



*City of Palo Alto*  
*Department of Planning and Community Environment*  
*California Environmental Quality Act*

**DRAFT MITIGATED NEGATIVE DECLARATION**

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**I. DESCRIPTION OF PROJECT**

**Date:** November 8, 2013

**Application No:** 13PLN-00307

**Address of Project:** 441 Page Mill Road

**Assessor's Parcel Numbers:** 132-37-016

**Applicant:** Stoecker and Northway Architects

**Owner:** Norm Schwab

**Project Description and Location:** The existing residential structures and vegetation on the site would be removed to make way for a new three-story, mixed use building with one level of below grade parking. The ground floor area would include 4,000 sq. ft. for retail uses and a garage providing 33 at-grade parking spaces. The second floor would be approximately 17,432 sq.ft. of office space, and the third floor would be approximately 13,073 sq.ft. of floor area for 10 residential rental apartment units.

The project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of Interstate 280. The project site has frontage on Page Mill Road, and is developed with four single family residences on four separate parcels. Adjacent uses to the northeast include a Kelly Moore Paint Store at 411 Page Mill Road and the AOL office development at 395 Page Mill Road (subject of a proposed PC zone change). Adjacent uses to the southwest include an animal hospital at 461 Page Mill Road, and the AT&T retail store at the corner at 2805 El Camino Real. To the southeast, or the rear of the site, are single-family residences with exception of a grandfathered art studio at 440 Pepper Avenue. Across Page Mill Road to the northwest are multifamily residential PC developments.

The proposed project would meet all of the green building requirements set forth in the California Green Building Code and the City's Build It Green Program and is proposed to attain Leadership in Energy and Environmental Design (LEED) Silver certification. Bicycle parking for the building would be provided, along with showers and locker room facilities for riders. Public bicycle racks would also be provided.

**II. DETERMINATION**

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project located at 441 Page Mill Road could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

\_\_\_\_\_ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.

X Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case because mitigation measures have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby proposed for adoption.

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The initial study prepared for this project described above incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project. The following describes the areas of analysis and any mitigation measures incorporated into the proposed project in accordance with CEQA.

- A. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- B. **AGRICULTURAL RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- C. **AIR QUALITY.** The project will not have a significant air quality impact, therefore no mitigation is required.

Mitigation Measures C-1: The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant but normally mitigated by implementing the following control measures:

During demolition of existing structures:

- Water active demolition areas to control dust generation during demolition and pavement break-up.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.
- During all construction phases:
  - Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

The above measures include feasible measures for construction emissions identified by the BAAQMD for large sites. According to the District threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the project to a less than significant level.

**D. BIOLOGICAL RESOURCES.**

**The project could have a significant impact on biological resources in that nesting birds could be affected.**

Mitigation Measures B-1:

The applicant shall abide by all provisions of Sections 3503 and 3503.5 of the State Fish and Game Code and Migratory Bird Treaty Act of 1918 (MBTA) as published in the Federal Register (Vol. 70, No. 49; March 15, 2005).

Although there is no vegetation on the project site that may contain nesting birds, there may be nesting birds in existing vegetation abutting the proposed project site. To protect any nesting birds, the proposed project may avoid construction during the nesting period. Alternatively, a qualified wildlife biologist (to be hired by the applicant) shall conduct a survey for nesting birds that are covered by the MBTA and/or Sections 3503 and 3503.5 of the State Fish and Game Code in the vicinity of the project site. This survey shall cover all areas that would be disturbed as a result of construction-related activities during the nesting period, and shall include a "buffer zone" (an area of potential sensitivity, beyond the bounds of the proposed project construction area) which shall be determined by the biologist based on his or her professional judgment and experience. This buffer zone may include off-site habitat.

This biological survey shall be conducted no more than 14 days prior to the commencement of construction activities. The wildlife biologist shall provide a report to the City promptly detailing the findings of the survey. No construction shall be conducted until this report has been provided to the City and the City has authorized in writing the commencement of construction activities in accord with the biologist's findings.

**E. CULTURAL RESOURCES.** The project will not have a significant impact on Cultural Resources, therefore no mitigation is required.

**F. GEOLOGY, SOILS, AND SEISMICITY.**

**The project could have a significant impact due to geologic features either on or off-site.**

Mitigation Measures F-1: All earthwork and site drainage, including foundation and basement excavations, retaining wall backfill, preparation of the subgrade beneath hardscape, placement and compaction of engineered fill, and surface drainage should be performed in accordance with the Geotechnical Report prepared by Cornerstone Earth Group dated May 2, 2013.

Mitigation Measures F-2: The design of all buildings shall be designed in accordance with current earthquake resistant standards, including the 2007 CBC guidelines and design recommendations regarding the potential for localized liquefaction presented in the Geotechnical Investigation provided by Cornerstone Earth Group.

Mitigation Measure F-3: Prior to building permit approval, the applicant shall submit a well-designed shoring system for the basement excavation to be designed by a licensed engineer subject to review and approval by Public Works Department.

Mitigation Measure F-4: The basement walls be designed for hydrostatic pressure (an additional 40pcf of fluid pressure) and waterproofed.

Mitigation Measure F-5: The garage/basement slab should be designed for an uplift pressure of 250 pounds per square foot, which is equivalent to approximately 4 feet of hydraulic lift. At a minimum a vapor retarder should be placed below the slab mat foundation. Due to the proximity of the slab to the ground water table, a waterproofing membrane should be in place.

**G. GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.

**H. HAZARDS AND HAZARDOUS MATERIALS.**

**The proposed project could create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site.**

Mitigation Measures H-1: Because the site is documented to be contaminated by VOCs, primarily trichloroethene (TCE) a Health and Safety Plan (HASP) and a Site Mitigation Plan (SMP), shall be prepared prior to construction, and adhered to during construction and excavation activities. The SMP will provide recommended measures to mitigate the long-term environmental or health and safety risks caused by TCEs in the soil and groundwater. All workers on site should be read and understand the HASP and SMP, and copies should be maintained on site during construction and excavation at all times.

The SMP shall be reviewed and approved by the Santa Clara County Department of Environmental Health, the San Francisco Bay Regional Water Quality Control Board or other appropriate agency addressing oversight to establish management practices for handling contaminated soil or other materials if encountered during demolition.

The details of the SMP shall include the provision of a vapor barrier (refer to H-3) and details about ventilation systems for the garages and buildings, including air exchange rates and operation schedules for the systems. The SMP will also contain contingency plans to be implemented during excavation activities if unanticipated hazardous materials are encountered.

Mitigation Measures H-2: A Remedial Risk Management Plan (RRMP) shall be developed and followed by current and future owners, tenants, and operators. The plan will include the implementation of the described remedies and engineering design.

Mitigation Measures H-3: A vapor barrier system beneath the garage slab and walls shall be installed to mitigate any issues with the potential presences of VOCs or (TCE). The membrane system should consist of a 60ml, spray applied, seamless, solvent free membrane. Specifications for the vapor barrier included in the SMP shall document proper installation, coupon samples of the membrane (to verify its thickness) and a smoke test would also need to be performed.

Mitigation Measure H-5: A properly designed and operating and Heating, Ventilation, Air Conditioning (HVAC) system for the building and below grade parking garage. An HVAC mechanical engineer shall be consulted to evaluate design options for a building ventilation system that helps limit potential vapor intrusion concerns.

Mitigation Measure H-6: A passive sub-slab depressurization system shall be designed for the project. The system inhibits soil gases from flowing into the building, reducing volatile chemical entry into the building. This design shall be reviewed by the Regional Water Quality Control Board prior to the issuance of a building permit.

- I. **HYDROLOGY AND WATER QUALITY.** The project will not have a significant impact on hydrology and water quality, therefore no mitigation is required.
- J. **LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- K. **MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- L. **NOISE.** The project will not have a significant impact on noise levels, therefore no mitigation is required
- M. **POPULATION AND HOUSING.** The project will not have a significant impact on population and/or housing, therefore no mitigation is required.
- N. **PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- O. **RECREATION.** The project will not have a significant recreation impact, therefore no mitigation is required.
- P. **TRANSPORTATION AND TRAFFIC.**

**The proposed project could increase hazards due to a design feature (e.g., sharp curves or dangerous intersections).**

Mitigation Measures T-1: The applicant shall provide clear sight lines for drivers exiting the site. Within the corner site triangle:

- Shrubs, fencing, and signs no higher than three feet above the adjacent street surface.
- Tree branches no lower than seven feet above the adjacent street surface.
- No poles, trees and other tall object situated so that they would create a wall effect when viewed at an oblique angle.

**Q. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utility and service systems, therefore no mitigation is required.

**R. MANDATORY FINDINGS OF SIGNIFICANCE.** As described above, the proposed project, with the implementation of selected mitigation measures, would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources. The proposed use is appropriate for the site and would not result in an adverse visual impact. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts from hazardous materials and noise.

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**PUBLIC REVIEW PERIOD**

The public review period begins on November 8, 2013 and ends on December 9, 2013. Comments on the Proposed Mitigated Negative Declaration may be submitted to:

Russ Reich  
Senior Planner  
City of Palo Alto  
Department of Planning and Community Environment  
250 Hamilton Avenue, 5th Floor  
Palo Alto, CA 94301

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**Project Planner**

*11/8/2013*

**Date**

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**Adopted by  
Director of Planning and Community Environment**

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**Date**

# 441 Page Mill Road Initial Study/Mitigated Negative Declaration



Prepared by  
City of Palo Alto

November 8, 2013

**ENVIRONMENTAL CHECKLIST FORM**  
**City of Palo Alto**  
**Department of Planning and Community Environment**

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**PROJECT DESCRIPTION:** Request for Site and Design Review of the demolition of four existing single story, single-family residences (at 423,433,441, and 451 Page Mill Road) and the construction of a new building containing 35,537 square feet (s.f., a net gain of 8,611 sq.ft. of new floor area). The three story building would be 40' feet tall, include 10 rental apartment units, 3,559 s.f of retail space, 15,675 s.f. of office space with surface and underground parking spaces (89 parking spaces in total) on 0.62 acre site located at 441 Page Mill Road. Zone District: Service Commercial with a Site and Design Combining District (CS (D)).

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**1. PROJECT TITLE**

441 Page Mill Road  
Palo Alto, California 94306

**2. LEAD AGENCY NAME AND ADDRESS**

City of Palo Alto  
Department of Planning and Community Environment  
250 Hamilton Ave.  
Palo Alto, CA 94303

**3. CONTACT PERSON AND PHONE NUMBER**

Margaret Netto  
Contract Planner, City of Palo Alto  
650-796-5828

**4. PROJECT SPONSOR'S NAME AND ADDRESS**

Stoecker and Northway  
1000 Elwell Court, Suite 150  
Palo Alto, CA 94303

**5. APPLICATION NUMBER**

13-PLN-00307

**6. PROJECT LOCATION**

423, 433, 441 and 451 Page Mill Road, Palo Alto  
Parcel Numbers: 132-37-016, 132-37-017, 132-37-018 and 132-37-019



Figure 1: Regional Map

Figure 2: Vicinity Map



The project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of Interstate 280. The project site has frontage on Page Mill Road, and is developed with four single family residences on four separate parcels. Adjacent uses to the northeast include a Kelly Moore Paint Store at 411 Page Mill Road and the AOL office development at 395 Page Mill Road (subject of a proposed PC zone change). Adjacent uses to the southwest include an animal hospital at 461 Page Mill Road, and the AT&T retail store at the corner at 2805 El Camino Real. To the southeast, or the rear of the site, are single-family residences with exception of a grandfathered art studio at 440 Pepper Avenue. Across Page Mill Road to the northwest are multifamily residential PC developments.

## **7. GENERAL PLAN DESIGNATION:**

The General Plan designation for this site is Service Commercial, per the Palo Alto 1998 - 2010 Comprehensive Plan. The Service Commercial land use designation allows for facilities providing citywide and regional services and relies on customers arriving by car. Typical uses encouraged in this district include auto services and dealerships, motels, appliance stores and restaurants. Within some locations, residential and mixed use projects may be appropriate in this land use category. The site is within the Cal-Ventura Mixed Use Area; the diagram for this area indicates mixed use as a development concept for the project site. Development within this area is intended to be well designed with diverse land uses and two to three story buildings as per Policy L-31. Program L-30 refers to use of the diagram as a starting point for a Cal-Ventura Coordinated Area Plan.

## **8. ZONING**

The project site is zoned CS (Service Commercial) with a Site and Design Combining District. The development standards and context based design criteria set forth in Palo Alto Municipal Code (PAMC) Chapter 18.16 are applicable. Development on the project site is subject to the Site and Design Review process set forth in PAMC Chapter 18.30(G). Mixed-use development is a permitted land use in the service commercial (CS) district.

## **9. PROJECT DESCRIPTION**

The project site consists of four parcels having approximately 0.62 acres (26,926 square feet) which will be merged under a separate application. The existing residential structures and vegetation on the site would be removed to make way for a new three-story, mixed use building with one level of below grade parking. The ground floor area would include 4,000 sq. ft. for retail uses and a garage providing 33 at-grade parking spaces. The second floor would be approximately 17,432 sq.ft. of office space, and the third floor would be approximately 13,073 sq.ft. of floor area for 10 residential rental apartment units. A portion of the building would be 40 feet tall (the height of the entry/stair/elevator feature, for which a Design Enhancement Exception is requested), while the majority of the building would reach a height of 38 feet above grade (three feet above the

maximum 35 height limit is allowable via concession for three below market rate housing units not otherwise required by code).

The site is constrained by the busy roadway in front of the proposed building and the low density single-family residences bordering the site's rear property line. Much of the building mass would be placed near Page Mill Road, where a 17 foot setback from curb to building would be provided, and a 27-foot separation would be provided between the second and third floor exterior walls of the new building and the residential properties abutting the rear property line.

Primary access to the site would be provided from a single driveway off of Page Mill Road and traffic would be restricted to right-turn in and out only. The 56 below grade parking spaces would be accessed from a ramp located at the rear of the site behind the building. Landscaping is proposed as a vegetative buffer along the rear property line (Victorian Box trees, which can grow to 35 feet, and Primrose trees, which can grow above 30 feet), and as replacement trees (Pin Oaks) on the property side of the sidewalk.

## 10. SURROUNDING LAND USES AND SETTING

The project site is located on the south frontage of Page Mill Road, one block east of El Camino Real and Page Mill Road intersection.

As noted, the project site has frontage on Page Mill Road. Adjacent uses to the northeast include a Kelly Moore Paint Store at 411 Page Mill Road and the AOL office development at 395 Page Mill Road (subject of a proposed Planned Community (PC) zone change application). Adjacent uses to the southwest include an animal hospital at 461 Page Mill Road, and the AT&T retail store at the corner at 2805 El Camino Real. A commercial development and PC rezoning is also proposed across Page Mill Road, at 2755 El Camino Real.

## 11. OTHER PUBLIC AGENCIES

California Department of Transportation, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District (SCVWD), the San Francisco Bay Regional Water Quality Control Board (RWQCB) and the Office of the County Clerk-Recorder.

## ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

### EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. **[A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on**

**project-specific factors as well as general standards (e. g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).]**

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "(Mitigated) Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (C)(3) (D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

#### **DISCUSSION OF IMPACTS**

The following Environmental Checklist was used to identify environmental impacts, which could occur if the proposed project is implemented. The left-hand column in the checklist lists the source(s) for the

answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

**A. AESTHETICS**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1,2,6			x	
b) Have a substantial adverse effect on a public view or view corridor?	1,2,3,5,6				x
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1,2-Map L4,6				x
d) Violate existing Comprehensive Plan policies regarding visual resources?	1,2,6				x
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1,5,6,			x	
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1,5,				x

**DISCUSSION:**

The project site is not located within a major view shed. The project would not substantially damage scenic resources within a state scenic highway and does not violate any existing Comprehensive Plan policies regarding visual resources. Page Mill Road is noted as a scenic route and as a major view corridor for westbound traffic beyond the intersection of El Camino Real, noted as a 'primary entry point.' Tree removals proposed include the five mature trees on the site (Black Acacia, Pepper, Yew, Palm, Pine), and the nine street trees (Pin Oaks) in the adjacent Page Mill Road right of way located between the sidewalk and curb. The project includes the planting of six Pin Oak trees on the private property side of the Page Mill Road sidewalk, and the planting of screen trees along the rear property line to buffer views of the building from residential properties bordering the rear of the site.

The project is subject to Site and Design Review, which includes review by the Architectural Review Board (ARB); the Site and Design Review approval findings and ARB approval criteria and findings are designed to ensure an appropriate site layout and architectural design, including landscaping that is aesthetically pleasing and compatible with its surroundings. The mixed-use project is designed to meet

development standards (PAMC 18.16.060), and the Context Based Design Criteria (PAMC 18.16.090). In addition, the ARB and Council will have the opportunity to evaluate findings for two Design Enhancement Exceptions requested to allow increased setback from Page Mill Road and increased height for the entry feature.

The mixed-use design incorporates an articulated building base, body and roof. The first and second floor building elevation reflects a light and glassy aesthetic with decorative horizontal fins, and with ceramic quartz tile at the building base providing a rectilinear pattern that breaks up the building elevation. The exterior finish materials would include colored glass (at the entry stair element), cement plaster at the building sides and partially at the third floor, along with burgundy stainless steel tiles, spandrel panels, anodized aluminum windows and fins, and ceramic tiles providing a horizontal banding effect.

An entry tower element is proposed at the front of the building with multi-colored glass. This element is proposed to reach a height of 40 feet, exceeding the 35-foot height limit by five feet via a request for Design Enhancement Exception. The remainder of the building would reach a height of 38 feet, exceeding the height limit by three feet, which is an allowable encroachment since three below market rate housing units are proposed among the ten rental housing units. The residential units, set back on the third floor, would be clad in a different material (burgundy stainless steel tile) to reflect the land use as differentiated from the commercial spaces. The units would be designed around a courtyard/walkway area serving as a 'neighborhood pedestrian street' providing common open space on the third level. The residential balconies would have tempered frosted glass railings to help with privacy, and the living room glass would be 36 feet from the rear property line. The rectilinear balconies facing the R-1 zoned properties to the rear range from 93 square feet to 183 square feet in area. The buffering vegetation along the rear property line would help improve privacy for the future residents and adjacent neighbors in the Pepper Avenue homes.

The redevelopment of the site may result in a negligible increase in light and glare generated from the additional lighting of the site and glazing on the building. With the City's standard conditions of approval, the light and glare impacts of the project would not be significant. The conditions of approval would require the shielding of lighting such that the light does not extend beyond the site, is directional, and that the source of light is not directly visible.

With the required site and design review process, which includes the architectural review process, and project compliance with the applicable zoning standards, context based criteria and design guidelines, the proposed project will not substantially degrade the existing visual character or quality of the site or its surroundings, therefore no mitigation is required.

**Mitigation Measure:**

None

## B. AGRICULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	1,2,3,5				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1,2-Map L-9,3,5				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	1,2-MapL-9,3,6				X

### DISCUSSION:

The site is not located in a "Prime Farmland", "Unique Farmland", or "Farmland of Statewide Importance" area, as shown on the maps prepared for the Farmland Mapping and Monitoring Program of the California Resources Agency. The site is not zoned for agricultural use, and is not regulated by the Williamson Act. Consequently, the proposed project would have no impact on agricultural resources.

### Mitigation Measures:

None

## C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan (1982 Bay Area Air Quality Plan & 2000 Clean Air Plan)?	1,2,5,6			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:	1,2,5,6			X	
i. Direct and/or indirect operational emissions that exceed the Bay Area Air Quality Management District (BAAQMD) criteria air pollutants of 80 pounds per day and/or 15 tons per year for nitrogen oxides (NO), reactive organic gases (ROG), and fine particulate matter of less than 10 microns in diameter (PM <sub>10</sub> );	1,2,5,6			X	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
ii. Contribute to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of nine parts per million (ppm) averaged over eight hours or 20 ppm for one hour (as demonstrated by CALINE4 modeling, which would be performed when a) project CO emissions exceed 550 pounds per day or 100 tons per year; or b) project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F or would cause LOS to decline to D, E or F; or c) project would increase traffic volumes on nearby roadways by 10% or more)?	1,2,5,6			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	1,2,5,6			X	
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1		X		
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million	1			X	
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI	1				
e) Create objectionable odors affecting a substantial number of people?	1			X	
g) Not implement all applicable construction emission control measures recommended in the <i>Bay Area Air Quality Management District CEQA Guidelines</i> ?	1				X

**DISCUSSION:**

The project is not expected to result in a significant impact on air quality. The project may result in temporary dust emissions due to construction activity. The City of Palo Alto uses the Bay Area Air Quality Management District's (BAAQMD) thresholds of significance for air quality impacts, as follows:

Long Term Impacts: Long-term project emissions primarily stem from motor vehicles associated with the proposed project. As discussed in the Transportation/Traffic section of this Initial Study, the project would generate additional vehicle trips but no intersections would be impacted. However, the change of

land use to mixed use will not have a significant impact on the surrounding area because of the anticipated increase in the volume of traffic that is already expected within the project area aside from the construction of this project. The mixed-use development is a permitted use for the site. Long-term air-quality impacts are expected to be less than significant.

Sensitive receptors are defined as children, elderly, or ill people who can be more adversely affected by air quality problems. The proposed project will be located in a mixed area consisting of retail, residential, and commercial uses. Although sensitive receptors are in the immediate vicinity of the project, the construction impacts would be addressed as standard approval conditions, resulting in a less than significant impact to sensitive receptors.

### On-site Impacts

As described in the Hazards and Hazardous Materials section, Phase I and Phase II studies were prepared which indicate that the project site is in an area where there is known contamination of the soil and groundwater with volatile organic compounds (VOCs). Because of this contamination, the proposed project, which includes residential uses, would be at potential risk for vapor intrusion into the building. VOCs can disperse easily into small air spaces in soil and underneath structures, such as through foundation cracks, holes in concrete floors, and small gaps around pipes and utility lines. Some vapors, such as VOCs, may enter structures at low contamination levels, and building ventilation systems are used to prevent harmful vapor buildup. VOCs may or may not have a noticeable odor and may be present at levels posing acute or chronic health risks.

According to the EPA, steps can be taken before site redevelopment to prevent vapor intrusion.<sup>1</sup> Some examples of prevention include ensuring that VOC contamination is removed from the site (and sent to a proper treatment and disposal facility); preventing upward contaminant migration with an impermeable barrier such as a clay cap; and venting soil gas to outdoor air before it can reach indoor spaces. At sites where the source of contamination cannot be completely eliminated through removal, other solutions to vapor intrusion problems can be implemented. Building techniques that serve to provide a vapor barrier between interior spaces and soil (or groundwater) can be combined with structures that provide an escape route for soil vapor to vent to the atmosphere rather than into indoor air. Some ventilation systems operate effectively without the use of energy (passive systems), while others may need connection to a power supply (active systems). It should be noted for indoor air quality monitoring that the presence of VOCs in indoor air may not necessarily be a result of vapor intrusion, because there often is a background or pre-existing level of VOC contamination present from chemical use in the building or from ambient air. As such, it is often difficult to distinguish between contamination attributable to vapor intrusion and contamination from background levels.

As noted in Section VII, Hazards and Hazardous Materials, of this Initial Study, the proposed project would implement Mitigation Measure H-3, which would require the inclusion of a full vapor barrier and the installation of an active vapor collection and venting system underneath the building to mitigate

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<sup>1</sup> Environmental Protection Agency "Design Solutions for Vapor Intrusion and Indoor Air Quality," on-line at [http://www.epa.gov/swerosps/bf/facts/vapor\\_intrusion.pdf](http://www.epa.gov/swerosps/bf/facts/vapor_intrusion.pdf) (accessed December 12, 2008)

potential soil vapor intrusion, and a monitoring plan to verify positive air flow and monitor for VOCs. Implementation of Mitigation Measure H-3 would reduce the potential for on-site impacts from VOCs to on-site residential and commercial uses to less than significant.

The project would be subject to the following City's standard conditions of approval:

The following controls shall be implemented for the duration of project construction to minimize dust related construction impacts:

- All active construction areas shall be watered at least twice daily.
- All trucks hauling soil, sand, and loose materials shall be covered or shall retain at least two feet of freeboard.
- All paved access roads, parking areas, and staging areas at the construction site shall be swept and watered daily.
- Submit a plan for the recovery/recycling of demolition waste and debris before the issuance of a demolition permit.
- Sweep streets daily if visible soil material is carried onto adjacent public streets.

**Mitigation Measures C-1:** The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant but normally mitigated by implementing the following control measures:

During demolition of existing structures:

- Water active demolition areas to control dust generation during demolition and pavement break-up.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.
- During all construction phases:
  - Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - Limit traffic speeds on unpaved roads to 15 miles per hour.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.

The above measures include feasible measures for construction emissions identified by the BAAQMD for large sites. According to the District threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the project to a less than significant level.

**Mitigation Measures:** See H-3 under Section VII, Hazards and Hazardous Materials

**D. BIOLOGICAL RESOURCES**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 2- MapN1, 5				<b>X</b>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, including federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1,2- MapN1, 5				<b>X</b>
c) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	1, 2- MapN1, 5				<b>X</b>
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 2, 3, 5, 7, 8		<b>X</b>		
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1, 2, 3, 6, 7, 8,			<b>X</b>	

**DISCUSSION:**

The project site is located in an established urban area with no riparian or tree habitat for the candidate, sensitive, or special status species in the area. No endangered, threatened, or rare animals, insects and plant species have been identified at this site. The project site is located in an established commercial and residential urban setting.

The Comprehensive Plan includes policies, programs and implementing actions to ensure the preservation of biological tree resources. The following policies and programs are relevant to the proposed Project:

- *Policy N-14:* Protect, revitalize, and expand Palo Alto's urban forest.

- *Policy N-15*: Require new commercial, multi-unit, and single family housing projects to provide street trees and related irrigation systems.
- *Program N-16*: Require replacement of trees, including street trees lost to new development.
- *Program N-17*: Develop and implement a plan for maintenance, irrigation, and replacement of trees.

## **Palo Alto’s Regulated Trees**

The City of Palo Alto Municipal Code regulates specific types of trees on public and private property for the purpose of avoiding their removal or disfigurement without first being reviewed and permitted by the City’s Planning or Public Works Departments. Three categories within the status of regulated trees include protected trees (PAMC 8.10), public trees (PAMC 8.04.020) and designated trees (PAMC 18.76, when so provisioned to be saved and protected by a discretionary approval.)

## **Palo Alto Municipal Code Tree Preservation Ordinance**

Chapter 8.10 of the Municipal Code (the Tree Preservation Ordinance) protects a category of Regulated Trees, on public or private property from removal or disfigurement. The Regulated Tree category includes:

- *Protected Trees*. Includes all coast live oak (*Quercus agrifolia*) and valley oak trees 11.5 inches or greater in diameter, coast redwood trees 18 inches or greater in diameter, and heritage trees designated by the City Council according to any of the following provisions: it is an outstanding specimen of a desirable species; it is one of the largest or oldest trees in Palo Alto; or it possesses distinctive form, size, age, location, and/or historical significance.
- *Street Trees*. Also protected are City-owned street trees (all trees growing within the street right-of-way, outside of private property)
- *Designated Trees*. Designated trees are established by the City when a project is subject to discretionary design review process by the Architecture Review Board that under Municipal Code Chapter 18.76.020(d) (11) includes as part of the findings of review, “whether natural features are appropriately preserved and integrated with the project.” Outstanding tree specimens contributing to the existing site, neighborhood or community, and that have a rating of “High” Suitability for Preservation as reflected in Table 3.6-1 would constitute a typical designated tree.

## **Palo Alto Tree Preservation Guidelines**

For all development projects within the City of Palo Alto, discretionary or ministerial, a *Tree Disclosure Statement* (TDS) is part of the submittal checklist to establish and verify trees that exist on the site, trees that overhang the site originating on an adjacent property, and trees that are growing in a City easement, parkway, or publicly owned land. The TDS stipulates that a *Tree Survey* is required (for multiple trees), when a *Tree Preservation Report* is required (development within the dripline of a Regulated Tree), and

who may prepare these documents. The *City of Palo Alto Tree Technical Manual*<sup>2</sup> (Tree Technical Manual) describes acceptable procedures and standards to preserve Regulated Trees, including:

- The protection of trees during construction;
- If allowed to be removed, the acceptable replacement strategy;
- Maintenance of protected trees (such as pruning guidelines);
- Format and procedures for tree reports; and
- Criteria for determining whether a tree is a hazard.

There are 17 trees that would be impacted by the proposed project. Eight of the trees are planted along the roadway in front of the project. They are planted in a very narrow planter strip and are right at the street curb. The County of Santa Clara has jurisdiction over the roadway as it is a County expressway. The County typically does not permit trees to be located in seven feet of the roadway for safety and road maintenance concerns. City arborist Dave Dockter has found that, based on the type of tree, its limited growing environment, and the proposed improvements to the site, the existing street trees would not survive. There are many utility lines beneath the existing sidewalk that would be cost prohibitive to relocate. The applicant proposes to set the building back 7-feet from the property line (17 feet from the curb) to allow for the planting of six trees along Page Mill Road. Nine trees will be planted along the rear property line.

Nonetheless, the proposed project could result in disturbances to nesting birds in these trees. Nesting birds, their nests, and eggs are fully protected by the State Fish and Game Code (Sections 3503, 3503.5) and the Migratory Bird Treaty Act of 1918 (MBTA). Destruction of a nest would be a violation of these regulations, and would be a significant impact. The magnitude of impact would depend on the species affected.

#### **Mitigation Measures B-1:**

- 6 The applicant shall abide by all provisions of Sections 3503 and 3503.5 of the State Fish and Game Code and Migratory Bird Treaty Act of 1918 (MBTA) as published in the Federal Register (Vol. 70, No. 49; March 15, 2005).

Although there is no vegetation on the project site that may contain nesting birds, there may be nesting birds in existing vegetation abutting the proposed project site. To protect any nesting birds, the proposed project may avoid construction during the nesting period. Alternatively, a qualified wildlife biologist (to be hired by the applicant) shall conduct a survey for nesting birds that are covered by the MBTA and/or Sections 3503 and 3503.5 of the State Fish and Game Code in the vicinity of the project site. This survey shall cover all areas that would be disturbed as a result of construction-related activities during the nesting period, and shall include a "buffer zone" (an area of potential sensitivity, beyond the bounds

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<sup>2</sup> City of Palo Alto, *City of Palo Alto Tree Technical Manual*, June 2001. Provided on line at [http://www.cityofpaloalto.org/environment/urban\\_canopy.asp](http://www.cityofpaloalto.org/environment/urban_canopy.asp)

of the proposed project construction area) which shall be determined by the biologist based on his or her professional judgment and experience. This buffer zone may include off-site habitat.

This biological survey shall be conducted no more than 14 days prior to the commencement of construction activities. The wildlife biologist shall provide a report to the City promptly detailing the findings of the survey. No construction shall be conducted until this report has been provided to the City and the City has authorized in writing the commencement of construction activities in accord with the biologist's findings.

**E. CULTURAL RESOURCES**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1,2-MapL-7				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1,2-MapL8			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1,2-MapL8			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?	1,2-MapL8				X
e) Adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory?	1,2-MapL7				X
f) Eliminate important examples of major periods of California history or prehistory?	1				X

**DISCUSSION:**

The Comprehensive Plan indicates that the site is in a moderate archaeological resource sensitivity zone! Most of the City area east of Interstate 280 is designated in this zone. Although existing and historic development has altered the native landscape, the potential exists that now-buried Native American sites could be uncovered in future planning area construction.

The project would entail excavation of one level of parking to a depth of 15 to 22 feet below grade. The project site is to be developed with underground parking. If archaeological materials are discovered the applicant would be required to perform additional testing and produce an Archaeological Monitoring and Data recovery Plan (AMDRP) to be approved prior to the start of construction. The City's standard conditions of approval will address this potentiality.

**Mitigation Measures:**

None

**F. GEOLOGY, SOILS AND SEISMICITY**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	See below				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	2-MapN-5, 5			X	
ii) Strong seismic ground shaking?	2-MapN-10, 5,9			X	
iii) Seismic-related ground failure, including liquefaction?	2-MapN-5, 5,9			X	
iv) Landslides?	2-MapN-5, 5,9				X
b) Result in substantial soil erosion or the loss of topsoil?	1, 2,5,9				X
c) Result in substantial siltation?	1,2,5,9			X	
d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	2-MapN-5, 5,9			X	
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	2-MapN-5, 5,9			X	
f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1,5,9				X
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	1,4,5,9				X

## **DISCUSSION:**

The entire state of California is in a seismically active area. According to the Palo Alto Comprehensive Plan the project site is not in an area that is subject to very strong ground shaking in the event of an earthquake or in an area subject to expansive soils, surface rupture, liquefaction, or earthquake induced landslides. Based on the engineering analysis in the Geotechnical Investigation prepared by Cornerstone Earth Group the site is not located within a State-designated Seismic Hazard Zone for Liquefaction and CGS (2006) or a Santa Clara County Liquefaction Hazard Zone (SCC, 2012). The liquefaction potential at the site is characterized as "moderate" by CGS (2006) based on the mapped geology and historic highest ground water level. The soils encountered by the borings were generally very stiff fine-grained soils with interbedded zones of medium dense to dense sands. The granular layers encountered are considered to be non-liquefiable. The report, states the potential for liquefaction to impact site development is considered low.

According to Cornerstone Earth Group, ground water was encountered in their borings of 15 to 17 feet. Measurements were taken during drilling and immediately following drilling and may not be the stabilized ground water levels. The California Geotechnical Survey (2006) maps high ground water level at approximately 17 to 18 feet in the vicinity of the site. Fluctuations in ground water levels occur due to many factors including seasonal fluctuation, underground drainage patterns, regional fluctuations, and other factors.

The site is not located within a State-designated Alquist Priolo Earthquake Fault Zone or a Santa Clara Fault Rupture Hazard Zone. No known surface expression of fault traces is thought to cross the site; therefore, no fault rupture would occur on-site.

Moderate to severe earthquakes can cause strong ground shaking, which is the case for most sites in the Bay Area. Development of the proposed project would be required to conform to all requirements in the Uniform Building Code, which includes provisions to ensure that the design and construction of all buildings includes provisions to resist damage from earthquakes to the extent feasible and acceptable.

Lateral spreading is horizontal ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel or open body of water. Typically lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. Due to the lack of free face and the absence of potentially-liquefiable soils, the potential of lateral spreading to affect the site is low.

Based on Cornerstone Earth Group, the project is feasible provided the concerns listed below are addressed in the project design. A design level geotechnical investigation should be performed once the site development plans are prepared indicating where proposed structures are planned. The design level investigation findings will be used to confirm the preliminary recommendations and develop detailed recommendations for design and construction.

- Basement Wall and Slab Design.
- Highly Expansive Soils
- Excavation Shoring
- Groundwater and Excavation Stability
- Differential movement at on-grade to on-structure treatments

Substantial or permanent changes to the site topography are not expected. Standard conditions of approval require submittal of a final grading and drainage plan for the project for approval by the Public Works Department prior to the issuance of a building permit. The application of standard grading, drainage, and erosion control measures as a part of the approved grading and drainage plan is expected to avoid any grading-related impacts.

**Mitigation Measures F-1:** All earthwork and site drainage, including foundation and basement excavations, retaining wall backfill, preparation of the subgrade beneath hardscape, placement and compaction of engineered fill, and surface drainage should be performed in accordance with the Geotechnical Report prepared by Cornerstone Earth Group dated May 2, 2013.

**Mitigation Measures F-2:** The design of all buildings shall be designed in accordance with current earthquake resistant standards, including the 2007 CBC guidelines and design recommendations regarding the potential for localized liquefaction presented in the Geotechnical Investigation provided by Cornerstone Earth Group.

**Mitigation Measure F-3:** Prior to building permit approval, the applicant shall submit a well-designed shoring system for the basement excavation to be designed by a licensed engineer subject to review and approval by Public Works Department.

**Mitigation Measure F-4:** The basement walls be designed for hydrostatic pressure (an additional 40pcf of fluid pressure) and waterproofed.

**Mitigation Measure F-5:** The garage/basement slab should be designed for an uplift pressure of 250 pounds per square foot, which is equivalent to approximately 4 feet of hydraulic lift. At a minimum a vapor retarder should be placed below the slab mat foundation. Due to the proximity of the slab to the ground water table, a waterproofing membrane should be in place.

**G. HAZARDS AND HAZARDOUS MATERIALS**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1, 5,11			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	1, 5,11		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 5,11				X
d) Construct a school on a property that is subject to hazards from hazardous materials	1,5,11		X		

	contamination, emissions or accidental release?					
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	1, 2- MapN-9, 5				X
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	1, 2				X
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1, 2				X
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1,2- MapN-7				X
h)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	2-MapN-7				X
i)	Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?	1, 5,11,16				X

**DISCUSSION:**

The proposed project would not involve the handling, transportation, use, disposal, or emission of hazardous materials. The project is not expected to pose airport-related safety hazards. The proposed project would not interfere with either emergency response or evacuation. The project site is not located in a designated fire hazard area. The new construction and site design shall be required to comply with the City's building permit approval standards and fire equipment and fire protection coverage standards as conditions of project approval prior to the issuance of a building permit.

The Phase I Environmental analysis conducted by Cornerstone Earth Group has identified the site as having been impacted by Volatile Organic Compounds (VOCs), predominately TCE from offsite sources. The groundwater contamination is referred to the California-Olive-Emerson plume (COE) based on the city streets that bound it. The COE Study Area has a long (since 1981) of investigation and remediation by the responsible parties (HP and Varian). Both HP and Varian agreed to accept financial responsibility to investigate and remediate the plume, and the Water Board is providing regulatory oversight of the monitoring and cleanup action.

During the course of this assessment, Cornerstone Earth Group identified several potential environmental concerns with the development of the site: 1) the site is located within the COE Study Area. Groundwater beneath the COE area has been impacted by various VOCs; 2) there is potential that

soil adjacent to the on-site structure could be impacted by pesticides resulting from termite control activities and/or lead resulting from weathering of surfaces painted with lead containing paint.

Based on information during the Phase I ESA, a Phase II was performed to collect soil samples. The majority of the site will be lowered by 12 to 13 feet to accommodate construction of the proposed below grade ground garage. Cornerstone Earth Group recommends that the pesticide and lead impacted soil present near the on-site structures be over-excavated and appropriately disposed of at a licensed facility. They also recommend a Soil Management Plan (SMP) for garage activities to establish appropriate management practices for handling impacted soil. The SMP should include the following components:

- A Health and Safety Plan (HASP)
- Site control procedures to control the flow of personnel, vehicles and materials in and out of the site.
- Measures to minimize dust generation, storm water runoff and tracking of soil off-site as well as to reduce the potential for the creation of preferential pathways (vertical or horizontal) for chemicals of potential concern detected in ground water beneath the site.
- Procedures for pre-excavation characterization of the soil to be excavated during construction of the proposed below grade parking garage.
- Protocols to be implanted if buried structures, wells, debris, or unidentified areas of impacted soil.

**Mitigation Measures H-1:** Because the site is documented to be contaminated by VOCs, primarily trichloroethene (TCE) a Health and Safety Plan (HASP) and a Site Mitigation Plan (SMP), shall be prepared prior to construction, and adhered to during construction and excavation activities. The SMP will provide recommended measures to mitigate the long-term environmental or health and safety risks caused by TCEs in the soil and groundwater. All workers on site should be read and understand the HASP and SMP, and copies should be maintained on site during construction and excavation at all times.

The SMP shall be reviewed and approved by the Santa Clara County Department of Environmental Health, the San Francisco Bay Regional Water Quality Control Board or other appropriate agency addressing oversight to establish management practices for handling contaminated soil or other materials if encountered during demolition.

The details of the SMP shall include the provision of a vapor barrier (refer to H-3) and details about ventilation systems for the garages and buildings, including air exchange rates and operation schedules for the systems. The SMP will also contain contingency plans to be implemented during excavation activities if unanticipated hazardous materials are encountered.

**Mitigation Measures H-2:** A Remedial Risk Management Plan (RRMP) shall be developed and followed by current and future owners, tenants, and operators. The plan will include the implementation of the described remedies and engineering design.

**Mitigation Measures H-3:** A vapor barrier system beneath the garage slab and walls shall be installed to mitigate any issues with the potential presences of VOCs or (TCE). The membrane system should consist of a 60ml, spray applied, seamless, solvent free membrane. Specifications for the vapor barrier

included in the SMP shall document proper installation, coupon samples of the membrane (to verify its thickness) and a smoke test would also need to be performed.

**Mitigation Measure H-5:** A properly designed and operating and Heating, Ventilation, Air Conditioning (HVAC) system for the building and below grade parking garage. An HVAC mechanical engineer shall be consulted to evaluate design options for a building ventilation system that helps limit potential vapor intrusion concerns.

**Mitigation Measure H-6:** A passive sub-slab depressurization system shall be designed for the project. The system inhibits soil gases from flowing into the building, reducing volatile chemical entry into the building. This design shall be reviewed by the Regional Water Quality Control Board prior to the issuance of a building permit.

### H. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1,2,5				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	2-MapN2				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1,2,5				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1,2,5				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1,2,5				X
f) Otherwise substantially degrade water quality?	1,2				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 2-Map				X

	N-6,5				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	2-MapN6				X
i) Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year flood hazard area?	2-MapN6 N8				X
j) Inundation by seiche, tsunami, or mudflow?	2-MapN6, N8				X
k) Result in stream bank instability?	1,2- MapN6,9				X

**DISCUSSION:**

Construction of the proposed building and related site improvements would result in an increase in the amount of impervious surface area on the site. Storm water runoff is currently conveyed from the site via curb street gutters to the paved parking areas, where it runs to the street and ultimately discharges into the San Francisco Bay. As previously referred to in the *Geology, Soils and Seismicity* section of this study the borings encountered an approximately 8 to 15 foot thick mantel of stiff to very stiff, moderately to highly plastic clay across the site.

The project site is not located in an area of groundwater recharge and will not deplete the groundwater supplies. The project site is located outside of the 100-year flood hazard area and would not impede or redirect flood flows. The project site is not in an area that is subject to seiche, tsunami or mudflow. With the City's required conditions of approval the water impacts of the project will not be significant.

Water quality standards and waste discharge requirements that are applicable to the proposed project are established in the Water Quality Control Plan for San Francisco Bay (Basin Plan) prepared by the RWQCB in compliance with the federal CWA and the State Porter-Cologne Water Quality Control Act, and the NPDES permits issued by the RWQCB in accordance with the Clean Water Act, which incorporates Basin Plan objectives. All point and non-point discharges (including urban runoff) must comply with the identified water quality objectives and the concentrations of contaminants in the discharges must be controlled, either through C.3 of the NPDES permits or waste discharge requirements. Two components of the proposed project are subject to separate NPDES requirements: construction and operation. Although the RWQCB is ultimately responsible for ensuring discharges from development in the City comply with conditions in the permits, which are summarized below, the City of Palo Alto is required by the terms of its NPDES Municipal Permit to review and regulate storm water discharges from development sites. The project proposes to incorporate storm water treatment by providing bio-filtration zones including self-treating areas such as grass, turf blocks, or decomposed granite.

During demolition, grading and construction, storm water pollution could result. Standard conditions of architectural review approval would require the incorporation of Best Management Practices (BMPs) for storm water pollution prevention in all construction operations, in conformance with the Santa Clara Valley Non-Point Source Pollution Control Program, and submittal of a stormwater pollution prevention

plan (SWPPP) in conjunction with building permit plans to address potential water quality impacts. The City requires the Storm Water Pollution Prevention Plan (SWPPP) required by the NPDES Construction General Permit be reviewed by the Public Works Department prior to issuance of a grading permit. Overseeing conformance to the SWPPP is the responsibility of the Public Works Department, or a third party hired by the Public works Department, at the owner's expense, that specializes in the monitoring of activities related to water quality and water discharge requirements.

If contaminated soils were found, the soils would be managed appropriately by segregating them into separate piles in a designated area onsite and covering the piles with plastic sheeting until additional testing was completed. The stockpiles would be managed in accordance with the SWPPP and the SMP. This would reduce the potential for soils (regardless of whether contaminants are present or not) to be washed into storm drains and enter the creek. To prevent cross-contamination, construction equipment and transportation vehicles that contact exposed native soils would be decontaminated prior to leaving the site. Wash water from decontamination would be collected and managed in accordance with applicable laws and regulations and monitored by trained personnel. The stored water would be sampled for chemicals, the results of which would determine how the water should be disposed. The water used for on-site dust control would have to meet NPDES permit requirements for such use and for any subsequent discharge to the storm drain. If the water were found not to meet the permit requirements, it would either be treated on-site or removed. In either case, no discharges to the storm drain exceeding adopted standards would be permitted. This measure would reduce the potential for contaminants to be transported off-site and possibly enter runoff from roadways, and would ensure proper disposal.

Implementation of the required NPDES SWPP as monitored and enforced during construction would be compliance with storm water quality standards. City development standards and standard conditions of project approval would reduce potential negative impacts of the project to less than significant.

**Mitigation Measure:**

None

**I. LAND USE AND PLANNING**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1,2			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1,2,3,6			X	

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1,2			X	
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1,2,6			X	
e) Be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?	1,2,3,6			X	
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1,2,6			X	
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1,2,6				X

## DISCUSSION:

### Housing Concessions

Though inclusionary housing is required within projects having a certain number of housing units per the City's Comprehensive Plan policies, the zoning code and recent case law do not require rental residential projects to provide Below Market Rate (BMR) units. The applicant intends to provide 30% (three) of the residential units as BMR rental units. In doing so, per State law, three concessions or incentives for building the three BMR units may be granted. The three concessions that would be requested are lot coverage, floor area ratio (FAR) and height as noted in the table below.

Standard	Allowable	Proposed	Excess
Lot Coverage	50% (13,463 sf.)	69% (18,619 sf.)	19% (5,156 sf.)
Residential FAR	0.6:1=16,156 sf.	0.52:1= (13,996 sf.)	None
Commercial FAR	0.4:1=10,770 sf.	0.80:1 (21,541sf.)	0.4:1 (10,771 sf.)
Total FAR	1:1=26,926	1.32:1 (35,537 sf.)	0.32:1(8,611 sf.)
Height	35 feet	40 feet	5 feet

Three concessions are requested as part of this application. The first concession is to exceed the lot coverage in the CS zone district. The site is a shallow lot, 135 feet in depth by 200 feet wide, making it difficult to meet the allowable floor area and parking while also meeting the day light plane requirement in the rear of the site. The project would exceed the lot coverage by 19% or 5,156 square feet.

The second concession is to exceed the commercial FAR for the site. The CS zone allows a mixed use of building with a FAR of 0.6:1 residential and 0:4:1 commercial for a total of FAR 1.0:1. The applicant is proposing a 0.8 commercial FAR with a total FAR of 1.32:1. This is above the draft Density Bonus Ordinance, if the developer requests a concession not on the menu, additional review of the concession is required. As part of the review, the Approving Authority may request the developer to submit

financial information as documentation to support the concession request. The documentation would be used to demonstrate the concession is necessary to provide for affordable rents or sales prices.

The third concession is to exceed the maximum height limit in the CS zone district. The maximum height is 40-feet, measured at the proposed front entry/stair and elevator component of the building. Elsewhere, the height would be 38 feet above grade, where development standards reflect a maximum height of 35 feet within 150-feet of a residential zone district. The new building would serve as a transition between the 35 foot commercial building at the corner of El Camino Real and Page Mill Road and the existing 50 foot tall AOL building at 395 Page Mill. It also would provide balance to the multi-family residential buildings across the streets, which are 40 feet tall at 435 Sheridan and 50 feet tall at 345 Sheridan.

The project includes three concessions requested to provide for enhanced aesthetics and a stronger pedestrian oriented entry on Page Mill Road. Consequently, the project would have a less than significant impact with respect to land use and zoning designation. Two of the requested concessions/incentives on this project appear to be consistent with those listed in the draft Density Bonus Ordinance, but the requested FAR concession does not. The FAR concession appears to be more than double the proposed incentive in the draft ordinance relative to allowable non-residential FAR. The developer will need to submit pro-forma documentation to City Council to substantiate the need for the requested concession.

Two Design Enhancement Exceptions (DEEs) are requested as part of this application. The first DEE is to allow the stair/elevator/entry feature to exceed the maximum height limit in the CS zone district. The height of the proposed development is 40 feet, measured to the top of the entry feature, exceeding the height by 5-feet. The entry feature would not be visible from Pepper Avenue. The additional five feet would be for aesthetic purposes only. The draft Density Bonus Ordinance allows one additional foot in building height per BMR unit. The project is proposing three BMR units, allowing only 3 additional feet, or 38 feet, which the remainder of the building does meet. While the main building height is 3-feet taller, the residential daylight plane is not violated.

The second DEE is to exceed the front setback or "build-to" requirement in the CS zone district. The applicant is proposing 7-feet where 4-feet are required in the CS zone district. Santa Clara County does not allow new street trees in the public right-of-way and the City has requested a row of trees inside the front property line. Locating the building 7-feet back from the property line allows for a row of street trees outside of the right-of-way. The building would be setback 17-feet from the curb.

The Service Commercial land use designation allows for facilities providing citywide and regional services and relies on customers arriving by car. Typical uses encouraged in this district include auto services and dealerships, motels, appliance stores and restaurants. The proposed hotel development within this section of the City is consistent with the Comprehensive Plan goal to provide citywide and regional services. The proposed mixed use is an allowed use within the CS (D) Zone District. The site and design review combining district is intended to provide a process for review and approval of development in an environmentally and ecologically sensitive areas, including established community areas which may be sensitive to negative aesthetic factors, excessive noise, increased traffic or other disruptions, in order to assure that the use and development will be harmonious with other uses in the general environment.

The project site is located within the Cal-Ventura Mixed Use Area, identified in the Comprehensive Plan, a mixed use area adjacent to the California Avenue business district. It is also served by the California Avenue Multi-modal Transit Station. Cal-Ventura offers opportunities for new transit-oriented development, as it includes several underutilized properties likely to redevelop in the near future. New housing in this area could provide the momentum for new pedestrian amenities and shuttle bus connections to nearby Stanford Research Park. The project is consistent with the Comprehensive Plan.

The site is not located in a "Prime Farmland", "Unique Farmland", or "Farmland of Statewide Importance" area, as shown on the maps prepared for the Farmland Mapping and Monitoring Program of the California Resources Agency. The site is not zoned for agricultural use, and is not regulated by the Williamson Act.

**Mitigation Measures:**

None.

**J. MINERAL RESOURCES**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	1,2				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	1,2				X

**DISCUSSION:**

The City of Palo Alto has been classified by the California Department of Conservation (DOC), Division of Mines and Geology (DMG) as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The DMG has not classified the City for other resources. There is no indication in the 2010 Comprehensive Plan that there are locally or regionally valuable mineral resources within the City of Palo Alto.

**Mitigation Measures:**

None.

## K. NOISE

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1,2,13			X	
b) Exposure of persons to or generation of excessive ground borne vibrations or ground borne noise levels?	1,2,13			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1,2,13			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1,2,13			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, would the project expose people residing or working in the project area to excessive noise levels?	1,2				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	1,2				X
g) Cause the average 24 hour noise level (L <sub>dn</sub> ) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the L <sub>dn</sub> would remain below 60 dB?	1,2,13			X	
h) Cause the L <sub>dn</sub> to increase by 3.0 dB or more in an existing residential area, thereby causing the L <sub>dn</sub> in the area to exceed 60 dB?	1,2,13			X	
i) Cause an increase of 3.0 dB or more in an existing residential area where the L <sub>dn</sub> currently exceeds 60 dB?	1,2,13			X	
j) Result in indoor noise levels for residential development to exceed an L <sub>dn</sub> of 45 dB?	1,2,13			X	
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior L <sub>dn</sub> of 60 dB or greater?	1,2,13			X	X
l) Generate construction noise exceeding the daytime background Leq at sensitive receptors by 10 dBA or more?	1,2,5,13				X

### DISCUSSION:

The current L<sub>dn</sub> for the residential buildings to the south is 55 dB at the property line. Based on acoustical measurements performed Mei Wu Acoustics this project will increase the day-night level to 57dB. This is a 2dB increase of the day-night level at the residential property line and the level remains below the "conditionally acceptable" threshold. The project will provide a noise barrier for the areas

located directly behind the building. This effect could reduce the Page Mill Road traffic noise to the residential property by as much as 20dB; although calculations indicate that the noise level may only be marginally reduced. Noise will be blocked best when the angle to Page Mill Road is less for residences directly behind the building.

Grading and construction activities will result in temporary increases in local ambient noise levels. Typical noise sources would include mechanical equipment associated with excavation, grading and construction, which will be short term in duration. Standard approval conditions would require the project to comply with the City's Noise Ordinance (PAMC Chapter 9.10), which restricts the timing and overall noise levels associated with construction activity. Short-term construction that complies with the Noise Ordinance would result in impacts that are expected to be less than significant. Therefore, noise reducing measures would be required to comply with City's noise standards.

The Comprehensive Plan Noise Exposure Contours Map indicates a 65Ldn level along Page Mill Road in the vicinity of the project. Where the DNL exceeds 65dBA, the project must incorporate mitigation measures into the building design to reduce interior noise levels from exterior sources to DNL 45dBA or less. To meet the indoor noise level criteria, sound-rated exterior facades will be necessary for some units. Recommendations for sound rated construction will depend on the size and type of rooms, window and exterior facades, and must be determined during the design phase.

In addition to the background noise affecting the project, the project will generate noise that would increase the ambient noise levels. Equipment such as roof top air conditioning and exhaust fans as well as emergency engine generators crates noise that must comply with the City of Palo Alto Noise Ordinance. The ordinance requires that mechanical equipment noise not exceed 6dB above the local ambient at residential property lines or 8 dB at commercial property lines with a maximum daytime exception of 70 dB when measures at 25 feet.

To mitigate the potential noise impacts of the mechanical equipment it is recommended that the project incorporate mitigations measures as outlined in the Palo Alto Noise Ordinance which include equipment selection, equipment location, and equipment enclosures. The underground parking will require an exhaust system. Any noise from this system will be attenuated.

The City's standard conditions of approval will be applied to the project to ensure the construction noise and rooftop mechanical equipment noise impacts will be reduced to a level of insignificance. The project site is not located within an airport land use plan or within the vicinity of a private airstrip.

**Mitigation Measures:**

None

**L. POPULATION AND HOUSING**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing					X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	1,2,5,6				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1,5,6				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1,5,6				X
d) Create a substantial imbalance between employed residents and jobs?	1,2,6				X
e) Cumulatively exceed regional or local population projections?	1,2,6,				X

**DISCUSSION:**

The project would include the merger of the four separate parcels into one parcel totaling approximately 26,926 square feet. The existing residential structures on the site would be demolished to make way for ten rental residential units and approximately 21,432 s.f. of commercial space (4,000 square feet for retail uses and 17,432 square feet for office use). This mixed-use project will not impact the City's jobs-housing balance.

Population in Palo Alto's sphere of influence in 1996, according to Palo Alto Comprehensive Plan was 58,000 people. This is projected by the City's Comprehensive Plan to increase to 62,880 by 2010. By adding 7 units (10 units minus three existing units) to the housing stock, the proposed project would contribute to population growth in the area. With an average household size of 2.24 persons the proposed project would generate a population increase of approximately 16 people; however, the project is included as Housing Opportunity site in the Housing Element, and the population increase has been anticipated. This incremental increase in population generated by the proposed project would be less than significant.

**Mitigation Measures:**

None.

**M. PUBLIC SERVICES**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of					

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				X
Police protection?	1, 2				X
Schools?	1, 2				X
Parks?	1, 2			X	
Other public facilities?	1, 2			X	

**DISCUSSION:**

Fire

The site is presently served by the Palo Alto Fire Department. The proposed changes will not impact present Fire District service to the site or area. The project would, as a condition of approval, be required to comply with all Fire Department requirements for fire safety.

Police

The site is located within the jurisdiction of the Palo Alto Police Department. The proposed changes will not result in the need for additional police officers, equipment or facilities.

Schools

The Palo Alto Unified School District (PAUSD) serves the City of Palo Alto and portions of the City of Los Altos Hills. PAUSD includes 12 elementary schools (kindergarten through grade five), 3 intermediate schools (grades six through eight), and 2 high schools (grades nine through twelve). Other schools and programs in the PAUSD include a pre-school program, a self-supporting adult school, a school for the hearing impaired, the Children's Hospital School at the Lucille Packard Children's Hospital, and a summer school.<sup>3</sup> In 2006, PAUSD employed approximately 646 teachers, providing a ratio of one teacher for every 17.5 students.<sup>4</sup>

Enrollment in the PAUSD is approaching capacity. According to the City of Palo Alto's Board of Education, in the 2008-2009 school year, elementary schools have room for an additional 123 students, middle schools have room for 95 students, and high schools have room for 239 students. Therefore, PAUSD schools' classroom capacity can accommodate approximately 457 additional students. Based on the current PAUSD demographer, .24 student would result from

<sup>3</sup> Palo Alto Unified School District, [http://pausd.org/parents/schools\\_sites/index.shtml](http://pausd.org/parents/schools_sites/index.shtml), accessed December 12, 2008

<sup>4</sup> The staffing ratio is calculated based on 2006 student enrollment of 11,329 as reported by the Palo Alto Unified School District, Agenda, Regular Meeting, September 23, 2008

one attached multifamily unit and .69 student would result from a single family residence. The net student decrease for the project is .36 of a student (ten apartment units at .24 student/unit equals 2.4 students, minus 2.76 students from four homes at .69 student per home). Previous student generation rates (Lapkoff & Gobalet Demographic Research, Inc., Lapkoff Forecast page 20) cited different numbers that would have indicated a slight increase by .24 student (where an apartment unit had yielded 0.15 student, a stacked condominium had yielded 0.25 student, and a BMR multifamily residential unit had yielded 0.7 student). Consequently, the impact of the proposed project on schools would be less than significant.

**Parks**

The City of Palo Alto follows the National Recreation and Park Association (NRPA) Standards as guidelines for determining parkland needs. These standards recommend that a city of the size and density of Palo Alto should provide 2 acres of parkland for every 1,000 residents. The proposed project would generate 22 additional residents at the project site and would generate additional workers at the project site. Based on the NRPA Standards, the addition of 22 residents to the project site would generate a demand for .09 acres of parkland. Impact fees to address impacts on parks were adopted by the Palo Alto City Council in March of 2002. As a condition of approval and prior to receiving a building permit, the project applicant will be required to pay a one-time development impact fee for parks. The City's park facility fee will be used to offset impacts on park facilities as a result of this project. Therefore, the project would result in a less than significant impact.

**Other Public Facilities**

Impact fees to address impacts on community centers and libraries were adopted by the Palo Alto City Council in March of 2002. Prior to receiving a building permit, the project applicant will be required to pay a one-time development impact fee for community centers and libraries. The fee will be used to offset impacts on community centers and library facilities as a result of this project. Therefore, the project would result in a less than significant impact.

**Mitigation Measures:**

None

**N. RECREATION**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1,5,6				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	1,5,6				X

**DISCUSSION:**

This project is subject to payment of impact fees for parks, libraries and community facilities. The project would not have any significant impact on existing parks, nor include or require construction of recreational facilities. No mitigation is required.

There would not be a significant change to the demand of recreation services as a result of the proposed project.

**Mitigation Measures:**

None

**O. TRANSPORTATION AND TRAFFIC**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	1, 5,12			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 5,12			X	
c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	1				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1,6, 12			X	
e) Result in inadequate emergency access?	1,2,5			X	
f) Result in inadequate parking capacity?	1,2,5, 12			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1,2,5,6, 12			X	
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1,2,5, 12			X	
i) Cause a local intersection already operating at LOS E or F to deteriorate in the average	1,2,5, 12			X	

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
stopped delay for the critical movements by four seconds or more?					
j) Cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more and the critical V/C value to increase by 0.01 or more?	1,2,5, 12			X	
k) Cause a freeway segment to operate at LOS F or contribute traffic in excess of 1% of segment capacity to a freeway segment already operating at LOS F?	1,2,5, 12			X	
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1,2,5,12			X	
m) Cause queuing impacts based on a comparative analysis between the design queue length and the available queue storage capacity? Queuing impacts include, but are not limited to, spillback queues at project access locations; queues at turn lanes at intersections that block through traffic; queues at lane drops; queues at one intersection that extend back to impact other intersections, and spillback queues on ramps.	1,2,5,12			X	
n) Impede the development or function of planned pedestrian or bicycle facilities?	1,2,5,12			X	
o) Impede the operation of a transit system as a result of congestion?	1,2,5,12			X	
p) Create an operational safety hazard?	1,5,12			X	

### DISCUSSION:

A Transportation Impact Analysis provided by RKH analyzed the potential impacts to the transportation system as a result of the redevelopment of the project site. The existing facilities at the project site include the four single-family residences. The existing residences would be demolished.

Three study intersections were included in the analysis:

- 1) El Camino Real and Page Mill Road
- 2) Oregon Expressway and Middlefield Road
- 3) El Camino Real and Olive/Palo Alto Square

The three designated study area intersections have been analyzed according to the methodologies contained in the 2000 edition of the Highway Capacity Manual.

The new mixed-use project would generate an estimated 34 new vehicle trips during the morning street peak hour and 33 new vehicle trips during the afternoon peak hour of an average weekday, but will not create a significant impact at any of the three study intersections. The project generated daily traffic volumes will not create a significant impact on the adjacent neighborhood streets.

#### Access/Circulation

Primary access to the site will be provided from Page Mill Road with turns restricted to right turn in and out only. Page Mill Road is posted for a 35 mph speed limit. The sight triangle must include the current parking lane on Page Mill Road. From the westerly edge of the proposed driveway the on-parking should be prohibited for a distance of not less than 385 feet to the west of the driveway to provide the desired corner distance and not less than 165 feet from the driveway to provide a minimum corner sight distance (stopping sight distance). The street frontage of the site is only 200-feet (155-feet west of the driveway, a 20-foot driveway, and 25-feet east of the driveway). The parking along the entire street frontage of the site should be prohibited including parking to the east of the driveway to facilitate corner sight distance for vehicles entering Page Mill Road from Ash Street.

Pedestrian and bicycle access to the site will also be provided via Page Mill Road. On-site circulation aisles are 2-way and vary in width from 23 to 26 feet, but are generally 25 feet wide with perpendicular parking on one or both sides of the aisles. The ramp down to the underground parking level is 18'-9" feet wide and is 61-feet long with 10 feet transitions to the top and bottom of the ramp. The maximum slope of the ramp is 22%. Service vehicles have access to the ground level only. Refuse enclosures are located immediately adjacent to the driveway entrance so refuse trucks can readily access and empty the refuse bins. Large delivery vans would be limited by height restrictions and difficulty turning around on the ground level. A designated commercial loading zone on Ash Street near Page Mill Road could provide parking for those delivery vehicles.

#### Parking Spaces

Thirty-three surface parking spaces are provided behind the retail area supplemented by 56 below grade parking spaces accessed toward the rear of the parking area. According to the Palo Alto Municipal Code, Section 18.52.040, the project is required to provide 107 parking spaces. The project proposes 89 parking spaces, 17% (18 parking spaces). The parking provided is a joint facility serving a variety of uses, the applicant will request a reduction in accordance with PAMC Section 18.52.050 Table (4). PAMC 18.52.050 allows for Director adjustments for, for joint use parking facilities where at least 10 spaces are otherwise required where the Director can require a TDM program to be submitted and approved (up to 20% reduction). The applicant is requesting a 17% reduction in the required number of stalls.

A time of day parking analysis was performed for the three land uses on-site because each of the land uses have their peak parking demands at different times of the day. As noted, the zoning code would require 107 on-site parking spaces. The analysis indicates a maximum parking accumulation of 79 parking spaces during the middle of the weekday, 28 fewer spaces than required. The parking analysis indicates the parking supply should not be set at peak demand. The parking level should be set at a level that would accommodate variations in demand and that will minimize circulation by drivers looking for a vacant space. RKH recommends that the parking supply be set at 87 spaces, with spaces above the projected peak demand but 20 spaces below the zoning code required parking supply. That is a supply of

10% more parking spaces than the peak demand is estimated to require.

Transit Service Impacts

Existing bus service is provided on Page Mill Road and El Camino Real. The project is estimated to have a less than significant impact to transit service.

Pedestrian and Bicycle Impacts

The project includes adequate bicycle parking as well as pedestrian access to and from the site. The project is estimated to have a less than significant impact to bicycle and pedestrian impacts.

The project has been reviewed by the City Fire Department and Transportation Division and does not contain design features that will substantially increase hazards or result in inadequate emergency access. The project will not result in a change to air traffic patterns.

Impact Fees

The development of the property is subject to payment of citywide traffic impact fees.

**Mitigation Measures T-1:** The applicant shall provide clear sight lines for drivers exiting the site. Within the corner site triangle:

- Shrubs, fencing, and signs no higher than three feet above the adjacent street surface.
- Tree branches no lower than seven feet above the adjacent street surface.
- No poles, trees and other tall object situated so that they would create a wall effect when viewed at an oblique angle.

**P. UTILITIES AND SERVICE SYSTEMS**

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1,2				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,2				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,2				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1,2				X
e) Result in a determination by the wastewater treatment provider which serves or may					

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	1				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1				X
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1				X

**DISCUSSION:**

The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful or inefficient manner. Standard conditions of approval require the applicant to submit calculations by a registered civil engineer to show that the on-site and off site water, sewer and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. Trash and recycling facilities are proposed in the project to accommodate the expected waste and recycling streams that would be generated by the expected uses within the building. The project is subject to all conditions of approval provided by all applicable city departments.

**Mitigation Measures:**

None

**Q. MANDATORY FINDINGS OF SIGNIFICANCE**

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	1,2-Map L4,5		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable")				X	

Issues and Supporting Information Resources  Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1,2,5				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1,5,9,11,12,13		X		

**DISCUSSION:**

The project would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources. The uses are appropriate for the site and the development would not result in an adverse visual impact. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts to the users of the new mixed use project in the area of biological resources, noise, seismicity and air quality.

**Global Climate Change Impacts**

Global climate change is the alteration of the Earth’s weather including its temperature, precipitation, and wind patterns. Global temperatures are affected by naturally occurring and anthropogenic generated atmospheric gases, such as carbon dioxide, methane, and nitrous oxide. These gases allow sunlight into the Earth’s atmosphere, but prevent radiative heat from escaping into outer space, which is known as the “greenhouse” effect. The world’s leading climate scientists have reached consensus that global climate change is underway and is very likely caused by humans. Twenty agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change; however, in California a multiagency “Climate Action Team”, has identified a range of strategies and the Air Resources Board, under Assembly Bill (AB) 32, has been designated to adopt the main plan for reducing California’s GHG emissions by January 1, 2009, and regulations and other initiatives for reducing GHG emissions by January 1, 2011. AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions.

By 2050, the state plans to reduce emissions to 80 percent below 1990 levels. While the state of California has established programs to reduce greenhouse gas emissions, there are no established standards for gauging the significance of greenhouse gas emissions. Neither CEQA nor the CEQA Guidelines provide any methodology for analysis of greenhouse gases. Given the “global” scope of global climate change, the challenge under CEQA is for a Lead Agency to translate the issue down to the level of a CEQA document for a specific project in a way that is meaningful to the decision making process. Under CEQA, the essential questions are whether a project creates or contributes to an environmental impact or is subject to impacts from the environment in which it would occur, and what mitigation measures are available to avoid or reduce impacts.

The project would generate greenhouse gases primarily through electricity generation/use and generation of vehicle trips. Efforts to reduce the project's greenhouse gas emissions by reducing electricity demand and reducing vehicle trips and miles, therefore, should be implemented. The land use is changing from residential and to a mixed use development consisting of commercial and residential. The proposed project would conform to the City's Comprehensive Plan and other policies to reduce vehicle trips and miles traveled, and encourage automobile-alternative modes of transportation (e.g., public transit, walking, and bicycling), as described in detail in *Section O, Transportation* of this Initial Study.

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernible effect on global climate change (e.g., that any increase in global temperature or rise in sea level could be attributed to the emissions resulting from one single development project). Rather, it is more appropriate to conclude that the greenhouse gas emissions generated by the proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

Declaring an impact significant or not implies some knowledge of incremental effects that is several years away, at best. To determine whether the proposed project would have a significant impact on global climate change is speculative, particularly given the fact that there are no existing numerical thresholds to determine an impact. However, in an effort to make a good faith effort at disclosing environmental impacts and to conform with the CEQA Guidelines [§16064(b)], it is the City's position that, based on the nature and size of this project, its location within an established urban area served by existing infrastructure (rather than a greenfield site) and the project's location in an area served by local and regional shuttle and transit systems, the proposed project would not impede the state's ability to reach the emission reduction limits/standards set forth by the State of California by Executive Order S-3-05 and AB 32. For these reasons, this project would not make a cumulatively considerable contribution to global climate change associated with greenhouse gas emissions.

The measures to reduce energy use have not been specifically identified. Final measures to reduce energy use and emissions would be prepared during the building permit process. The project includes components that will offset the project's potential minor incremental contribution to global climate change. These include:

- Cal Green Tier 2 compliance
- Residential Green building compliance
- Incorporate low-and zero-VOC products
- Interior design will incorporate sustainability harvested, recyclable and renewable materials
- Location in proximity of existing public transportation network
- Incorporating materials and finishes to protect indoor air quality
- Indoor water reduction
- Energy Star equipment and appliances

#### **SOURCE REFERENCES**

1. Project Planner's knowledge of the site and the proposed project

2. Palo Alto Comprehensive Plan, 1998-2010 (list specific policy and map references)
3. Palo Alto Municipal Code, Title 18 – Zoning Ordinance
4. Required compliance with the Uniform Building Code (UBC) Standards for Seismic Safety and Windload
5. Project Plans, Architectural Dimensions, received July 29, 2013
6. Project Description, Architectural Dimensions, received July 29, 2013
7. Landscape Plan Sheets A-3 and A-4 prepared by Stoecker and Northway dated July 29, 2013
8. Palo Alto Tree Technical Manual, Municipal Code Chapter 8.10.030, June 2001
9. Geotechnical Engineering Investigation, Cornerstone Earth Group, Inc., May 2, 2013
10. City of Palo Alto South El Camino Real Design Guidelines, June 2002
11. Phase I and Phase II Environmental Site Assessment, Cornerstone Earth Group, May 17, 2012 and May 24 2013,
12. Transportation Impact Analysis, RKH, October 1, 2013
13. Environmental Noise Assessment, Mei Wu Acoustics, July 26, 2013

**DETERMINATION**

On the basis of this initial evaluation:

<p><b>I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.</b></p>	
<p><b>I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.</b></p>	<p><b>x</b></p>
<p><b>I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.</b></p>	
<p><b>I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.</b></p>	
<p><b>I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that</b></p>	

earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*MAD*

Project Planner

*11/07/13*

Date

Director of Planning and  
Community Environment

Date

File#: 729 11/08/2013

