



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 17-0251, Version: 1

REPORT TO PARKS AND RECREATION COMMISSION, AND SUSTAINABILITY COMMISSION

SUBJECT

Recommendation to Council to Adopt a Mitigated Negative Declaration and a Mitigation Monitoring Reporting Program for Animal Assisted Happiness at Baylands Park, Approve the Conceptual Plan and Authorize the City Manager to Execute a Sublease Agreement between the City and Animal Assisted Happiness

BACKGROUND

On December 17, 2013, Council considered a feasibility study for establishing a community farm for children, Animal Assisted Happiness (AAH), and alternative recreational uses at the Sunnyvale Landfill (2013 Council Study Issue DPW 13-13, Attachment 2 and RTC 13-311, Attachment 3). The Study Issue analyzed four different uses, each with different levels of feasibility and intensity, and focused on key elements including infrastructure requirements, access, parking, compatibility with the Landfill, constructability, and cost. The Landfill was determined not feasible for high intensity uses due to challenges with access, parking, construction complexity, and cost. Council gave authorization to further evaluate the technical feasibility of constructing low impact park enhancements such as shade structures, benches, water fountains, and trail connections at the Landfill. In addition, since the Landfill was not a feasible location for AAH, Council directed staff to explore Baylands Park (Baylands) as a possible location.

As part of community input and Council discussion, several concerns were highlighted regarding the existing animal habitat at the Landfill and Baylands including the possible effects of constructing park enhancements and AAH. To address those concerns, Council directed that a habitat protection plan for Baylands and the Landfill be completed prior to considering or moving forward with new uses at the sites. On March 25, 2014, Budget Modification No. 33 in the amount of \$50,000 was approved by Council to fund a Biological Constraints and Opportunities Analysis at both the Landfill and Baylands (Attachment 4).

On April 28, 2015, staff returned to Council with the results from the Biological Constraints and Opportunities Analysis (RTC 14-0034, Attachment 5). Based on the analysis performed by HT Harvey and Associates, Council directed staff to work with AAH for locating their facilities at Baylands.

The City Council is scheduled to consider this item on May 9, 2017.

EXISTING POLICY

General Plan, Chapter 3, Goal LT-8 - Adequate and Balanced Open Space

- Provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community needs and the ability of the

City to finance, construct, maintain and operate these facilities now and in the future.

General Plan, Chapter 3, Goal LT-9 - Regional Approach to Open Space

- A regional approach to providing and preserving open space and providing open space and recreational services, facilities and amenities for the broader community.

ENVIRONMENTAL REVIEW

In June 2016, the CEQA consultant, Placeworks Inc., prepared an Initial Study (IS) for moving AAH to Baylands. The IS determined that the proposed project could have effects on the environment; however, because revisions to the project have been made or feasible mitigation measure have been identified, all impacts can be avoided or mitigated to a level of non-significance.

A Draft Mitigated Negative Declaration (MND) for the project was prepared and circulated for public review in July 2016. During the review process only three comments were received and they did not identify any more environmental issues beyond what was covered in the Draft MND. The Final MND, including the Mitigation Monitoring and Reporting Program, and the response to comments letters (Attachment 6), is presented for review and recommendation to Council for adoption.

DISCUSSION

Staff has been working with both AAH and the County of Santa Clara (County) for relocating the AAH facilities to Baylands. Although Baylands is maintained and operated by the City of Sunnyvale, the land is owned by the County. The preferred location for AAH at Baylands as identified by the HT Harvey and Associates report and City staff is in the northwest corner of Baylands (Attachment 7 - Aerial map of AAH location). Not only is this location currently underutilized but it also has the least impacts to surrounding animals and habitat.

The overall goal of AAH is to provide a whimsical adventure for its clients that allow children with special needs to take a special walking journey through the site and interact with animals. The majority of pathways would be wheel chair accessible and the intent is to make the experience positive and memorable so clients will want to return. AAH is planning on preserving the existing plant habitat to leverage and incorporate existing features at the site. The recycled water test garden is planned to be repurposed into AAH's program where clients and volunteers can adopt and care for the botanical garden. In addition, AAH will cultivate a separate garden farm where clients and volunteers can grow food for the animals. A perimeter fence will be installed to keep the animals contained, but the fence will allow the public to view inside so that it provides continuity with the Baylands scenery. The facility will be open by reservation through AAH and will also be open to the public at least one weekday per week and one weekend day per month for a minimum of 4 hours each day. The intent is for the public to be able to drop-in for a guided tour to view the facilities and animals and learn more about AAH as well as animal care.

AAH has selected a concept (Attachment 8) for their proposed facility at Baylands. The layout is approximately 2.5 acres in size and will consist of open areas, trails and approximately 14 small structures. It is anticipated that 12 shed size (4' by 8') structures will be installed for a goat, pigs, guinea pigs, chickens, rabbits, aviary, grain shed, garden shed, gazebo and office. Two larger structures consisting of a barn and hay storage will be constructed as well. The site will be cordoned off with a 6' high perimeter fence and will include utility services to be paid for by AAH.

Staff, AAH and the County has worked on drafting a sublease agreement (Attachment 9) between the City and AAH for use of the site at Baylands. The agreement will include the permitted use agreed to by the County and would be subleased to AAH by the City for \$1 dollar per year. As part of the sublease AAH agrees that the term of the initial agreement will be for five years with renewal options for two additional five year periods upon the City Manager's approval. The sublease is contingent upon the existence of a valid and enforceable Master Lease between the City and County. In 2010 the City and County signed a 25-year lease for Baylands Park with an additional ten-year extension option.

FISCAL IMPACT

AAH will be responsible for operating, maintaining and repairing the entire subleased area. AAH will also be responsible for constructing all improvements as well as all costs associated with operating/maintaining the facility including permits and utilities. Because of this there are no fiscal impacts associated with this project.

PUBLIC CONTACT

Public contact was made through posting agendas of the Parks and Recreation Commission and Sustainability Commission on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk.

ALTERNATIVES

1. Recommend Council adopt a Mitigated Negative Declaration and a Mitigation Monitoring Reporting Program for Animal Assisted Happiness at Baylands Park, approve the conceptual plans and authorize the City Manager to execute a sublease agreement between the City and Animal Assisted Happiness.
2. Recommend Council not adopt a Mitigated Negative Declaration and a Mitigation Monitoring Reporting Program for Animal Assisted Happiness at Baylands Park, not approve the conceptual plans and not authorize the City Manager to execute a sublease agreement between the City and Animal Assisted Happiness.
3. Provide other recommendations to Council.

RECOMMENDATION

Alternative 1: Recommend Council adopt a Mitigated Negative Declaration and a Mitigation Monitoring Reporting Program for Animal Assisted Happiness at Baylands Park, approve the conceptual plans and authorize the City Manager to execute a sublease agreement between the City and Animal Assisted Happiness.

Prepared by: Craig Mobeck, Assistant Director of Public Works

Reviewed by: Manuel Pineda, Director, Public Works

Reviewed by: Cynthia Bojorquez, Director, Library and Community Services

Reviewed by: John Stufflebean, Director of Environmental Services

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Placeholder for Use as Attachment for Report to Council
2. Study Issue DPW 13-13

3. RTC No. 13-311
4. Biological Constraints and Opportunities Analysis
5. RTC No. 14-0034
6. Final MND, Mitigation Monitoring and Reporting Program, and Response to Comments
7. Aerial of Baylands Park AAH Proposed Location
8. Conceptual Plan for Animal Assisted Happiness
9. Draft Agreement between the City and AAH