

COASTAL CONSERVANCY

Staff Recommendation

December 1, 2016

CANDLESTICK POINT RAINWATER HARVESTING AND EDUCATION

Project No. 16-046-01

Project Manager: Kelly Malinowski

RECOMMENDED ACTION: Authorization to disburse up to \$95,900 to Literacy for Environmental Justice to install native gardens, native plant nursery, a stormwater harvesting system, green infrastructure and interpretive signage to provide multiple benefits of improved water quality, water conservation, carbon sequestration, improved health of a disadvantaged community and community education at the Candlestick Point State Recreation Area, in the City and County of San Francisco.

LOCATION: Candlestick Point State Recreation Area, San Francisco, San Francisco

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: [Project Location](#)

Exhibit 2: [Site Plans and Photos](#)

Exhibit 3: [Project Letters](#)

Exhibit 4: [Initial Study and EIR](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed ninety-five thousand nine hundred dollars (\$95,900) to Literacy for Environmental Justice to install gardens, native plant nursery, stormwater harvesting system, green infrastructure, and interpretive signage, and to provide for associated community participation and education, at Candlestick Point State Recreation Area in the City and County of San Francisco. This authorization is subject to the following conditions:

1. Prior to disbursement of any funds, Literacy for Environmental Justice shall submit for review and approval of the Executive Officer of the Conservancy:

- a. A work program, including a budget and schedule.
 - b. The names of any contractors to be hired.
 - c. An agreement with the landowner of the project site providing access to the site for purposes of carrying out the project and maintaining the project facilities.
2. Prior to initiating the project, Literacy for Environmental Justice shall provide written evidence to the Executive Officer of the Conservancy that it has obtained all permits and approvals necessary to implement and complete the project under applicable local, state, and federal laws and regulations.
 3. Conservancy funding for the project shall be acknowledged by erecting and maintaining one or more signs on or near the project area, the design and location of which has been reviewed and approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code, regarding resource and educational goals.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Pursuant to its responsibilities under the California Environmental Quality Act, the Conservancy, as a responsible agency, has independently reviewed the *Candlestick Point State Recreation Final Area General Plan and Program Environmental Impact Report* (EIR) (January, 2013) certified by the California Department of State Parks (DPR) in January 2013 and the Notice of Exemption filed by DPR in March 2016, both attached to the accompanying staff recommendation as Exhibit 4. The Conservancy finds that no additional CEQA documentation is required and that there is no substantial evidence in the record that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. Literacy for Environmental Justice is a nonprofit organization recognized under section 501(c)(3) of the U.S. Internal Revenue Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The authorization would provide up to \$95,900 to Literacy for Environmental Justice (LEJ) for use at the Candlestick Point State Recreation Area to install two native plant gardens, an expanded native plant nursery, a rainwater harvesting system, green infrastructure, and interpretive signage at the Candlestick Point State Recreation Area. In connection with

installation and use of these facilities, LEJ will provide opportunities for participation and education for the members of the adjacent disadvantaged community.

The primary purpose of the proposed project is to benefit the adjacent Bayview/Hunters Point neighborhood, which is a disadvantaged community, through the Candlestick Point Eco-Stewards Program by engaging community members in implementation of the project and in the subsequent programming to be held at the project site.

The proposed project will have multiple benefits for human health, carbon sequestration, water quality, and water management. The project will benefit human health by removing urban blight (a dilapidated asphalt area) and replacing it with native plant gardens, enabling community engagement in native plant gardening. The project will benefit water quality by installing a system for collection and use of rainwater that will reduce the current native plant nursery's developed water usage and by installing more native plant gardens and a demonstration rain-garden swale, which will increase runoff absorption. The project will increase carbon sequestration through the installation of more native plant gardens. Thus, the proposed project will improve water management and climate resiliency in San Francisco, while benefiting and engaging a disadvantaged community.

Specifically, the 2,250 square foot native plant demonstration rain garden and 4,500 square foot drought-resilient garden will together sequester 2,200 pounds of atmospheric carbon annually. LEJ will also remove 9,500 square feet of impermeable pavement and replace it with permeable spaces and demonstration gardens that will result in an absorption of 124,500 gallons of runoff that were formerly destined for San Francisco's stormwater treatment system each year. LEJ will also coordinate the design and installation of a rainwater harvesting system that will provide 16,000 gallons each year for the existing native plant nursery and community garden, thus enabling the reduction of current developed water usage by one-third. In addition, LEJ will provide and install onsite interpretive signage to explain the benefits of stormwater harvesting and carbon sequestration systems, urban greening, and community climate change resilience, boost production of native plants at the site, and install a greenhouse and shade house. The project will also enjoy direct participation from community members in developing and implementing these project components.

The mission of LEJ is to "foster an understanding of the principles of environmental justice and urban sustainability in young people in order to promote long-term health in our communities." Founded in 1998 to address the severe health and ecological issues in the Bayview Hunters Point neighborhood and surrounding southeast San Francisco, LEJ has recruited thousands of disadvantaged youth to participate in a wide range of nature-based projects and environmental advocacy, and has increased the participation of underserved youth in successful urban nature activities by an average of 1,500 youth a year.

The current focus of Literacy for Environmental Justice is its Candlestick Point Eco-Stewards Program. The focus of the Candlestick Point Eco-stewards is to restore the ecology of southeast San Francisco parklands, and to help nearby residents reconnect to their natural heritage and enjoy their right to a healthy and biologically diverse environment. The proposed project site, and specifically the expansion of the community gardens and native plant nursery at this site, was prioritized for this proposed project since the location is the central work area for LEJ programming. Thus, LEJ is the logical community-based organization to undertake this needed

work in southeast San Francisco, and has the skills, expertise, and support to deliver true benefits to the neighboring disadvantaged community, as well as to the water and ecological resources of southeast San Francisco.

Site Description: The project site is the 1150 Carroll Avenue portion of the Candlestick Point Recreation Area in the southeast section of the San Francisco, which is San Francisco’s first urban State Park. The site is within a few hundred feet of the South Basin and Yosemite Slough portions of the San Francisco bayshore. The site is characterized by a 7,100 square foot ranger station and parking lot, a community garden, and LEJ’s native plant nursery. Immediately to the southeast are several acres of deteriorated asphalt which had served as overflow parking for the former Candlestick Park sports stadium. Bordering the site is the Alice Griffith public housing complex as well as various light industrial facilities. Natural areas close to the site are found to the north along Yosemite Slough and the bayshore, and a half-mile to the south in the Sunrise Point section of the Candlestick Point State Recreation Area.

Project History: In addition to two past projects with LEJ at Heron’s Head Park just north of the proposed project site, the Conservancy previously funded interpretive and community engagement events at Candlestick Point State Recreation Area. Through the Candlestick Point Eco-stewards project, funded by a 2013 Conservancy Explore the Coast grant, LEJ coordinated regular stewardship programs to grow, plant, establish and monitor native plants at four restoration sites at the park, hosted specialized interpretive/community engagement events; and developed outreach materials. The project increased public engagement and ecological stewardship at Candlestick Point State Recreation Area, the largest public access point to the bay in Southeast San Francisco. The Eco-stewards project remains the current focus of LEJ, and has the goal of restoring the ecology of southeast San Francisco parklands, and reconnecting residents to these natural areas, through ecological restoration, community engagement, and public education. The proposed project work was prioritized because this project location is the central work area for LEJ programs, and specifically the Eco-stewards project, where volunteers are organized and where native plants are grown that are later used at a variety of urban greening sites.

PROJECT FINANCING

Coastal Conservancy	\$95,900
Literacy for Environmental Justice	\$58,400
California Natural Resources Department: Strategic Growth Council Urban Greening Grant:	\$243,100
Surdna Foundation	\$25,000
Rose Foundation Watershed Protection Fund	\$10,000
San Francisco Department of the Environment	\$10,000
Szelky Family Foundation	\$5,000
Seed Fund	\$5,000
Project Total	\$452,400

The anticipated source of Conservancy funding for this project is the fiscal year 2016 appropriation from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1, Water Code § 79700 *et seq.*). Funds appropriated to the Conservancy derive from Chapter 6 of the Act (commencing with § 79730) and may be used “for multi-benefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state” (Section 79731). Section 79732 identifies specific purposes of Chapter 6 and includes: subsection (a)(9) - protect and restore urban watershed health to improve watershed storage capacity, protection of life and property, storm water resource management, and greenhouse gas reduction; subsection (a)(10) - protect and restore coastal watersheds including near shore ecosystems; and subsection (a)(11) - protect or restore natural system functions that contribute to water supply, water quality, or flood management.”

The proposed project accomplishes all of these objectives and provides a multitude of benefits to a San Francisco Bay watershed.

In particular, the project components collectively will facilitate the rehabilitation and protection of a coastal watershed within a site adjacent to the San Francisco Bay, as well as increase carbon sequestration and thus contribute to the reduction of greenhouse gases. The installation of green infrastructure in place of existing impermeable surfaces will contribute to watershed health through improved storage capacity via a restored system. The installation of a rainwater harvesting system will further improve watershed health by decreasing the amount of runoff entering the San Francisco Bay adjacent to the project site. In addition, the native plant demonstration rain garden and drought-resilient garden will together sequester 2,200 pounds of atmospheric carbon annually, thereby reducing greenhouse gases. Finally, the project components collectively will protect life and property by improving the health of a disadvantaged community that will obtain the health benefits of having nearby gardens and related programs in place of urban blight.

The proposed project was reviewed and subsequently recommended for funding through a competitive grant process under the Conservancy’s *Proposition 1 Grant Program Guidelines* adopted in June 2015 (“Prop 1 Guidelines”), (See § 79706(a)). The proposed project meets each of the evaluation criteria in the Prop 1 Guidelines as described in further detail in the following sections of this staff recommendation: “Project Financing” and “Project Summary” (sections above) and “Consistency with Conservancy’s Project Selection Criteria & Guidelines” (section below).

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 4.5 of Division 21, Sections 31160-31165 of the Public Resources Code regarding San Francisco Bay Area projects. The project is located in the County of San Francisco, one of the nine San Francisco Bay Area counties as required by Section 31162.

Under Section 31162(b), the Conservancy may undertake projects and award grants that “protect, restore and enhance watersheds” in the San Francisco Bay area. As detailed above, the proposed project will provide a multitude of benefits to the local watershed which drains into San Francisco Bay.

In addition, under Section 31162(d), the Conservancy may “promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes.” The proposed project will enhance the open space and natural area at the Candlestick Point State Recreation Area, which is adjacent to and directly serves the neighboring Bayview/Hunters Point neighborhood in southeast San Francisco.

The proposed project also satisfies each of the five criteria for determining project priority under Section 31163(c) in the following respects: (1) the project is consistent with the General Plan for the Candlestick Point State Recreation Area (January 2013), and promotes and implements state plans and policies, as detailed in the “Consistency with Conservancy’s Project Selection Criteria & Guidelines” section, below; (2) the Candlestick Point State Recreation Area is a regionally-important open-space and recreational resource for residents of the surrounding Bayview/Hunters Point neighborhood and beyond, and the proposed project is located within the portion of the Candlestick Point State Recreation Area that has the highest visitor density; (3) the project will be implemented immediately - starting in November 2016; (4) the project provides opportunities for stormwater harvesting, carbon sequestration, and water reuse to support urban greening and related citizen education that could be lost if the project is not quickly implemented; and (5) the proposed grantee, LEJ, has secured and will provide substantial cash matching funds.

Under Section 31165, the Conservancy may award grants for activities that are compatible with the restoration or enhancement of bay watershed resources, or that facilitate environmental education related to these resources. These projects or activities may include, but are not limited to, exhibits or events emphasizing watershed resources education or the development of amenities, and infrastructure consistent with this chapter. The proposed project will involve the enhancement of watershed resources via the utilization of recycled water, prevention of stormwater runoff, and addition of demonstration gardens, while also providing environmental education related to stormwater harvesting and sequestration systems, urban greening, and community climate change resilience.

**CONSISTENCY WITH CONSERVANCY’S 2013 STRATEGIC PLAN
GOAL(S) & OBJECTIVE(S), AS REVISED JUNE 25, 2015:**

Consistent with **Goal 7, Objective F**, the proposed project includes sequestration of 2,200 pounds of atmospheric carbon annually.

Consistent with **Goal 7, Objective G**, the proposed project reduces the urban heat island effect within the proposed project site and adjacent community through the removal of 9,500 square feet of impermeable pavement, and replacement with gardens and other permeable surfaces.

Consistent with **Goal 9, Objective B**, the proposed project will include interpretive signage that explains the benefits of community resilience and urban greening, including systems that sequester carbon.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:**
 - a. *California Water Action Plan* (California Natural Resources Agency, California Environmental Protection Agency, and California Department of Food and Agriculture, 2014): The proposed project will support Action #2 to increase regional self-reliance and integrated water management across all levels of government by providing assistance to disadvantaged communities, increasing the harvesting and use of stormwater, and engaging and benefiting the adjacent disadvantaged community of Bayview/Hunters Point.
 - b. *California @ 50 Million: The Environmental Goals and Policy Report* (Governor's Office of Planning and Research, Draft 2013): Goal 2, "Build Sustainable Regions that Support Healthy, Livable Communities." The proposed project will increase the sustainability of water resources in southeast San Francisco, as well as create a more livable community in the adjacent Bayview/Hunters Point neighborhood through decreasing impermeable paving, increasing native plant propagation, and reducing the urban heat island effect.
 - c. *California Climate Adaptation Strategy/Safeguarding California: Reducing Climate Risk Plan* (California Natural Resources Agency, July 2014): Emergency Management, "Support hazard mitigation by investing in green infrastructure and other protective structures to address sea level rise, managed shoreline retreat, stabilize river banks and restore and create wetlands, urban forestry and urban greening to address urban heat island effects, and promote the use of cool pavements to reduce urban heat island effects," (page 70); Ocean and Coastal Ecosystems and Resources, "Study and support investment in cost-effective green infrastructure to reduce flood risk, storm water runoff, and to maximize associated co-benefits," (page 155), and "Vigorously prepare California for flooding by... reconnecting rivers to their floodplains, rehabilitating upper watershed source areas, and providing more natural floodplain features and functions that slow, spread, capture and infiltrate floodwaters throughout a watershed," (page 296). The proposed project supports these objectives by investing in green infrastructure, which reduces the urban heat island effect and reduces storm water runoff and increases infiltration and capture of stormwater.

4. **Support of the public:** The project enjoys broad support from the surrounding community, as well as State Assemblymember Mark Leno, San Francisco Supervisor for District 10 Malia Cohen, the California Department of Parks and Recreation, San Francisco Public Utilities Commission, AECOM, the Wilderness and Arts Literacy Collaborative, the Golden Gate Chapter of the Audubon Society, the San Francisco Department of the Environment, the Port of San Francisco, the San Francisco Parks Alliance, the California State Parks Foundation, B-MAGIC, San Francisco Friends of the Urban Forest, and City of Dreams. See Exhibit 3 for Project Letters.
5. **Location:** The project lies within the Candlestick Point State Recreation Area in southeast San Francisco, adjacent to the Bayview/Hunters Point neighborhood, within the nine-county San Francisco Bay Area Conservancy Program area.
6. **Need:** Conservancy funding is needed for the proposed project. While much of the proposed project's cost will be underwritten by other sources, major project infrastructure and educational aspects depend on Conservancy support. If LEJ does not obtain Conservancy matching funds, then it will not be able to complete the project.
7. **Greater-than-local interest:** The project is located in the Candlestick Point State Recreation Area, a popular open-space and recreational resource used not only by residents of the adjacent Bayview/Hunters Point neighborhood, but by many other communities in San Francisco and the Bay Area, including community gardeners, hikers, recreational fishers, volunteers, and members of the LEJ's 'Bay Youth for the Environment' workforce development program who visit from other areas. In addition, management of water resources and the reduction by 1/3rd of the site's usage of developed water, as well as reduction in stormwater runoff destined for San Francisco's storm drain system, will alleviate water resource pressure in the San Francisco region. Further, the proposed project serves as a regional and state example of a multi-benefit project that benefits a disadvantaged community and improves water resources.
8. **Sea level rise vulnerability:** The proposed project is not predicted to be impacted by inundation or storm surge from 36 inches of sea level rise, though other areas of the Coyote Point State Recreation Area may be susceptible. The new General Plan for the Coyote Point State Recreation Area addresses predicted sea level rise, and plans to utilize natural systems to adapt to and mitigate the effects of flooding associated with sea level rise.

Additional Criteria

9. **Urgency:** The sooner the proposed project is implemented, the sooner southeast San Francisco will benefit from water resource savings, carbon sequestration benefits, and alleviation of the urban heat island effect. As climate change impacts worsen, these mitigation efforts, especially during California's drought, are needed as soon as possible.
10. **Resolution of more than one issue:** The proposed project will increase the use of stormwater for irrigation, thereby taking pressure off of San Francisco's developed water infrastructure, while also sequestering carbon, and engaging and benefiting a disadvantaged community.
11. **Leverage:** See the "Project Financing" section above.

12. **Readiness:** Upon approval, LEJ plans to move forward with the project immediately. LEJ has experience in carrying out similar types of community engagement, stormwater management, and resource protection projects, and anticipates the timely and effective completion of the project.
13. **Realization of prior Conservancy goals:** See “Project History” above.
14. **Cooperation:** The proposed project will engage hundreds of volunteers and workforce development trainees, drawn largely from the adjacent Bayview/Hunters Point neighborhood, who will assist in growing, planting and establishing native plants for the demonstration garden. In addition, LEJ’s approach supports coordinated efforts with key partners including private foundations, non-profit, and public sector entities.
15. **Vulnerability from climate change impacts other than sea level rise:** The proposed project site is predicted to have an increasing urban heat island effect, though the proposed project will help to mitigate the urban heat island effect through the removal of 9,500 square feet of impermeable pavement and replacing it with gardens and other permeable surfaces.
16. **Minimization of greenhouse gas emissions:** LEJ has adopted an algorithm used by the San Francisco Department of the Environment to calculate that the 2,250 square foot native plant demonstration rain garden and 4,500 square foot drought-resilient garden will together sequester 2,200 pounds of atmospheric carbon annually. In addition, some 65.50 kilowatt-hours of electrical power for wastewater treatment will be saved through absorption of an additional 124,500 gallons of stormwater annually.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The proposed project is consistent with Part III, The Bay as a Resource, Water Quality Policy 7, as the proposed project includes vegetation that will capture and treat runoff and thus controls pollutants from entering the San Francisco Bay.

The proposed project is also consistent with Part IV, Climate Change Policy 2, as the proposed project considers future sea level rise, greater than the 100-year flood elevation, in project design.

COMPLIANCE WITH CEQA:

The Candlestick Point State Recreation Area is managed by the California Department of Parks and Recreation (DPR). In 2012, DPR prepared the Candlestick Point State Recreation Area General Plan (General Plan), outlining future development of this Recreation Area. In January 2013, DPR, the lead agency for CEQA purposes, filed a Notice of Determination for the Candlestick Point State Recreation Final Area General Plan and Program Environmental Impact Report (EIR) (January, 2013), determining that the project would not have a significant effect on the environment. The EIR was prepared at a programmatic level, and included a very broad description of projects. The EIR included language from the 2012 Candlestick Point State Recreation Area General Plan describing the direction the California Department of Parks and Recreation will be planning in regards to the proposed project, which is included the following:

4.7.6 Community Garden/Plant Nursery Zone

Guideline Community Garden/Plant Nursery-1: *Expand the existing Community Garden to broaden access to locally grown produce and provide programs on healthy food options and lifestyles.*

Guideline Community Garden/Plant Nursery-2: *Use the Community Garden for composting, and educate park visitors about the park's composting program*

Guideline Community Garden/Plant Nursery-3: *Expand the existing native plant nursery to increase its capacity for propagating native plants and providing related educational programs. Where possible, use the native plant nursery to propagate and supply native plants for use in future plantings within CPSRA.*

Guideline Community Garden/Plant Nursery-4: *Manage the Community Garden/Native Plant Nursery Zone in partnership with community groups and other stakeholders, building on existing relationships with organizations such as Literacy for Environmental Justice.*

The programmatic EIR did identify some potential effects of a type that might arise from the proposed project and associated mitigation or avoidance measures, should those conditions exist in connection with a particular set of activities. However, State Parks staff undertook an Initial Study checklist review of the potential impacts of the proposed project (See Exhibit 4) and concluded that there were none. This approach is suggested by the Section 15168(c)(4) of the CEQA Guidelines in order to assess site-specific characteristics when a project has been generally considered under an existing programmatic EIR.

Conservancy staff has reviewed the EIR, and has noted that there are three types of Impact Analysis that could raise concern about impacts, the need for further assessment and possible mitigation or avoidance measures not discussed in the EIR. The EIR analysis under Impact Noise-1 and Noise-4 indicate that construction-based noise could affect sensitive receptors, such as wildlife, within the vicinity of the proposed project. However, determination of whether this may occur is dependent on a project-specific analysis. Here, State Park staff determined that the construction-related noise for the proposed project would be minimal because there will be minimal construction, and the construction activities will not utilize large equipment or involve large excavation. In addition, the project site is not adjacent to a residential area, and the nearest habitat area is 200-300 feet to the North of the project site. Thus, the project would not create construction noise that would have significant effect nor would any mitigation or avoidance measures be required. Likewise, the EIR, in its analysis of the effect of the overall project on cultural resources, recognized that the project, occurring as it does along the shore of San Francisco Bay could have an adverse effect on cultural resources. Accordingly, the EIR provides first to identify if any cultural resources potentially existed at the site and, if they did, to address the handling of those cultural resources. Here, the State Parks staff sought out professional review by a State Archaeologist, also a tribal liaison, to assess whether there was potential for cultural artifacts to be present in connection with the proposed project. The conclusion was that there was no such potential. Finally, the EIR indicated the potential for impact on sensitive biological resources that could occur within the project area. However, appropriate state parks

staff surveyed the proposed project site and concluded that the project would not have the potential to disturb, impair or negatively affect any since the biological resources. The project site is on an old gravel lot, and not suitable for habitat by any species that had been flagged as 'could occur' or 'known to occur' in the EIR.

The programmatic EIR did not identify any potential significant effects of these activities in the project area, nor did it specify any mitigation measures to offset or avoid potential impacts of any of the projects included within the EIR. The proposed project does, however, vary from the activities described in the EIR. The program level EIR did not include specificities on the proposed project's design, including installation of a rainwater harvesting system (which will provide water for an existing native plant nursery and community garden), the removal of impermeable pavement and replacement with permeable spaces and native plant gardens to absorb stormwater, specific square footage of the native plant gardens, interpretive signage, and the installation of a greenhouse and shade house. Thus, the program level EIR does not provide detail as to the current proposed project or the potential effects of the proposed project.

However, staff does not believe that these added project elements create a circumstance which would require additional CEQA documentation. Under the CEQA Guidelines, 14 California Code of Regulations, Sections 15152(c) and 151268 (tiering off of an existing EIR) and Section 15162 (whether project changes after EIR certification require subsequent CEQA review), additional documentation is only required if the proposed activity that has previously been assessed under an EIR or that has changed since the EIR was certified, has potential significant effects which were not identified and assessed in the EIR or if there is additional mitigation required to avoid or reduce potential significant effects.

Here, the proposed project activities would otherwise be categorically exempt from CEQA under CEQA Guidelines, 15303 and 15304. These categorical exemptions describe projects that generally would not be considered to have potential significant effects. In fact, DPR filed a Notice of Exemption (NOE) for this project on March 29, 2016, concluding that the project was exempt based on these categorical exemptions. Although the determination of DPR is not binding on the Conservancy (each agency makes its own decision as to categorical exemptions), Conservancy staff believes that the project does fall within these categorical exemptions as detailed below and that fact, based on the nature and circumstances of the project, indicates that there are no significant environmental effects associated with the proposed project.

Consistent with Section 15303, which exempts the 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, the proposed project involves the installation and location of limited numbers of new, small facilities or structures, including, but not limited to, rain runoff capture and storage/distribution systems, a greenhouse, a shade house, and interpretive signage. These structures relate most to Section 15303(e) regarding accessory structures, since the structures to be constructed under the proposed project will support new and existing native gardens and community engagement activities.

Consistent with Section 15304, which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry or agricultural purposes, the proposed project consists of minor

public alterations in the condition of land which do not involve removal of healthy, mature, scenic trees. The proposed project will include the removal of 9,500 square feet of impermeable pavement, and replace it with permeable spaces and demonstrations gardens. These activities related most to Section 15304(b) regarding new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

Finally, there are no unusual circumstances under Section 15300.2 of the Guidelines which might counter the assumption that the proposed activities would have no potential for significant effect. The project site, where installation of the small facilities is to occur, does not currently have any designated biological resource or species of critical concern, nor is it currently included as a hazardous waste site on any list compiled pursuant to the Government Code (see Guidelines Section 15300.2 (a) and (c)). Indeed, the project site is predominately a post-industrial site that has been partially restored and the proposed project will return it to a more natural state with additional environmental benefits.

Since the proposed activities squarely meet the criteria and requirements of two categorical exemptions, indicating the typical absence of any significant effect associated with such activities, and since there are no unusual circumstances which would alter that assumption, Conservancy staff has concluded that the proposed project will not have a significant effect on the environment. Accordingly, staff recommends that the Conservancy find, based on the EIR and on the analysis provided above, that the Conservancy has independently reviewed the EIR and the NOE, and finds that no additional CEQA documentation is required and that there is no substantial evidence in the record that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.