



## NOTICE OF EXEMPTION

**PROJECT TITLE:** Boulware Park and Birch Street Property Renovation Project

**PROJECT LOCATION:** 410 Fernando Ave, Palo Alto, Santa Clara County, CA 94306  
[APN 132-39-065; 132-33-06; 132-03-062; and 132-33-063].

**PROJECT DESCRIPTION:** Approval of a Park Improvement Ordinance and redevelopment of Boulware Park and the adjacent Birch Street property. The overall park plan includes the following amenities: Inclusive playground (both toddler and children); Basketball Court; Restroom; Dog Park; Turn around Drop-Off; Open Turf Area; Loop Pathway; Picnic Area; Shaded Seating Area; Bocce court; Covered picnic area; New head-in and accessible parking stalls along Lambert Ave. These would replace existing amenities at the site including an inclusive playground (both toddler and children); basketball court, open turf area; picnic area; and a shaded seating area. The project would also include additional tree planting, runoff filtration gardens to improve stormwater runoff, and native habitat gardens.

**NAME OF PUBLIC AGENCY APPROVING THE PROJECT:** City of Palo Alto

**NAME OF PERSON OR GROUP CARRYING OUT PROJECT:** City of Palo Alto, Public Works Division  
250 Hamilton Avenue  
Palo Alto, CA 94301

**EXEMPT STATUS** (check one)

- Ministerial (Sec. 21080(b)(1); 15268)
  - Declared Emergency (Sec. 21080(b)(3); 15269(a))
  - Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
  - Categorical Exemption: CEQA Guidelines §15301 (existing facilities); 15303 (Small Structures)
  - Statutory Exemptions.
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**REASONS WHY  
PROJECT IS EXEMPT:**

See Attachment A

**PROJECT CONTACT:**

Peter Jensen  
Landscape Architect Park Planner, Public Works  
[Peter.Jensen@CityofPaloAlto.org](mailto:Peter.Jensen@CityofPaloAlto.org), (650) 617-3183

**IF FILED BY APPLICANT:**

1. Attach certified document of exemption finding.
2. Declare if a Notice of Exemption has been filed by the public agency approving the project

Yes

N/A

DocuSigned by:  
*Jodie Gerhardt*  
94A2CB00C4C1464...  
*Signature (Public Agency)*

*Manager of Current Planning*

*Title*

*12/15/2021*

*Date*

## **ATTACHMENT A: Documentation of Project's Eligibility for Class 1 and Class 3 Exemptions Under CEQA**

The City has determined that the proposed Boulware Park and Birch Street Property Renovation Project is categorically exempt from CEQA under the Class 1 (Existing Facilities) and Class 3 (Small Structures) Exemptions. CEQA Guidelines §15301 reads: "Class 1 consists of operation, 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." CEQA Guidelines §15303 applies to "Construction and relocation of limited numbers of new, small facilities or structures."

The information herein documents the project's compliance with these exemptions in addition to confirming that no exceptions to the exemptions, as outlined in CEQA Guidelines §15300.2, apply to the project.

### **Eligibility for Exemption**

The Project is eligible for a Class 1 (15301) and Class 3 (15303) exemption because it consists of the redevelopment of an existing park. Although the new park area will also include the birch street property, the proposed amenities would largely replace existing amenities at the site (e.g. playgrounds, picnic areas, basketball court) or would otherwise provide local-serving amenities. Therefore the expansion in use would be negligible. In addition, although a small new parking area is proposed, it would replace existing street parking along Ash Street that would be removed as part of the project. Therefore these alterations to an existing public facility and addition of small new structures would be consistent with the Class 1 and Class 3 exemptions.

### **Exceptions to the Exemptions**

The City is aware that there are six categories or exceptions that preclude the use of Categorical Exemptions, as listed in CEQA Guidelines 15300.2 These categories, followed by the reason(s) the City believes they are not applicable to this project, are as follows:

*15300.2(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 may in a particularly sensitive environment be significant*

The proposed project would be located on an existing developed site, most of which is currently utilized as a park. The project site is not a particularly sensitive environment; no special status species are known to occur on or within the immediate vicinity of the project site.

*15300.2(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.*

The project is a stand-alone redevelopment project that would not be completed in multiple phases that could result in a cumulative impact over time.

*15300.2(c) Significant Effect. There are no unusual circumstances creating the possibility that the project will have a significant effect on the environment pursuant to CEQA.*

There is nothing unique about the site, such as the presence of cultural resources or hazardous materials, and nothing unique about the project itself that would constitute an unusual circumstance, creating the possibility that the project will have a significant effect on the environment pursuant to CEQA. Although the project includes additional amenities and park space, these amenities can be found in other nearby parks within Palo Alto and neighboring jurisdictions, therefore the amenities at this park would continue to be local-serving.

*15300.2(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, with a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The project site is not visible from a scenic highway. I-280 and Skyline Blvd (HWY 35) are the only State scenic highways in Palo Alto and they are not visible from the project site.

*15300.2(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 City has reviewed the the Cortese List on the Envirostor databased to confirm that the project site is not on a list of hazardous waste sites compiled pursuant to Sec 65962.5 of the Government Code.

*15300.2(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of an historical resource.*

There are no historic resources listed or that are known to be eligible for listing within the work area. Therefore the project would not have the potential to cause a substantial adverse change in the significance of a historic resource.