

# Notice of Exemption

**Submitted to:**

Santa Clara County Clerk  
70 W. Hedding Street  
San Jose, CA 95110

Office of Planning and Research  
*Submitted electronically via CEQASubmit*

**From:** Foothill-De Anza Community College District  
12345 El Monte Road  
Los Altos Hills, CA 94022

**PROJECT TITLE**

204 Convert Existing Facility to Beach Volleyball

**Project Address:**  
21250 Stevens Creek Blvd, Cupertino, CA 95014

**Assessor's Parcel Number:**  
359-010-04

**Project Location:**  
City of Cupertino

**County of:**  
Santa Clara County

**Project Description:**

The Foothill-De Anza Community College District is located within Silicon Valley and serves the communities of Cupertino, Los Altos, Mountain View, Palo Alto, Los Altos Hills, Sunnyvale, Saratoga, and San Jose. The school district consists of two community colleges, Foothill College, in the City of Los Altos Hills, and De Anza College, in the City of Cupertino. De Anza College was established in 1967 and has over 20,000 students currently enrolled.

The project will replace the existing softball field at De Anza College with a beach volleyball facility. The project site is located in the southern portion of the De Anza campus, immediately east of the football stadium and track facility, approximately 65 feet northwest of the Kirsch Center for Environmental Studies, and approximately 300 feet north of McClellan Road.

The existing softball field facility will be demolished, which includes removal of backstops, dugouts, entry/ticketing facilities, fencing, and turf. The beach volleyball facility will consist of six sand beach volleyball courts. Concrete paving around the perimeter of the courts will serve as an informal spectators' area (no permanent chairs or other fixtures will be provided; spectators are expected to bring seating and pop-up shade canopies as desired). An 8-foot-tall chain link fence with slats (which is the same height and similar design as the existing softball fencing) will be installed around the perimeter of the concrete paving, and a new entry gate and ticketing plaza will be placed at the southwest corner of the fencing. The entry gate will have backlit signage. The volleyball courts will be illuminated with installation of four light poles each supporting four luminaries; the facility will also include a new scoreboard, wireless and streaming infrastructure, a public address system, an approximately 960-square-foot storage building, and a relocated approximately 80-square-foot storage shed. The maximum light level within the courts will be 57 footcandles; light levels will decrease to 1 footcandle at a distance of approximately 100 to 120 feet from the courts. A portion of the adjacent parking lot will be restriped to convert some existing parking spaces to meet the Americans with Disabilities Act accessibility standards, providing four accessible car parking spaces and one accessible van parking space. Accessibility improvements will also be made to the existing restroom adjacent to the west side of the volleyball courts.

Use of the beach volleyball facility will include instructional classes, athletic programs (i.e., for competitive team practices and games), and community rental. At this time, it is expected that instructional usage will generally occur only on Mondays and Wednesdays between 9:00 AM and 2:30 PM; athletic program usage is also expected to occur periodically Monday through Thursday between 12:30 PM and 3:30 PM as well as between 8:00 AM and 4:00 PM on Fridays and between 9:00 AM and noon on Saturdays. The facility may also be available for community rental between 4:00 PM and 9:00 PM during the week and between 9:00 AM and 9:00 PM on Sundays.

**Exempt Status:**

- Ministerial Project (Section 21080(b)(1); 15268)

---

- Categorically Exempt **Classes:** Sections 15301, 15303, and 15314

---

- Declared Emergency (Section 21080(b)(3); 15269(a))

---

- Emergency Project (Section 21080(b)(4); 15269(b)(c))

---

- Statutory Exemption (Code/Section \_\_\_\_\_)

---

- The project clearly will not have a significant effect on the environment (15061(b)(3))

---

This project has been **approved by** and **will be carried out by** the Foothill-De Anza Community College District.

**Lead Agency Contact Person:** Joel Cadiz; Executive Director, Facilities and Operations

**Signature:**  **Date:** 10 October 2023

**Environmental Analysis**

**Reasons why project is exempt:** CEQA provides several “categorical exemptions” which are applicable to categories of projects and activities that the Lead Agency has determined generally do not pose a risk of significant impacts on the environment. The project consists of new construction within an existing school campus within the developed urban area of the City of Cupertino. The project is exempt under CEQA Guidelines Section 15301 – Existing Facilities, Section 15303 - New Construction or Conversion of Small Structures, and Section 15314 - Minor Additions to Schools. The project meets the conditions for these exemptions as explained below.

Existing Facilities (Class 1)

Class 1 consists of 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. The key consideration is whether the project involves negligible or no expansion of use capacity.

The project will replace the existing softball diamond with six beach volleyball courts and a storage shed. The project will also involve accessibility improvements to an existing parking lot and an existing restroom building and an existing storage shed will be relocated. The programmed usage of the beach volleyball facility will be similar to that of the softball diamond in that it will be used for instruction, team practices, competitive matches, and potential community usage. The beach volleyball facility will support the existing athletics program at De Anza College and will not support an increase in student capacity or the number of classrooms at the campus.

New Construction or Conversion of Small Structures (Class 3)

Class 3 consists of 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 the exterior of the structure. Examples of projects that this exemption may apply to include accessory structures such as garages, patios, swimming pools, and fences.

The project will replace the existing softball diamond with six beach volleyball courts and an approximately 960-square-foot storage building. Accessibility improvements will be made to the existing parking lot and restroom building that would serve the project and an existing storage shed will be relocated. The project involves removal of turf and other site improvements at the softball diamond and replacing them with the beach volleyball courts and accessory structures and infrastructure.



Minor Additions to Schools (Class 14). Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less.

The project will replace the existing softball diamond with six beach volleyball courts and a storage building. The beach volleyball facility will support the existing athletics program at De Anza College and will not support an increase in student capacity or the number of classrooms at the campus.

**Exceptions to Use of a Categorical Exemption:** The project does not have the potential to trigger any of the exceptions identified in CEQA Guidelines Section 15300.2 prohibiting the use of a categorical exemption.

- a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that ordinarily would have insignificant environmental impacts may result in significant impacts if it is located in a particularly sensitive environment. 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.

This exception does not apply to the project because there are no sensitive environmental resources located at or adjacent to the project site. The site is located within an existing community college and all project construction activities will occur on areas that are already paved, covered with turf, subject to routine property maintenance, and/or otherwise have been previously disturbed. Dudek biologists reviewed aerial photographs of the project site and determined that the site does not have the potential to support biological resources of critical concern and no such resources have been designated or mapped at the site. Dudek also reviewed the State Water Resources Control Board (SWRCB) GeoTracker database and the Department of Toxic Substances Control (DTSC) EnviroStor database; the site is not known to contain hazardous materials or be affected by prior releases of hazardous materials (SWRCB 2023, DTSC 2023).

- 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 properties adjacent to De Anza College are developed with residential, commercial, and retail land uses. There are two senior living apartment/townhome buildings under construction north of the campus; no projects are currently proposed or under construction south or east of the campus (City of Cupertino 2023). The Foothill-DeAnza Community College District recently prepared an updated Facilities Master Plan for De Anza College, which contemplates several redevelopment and improvement projects at the campus. The Master Plan does not identify other projects at or proximate to the athletic fields. The nearest Master Plan project is renovation of the existing physical education buildings, which are located north of the football stadium and track (Foothill-DeAnza Community College District 2021). This exception does not apply to the project because neither the beach volleyball site nor the physical education buildings site support unique environmental resources and there are no significant cumulative effects on the environment that the beach volleyball project would contribute to.

- 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.

The De Anza College campus does not support any unique biological or archeological resources and project construction will occur in an area that has been previously disturbed and improved. A noise assessment was conducted, which determined that the public address system and spectator noises will not create an unusual circumstance because it will not generate excessive noise levels at the adjacent Kirsch Center for Environmental Studies, or the residences located south of McClellan Road and east of South Stelling Road (Dudek 2023). Similarly, the volleyball court lighting will not create an unusual circumstance because light levels will decrease to 1 footcandle at a distance of approximately 100 to 120 feet from the courts and the nearest residences are approximately 300 south of the project site. Thus the project will not expose nearby residences to excessive light or glare. Therefore, this exception does not apply to the project.

- 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, within a highway officially designated as a state scenic highway.

The project site is not visible from any officially designated scenic highway (Caltrans 2023). Therefore, this exception does not apply to the project.

- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.

According to the SWRCB GeoTracker database and the DTSC EnviroStor database, there are no active hazardous materials sites within the project site or in the project vicinity. There is a closed clean-up program site located at the Sunken Garden in the northern portion of the campus; and the nearest open clean-up program site is located approximately 1,800 feet southeast of the beach volleyball site (SWRCB 2023, DTSC 2023). This exception does not apply to the project because the beach volleyball project is not located on a site where hazardous materials or hazardous waste have been identified, nor is it located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.

- f. Historical Resources. A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

CEQA requires evaluation of structures and other human-built features for potential historic significance when such features are at least 50 years old. The existing softball field was constructed between 2005 and 2009, and the adjacent Kirsch Center for Environmental Studies was constructed between 2002 and 2005. Other surrounding athletic facilities were constructed between 1960 and 1968, however because the softball field was constructed more recently and conversion of the softball field to another athletic facility would not change the setting of the stadium or baseball field, the project would have no potential to affect any historic significance that may be associated with the stadium or baseball field. Thus, this exception does not apply to the project.

## References

- California Department of Transportation (Caltrans). 2023. List of eligible and officially designated State Scenic Highways. May 2023.
- California Department of Toxic Substances Control (DTSC). 2023. Envirostor. <https://www.envirostor.dtsc.ca.gov/public/>. Accessed February 3, 2023.
- City of Cupertino. 2023. Project Activity Map. <http://gis.cupertino.org/webmap/pam/#14/37.33024/-122.02733/0/45>. Updated March 8, 2023. Accessed May 3, 2023.
- Dudek. 2023. Noise and Vibration Assessment – De Anza College Beach Volleyball Courts Project. July 3, 2023.
- Foothill-De Anza Community College District. 2021. 2021-2026 Facilities Master Plan. May 2021. [https://www.deanza.edu/gov/campus\\_facilities/documents/FHDA\\_FMP\\_Final\\_2021\\_2026.pdf](https://www.deanza.edu/gov/campus_facilities/documents/FHDA_FMP_Final_2021_2026.pdf). Accessed May 2023.
- State Water Resources Control Board (SWRCB). 2023. GeoTracker. <https://geotracker.waterboards.ca.gov/>. Accessed February 3, 2023.