and pumping of leaking ponds into an enclosed container.

The City has identified that the condition of the existing ponds on-site is deteriorating. As previously described, contaminated soils and water have been identified in the existing lower pond. The project proposes to remove the water and sludge from the project site in order to make necessary repairs and modifications to the ponds as part of the grounds enhancements. As previously discussed, the soil would be removed and disposed of off-site, and the pond would be pumped and filtered using a centrifuge process and an enhanced sand filter prior to disposal. Therefore, the removal and handling of the soil and water from the ponds is in keeping with minor activities which fall within the Class 30 exemption.

# CEQA MEMORANDUM (CONT.)

## CONCLUSION

The proposed project meets the criteria for a Class 1, Class 2, and Class 30 exemption and none of the exceptions to the exemptions set forth in CEQA Guidelines Section 15300.2 apply to the project.