

City of Piedmont
COUNCIL AGENDA REPORT

DATE: January 5, 2026

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of Approval of an Overall Project Budget of \$417,250 for the Sidney and Irene Dearing Memorial Project; City Administrator Authorization to Negotiate and Execute Contract Amendments with Hood Design Studio for Final Design & Engineering Services and Fabrication, Delivery & Installation; and Determination that the Project is Exempt under California Environmental Quality Act

RECOMMENDATION

By a single motion, take the following actions:

1. Approve an overall project budget for the Sidney and Irene Dearing Memorial Project in an amount not to exceed \$417,250.
2. Authorize the City Administrator to negotiate and execute amendments with Hood Design Studio for final design and engineering services, and fabrication, delivery and installation of the physical memorial at Triangle Park in an amount not to exceed \$357,250.
3. Determine that the project is categorically exempt under the California Environmental Quality Act (CEQA) Guidelines Sections 15303, 15304 and 15311.
4. Authorize the City Administrator to execute project related documents.

BACKGROUND

In 2020, Piedmont's City Council committed to reckoning with the City's past as part of a broader journey toward inclusion and equity. The City's work to recognize and memorialize the Dearing family's experience in Piedmont began in May 2022, when the City Council directed the Park Commission to develop recommendations for a physical memorial to the Dearing family to be constructed in Triangle Park.

In 2023, the City engaged the services of Walter Hood and the Hood Design Studio, a local landscape architecture and social art practice. Walter Hood is internationally recognized for crafting powerful public spaces that fuse memory, place, and cultural identity. He is also a MacArthur Fellow and chair of the Department of Landscape Architecture & Environmental Planning at UC Berkeley.

In November of 2023, the project kicked off with a presentation by Walter Hood in the Alan Harvey Theater entitled *Landscape, Meaning, Representation – Recovering Voices*. The Hood Design Studio subsequently delivered its initial scope of work. The preliminary design concept, now

referred to as the *Dearing Portal*, is a sculptural structure that uses elements of a home – a doorway, a window, and a mailbox – to evoke what was lost. Inside the portal, interpretive elements share the Dearing’s story and invite reflection on broader themes of racial exclusion and resilience.

Now that the conceptual design is complete, the City is prepared to move forward with the next phase of this high priority project.

DISCUSSION

The Piedmont City Council identified the Sidney and Irene Dearing project as one of Piedmont’s top three priorities. While elongated timelines associated with the Community Pool and the Dispatch Center have delayed kick off of phase two, the City is positioned to turn its full attention to completion of the memorial.

To proceed to installation at Triangle Park, final design and engineering are required. The Hood Design Studio’s second phase of work includes development of engineered design documents, shop drawings for fabrication, production of technical specifications, and construction administration services, including submittal review and responding to requests for information (RFIs) as required.

A fabrication and installation proposal will be considered separately once final design is completed. This work is anticipated to be within the budgeted figure of \$250,000. To avoid delays to the installation schedule, staff is requesting Council authorization in advance to ensure that critical milestones are achieved.

SCHEDULE OF CONSTRUCTION

The Hood Design Studio’s proposed schedule provides for three months of design and engineering, and an additional four months for fabrication, delivery and installation. Based on this schedule and an expected January award and start date, staff anticipate that design work will be completed in Spring and fabrication and installation will occur in Summer 2026.

ENVIRONMENTAL REVIEW

As provided in the Sidney and Irene Dearing Portal Project Categorical Exemption (Attachment A), this project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15303, 15304, 15311. The supporting documentation is contained in Attachment A. In addition, none of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 applies, and there are no unusual circumstances.

FISCAL IMPACT

The amendment for Final Design and Engineering Services and Fabrication, Delivery and Installation are in an amount not to exceed \$357,250 for a total amended budget of \$417,250. The project funding spans three fiscal years as follows:

Fiscal Year 2023-24	\$ 30,000
Fiscal Year 2024-25	\$ 30,000
<u>Fiscal Year 2025-26</u>	<u>\$ 357,250</u>
Total Project Budget	\$ 417,250

CITY ATTORNEY REVIEW

The City Attorney has reviewed the staff report.

By: Daniel Gonzales, Public Works Director

Attachments:

- A. Sidney and Irene Dearing
Portal Project Categorical Exemption

**SIDNEY DEARING PORTAL PROJECT
CATEGORICAL EXEMPTION**

PIEDMONT, CALIFORNIA

LSA

December 2025

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SIDNEY DEARING PORTAL PROJECT CATEGORICAL EXEMPTION

PIEDMONT, CALIFORNIA

Submitted to:

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Project No. 20252422.01



December 2025

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LSA

December 2025

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1.0 INTRODUCTION

Article 19 of the California Environmental Quality Act (CEQA) Guidelines includes, as required by Public Resources Code (PRC) Section 21084, a list of classes of projects that have been determined not to have a significant effect on the environment and, as a result, are categorically exempt from review under CEQA. This document has been prepared to serve as the basis for compliance with CEQA as it pertains to the Sidney Dearing Portal Project (proposed project). This document demonstrates that the proposed project qualifies for a Categorical Exemption under CEQA, and that none of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply in order to provide information and substantial evidence for City of Piedmont (City) decision makers regarding a finding that the proposed project is exempt under CEQA pursuant to CEQA Guidelines Section 15300.

Based on the nature and scale of the proposed improvements, the project independently qualifies for exemptions under Class 1 (Existing Facilities) pursuant to CEQA Guidelines Section 15301; Class 3 (New Construction or Conversion of Small Structure) pursuant to CEQA Guidelines Section 15303; Class 4 (Minor Alterations to Land) pursuant to CEQA Guidelines Section 15304; and Class 11 (Accessory Structures) pursuant to CEQA Guidelines Section 15311. The environmental analysis, evaluation of potential impacts, and consideration of the exceptions to exemptions under CEQA Guidelines Section 15300.2 are applicable to, and support, the use of all identified exemption classes.

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2.0 PROJECT DESCRIPTION

The following describes the proposed Sidney Dearing Portal Project (proposed project). This section includes a description of the proposed project's location, existing site characteristics, project components, required approvals and entitlements. The City of Piedmont (City) is the lead agency responsible for project review and approvals under CEQA as well as the agency responsible for project implementation.

2.1 PROJECT SITE

The following section describes the location and characteristics of the project site and provides a brief overview of the existing land uses within and in the vicinity of the site.

2.1.1 Location

The approximately 0.2-acre, triangularly-shaped project site is in Triangle Park, located in central Piedmont, Alameda County. The project site is surrounded by single-family residential uses on all sides and directly bounded by Nova Drive to the north and Wildwood Avenue to the west and south. Commercial uses are located approximately 0.1 mile west of the project site, along Grand Avenue, and institutional uses (Wildwood Elementary School, Piedmont Middle School, and Piedmont High School) are located approximately 0.3 mile east of the project site. Regional vehicular access is provided by Interstate 580 (I-580) via Grand Avenue and direct access to the project site is provided by Wildwood Avenue and Nova Drive. In addition, a sidewalk is present along the northwestern project site boundary, adjacent to Nova Drive.

Figure 1 shows the site's regional and local context while Figure 2 is an aerial photograph of the project site and surrounding land uses.

2.1.2 Regulatory Setting

The City of Piedmont General Plan designates the project site as Low-Density Residential; its official designation is Triangle Park and functions as public space. However, all surrounding uses are Low-Density Residential, with single-family residences as the primary uses in this area. The designation denotes areas developed at densities ranging from three to eight units per acre (up to 21 units per gross acre for religious affiliated housing). Single-family homes, manufactured and mobile homes, duplexes, triplexes, fourplexes, and related accessory structures (including accessory dwelling units) are permitted.¹

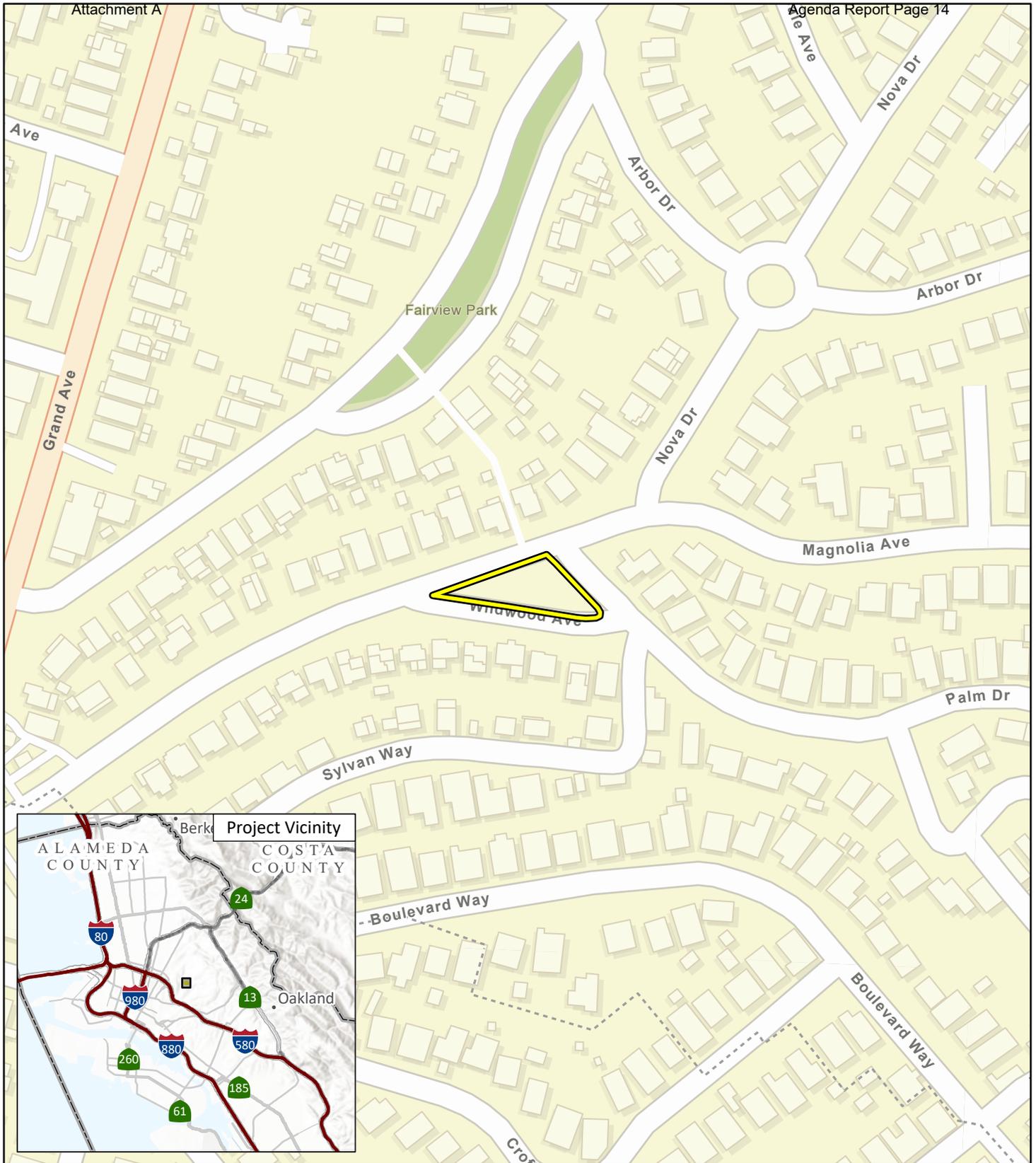
The land use designation corresponds to Piedmont's Zone A, Single Family Residential Zone. Zone A provides for single-family residential and other allowed uses. The intent is to preserve, maintain, and enhance the City's residential character and the quiet community atmosphere of neighborhoods; mitigate adverse environmental impacts and site constraints, such as excessive noise, light deprivation, incompatible land uses, unsafe overcrowding, obstructed pedestrian and vehicular access and circulation, and blockage of significant views; create, maintain, and enhance a living environment that builds community for people of all income levels; maintain openness and

¹ City of Piedmont. 2024. Piedmont General Plan, Land Use Element. February 20.

areas of vegetation to enhance a healthy environment; and achieve design compatibility and orderly arrangement of development by establishing regulations for the siting, massing, and building form on properties throughout the zone.

2.1.3 Existing Site Conditions

As shown on Figure 2, the project site consists of Triangle Park, which includes 18 mature redwood trees (*Sequoia sempervirens*) which form a small grove and other vegetation including shrubs and small trees. The project site is generally level with a short pedestrian path from Nova Drive that provides access to a bench in the interior of the project site. The project site also includes trash receptacles near the seating area.



 Project Site

FIGURE 1

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0 100 200
FEET

SOURCE: World Street Map

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Sydney Dearing Portal Project
Project Location and Regional Vicinity

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Commercial

Single-Family Residential

Dearing Park

Single-Family Residential

Single-Family Residential

Single-Family Residential

Project Location

FIGURE 2

LSA



0 110 220
FEET

SOURCE: Nearmap (10/17/2025)

I:\2025\20252422.01\GIS\Pro\Sydney Dearing Portal Project\Sydney Dearing Portal Project.aprx (Fig 2 - Aerial Photograph of the Project Site and Surrounding Land Uses)
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Sydney Dearing Portal Project
Aerial Photograph of the Project Site and Surrounding Land Uses

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2.2 PROPOSED PROJECT

The proposed project is a small-scale public art installation designed to honor Sidney and Irene Dearing and commemorate their contributions to the community. The proposed installation would consist of a 24-foot-tall, 4- to 6-foot-wide steel-framed “portal” structure containing a bench and interior seating space, paired with a 24-foot-high sculptural mailbox serving as a visual and interpretive focal point. Figure 3 depicts the concept plan for the proposed art installation.

The portal would be fabricated off-site, transported to the city, and installed using either an excavator or small crane. Foundations would consist of one 24-inch-diameter cast-in-drilled-hole (CIDH) pier, approximately 25 to 30 feet deep, with spiral steel reinforcement and poured concrete. The CIDH pier would be constructed in a location that would avoid tree root damage. Foundation construction would require a small excavator, concrete truck, and pump (located streetside), with an estimated 5 to 6 tons of off-haul soil, approximately two truck trips, and no imported fill. The total footprint of the proposed project would be 185 square feet.

Fabrication is expected to take several months, followed by approximately 1 to 2 months of on-site construction. Once installed, the Sidney Dearing Portal would operate as a passive public art and educational feature requiring only minimal long-term maintenance such as periodic cleaning and inspection. The project would occur entirely within an existing landscape strip with existing park-like characteristics and seating.

The City and design team have identified three potential installation sites within the project site for final consideration, which are depicted in Figure 4:

- **Location #1:** A site along the northern open lawn area near the existing paved pedestrian pathway, providing access from the adjacent sidewalk. This location offers an unobstructed view.
- **Location #2:** A southern edge area adjacent to existing landscaping and shade trees, allowing the portal to serve as a quieter, more contemplative experience while remaining within the primary pedestrian circulation zone.
- **Location #3:** A central plaza or corner location near the main park entrance and community pathway intersection, maximizing visibility for passersby.

Each potential location would accommodate the portal’s small 185-square-foot footprint and foundation requirements (one 24-inch-diameter CIDH piers, 25 to 30 feet in depth) with minimal site disturbance and no removal of mature trees or natural features. All potential locations are within existing landscaped or paved areas and would comply with City Public Works and Fire Department standards, City Municipal Code regulations as well as Public Works Design Criteria for street and site access. All potential locations are enclosed within the 0.2-acre footprint of Triangle Park, which is analyzed as the project site in this document. As outlined below, regardless of the final location for the proposed project, implementation of the proposed project would not result in any environmental impacts, as described in detail in the following sections.

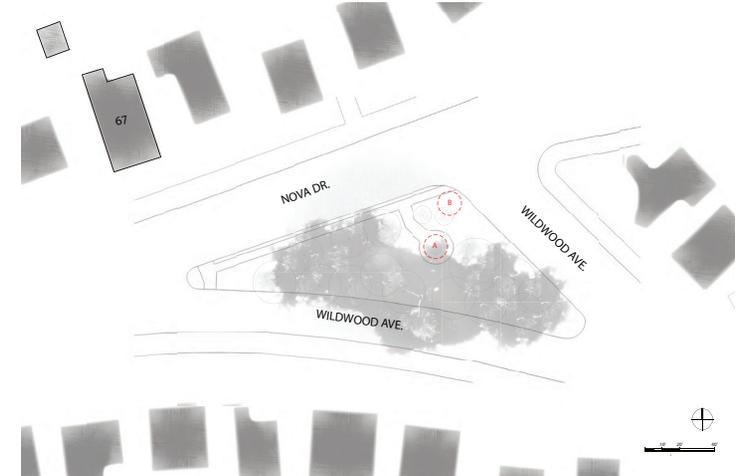
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HONORING SIDNEY AND IRENE DEARING

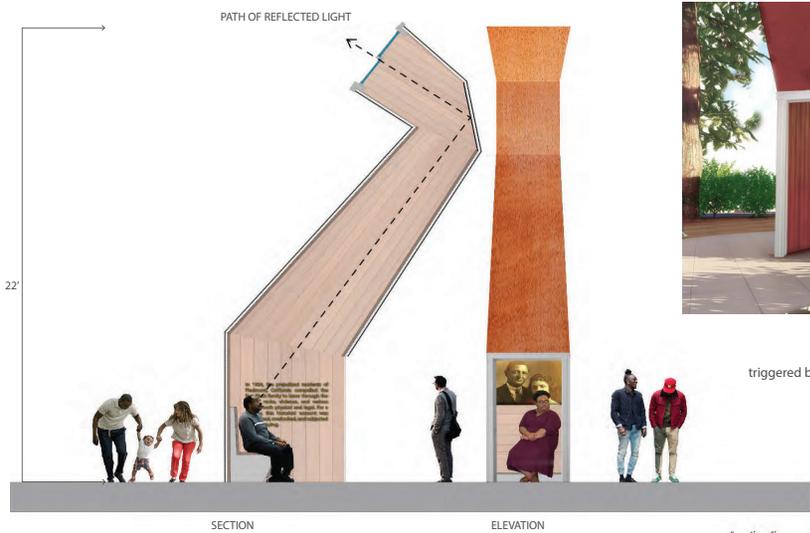


Telescopic visual experiences to teleport back in time...
A mirror reflects the window into view...focusing on mailbox and redwood forest.

The portal sculpture and mailbox can sit nestled within the existing paved area of the park, or at the edge of the park at the intersection of Nova Dr. and Wildwood Ave, easily accessible by sidewalk.



SITE PLAN



a set of pedagogical displays is featured within the sculpture...photos and text tell the story and history of the couple and the Dearing family.

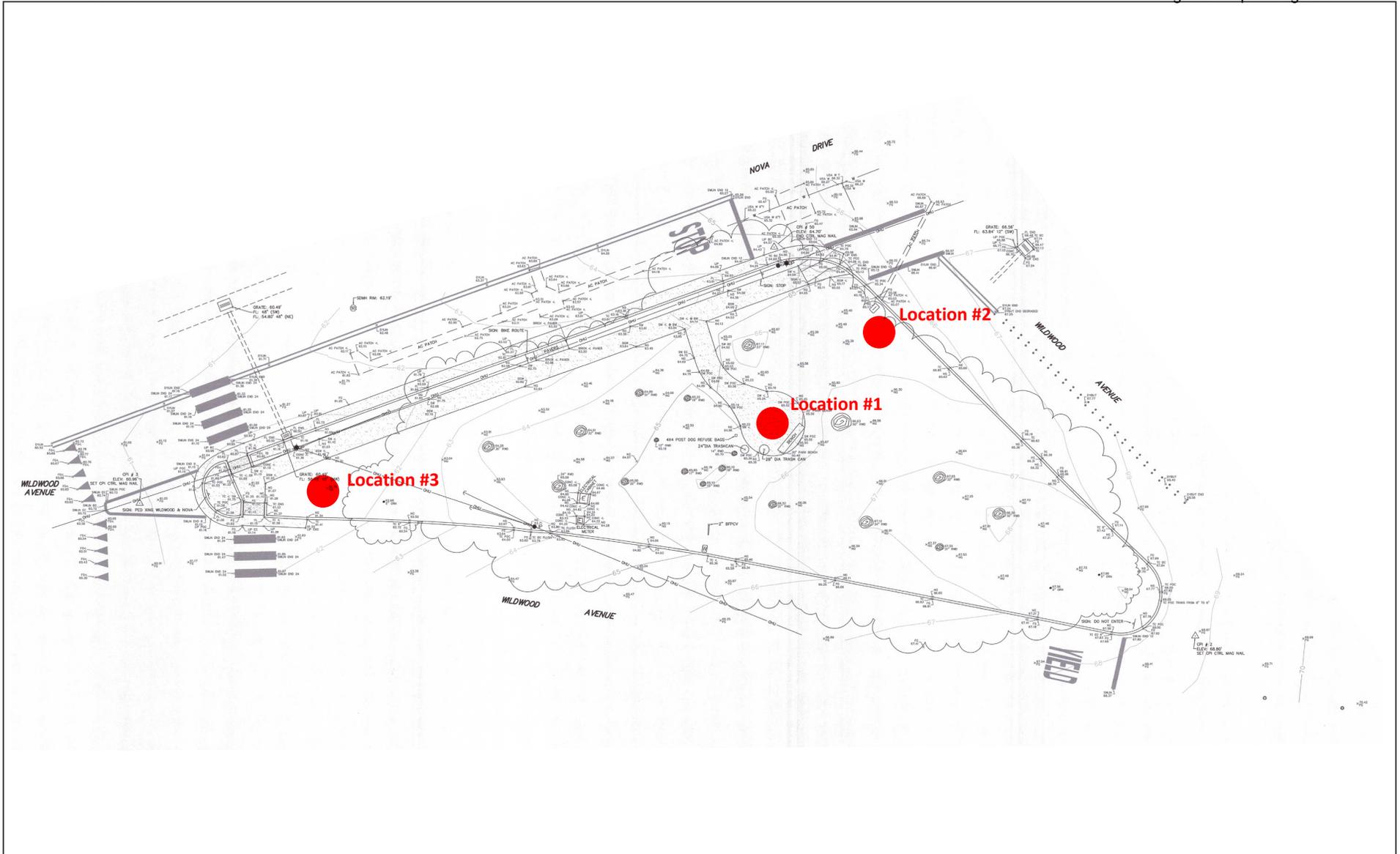


...as you sit within each sculpture, a gospel hymn is slightly audible, triggered by a motion sensor as you are seated.



a second telescopic object...a red mailbox with the Dearing's name.

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LEGEND
 ● Potential Install Location

FIGURE 4



SOURCE: Cinquini & Passarino, Inc.

Sydney Dearing Portal Project
 Potential Installation Locations

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3.0 APPLICABLE EXEMPTIONS

Article 19 of the CEQA Guidelines includes, as required by PRC Section 21084, includes a list of classes of projects that were determined not to have a significant effect on the environment and, as a result, are exempt from review under CEQA. This document was prepared to serve as the basis for compliance with CEQA as it pertains to the proposed project and to demonstrate that the proposed project independently qualifies for exemptions under Class 1 (Existing Facilities) pursuant to CEQA Guidelines Section 15301; Class 3 (New Construction or Conversion of a Small Structure) pursuant to CEQA Guidelines Sections 15303; Class 4 (Minor Alterations to Land) pursuant to CEQA Guidelines Section 15304; and Class 11 (Accessory Structures) pursuant to CEQA Guidelines Section 15311. All applicable exemptions are discussed below.

3.1 SUMMARY OF APPLICABLE CEQA EXEMPTIONS

Class 1 – Existing Facilities (CEQA Guidelines §15301). Class 1 exemptions apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, additions to structures involving negligible or no expansion of existing or former use. Examples cited in the CEQA Guidelines include existing streets, sidewalks, landscaping, parks, and similar public facilities where no substantial change in use or intensity would occur.

Class 3 – New Construction or Conversion of Small Structures (CEQA Guidelines §15303). Class 3 exemptions apply to the construction and location of limited numbers of new, small facilities or structures. Examples include small accessory buildings and structures, such as one-story commercial or institutional buildings of up to approximately 10,000 square feet, one-story agricultural buildings up to 2,500 square feet, and single-family residential structures of up to 6,000 square feet. This class is intended to cover projects that are modest in scale and that do not result in substantial environmental disturbance.

Class 4 – Minor Alterations to Land (CEQA Guidelines §15304). Class 4 exemptions apply to minor public or private alterations in the condition of land, water, and/or vegetation that do not involve the removal of healthy, mature, scenic trees or result in significant grading or land disturbance. Examples include minor grading, trenching, and landscaping activities that are limited in area and scope and that do not substantially alter existing site conditions.

Class 11 – Accessory Structures (CEQA Guidelines §15311). Class 11 exemptions apply to the construction or placement of minor structures accessory to existing commercial, industrial, or institutional facilities. Examples include small signs, kiosks, information boards, public art features, and similar structures that are incidental to the primary use of the site and that do not substantially expand or intensify that use.

3.2 APPLICABILITY OF IDENTIFIED EXEMPTIONS TO THE PROPOSED PROJECT

Class 1 – Existing Facilities (CEQA Guidelines §15301) The proposed project qualifies for a Class 1 exemption as it would occur entirely within an existing landscaped park area that already contains seating and pedestrian amenities and would not result in an expansion of use or intensity. The

project would introduce a passive public art and interpretive feature that complements and functions within the site's existing recreational and civic use. Similar to the Class 1 examples cited in the CEQA Guidelines, such as minor alterations to existing parks, landscaping, and public facilities, the project would not change how the site is used or accessed and would not introduce new operational activities, traffic, or noise sources. Once installed, the art installation would operate as a static feature requiring only periodic inspection and cleaning, consistent with the negligible operational effects outlined under the Class 1 exemption.

Class 3 – New Construction or Conversion of Small Structures (CEQA Guidelines §15303). The proposed project qualifies for a Class 3 exemption because it involves the installation of a limited-size, small-scale structure with a total footprint of approximately 185 square feet. The project is comparable in scale and function to examples listed in the CEQA Guidelines, including signage, and other small accessory structures, and much smaller than envisioned small accessory buildings, such as one-story commercial or institutional structures of up to approximately 10,000 square feet. Although one element of the project reaches 24 feet in height, the overall massing, footprint, and intensity remain minor and mirror existing trees, and the structure would function solely as a visual and interpretive feature rather than a habitable or operational facility. As with other small public art installations and monuments contemplated under Class 3, the project would not generate ongoing emissions, traffic, or demand for public services and would result in minimal construction disturbance.

Class 4 – Minor Alterations to Land (CEQA Guidelines §15304). The project qualifies for a Class 4 exemption as installation would involve limited and localized ground disturbance associated with construction of a single cast-in-drilled-hole pier foundation. Grading and excavation would be confined to a small area, would not involve extensive earthmoving, and would result in approximately 5 to 6 tons of soil off-haul with no imported fill. Consistent with the Class 4 examples cited in the CEQA Guidelines—such as minor trenching, backfilling, and landscaping—the project would not substantially alter existing landforms or vegetation and would be designed to avoid damage to tree roots and mature landscaping. No healthy, mature, scenic trees would be removed, and site conditions would be restored following installation.

Class 11 – Accessory Structures (CEQA Guidelines §15311). The proposed project qualifies for a Class 11 exemption because it consists of a minor, accessory public art and interpretive feature that is complimentary to the existing public use of the site. The project is comparable to examples identified in the CEQA Guidelines, including small signs, information boards, and similar accessory structures commonly placed within parks and civic spaces. The installation would not introduce a new primary land use, expand existing facilities, or intensify site activity; rather, it would function as an educational and commemorative element integrated into the existing landscape. As an accessory structure, the project would not alter circulation patterns, utility demand, or public service requirements and would remain consistent with the intent of the Class 11 exemption.

The analysis above demonstrates, based on substantial evidence, that the proposed project qualifies for a categorical exemption under CEQA and, as a result, would not have a significant effect on the environment. In addition, the analysis provided in Section 4.0, Exceptions to Categorical Exemptions, demonstrates that none of the exceptions identified in CEQA Guidelines Section 15300.2 apply; therefore, the proposed project is categorically exempt from CEQA review.

4.0 EXCEPTIONS TO CATEGORICAL EXEMPTIONS

In addition to analyzing the applicability of Categorical Exemptions identified in Section 3.0, this report assesses whether any of the exceptions to the Categorical Exemptions identified in CEQA Guidelines Section 15300.2 (Exceptions) apply to the proposed project. The following analysis compares the criteria in CEQA Guidelines Section 15300.2 (Exceptions) to the proposed project and concludes, based on substantial evidence, that none of the exceptions are applicable to the project, and that the proposed project is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15300.

4.1 CRITERION SECTION 15300.2(A): LOCATION

- 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 in 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.*

The project site is located within an urban developed area and is generally surrounded by single-family residential uses on all sides. Examples of designated environmental resources of hazardous or critical concern include critical habitat for biological resources (as designated by the United States Fish and Wildlife Service [USFWS] for terrestrial/freshwater species and the National Oceanic and Atmospheric Administration Fisheries [NOAA Fisheries] for marine/anadromous species), wetlands and riparian areas, Alquist-Priolo fault zones, seismic hazard zones, floodways, and locally designated biological or cultural resource areas. As the project site is entirely surrounded by existing development and is otherwise separated from larger open space areas in the city, the project site is not considered an environmental resource of hazardous or critical concern. The project site is also not designed as critical habitat by the USFWS or NOAA Fisheries.^{2,3} In addition, no riparian habitat is present on the project site, and the project site does not contain any wetlands.⁴ Lastly, the project site is not located within a regulatory floodway as no FEMA-designated flood plains exist within the city.⁵

Therefore, the exception under CEQA Guidelines Section 15300.2(a) does not apply to the proposed project.

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- ² United States Fish and Wildlife Service (USFWS). USFWS Threatened & Endangered Species Active Critical Habitat Report. Website: <https://ecos.fws.gov/ecp/report/critical-habitat> (accessed December 2025).
 - ³ National Oceanic and Atmospheric Administration (NOAA). National NMFS ESA Critical Habitat Mapper. Website: <https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=68d8df16b39c48fe9f60640692d0e318> (accessed December 2025).
 - ⁴ USFWS. National Wetlands Inventory. Website: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/> (accessed December 2025).
 - ⁵ City of Piedmont. 2009. City of Piedmont General Plan, Environmental Hazards Element. April 6.

4.2 CRITERION SECTION 15300.2(B): CUMULATIVE IMPACT

- 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.*

No significant effects would occur with implementation of the proposed project, as discussed throughout this document. The proposed project would include the construction of a public art installation. All construction effects would be temporary, confined to the project site, and reduced to the extent feasible by implementing specific applicable regulatory requirements that are standard for all construction projects of a similar nature. No successive projects of the same type in the same place are known or expected to occur over time that would result in cumulatively considerable impacts. In addition, CEQA Guidelines Section 15064(h)(1) provides that a project may only contribute to a cumulative impact where it makes a contribution to a significant cumulative condition. Because the project would not result in any impacts, it cannot contribute to a cumulative impact, and no further cumulative analysis is required. Therefore, the exception under CEQA Guidelines Section 15300.2(b) does not apply to the proposed project.

4.3 CRITERION SECTION 15300.2(C): SIGNIFICANT EFFECT

- 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.*

There are no known unusual circumstances that are applicable to the proposed project that may result in a significant effect on the environment. The unusual circumstances exception to the exemption applies when both: (1) unusual circumstances, and (2) a significant impact as a result of those unusual circumstances, are shown. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1104.) An unusual circumstance is where the project “has some feature that distinguishes it from others in the exempt class, such as its size or location.” (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 241 Cal.App.4th 943, 952.) Here, the proposed project consists of the installation of a small-scale public art feature within an existing, previously developed public space and does not involve substantial ground disturbance, changes in use, or operational intensification. As described above, the project falls squarely within the conditions contemplated for accessory structures and minor site improvements and does not possess features that would distinguish it from other projects in the same exempt class. Accordingly, there is no reasonable possibility that the project would result in a significant environmental effect due to unusual circumstances, and the unusual circumstances exception does not apply. Additionally, there are examples of installations in other Piedmont parks, including The Piedmont Park’s Exedra Vase/Structure, and Crocker Park’s bear sculpture, thus demonstrating that installations in public parks in Piedmont are not unusual.

There is also nothing unusual about the site conditions. The project site is an existing, previously developed public area that has been subject to routine maintenance, ongoing public access, and prior disturbance consistent with its current use. The site does not contain unique physical characteristics, sensitive environmental resources, hazardous conditions, or regulatory constraints that would distinguish it from other locations where similar small-scale public art installations and

accessory features are commonly placed. Topography, drainage, surrounding land uses, and access conditions are typical of public park or civic space settings and do not present circumstances that would increase the potential for environmental impacts. Accordingly, the site conditions do not constitute an unusual circumstance within the meaning of CEQA Guidelines Section 15300.2(c) or the standards articulated in *Berkeley Hillside Preservation v. City of Berkeley*.

In addition, no significant adverse impacts would result from the project, as explained below. First, the project site is not considered an important biological resource area or designated as critical habitat by the USFWS, the project site does contain 18 mature redwood trees (*Sequoia sempervirens*) which form a small grove. While these mature trees could provide nesting habitat for bird species, the proposed project would not result in the removal of any tree on the project site. Construction of the proposed project could result in a potentially significant impact to nesting birds, either directly from removing a nest or indirectly from noise or human presence during construction of the proposed project, but compliance with existing regulatory and legal requirements of the MBTA and Section 3513 of the California Fish and Game Code, and General Policy 13.10, Nesting Bird Protection,⁶ will ensure no impacts to nesting birds.

Specifically, compliance with the MBTA and Section 3513 of the California Fish and Game Code, and General Policy 13.10, Nesting Bird Protection, require a preconstruction activity survey for nesting birds be conducted by a qualified biologist no more than seven days prior to construction activities occurring during the nesting bird season (February 1 through August 31), and would ensure that no nests would be disturbed during construction of the proposed project. During this survey, the biologist would inspect all trees and other potential nesting habitats (e.g., shrubs, ground) in the project site plus a surrounding 300-foot buffer for nests. If removal of potential nesting substrate or project grading will occur during more than one nesting season, or in different parts of the project site in phases over the course of a single season, then additional preconstruction activity surveys must be performed within seven days prior to initiation of construction activities in any particular area. If the preconstruction activity survey does not identify the presence of any active nests on or within 300 feet of the project site, construction activities may proceed. Compliance with the MBTA and Section 3513 of the California Fish and Game Code and General Policy 13.10 protecting nesting birds would ensure that the proposed project would not result in significant impacts on nesting birds.

Second, the Geotechnical investigation for the site concluded that neither soil nor geological conditions were encountered during the investigation that would preclude the proposed project from being constructed. The project site is not located within an Alquist-Priolo fault zone, but is located within a designated seismic hazard zone for liquefaction. Liquefaction is a phenomenon in which saturated cohesionless soils are subject to a temporary loss of shear strength due to pore pressure buildup under the cyclic stresses associated with intense earthquakes. Primary factors that trigger liquefaction include moderate to strong ground shaking (seismic source), relatively clean, loose granular soils (primarily poorly graded sands and silty sands), and saturated soil conditions (shallow groundwater). Importantly, the presence of mapped liquefaction hazards does not constitute an unusual site condition under CEQA, as such conditions are widespread throughout

⁶ City of Piedmont. 2009. Piedmont General Plan, Natural Resources and Sustainability Element. April 6.

California and routinely addressed through standard geotechnical design and building code requirements, as outlined below. Consistent with the Geotechnical Investigation's conclusion that no soil or geologic conditions would preclude development, incorporation of the recommended design measures demonstrates that the proposed project would not result in a significant environmental effect related to liquefaction.

As the project site is located within a liquefaction hazard zone, a project-specific Geotechnical Investigation was conducted that included a liquefaction analysis to identify potentially liquefiable layers at the project site. In general, these layers are located at least 10 feet below existing grade (bgs). Based on the thickness of the non-liquefiable layer that mantles the potentially liquefiable soils encountered at the project site, there is potential for ground loss due to sand boils or fissures in a seismic event. In addition, the loose sands encountered above the historic high groundwater level were determined to be susceptible to dry sand settlement. According to the Geotechnical Investigation, the total ground surface settlement that may result from dry sand settlement (cyclic densification) is expected to be minimal, approximately 0.5 inch or less at the site. In addition, the analysis indicates that total ground surface settlements up to approximately 1 inch may result from liquefaction after a design-level seismic event.

The Geotechnical Investigation included design recommendations to address the potential liquefaction hazard at the project site. Specifically, the Geotechnical Investigation recommended that foundations and project improvements be designed to accommodate approximately 1.5 inch of total seismically induced settlement and approximately 1 inch of differential settlement across the horizontal distance of 50 feet. Thus, this recommendation, along with the Geotechnical investigation's conclusion that neither soil nor geological conditions were encountered during the investigation that would preclude the proposed project from being constructed, demonstrates that the project would not have a significant effect relating to liquefaction.

Third, the proposed project does not include any new utility extensions or off-site infrastructure improvements. Therefore, the proposed project would be consistent with the surrounding land uses and would not introduce a new activity to the area or result in indirect population growth that could result in a significant effect on the environment.

Fourth, each potential location would accommodate the portal's small footprint (approximately 185 square feet) and foundation requirements (one 24-inch-diameter CIDH pier, 25 to 30 feet in depth) with minimal site disturbance and no removal of mature trees or natural features. As the proposed project would not include the removal of any mature trees or natural features, including the 18 mature redwood trees which form a small grove on the project site. Therefore, the proposed project would not have a significant effect on the environment relating to biological resources.

Fifth, with respect to project installation and construction methods, the proposed project would involve routine and short-term construction activities, including the use of a small excavator or small crane for installation, and a small excavator, concrete truck, and concrete pump (located streetside) for foundation construction. These types of equipment and construction methods are commonly used for minor public improvements and accessory installations throughout the City of Piedmont and similar urban jurisdictions. The activities would occur within an existing developed area, would

be temporary in nature, and would not require extended construction duration, nighttime work, or specialized or intensive construction techniques.

As a result, the proposed construction methods do not represent an unusual circumstance and would not give rise to a reasonable possibility of a significant environmental effect. Any temporary construction-related effects, such as noise, traffic, or access disruptions, would be typical of small-scale construction activities and would be limited in scope and duration. Accordingly, the installation methods further support the conclusion that the project does not involve unusual circumstances and is appropriately exempt under CEQA. Therefore, the exception under CEQA Guidelines Section 15003.2(c) does not apply to the proposed project.

4.4 CRITERION SECTION 15300.2(D): SCENIC HIGHWAY

- d. 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 criterion does not apply to improvements required as mitigation by an adopted Negative Declaration or certified EIR.*

According to the California Department of Transportation (Caltrans),⁷ there are no eligible or officially designated State Scenic Highways located within the immediate vicinity of the project site. The closest officially designated State Scenic Highway to the project site is the portion of Interstate 580 (I-580) located approximately 0.6 mile west of the project site. Due to the distance, the project site is not visible from this officially designated State Scenic Highway. In addition, as discussed above, the proposed project would not result in the removal of any mature trees or natural features, including the 18 mature redwood trees which form a small grove on the project site. Therefore, no scenic resources within view of a State Scenic Highway would be altered as part of the proposed project, and CEQA Guidelines Section 15300.2(d) does not apply to the proposed project.

4.5 CRITERION SECTION 15300.2(E): HAZARDOUS WASTE SITES

- e. 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 was evaluated via the State Water Resources Control Board (SWRCB) GeoTracker database,⁸ the Department of Toxic Substances Control's (DTSC) EnviroStor database,⁹ and the

⁷ California Department of Transportation (Caltrans). 2019. *California State Scenic Highway System Map*. Website: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa> (accessed December 2025).

⁸ State Water Resources Control Board (SWRCB). 2022. *Geotracker Database*. Website: <https://geotracker.waterboards.ca.gov/> (accessed December 2025).

⁹ California Department of Toxic Substances Control (DTSC). 2022. *EnviroStar Database*. Website: <https://www.envirostor.dtsc.ca.gov/public/> (accessed December 2025).

Hazardous Waste and Substances Sites (Cortese) List¹⁰ for the purposes of identifying recognized environmental conditions or historical recognized environmental conditions associated with the project site. The project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. In addition, no active hazardous materials clean-up sites are located within 1,000 feet of the project site. Therefore, no impacts associated with locating a project on a site included on a list of hazardous materials is expected to occur and the exception under CEQA Guidelines Section 15300.2(e) does not apply to the proposed project.

4.6 CRITERION SECTION 15300.2(F): HISTORIC RESOURCES

f. 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 City's General Plan, Design and Preservation Element discusses historical resources and sites in the city. According to the City's General Plan, there are just over 170 existing homes in the city that pre-date the City's incorporation in 1907 (i.e., Centennial Homes). These homes include some of the Bay Area's best examples of Victorian, Bungalow, American Foursquare, Craftsman, Colonial Revival, and English/Tudor residential architecture. Many of these homes include period details that have been preserved or restored over the years, while others have been substantially altered.

The City's General Plan also indicates that although most homes in the city are not considered individually historic, collectively they have a transcendent quality that defines the image of the city. Piedmont contains block after block of early 20th century residential architecture, representing some of the Bay Area's best examples of the styles of the 1910s and 1920s.¹¹ Further, although there are no officially designated historic districts within the city, the City considers the entire municipality as a "neighborhood conservation district," meaning that the existing design review guidelines function city-wide to preserve its character and historic (or older) buildings, even though there isn't a formal historic-district zoning overlay.

According to Figure 8.2 in the Design and Preservation Element of the City's General Plan, no Centennial Homes exist at or in the vicinity of the project site.¹² The nearest Centennial Homes to the project site are located approximately 0.1 miles north of the project site and, due to the distance, would not be adversely impacted by construction of the proposed project. In addition, no other structures, historic or otherwise, exist at the project site. As such, implementation of the proposed project would not directly cause a substantial adverse change in the significance of a historical resource.

In addition, under CEQA, archaeological resources may also qualify as historic resources if they meet the definition set forth in CEQA Guidelines Section 15064.5. CEQA Guidelines Section 15064.5 specifies that a resource is considered a historic resource if it is listed, or eligible for listing, in the

¹⁰ California Environmental Protection Agency (Cal/EPA). 2020. *Cortese List Data Resources*. Website: calepa.ca.gov/sitecleanup/corteselist/ (accessed December 2025).

¹¹ City of Piedmont. 2009. *City of Piedmont General Plan, Design and Preservation Element*. April 6.

¹² City of Piedmont. 2009. *City of Piedmont General Plan, Design and Preservation Element, Figure 8.2, Centennial Homes*. April 6.

California Register of Historical Resources (California Register), identified as significant in a local register of historical resources, or determined by the lead agency to be historically significant. Archaeological sites can meet these criteria when they possess scientific, cultural, historical, or ethnographic importance at the local, State, or regional level. As a result, the discovery, disturbance, or destruction of an archaeological resource may constitute a substantial adverse change to a historic resource under CEQA.

Although no archaeological resources are known to exist in the city or at the project site¹³ and, through Native American tribal consultation as part City's General Plan Update, no places of special tribal significance are documented within the city, ground disturbance from construction of the proposed project has the potential to impact previously unknown archaeological resources. However, the proposed project would be required to adhere to the generally applicable existing regulatory requirement embodied in General Plan Policy 30.1 related to archaeological resource protection. General Plan Policy 30.1 requires that in the event that archaeological deposits or features are discovered and/or disturbed, work within 50 feet of the discovery should cease until the find is flagged, secured, and assessed by a qualified archaeologist. If the find is determined to be isolated or recent, then construction may resume. If it is potentially significant, appropriate mitigation measures should be developed and the movement of significant materials by personnel other than a qualified archaeologist should be prohibited. Following resolution, a report documenting the methods, findings, and recommendations of the archaeologist should be prepared. With adherence to General Plan Policy 30.1, implementation of the proposed project would not cause a substantial adverse change in the significance of an archaeological resource.

Therefore, the exception under CEQA Guidelines Section 15003.2(f) does not apply to the proposed project.

4.7 CONCLUSION

On the basis of substantial evidence, the project is eligible for exemptions under: Class 1 (Existing Facilities) pursuant to CEQA Guidelines Section 15301; Class 3 (New Construction or Conversion of a Small Structure) pursuant to CEQA Guidelines Section 15303; Class 4 (Minor Alterations to Land) pursuant to CEQA Guidelines Section 15304; and Class 11 (Accessory Structures) pursuant to CEQA Guidelines Section 15311.

Because the proposed project meets the criteria for categorically exempt as a small project under the CEQA Guidelines and none of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the project.

¹³ City of Piedmont. 2009. City of Piedmont General Plan, Design and Preservation Element. April 6.

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5.0 REFERENCES

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