

City of Piedmont
COUNCIL AGENDA REPORT

DATE: February 16, 2021

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of a Resolution Approving the Application for Statewide Park Development and Community Revitalization Program Grant Funds for Phase One of the Linda Beach Conceptual Master Plan Project and a Determination that the Project is Categorically Exempt from the California Environmental Quality Act

RECOMMENDATION

Take the following actions related to the grant application for phase one of the Linda Beach Conceptual Master Plan related to the Proposition 68 statewide park program:

- 1) Adopt the attached resolution approving the application for the Statewide Park Development and Community Revitalization program grant funds for Phase One of the Linda Beach Conceptual Master Plan Project.
- 2) Adopt the attached resolution, determining that the project is categorically exempt under the California Environmental Quality Act, pursuant to Sections 15301, Class 1 (d), 15303, Class 3 (e), and 15304 Class 4 (b) of the CEQA Guidelines.

BACKGROUND

The California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) has allocated funding for the Statewide Park Program (SPP), which is funded through the Parks and Water Bond Act of 2018, also known as Proposition 68, which was approved by voters on June 5, 2018. This is the fourth and final round for the competitive grant program funding, with proposals due March 12, 2021.

The SPP supports funding vibrant parks that will create humane and healthier communities. The SPP embraces meaningful engagement with local residents where park designs represent each community's unique recreation needs and creativity. SPP is the largest park related grant program in California's history. Funds are available for projects that either create, expand or renovate an existing park.

The City of Piedmont, by filing an application for Proposition 68 grant funds, will be seeking funds for phase one of the Linda Beach Conceptual Master Plan ("the Project") which was

approved by the City Council on January 22, 2019. Currently, the site of the Project includes bathrooms of 525 square feet and an adjacent area for picnic tables, sloped planting areas and asphalt paving from the Linda Ave. entrance to the area below the restroom. The Project which is the focus of the grant proposal will include: the creation of the California Playscape at the southern end of the park, which will offer informal nature play for toddlers and their families; handicap accessible ADA entrance and pathways; a renovated ADA restroom; picnic areas; and gathering spaces for family activities. The site grading will maintain the sloped hillside and minimal grading will be required to install the play equipment. See Attachments C and D for the scope of the project.

DISCUSSION

The timeline requirements for the SPP program is as follows:

- March 12, 2021: Grantee submits an approved resolution to OGALS no later than this date.
- March 12, 2021: Grantee selects a specific project and submits a complete application to OGALS no later than this date
- Late Summer of 2021: Grantee awards announced
- March 2025: Grantee completes construction of the project no later than this date.

In order to submit a completed application for the grant for the Project, the City Council must first adopt a resolution that conforms to the template resolution contained in the OGALS Procedural Guide. The resolution for consideration follows this report.

California Environmental Quality Act (CEQA)

Another requirement for the grant application is submitting a Notice of Exemption or a Notice of Determination under CEQA for the Project. Accordingly, potential environmental impacts related to the Project have been considered by staff, and staff has determined that phase one of the Linda Beach Conceptual Master Plan is exempt from CEQA based on the following: Section 15301 of the CEQA guidelines provides for “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.” Projects eligible for this exemption include “Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety. (14 Cal. Code Regulations § 15301(d).) Because the Project seeks to restore existing deteriorated structures, such as the bathrooms building which is 525 square feet currently and the proposed ADA structure will be 735 square feet, the Project will not result in the expansion of existing uses, and thus, Project is exempt under this provision.

Section 15303 of the CEQA guidelines provides for a categorical exemption for “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.” Projects eligible for this exemption include “Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.” (14 Cal. Code Regulations § 15301(e).)

The proposed Project park bathroom facility, playground equipment qualify for this exemption, as the park bathroom facility is 735 square feet, and the playground equipment is a recreational structure per the example provided in example (e).

Section 15304 of the CEQA guidelines provides for a categorical exemption for “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 and agricultural purposes.” Projects eligible for this exemption include new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping. (14 Cal. Code Regulations § 15304(a), (b).) Because the Project proposes to install landscaping for the picnic area, the Project qualifies for the exemption.

In sum, due to the facts that:

- (a) the Project site serves as an existing City park, and the Project would not change the site’s existing park use, nor results in the expansion or intensification of the use;
- (b) The Project proposes to renovate existing bathrooms, install playground equipment, and install landscaping, and accordingly, there is no cumulative impact and there is no reasonable probability of a significant effect on the environment;
- (c) There will be a geotechnical report and structural engineers involved in the development of the foundation design of the restroom building, but not for the minimal regrading being undertaken for the play structures. Accordingly there is no evidence that there will be a significant effect on the environment;
- (d) There is no substantial evidence that any exception to the Class 3 Categorical Exemption applies to this project, specifically including the unusual circumstances exception

Staff finds that the Project is categorically exempt from CEQA.

ENVIRONMENTAL SUSTAINABILITY

This project will help the City of Piedmont promote two measures contained in the City’s Climate Action Plan 2.0: Measure 5.1 involves reducing water use in City building; and Measure 5.2 involves reducing and capturing water use in City landscapes.

FISCAL CONSIDERATIONS

There are no fiscal considerations at this time. The grant itself may fund the entire project.

CITY ATTORNEY REVIEW

The City Attorney has reviewed and approved the resolutions as to form.

Attachments

- A) Resolution approving the application for the Statewide Park Development and Community Revitalization
- B) Resolution determining that Phase One of the Linda Beach Conceptual Master Plan Project the project is categorically exempt under the California Environmental Quality Act
- C) Project Layout Schematic
- D) Project Layout Map

By: Daniel Gonzales, Director of Public Works
Kevin Jackson, Director of Planning and Building
Chelle Putzer, Director of Recreation
Nancy B. Kent, Parks & Projects Manager
Alyssa Dykman, Sustainability Program Manager

Resolution No. _____**RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR PHASE ONE OF THE LINDA BEACH CONCEPTUAL MASTER PLAN PROJECT**

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

1. Filing of an application for Statewide Park Development and Community Revitalization Grant Program for Phase One of the Linda Beach Conceptual Master Plan Project is hereby approved.
2. The City of Piedmont certifies that it has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project.
3. The City of Piedmont certifies that if the project is awarded, it has or will have sufficient funds to operate and maintain the project.
4. The City of Piedmont certifies that it has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide.
5. The City Administrator is hereby authorized and directed to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
6. The City of Piedmont agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
7. The City of Piedmont will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

[END OF RESOLUTION]

RESOLUTION _____

DETERMINING THAT PHASE ONE OF THE LINDA BEACH CONCEPTUAL MASTER PLAN PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Piedmont intends to file an application for Statewide Park Development and Community Revitalization Grant Program for Phase One of the Linda Beach Conceptual Master Plan Project (the “Project”); and

WHEREAS, a requirement for the grant application is consideration of the Project under the California Environmental Quality Act (CEQA) and filing either a Notice of Exemption or a Notice of Determination under CEQA for the Project; and

WHEREAS, the Project site serves as an existing City park, and the Project would not change the site’s existing park use, nor results in the expansion or intensification of the use; and

WHEREAS, the Project proposes to renovate existing bathrooms, install playground equipment, and install landscaping, and accordingly, there is no cumulative impact and there is no reasonable probability of a significant effect on the environment; and

WHEREAS, there will be a geotechnical report and structural engineers involved in the development of the foundation design of the restroom building, but not for the minimal regrading being undertaken for the play structures and, accordingly, there is no evidence that there will be a significant effect on the environment; and

WHEREAS, there is no substantial evidence that any exception to the Class 3 Categorical Exemption applies to this Project, specifically including the unusual circumstances exception;

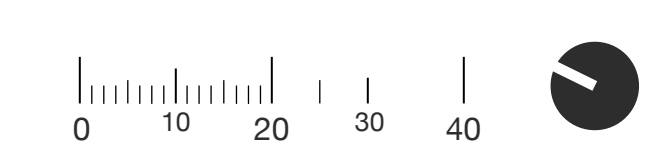
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

1. The City Council finds that the Phase One of the Linda Beach Conceptual Master Plan Project is categorically exempt from CEQA for the following reasons:
 - a) Section 15301 of the CEQA guidelines provides for “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.” Projects eligible for this exemption include “Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety. (14 Cal. Code Regulations § 15301(d).) Because the Project seeks to restore existing deteriorated structures, such as the bathrooms building which is 525 square feet currently and will be 735 square feet as proposed, the Project will not result in the expansion of existing uses, and thus, Project is exempt under this provision.

- b) Section 15303 of the CEQA guidelines provides for a categorical exemption for “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.” Projects eligible for this exemption include “Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.” (14 Cal. Code Regulations § 15301(e).) The proposed Project park bathroom facility, playground equipment qualify for this exemption, as the park bathroom facility is 735 square feet, and the playground equipment is a recreational structure per the example provided in example (e).
- c) Section 15304 of the CEQA guidelines provides for a categorical exemption for “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 and agricultural purposes.” Projects eligible for this exemption include new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping. (14 Cal. Code Regulations § 15304(a), (b).) Because the Project proposes to install landscaping for the picnic area, the Project qualifies for the exemption.

[END OF RESOLUTION]

Linda Beach Park Phase One



LINDA AVENUE

HOWARD AVENUE

OAKLAND AVENUE

DOG PARK

PROPERTY LINE

ADA PATH

Phase One

Phase One

EXISTING SCHOOLMATES

RESTROOM

SPORT COURT FLEX SPACE

BOCCE COURT

TENNIS COURTS

BLEACHERS

TERRACES

TOT LOT

SANDPIT

STROLLER PARKING

RESTROOM / STORAGE

Bioretention Flow-Through Planter

Bioretention Area

Bioretention Area

CALIFORNIA PLAYSCAPE

DECK & PICNIC AREA

SANDPIT

PICNIC & PROGRAM AREA

TABLE TENNIS

LINEAR STONE SLABS

PLAY FUNNEL

CALIFORNIA PLAYSCAPE

SLIDE

Bioretention Area

Bioretention Area

Bioretention Area

Linda Beach Park Phase One

