



# City of Palo Alto

## City Council Staff Report

(ID # 11184)

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**Report Type:** Action Items

**Meeting Date:** 6/1/2020

**Summary Title:** Newell Road Bridge Replacement Project

**Title:** PUBLIC HEARING/QUASI-JUDICIAL. Newell Road Bridge Replacement Project [19PLN-00130]: Adoption and Approval of: (1) a Resolution Certifying the Final Environmental Impact Report and Adopting Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program Pursuant to the California Environmental Quality Act for the Project; (2) a Record of Land Use Action Approving an Architectural Review Application [File 19PLN-00130] for Demolition of a Two-way Bridge on Newell Road Between Woodland Avenue in East Palo Alto and Edgewood Drive in Palo Alto and Construction of a new Bridge Along the Same Alignment That Meets Caltrans Standards for Multi-modal Access; and (3) Approval of Amendment Number 3 to Contract C12142825 with NV5, Inc., to Extend the Term for Design Services for Newell Road/San Francisquito Creek Bridge Replacement Project (PE 12011).

**From:** City Manager

**Lead Department:** Planning and Development Services

### Recommendation

Staff recommends that Palo Alto City Council take the following actions regarding the Newell Road/San Francisquito Creek Bridge Replacement Project, Capital Improvement Program Project PE-12011:

1. Adopt the Resolution certifying an Environmental Impact Report for the Newell Road/San Francisquito Creek Bridge Replacement Project (Attachment B), making the required findings, and adopting a statement of overriding considerations and a Mitigation Monitoring and Reporting Plan (Exhibit A of Attachment C), all in accordance with the California Environmental Quality Act (CEQA);
2. Approve the Record of Land Use Action (Attachment C) approving the proposed Architectural Review application based on the findings and subject to conditions of approval; and

3. Approve and authorize the City Manager or his designee to execute Amendment No. 3 to Contract No. C12142825 with NV5, Inc. (Attachment D) to update the Schedule of Performance and extend the contract time to December 2021 to complete the design phase of the Project.

## **Executive Summary**

The City of Palo Alto's Public Works Engineering Services Division requests approval of an Architectural Review application. The project is the replacement of the existing Newell Road Bridge, which crosses San Francisquito Creek at Newell Road, with a new bridge along the same alignment. The project will improve flood control and accommodate multi-modal transportation, consistent with current California Department of Transportation (Caltrans) design standards. The requested actions will allow the City of Palo Alto's Public Works Engineering Services Division and Caltrans to proceed with final engineering design and bidding of the construction contract.

The project is primarily funded through the Highway Bridge Program grant, a federally funded program of the Federal Highway Administration (FHA) administered by Caltrans in the State of California. The project is therefore subject to review under both the federal National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The City of Palo Alto and Caltrans as the lead agencies under CEQA and NEPA, respectively, prepared a Draft Environmental Impact Report/Environmental Assessment (EIR/EA) for the Newell Road/San Francisquito Creek Bridge Replacement Project. The Draft EIR/EA was circulated for public review from May 31, 2019 through July 30, 2019. The City and Caltrans published the Final EIR/EA on April 24, 2020. For the purposes of both CEQA and NEPA, the Draft EIR/EA described in detail a full project description and impacts associated with the No Build Alternative as well as four potential build alternatives. These alternatives are discussed further in this report. The EIR/EA identifies Alternative 2 as the proposed project and environmentally superior alternative for the purposes of CEQA and NEPA.

A map showing the location of the proposed project is included in Attachment A. The link to the environmental analysis and project plans is provided in Attachment E. The project plans reflect Alternative 2; however, for informational purposes, site plans for the three other build alternatives are also provided as a reference in the plan set. The materials and type of bridge proposed would be similar under all build alternatives.

Staff also seeks Council approval of a contract amendment with NV5, Inc. for additional time to complete the design phase of the project.

## **Background**

Constructed in 1911, the Newell Road bridge is a 76-foot-long, reinforced concrete girder structure spanning 22 feet in width and measuring 18 feet curb to curb. The existing bridge does not comply with the following geometric design standards; therefore, Caltrans deemed it functionally obsolete and added the bridge to the Federal Statewide Transportation Improvement Program (FTIP) in 2011:

- **Roadway Section**—The standard minimum width configuration is two 11-foot wide lanes plus separate 5-foot bicycle lanes (16' per lane, 32' total) or two 14-foot “sharrow” lanes that serve as shared bicycle/vehicle lanes (14' per lane, 28' total). The existing bridge functions as a two-lane bridge, but only has a curb to curb width of 18 feet (where a minimum 22 feet for vehicle access is the current standard, the Office of Transportation can support reducing the traffic lanes to 10-foot wide based on the overall length of the bridge).
- **Vertical Alignment**—Current standards require smooth, gradual vertical curves between grade differences. The existing bridge approach has a steep grade (up to seven percent) that reduces the length of roadway a driver can see entering or leaving the bridge and reduces the response time for drivers to respond to conditions in front of their vehicle.
- **Stopping Sight Distance**—At the intersection of Newell Road and Woodland Avenue, the sight distance is limited by the overgrown landscaping, existing bridge barriers and flood walls.

In May 2019, staff provided an informational update on the Project to Council ([CMR #9819](#)) that included a summary of early community engagement meetings, project milestones, and Council actions related to the Newell Road Bridge Project since July 2011. Staff also provided an informational update to the San Francisquito Creek Joint Powers Authority (SFCJPA) Board on June 27, 2019 and to the East Palo Alto City Council on July 17, 2019.

#### Planning and Transportation Commission

Planning and Transportation Commission (PTC) review is not required for Architectural Review applications. However, given the nature of the project, the City and Caltrans held a hearing with the PTC on June 12, 2019 during the Draft EIR/EA circulation period.<sup>1</sup> The goal was to obtain feedback on the proposed design, environmental analysis, and selected alternative. In a 6-1 vote the PTC expressed overall support for Alternative 2 and requested inclusion of additional bicycle and pedestrian traffic information, if available.<sup>2</sup> In addition, some commissioners commented on various components of the environmental analysis, including the alternatives analysis, traffic (for all modes of transportation), and noise. A transcript of this hearing (Transcript T-1) is included in the Response to Comments, which is Appendix F to the Final EIR in

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<sup>1</sup> PTC hearing staff report, June 12, 2019: <https://tinyurl.com/Newell-PTC-SR>

<sup>2</sup> Action Minutes, PTC hearing June 12, 2019: <https://tinyurl.com/June-12-2019-PTC-Minutes>

Attachment E. The Responses to Comments includes formal responses to all comments raised on the EIR/EA at this hearing by commissioners and members of the public.

### Architectural Review Board

The City and Caltrans held an ARB hearing on July 18, 2019 during the Draft EIR/EA circulation period to obtain feedback on the proposed design, environmental analysis, and selected alternative.<sup>3</sup> During the hearing, members of the ARB generally expressed their support for the proposed Alternative. The ARB also requested that staff further consider bicycle and pedestrian safety, provide more information on the proposed landscaping, and consider adding a small plaque to the bridge. The board unanimously continued the project to a date uncertain. Members of the board and the public also provided several comments related to the EIR, primarily with respect to aesthetics. A transcript of this hearing (Transcript T-4) is included in the response to comments, which is Appendix F to the Final EIR in Attachment E. Formal responses to all comments raised at this hearing on the EIR/EA by board members and members of the public are included in the response to comments.

The City and Caltrans returned to the Architectural Review Board on May 7, 2020.<sup>4</sup> At this hearing the ARB unanimously recommended approval (5-0) of the Architectural Review application to Council based on the Architectural review findings and conditions of approval included in the Record of Land Use Action (RLUA) in Attachment C.<sup>5</sup>

### Design Contract

On July 11, 2011, Council approved a budget appropriation for a new capital improvement project to replace the Newell Road bridge and authorized City staff to accept Caltrans Highway Bridge Program (HBP) grant funds to pay for the majority of project costs ([CMR #1810](#)). On April 9, 2012, Council approved Contract No. C12142825 with Nolte Associates, Inc., for the design and environmental assessment of the replacement bridge (Nolte Associates, Inc. has since changed its corporate name to NV5, Inc.). Council also approved a cost share agreement with the Santa Clara Valley Water District (Valley Water) which provides the local match contribution required by the Caltrans HBP grant ([CMR #2501](#)). On June 3, 2013, Council approved Amendment No. 1 to the contract with NV5, Inc. to conduct an alternatives analysis and associated traffic study to evaluate and select feasible project alternatives for inclusion in the Environmental Impact Report (EIR) review process ([CMR #3599](#)).

On April 13, 2015, Council approved Amendment No. 2 with NV5, Inc. to prepare an EIR for a total contract not to exceed amount of \$1,354,177. Changes to the NV5, Inc. scope and fee were approved by both Caltrans and Valley Water with contributions of \$1,040,058 and

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<sup>3</sup> ARB Study Session Staff Report; July 18, 2019: <https://tinyurl.com/Newell-ARB-SR>

<sup>4</sup> ARB Formal Hearing Staff Report; May 7, 2020: <https://tinyurl.com/May-7-2020-ARB-Staff-Report>

<sup>5</sup> Video of the ARB Hearing; May 7, 2020: <https://tinyurl.com/May-7-2020-ARB-Hearing-Video>

\$314,119, respectively ([CMR #5549](#)). These funds were for the following tasks: project management, environment clearance documents, survey, location hydraulic study/bridge hydraulic report, preliminary engineering and type selection, final design, Plans, Specifications, and Estimate (PS&E) development, and regulatory agency permitting. However, several tasks including project management, environmental clearance documents, final design, PS&E development, and regulatory agency permitting have not been completed.

## **Discussion**

The project includes modifications to a bridge and City streets within the public right-of-way. Therefore, it is not subject to zoning and land use restrictions for any specific zone district or land use designation. However, the project was evaluated to ensure the design meets the intent and objectives of the Municipal Code and is consistent with the Comprehensive Plan, the Bicycle and Pedestrian Transportation Plan, and other City policies.

### Project Description

The new bridge would be concrete with a small steel rail along the top of the bridge barriers. It would be designed to meet Caltrans standards for vehicle and multi-modal access, providing safer access across the bridge for all modes of transportation. Also, as of October 2019, all new bridges must comply with Caltrans' Manual for Assessing Safety Hardware (MASH). The proposed bridge barriers are designed to comply with this Caltrans requirement and include approved roadside safety hardware.

The existing abutments that encroach into the creek bank would be removed and new supports would be placed outside the channel. The bridge would be raised approximately 1.5 feet to allow for greater flow capacity beneath the bridge. This would reduce the potential for flooding during larger storm events. Portions of Newell Road in both Palo Alto and East Palo Alto as well as a portion of Woodland Road in East Palo Alto would also be raised. This would enable these roads to meet the higher bridge profile and eliminate the existing steep grade and sight distance barriers.

To accommodate the raised roadway, retaining walls varying between 1 foot and 4.7 feet in height would be installed along the north side of Woodland Avenue and both sides of Newell Road under all build alternatives. The existing flood wall south of the bridge and along Woodland Avenue would remain to support the raised roadway. These retaining walls would be located at the back of the sidewalk between private property and the public right-of-way, visible primarily from the adjacent properties. The retaining walls would be level with the sidewalk as viewed from the public right-of-way. Three-foot-tall steel handrails would be placed on top of the retaining walls and would be visible from the street and sidewalk.

Landscaping proposed within the public right-of-way is shown on the Tree Planting Plan in the plan sets in Attachment E. Replacement landscaping on private property is planned. The ultimate landscape design will be determined in coordination with the property owners, based on what is actually removed or damaged due to construction.

#### Neighborhood Setting and Character

The proposed project is in an area characterized by low density residential on the southwest side of San Francisquito Creek within the City of Palo Alto and high density residential on the northeast side of San Francisquito Creek within the City of East Palo Alto.

#### Consistency with the Comprehensive Plan, Area Plans and Guidelines<sup>6</sup>

The Comprehensive Plan includes Goals, Policies, and Programs that guide the physical form of the City. The Comprehensive Plan land use designation for the project site is single-family residential for portions of the project within Palo Alto. The single-family residential land use designation applies to residential neighborhoods primarily characterized by detached single-family homes, typically with one dwelling unit on each lot where population densities range from 1 to 30 person per acre.

A detailed review of the project's consistency with goals and policies outlined in the Comprehensive Plan is provided in Attachment C. The project is consistent with the relevant policies in the Comprehensive Plan and therefore fulfills the goals of the Plan.

#### Zoning Compliance<sup>7</sup>

As noted above, infrastructure work located within the public right-of-way would not be subject to the restrictions of a specific zoning designation. Adjacent residences within the City of Palo Alto are zoned single-family residential (R-1[10,000]). Adjacent residences within the City of East Palo Alto are zoned Multiple Family High Density Residential (R-HD-5). Work on these private properties would include minor changes to accommodate the raised roadway and associated retaining walls. The proposed modifications on these properties would not affect compliance with zoning requirements on any of these properties. The project overall would not conflict with any requirements of the Zoning Ordinances in either Palo Alto or East Palo Alto.

#### Multi-Modal Access & Parking

As discussed in Attachment C, the proposed project is consistent with the Bicycle and Pedestrian Transportation Plan (BPTP), as summarized in the findings in Attachment C. Specifically, the project is designed to improve multi-modal transportation, planning for usage of the roadway space by all users, including motor vehicles, bicyclists, and pedestrians. This is

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<sup>6</sup> The Palo Alto Comprehensive Plan is available online:

<http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

<sup>7</sup> The Palo Alto Zoning Code is available online: [http://www.amlegal.com/codes/client/palo-alto\\_ca](http://www.amlegal.com/codes/client/palo-alto_ca)

consistent with Policy T-5 of the BPTP. The project also resolves the steep grade separation between the bridge and adjacent roadways, which currently reduces line of sight when entering and leaving the bridge. The project is not located on a Safe Routes to School path.

### *Striping*

There are two proposed options for striping the multi-modal access on the bridge. Option A would revise the curb-to-curb from 18 feet to 28 feet, including a 10-foot vehicle lane and four-foot shoulder/bicycle lane in each direction. Option A would accommodate Caltrans requirements for vehicle lanes as well as bicycle access. Sharrows would be painted within the 10-foot vehicle lanes to allow for shared pedestrian/bicycle use. In addition, five-foot wide raised sidewalks would be added on each side of the bridge for pedestrians.

Option B would increase the curb-to-curb width from 18 feet to 20 feet to accommodate two 10-foot wide vehicle lanes, and would include a nine-foot wide, raised bicycle and pedestrian shared-use path on each side of the bridge. The City of Palo Alto Office of Transportation and City of East Palo Alto's Public Works Department recommend approval of Option A. Option A is a more common design and would integrate better with the existing bicycle lane along Newell Road in Palo Alto. Option A would provide continuity to the sharrows on Newell Road in East Palo Alto and a better connection to planned future bicycle lanes along Woodland Avenue in East Palo Alto.

### *Parking*

Parking near the Project site consists of approximately 27 unmarked on-street parking spots along Woodland Avenue and Newell Road on the East Palo Alto side of San Francisquito Creek. Construction activities would not affect street parking in Palo Alto because parking is not permitted along Newell Road within the proposed work area in Palo Alto. Because on-street parking would be unavailable along a portion of Woodland Avenue in the City of East Palo Alto during construction, residents of the multi-family developments along Woodland Avenue and Newell Road may have to park farther away than they typically do during construction. The construction zone could be established so that limited parking could be made available in the area during off hours and to maintain the maximum amount of existing parking available in the Project area. Minimization Measures are identified in the EIR/EA. These require preparation and implementation of a Traffic Management Plan (TMP) during construction. The TMP includes a provision requiring public noticing of construction activities, traffic control implementation, signage, property and business access, parking, and safety during construction.

Upon completion of construction, access between the neighborhoods on either side of San Francisquito Creek would be improved. Permanent on-street parking impacts would consist of the loss of one space under all of the build alternatives due to the new pedestrian sidewalk along the bridge approach on Woodland Avenue.

### Encroachment Permits and Access Easements

The project will require encroachment permits from East Palo Alto and Santa Clara Valley Water District for work in the public right-of-way, or within the creek. Temporary and permanent access easements will be needed from private property owners. These are summarized in Table 1-3, *Permanent ROW Acquisitions and Temporary Easements*, of the Final EIR. A maintenance agreement for long-term maintenance of the bridge and associated improvements is also necessary. Condition of Approval (COA) 6 in the RLUA in Attachment C requires these agreements to be obtained prior to issuance of building permits or prior to final inspection, depending on the nature of the easement or acquisition. The need for these easements has been discussed with all applicable property owners throughout this public process.

### Contract Amendment

There have been unforeseeable project delays since 2013. For example, the EIR for the Newell Road Bridge Project was revised to reflect new downstream conditions following the completion of the SFCJPA's Downstream of Highway 101 project in January 2019. In addition, community engagement with the public and coordination with other agencies took longer than anticipated, delaying the completion of technical studies. Therefore, staff requests that Council authorize the City Manager or his designee to execute Amendment No. 3 to Contract No. C12142825 with NV5, Inc. (Attachment D) to Update the Schedule of Performance and extend the contract time to December 2021 to complete the design phase of the Project. This would not result in any additional cost to the City.

This contract amendment is on the City's professional services template, which permits the City to terminate without cause/for convenience by providing written notice to the contractor. In the event the City finds itself facing a challenging budget situation, and it is determined that City resources need to be refocused elsewhere, the City can terminate for convenience. Other options include termination due to non-appropriation of funds or amending the contract to reduce the cost, for example, by reducing the scope of work. The contract may also be temporarily suspended by written notice of the City Manager.

### **Policy Implications**

Please see the Discussion section above for information about consistency with the Comprehensive Plan goals and policies. A complete list of applicable goals and policies and the project's consistency with these goals and policies is included in the RLUA (Attachment C). The EIR/EA for the Project identifies the project's purpose and need; the stated purposes and need for the Project relate to flood control, multi-modal connections, and safety improvements.

### Flood Hazard Mitigation

The existing Newell Road Bridge abutments encroach into the creek bed and create a flow constriction in the channel to 6,600 cubic feet per second (cfs). The project would place the



supports outside of the creek channel, thus increasing the hydraulic creek capacity in this area to 7,500 cfs. This is consistent with the Santa Clara Valley Water District's (SCVWD) Governance Policy E-3, to provide natural flood protection for residents, business, and visitors, and associated objectives under that policy. There are also several relevant programs and policies outlined in the Safety Element of the Comprehensive Plan. These flood hazard mitigation policies and programs are noted in the RLUA (Attachment C). For example, the Safety Element includes Program S2.8.4 states "Work with East Palo Alto, Santa Clara Valley Water District and San Francisquito Creek Joint Powers Authority on efforts to increase the flows within the San Francisquito Creek. Possible solutions include replacing the City-owned Newell Road Bridge and District-owned Pope Chaucer Street Bridge." Other relevant policies and programs relate to minimizing exposure to flood hazards by:

- protecting existing development from flood events,
- collaborating with agencies to work toward 100-year flood protection, and
- working toward improving Palo Alto's FEMA ratings to lower the cost of flood insurance for residents.

The project was designed in collaboration with other ongoing and recently completed projects within San Francisquito Creek. The project relates to flood hazard mitigation efforts being pursued by local and regional agencies for both Palo Alto and other local jurisdictions. Specifically, the SFCJPA recently completed the San Francisquito Creek Flood Reduction, Ecosystem Restoration, and Recreation San Francisco Bay to Highway 101 Project in October 2018, which improved flood control in areas downstream of Newell Road. Those improvements were necessary before beginning construction of upstream improvements.

The replacement of Newell Road bridge itself would not reduce flood hazards within the immediate vicinity of the bridge because the Pope / Chaucer Street Bridge (upstream of Newell) constricts flows to 5,400 (cfs) whereas the Newell Road Bridge currently allows the conveyance of 6,600 cfs. However, improvements to reduce flood hazards near the Pope / Chaucer Street Bridge require an increase in the creek capacity at Newell Road Bridge in advance. The SFCJPA Board of Directors certified the EIR for the Upstream of Highway 101 Project, which includes replacement of the Pope/Chaucer Street Bridge and other in-channel improvements. These improvements would increase capacity within the creek and eliminate flow constrictions upstream of Newell Road. The SFCJPA has indicated to staff that it anticipates filing an Architectural Review application soon for review and approval of those portions of the Upstream of Highway 101 Project within the City of Palo Alto's jurisdiction. The SFCJPA's project, and accordingly the Newell Road Bridge Project, are designed to accommodate the 70-year storm event, which is approximately equal to the 1998 flood of record.

These ongoing and completed projects along San Francisquito Creek are considered baseline projects to mitigate the risk and impacts associated with flooding. These projects, including the

Newell Road/San Francisquito Creek Bridge Replacement Project, are all carefully designed so as not to preclude future improvements to the creek to accommodate the 100-year flood event. Therefore, the bridge replacement is integral to City and regional policies and goals to provide natural flood protection for residents, businesses, and visitors; preserve flood capacity; and reduce flood risks in flood-prone areas.

### Safety

The existing Newell Road Bridge is safe in that there are no infrastructural problems associated with the bridge. In addition, there have been no accidents reported on the 400 block of Newell Road according to Palo Alto Police Department. Four accidents were reported to the East Palo Alto Police Department near the Woodland Avenue and Newell Road intersection between 2011 and 2017, which is a relatively low accident rate. However, the existing abutments for Newell Road Bridge constrict the flow of the channel, as discussed above, and this constriction cannot be removed without removing or replacing the bridge. Removal of these constrictions allows for removal of upstream constrictions that caused significant flooding incidents in 1998 and 2012, affecting nearby residents in Palo Alto and Menlo Park. As discussed above, this would improve safety for residents and businesses along San Francisquito Creek by reducing risks associated with flood.

The existing bridge does not meet Caltrans' current geometric design standards. Existing roadway deficiencies are discussed in this report's background section. The roadways have substandard lanes and shoulder widths, lack the required vertical curves between grade differences at the bridge connection, and do not provide adequate sight distance. Therefore, replacement of the bridge with a bridge that meets current design standards would improve safety for all modes of transportation.

### Multi-Modal Transportation

The proposed project would accommodate multi-modal transportation, consistent with Comprehensive Plan policies and programs outlined in the Transportation Element, and with Bicycle and Pedestrian Transportation Plan policies. Despite the fact that there are approximately 400 daily bicycle trips and 270 daily pedestrian trips over the bridge, the existing bridge does not provide dedicated access for bicyclists and pedestrians and is not Americans with Disabilities Act (ADA) compliant. The proposed project would provide multi-modal and ADA compliance access, consistent with Caltrans design standards, state requirements, and local goals and policies. The proposed sidewalk and bicycle access would be designed to connect into the existing bicycle lane and sidewalk, which currently end abruptly at the bridge approach within Palo Alto. On the East Palo Alto side it would be designed to integrate into existing sidewalks and future sharrows planned along Newell Road.

## **Resource Impact**

Design and construction of the proposed project (Alternative 2) is estimated to cost approximately \$10 million. Under alternative 3 the project limits increase and under alternative 4 the limits are larger than those under alternative 3. Increasing project limits results in taller retaining walls, more creek disturbance, a longer bridge, and additional mitigation. No estimate has been determined for alternatives 3 or 4, however the increase in limits may increase the costs in a range of ten to twenty percent. Similarly, no formal estimate has been determined for Alternative 1. It is anticipated that there would be material cost savings in the range of \$800,000 because the bridge would be narrower. However, the installation of nine traffic signals is anticipated to cost more than \$1 million, which exceeds the presumed cost savings on material. In addition, alternative 1 requires fiber and power to serve the traffic signals, resulting in additional costs for long-term operation and maintenance in the range of \$10,000-\$15,000 per year.

### Funding Mechanisms

The Newell Road Bridge Project, Capital Improvement Program Project (PE-12011) is funded by the Caltrans Highway Bridge Program grant that pays 88.53% of the design and planning for the bridge. A cost sharing agreement with Valley Water provides the local match contribution of 11.47%. The City's Capital Improvement Program funds staff oversight of the project. Funding for the recommendations in this report is available in the Fiscal Year 2020 Newell Road/San Francisquito Creek Bridge Replacement Project (PE-12011).

On August 14, 2019, staff requested additional funds from Caltrans to complete the planning entitlements and design. Valley Water was notified of the request. Public Works staff contacted Caltrans Local Assistance to check on status and learned the request was sent to Caltrans Headquarters on September 30, 2019. The City anticipates Caltrans will approve and fund the necessary adjustment. Once approved by both agencies, staff intends to bring a contract amendment to City Council in the fall of 2020 to increase the consultant's contract budget to account for pay rate increases associated with the design of the project.

The typical payment process has been to utilize City funds from the General Fund to temporarily cover the consultant's costs. Concurrently, staff sends copies of the consultant's invoice to Caltrans and SCVWD requesting their respective payment of 88.53 and 11.47 percent. This allows us to advance the project and Palo Alto is reimbursed for project expenses, all of which have been previously authorized by Caltrans and SCVWD and approved by Council.

Based on Caltrans' protocol, construction funds are not approved and allocated until completion of the planning entitlements, environmental review process, and right-of-way phase. Staff intends to submit the funding application to Caltrans for the 88.53 percent of the construction costs of the bridge, once the EIR is adopted and the project is approved. A separate application will be submitted to SCVWD for the 11.47 percent associated with construction costs once Caltrans approves the funds.

In the event that Caltrans does not approve the funding, or only approves partial funding, the unfunded amount would be discussed by the SFCJPA partner agencies for inclusion in the future funding agreement for the San Francisquito Creek Upstream of Highway 101 project.

## **Timeline**

Following Council adoption of the CEQA document and approval of the Architectural Review application, the City would seek NEPA approval from Caltrans, the lead federal agency for the project. The City and its engineering contractor, NV5, would further the engineering design, working with wildlife and water resource agencies for all in-creek work. The City would obtain all required permits and approvals such as:

- a 404 permit from the United States Army Corps of Engineers,
- a 401 permit from the Regional Water Quality Control Board,
- a Streambank Alteration Agreement from California Department of Fish and Wildlife, and
- all necessary temporary and permanent easements.

Construction is not anticipated to begin until 2021, following receipt of applicable permits and easements. Work on the project is anticipated to take approximately a year and a half.

## **Stakeholder Engagement**

The City of Palo Alto and Caltrans as the lead agencies, and the City of East Palo Alto as a responsible agency, jointly held a scoping meeting on September 3, 2015, to receive public comments from members of the public on the project. The City and Caltrans received a total of 47 public comments during this Notice of Preparation comment period, which lasted from August 12, 2015, through September 14, 2015. The scoping meeting can be viewed online at the following link: <http://midpenmedia.org/newell-roadsan-francisquito-creek-bridge-replacement-project/>. A summary of public comments received during the scoping period can be found on the project website; a link to the website is included in Attachment E. The main concern raised by commenters was that realigning the bridge (as proposed under Build Alternatives 3 and 4, which assess a partial and full realignment of the bridge, respectively) would result in an increase in traffic flow, speed, and bad driving behaviors; however, many commenters also said that the realignment would increase vehicle, bicycle, and pedestrian safety.

Following the release of the Draft EIR/EA for this project, public hearings and community informational meetings were held on June 12, 2019; June 18, 2019; June 19, 2019; and July 18, 2019 to solicit input on the Draft EIR/EA from members of the public, the City of Palo Alto PTC, the City of Palo Alto Architectural Review Board, and East Palo Alto Public Works and Transportation Committee. Attendance at these public hearings and informational sessions

generally ranged from approximately 20 to 50 attendees. Following these hearings and meetings as well as completion of the 60-day comment period, the City and Caltrans prepared a Final EIR/EA, which includes a formal response to each of those public comments. The City and Caltrans' formal responses to comments are included in Appendix F of the Final EIR/EA, which is included in Attachment E of this report. Comments at these hearings/meetings primarily focused on:

- bicycle safety and options for striping or revising the width of the bridge to maximize safety (note that some comments recommended a narrower bridge to improve safety while others have recommended a wider bridge with dedicated bicycle lanes to improve safety);
- concerns that widening the lanes would generally increase the amount of traffic crossing the bridge; and
- comments expressing the importance of moving the project forward as quickly as feasible for flood control.

## **Environmental Review**

The subject project has been assessed in accordance with the authority and criteria contained under CEQA, the State CEQA Guidelines, NEPA, and the environmental regulations of the City. Specifically, a Draft EIR/EA, prepared in accordance with CEQA and NEPA for the Newell Road Bridge Replacement Project, was circulated on May 31, 2019 beginning a 60-day circulation period, which ended on July 30, 2019. The City of Palo Alto and Caltrans are serving as the lead agencies in accordance with CEQA and NEPA, respectively. The CEQA conclusions for each resource area are provided in Chapter 3 of the Draft EIR/EA.

The EIR/EA concluded that most impacts would either be less than significant or less than significant with the implementation of mitigation measures. However, the City and Caltrans, in coordination with subconsultant TJKM Traffic Engineers, analyzed traffic impacts associated with construction and operation of the proposed bridge. This analysis can be found on the project website, which is provided in the link in Attachment E. As summarized in Chapter 2.1.4, Transportation, as well as Chapter 3 of the EIR/EA in Attachment E, impacts associated with construction of the proposed project (when Newell Road bridge would be closed) would result in significant and unavoidable impacts. These are impacts on traffic at the University Avenue/East Crescent Drive intersection within the City of East Palo Alto. Therefore, to adopt the EIR, Council is required to make findings of overriding considerations for the proposed project. Draft findings of overriding consideration for the proposed project are provided in Attachment B.

Once the bridge is constructed and Newell Road bridge is re-opened, operation of any of the proposed build alternatives would result in less-than-significant impacts. The City conducted a Level of Service (LOS) analysis; the analysis determined that the proposed project would have

minimal or no effect on level of service (no change or less than 0.1 seconds change in delay) in comparison to the No Build Alternative (leaving the bridge as is). In some cases, the project would improve operations at nearby intersections; however, the improvement would be so marginal that it is not anticipated to cause an increase in traffic through this area. A Traffic Infusion on Residential Environment (TIRE) analysis was conducted to determine whether the proposed project would result in additional traffic being diverted through these residential streets. The analysis concluded that under the 2020 and 2040 scenario, the project would not result in any change to the TIRE index of any of the adjacent streets, including nearby segments of Edgewood Drive, Newell Road, and Woodland Avenue (i.e. the number of trips being re-routed through this area would not noticeably decrease or increase in comparison to the no-build alternative).

### Alternatives Evaluated

The environmental analysis provides a full project description and describes impacts associated with the No Build Alternative as well as four potential build alternatives, including the proposed project (Alternative 2). Other Alternatives that were considered include:

- Build Alternative 1: A one-lane bridge with two-way traffic (under signal control) on the existing alignment of Newell Road
- Build Alternative 3: A two-lane bridge on a partial realignment (offset) of Newell Road with stop control (stop signs).
- Build Alternative 4: A two-lane bridge on a full realignment (offset) of Newell Road.

Under all of these alternatives, except the No Build Alternative, the new bridge and portions of Newell Road and Woodland Avenue would be raised. Retaining walls would also be required under all build alternatives, though under some alternatives the required height or length of retaining walls would increase. Other Alternatives would differ from the proposed project as follows:

#### *Build Alternative 1*

Under Build Alternative 1, the existing bridge would be replaced with a new one-lane bridge with two-way signal-controlled traffic along the existing bridge alignment. Bicycle access across the bridge would be via a shared vehicle/bicycle lane and would be subject to the traffic signal control for the bridge. Complete signalization of the intersections of Newell Road with Woodland Avenue and Edgewood Avenue would be required to control the direction of travel on the bridge and adjacent roadways. One additional signal would be provided for the sole residential driveway on the Palo Alto side of the bridge to indicate the direction of traffic on Newell Road at all times.

#### *Build Alternative 3*

Under Build Alternative 3, the existing bridge would be replaced with a two-lane bridge, consistent with that proposed under Alternative 2, but on a partial realignment of Newell Road. Specifically, Newell Road south of Woodland Avenue would be partially realigned (approximately 30 feet) so that the degree of offset between the existing north and south intersections with Woodland Avenue would be reduced compared to the existing condition.

#### *Build Alternative 4*

Under Build Alternative 4, the existing bridge would be replaced with a two-lane bridge, consistent with that proposed under Alternatives 2 and 3, but on a full realignment of Newell Road. Specifically, Newell Road south of Woodland Avenue would be fully realigned (approximately 90 feet) to eliminate the offset between the existing north and south intersections with Woodland Avenue. This would provide a standard four-way intersection at Newell Road and Woodland Avenue. Approximately 100 additional feet of retaining wall would be required along the north side of Woodland Avenue and both sides of Newell Road Bridge in comparison to the other three build Alternatives.

#### *No Build Alternative*

Under the No-Build (No-Action) Alternative, no changes would be made to the existing bridge and approaches. No construction activities would occur, and there would be no change in the operations of the existing facilities. Other planned and approved land use development and transportation improvements along local routes may be implemented by local agencies or under other projects. Under the No-Build Alternative, the flooding issue along the creek would also not be addressed. The two existing bridge restrictions would remain as 5,400 CFS and 6,600 CFS for Pope/Chaucer and Newell Road bridges, respectively, far below the natural creek flow capacity of 7,500 CFS.

#### *Alternatives Considered and Dismissed*

Three other Alternatives were considered and eliminated from further discussion, as discussed in Section 1.4.6 of the Final EIR/EA. These included:

- (1) removal of the existing bridge (without replacement);
- (2) construction of a bicycle-pedestrian (only) bridge, and
- (3) construction of the bicycle-pedestrian bridge with emergency access.

These options were not ultimately carried forward because they did not meet most of the basic project objectives and/or did not reduce a significant environmental impact. Based on counts completed during a 48 hour period August 28 and 29, 2019, the Average Daily Traffic is 3,300 vehicles, 400 bicyclists, and 270 pedestrians. Removal of the bridge would eliminate an across barrier connection and result in longer trips for pedestrians and cyclists and shift vehicle trips to nearby intersections that are already at or near capacity.

#### Selection of the Preferred Alternative

Palo Alto, in coordination with East Palo Alto as a responsible agency, selected Alternative 2 as the locally preferred alternative and proposed project for the purposes of CEQA. Alternative 2 is anticipated to:

- require lower retaining walls than other alternatives,
- minimize impacts on the creek bank and adjacent trees (particularly in comparison to realignment of the bridge),
- minimize utility relocations and operational maintenance (doesn't require new street lights),
- maintain the maximum number of existing (unmarked) street parking spaces during and post construction, and
- limit the overall cost and scope associated with the project, while still achieving the project objectives.

For these reasons, this alternative is presented as the proposed project for the purposes of CEQA. This was also identified as the environmentally preferred alternative, as detailed further in the EIR/EA.

**Attachments:**

**Attachment A: Location Map**

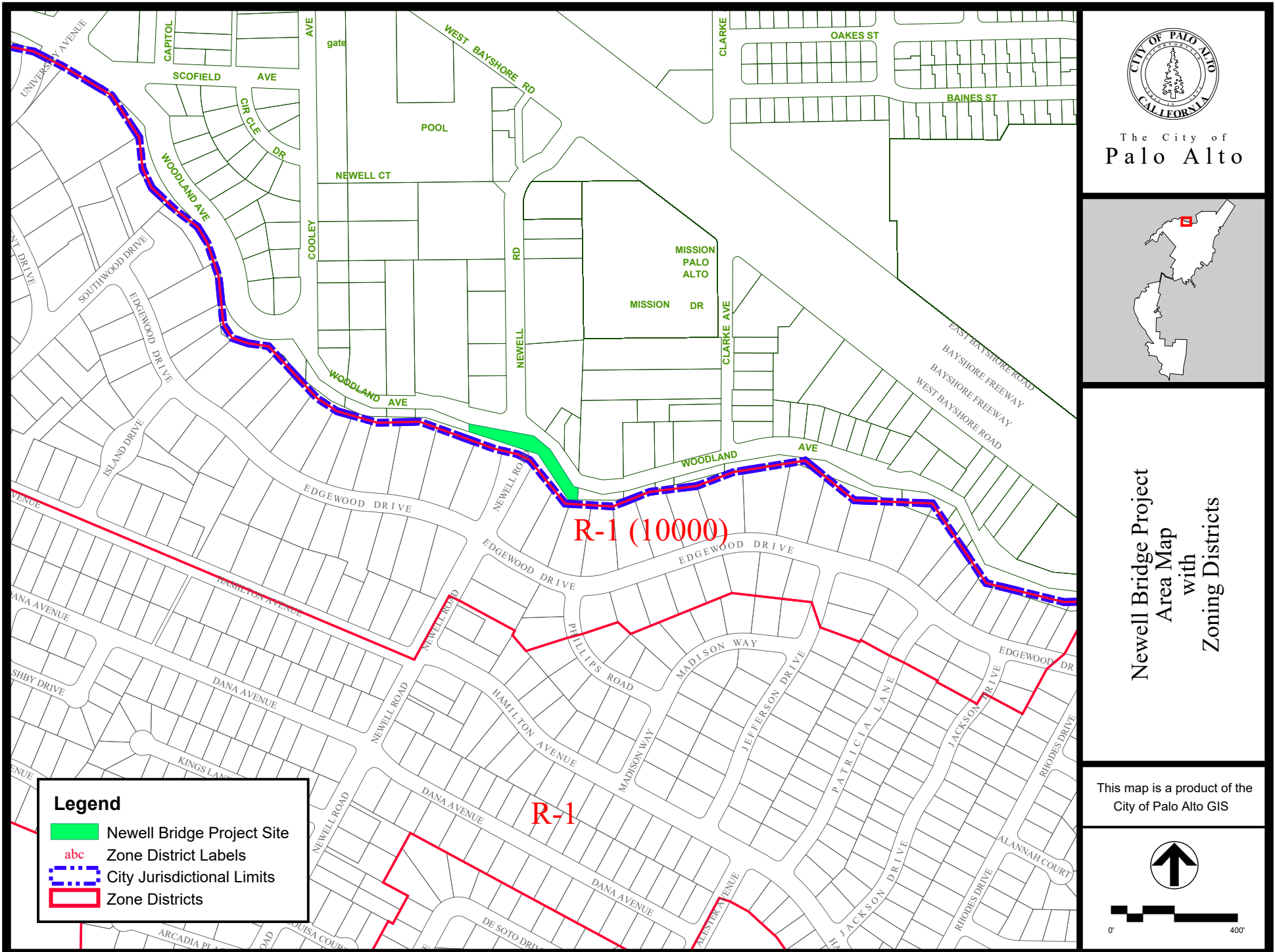
**Attachment B: Resolution to Certify the Newell Road Bridge EIR and Adopt Associated Findings**

**Attachment C: Draft Record of Land Use Action**

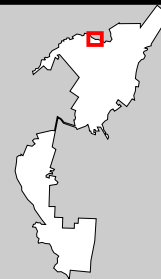
**Attachment D: NV5, Inc. Amendment No. 3**

**Attachment E: Project Plans and Environmental Analysis**





The City of  
Palo Alto



Newell Bridge Project  
Area Map  
with  
Zoning Districts

This map is a product of the  
City of Palo Alto GIS



Resolution No. \_\_\_\_\_

Resolution of the Council of the City of Palo Alto Certifying the Adequacy of the Final Environmental Impact Report for the Newell Road Bridge Replacement Project, Making Certain Findings Concerning Significant Environmental Impacts, Mitigation Measures and Alternatives, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program, All Pursuant to the California Environmental Quality Act

RECITALS

- A. The City of Palo Alto (“City”) has proposed the Newell Road Bridge Replacement Project, which includes demolition of an existing two-way bridge on Newell Road between Woodland Avenue in East Palo Alto and Edgewood Drive in Palo Alto and construction of a new bridge along the same alignment that meets Caltrans standards for multi-modal access (the “Project”).
- B. Approval of the Project would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related state and local implementation guidelines promulgated thereunder (“CEQA”).
- C. The City is the Lead Agency pursuant to Public Resources Code section 21067 as it has the principal responsibility to approve and regulate the Project.
- D. The City, in compliance with CEQA, prepared an Environmental Impact Report (EIR) to provide an assessment of the potential environmental consequences of approving and constructing the Project. The EIR was prepared in coordination with Caltrans as a joint EIR and Environmental Assessment (EA) under the National Environmental Policy Act (NEPA); the EIR/EA is referred to herein as the “EIR”.
- E. A Draft Environmental Impact Report (“Draft EIR”) was circulated for public review from May 31, 2019, through July 30, 2019. Public hearings and community informational meetings were held on June 12, 2019, June 18, 2019, June 19, 2019, and July 18, 2019 to solicit input on the Draft EIR from members of the public, the City of Palo Alto Planning and Transportation Commission, the City of Palo Alto Architectural Review Board, and the East Palo Alto Public Works and Transportation Committee.
- F. The City considered the comments received during the Draft EIR public review period and prepared a Final Environmental Impact Report (“Final EIR”) published on April 24, 2020.
- G. The Council is the decision-making body for approval of the proposed Project.

- H. CEQA requires that in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those significant effects on the environment identified in the environmental impact report.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALO ALTO AS FOLLOWS:**

**SECTION 1.**    Certification and General Findings

The City Council, in the exercise of its independent judgment, makes and adopts the following findings to comply with the requirements of CEQA, including Sections 15091, 15092, and 15093 of the CEQA Guidelines, based upon the entire record of proceedings for the Project. All statements set forth in this Resolution constitute formal findings of the City Council, including the statements set forth in this paragraph and in the recitals above.

1. The City Council was presented with, and has independently reviewed and analyzed the EIR and other information in the record and has considered the information contained therein prior to acting upon and approving the Project, and bases the findings stated below on such review.
2. The EIR provides an adequate basis for considering and acting upon the Project. The City Council has considered all of the evidence and arguments presented during consideration of the Project and the EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth herein, the City Council certifies that it has complied with the provisions of CEQA including Public Resources Code Sections 21081, 21081.5, and 21082.2.
3. The City Council agrees with the characterization of the EIR with respect to all impacts initially identified as “less than significant” and finds that those impacts have been described accurately and are less than significant as so described in the EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than significant level by mitigation measures included in the EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.
4. Mitigation measures associated with the potentially significant impacts of the Project will be implemented through the Mitigation Monitoring and Reporting Program (MMRP) described below, which is the responsibility of the City.
5. The EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice, in accordance with CEQA.

6. The Final EIR contains responses to comments received on the Draft EIR. The Final EIR also contains corrections and clarifications to the text and analysis of the Draft EIR where warranted. The City Council does hereby find that such changes and additional information are not significant new information under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental impact or substantially more severe environmental impact (not already disclosed and evaluated in the DEIR), (ii) any feasible mitigation measure considerably different from those analyzed in the Draft EIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, or (iii) any feasible alternative considerably different from those analyzed in the DEIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented. The City Council does find and determine that recirculation of the Final EIR for further public review and comment is not warranted or required under the provisions of CEQA.
7. The City Council does hereby find and certify that the EIR has been prepared and completed in compliance with CEQA and reflects the City of Palo Alto's independent judgment and analysis.
8. The City Council does hereby make the following findings with respect to significant effects on the environment of the Project, as identified in the EIR, with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the EIR, which full administrative record should be consulted for the full details supporting these findings.

## **SECTION 2. Findings on Significant Impacts and Mitigation Measures**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council hereby makes these findings with respect to the potential for significant environmental impacts from approval and implementation of the Project and the means for mitigating those impacts.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR and adopted by the City, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR. These findings hereby incorporate by reference the discussion and analysis in the EIR that support the EIR's determinations regarding significant project impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, the City ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR, and ratifies, adopts, and incorporates into these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

The EIR identified a number of significant and potentially significant environmental impacts that the Project will cause or to which the Project would contribute. Most of these significant effects can be fully addressed and reduced to less than significant through the adoption and implementation of Caltrans standard project requirements incorporated as part of the Project and feasible mitigation measures, including Avoidance and Minimization Measures (AMM) and Mitigation Measures (MM). Those impacts, along with the standard project requirements, avoidance and minimization measures, and mitigation measures to reduce them to less than significant, are listed below as referenced in the EIR. Any references to “Project applicant” below mean the City of Palo Alto and references to the “contractor” mean the City of Palo Alto’s construction contractor.

### **Aesthetics**

**Impact AES-a: Substantially degrade the existing visual character or quality of the site and its surroundings.** During construction, general construction activities, construction staging/stockpiling, the storage of building materials, the presence of construction equipment, and temporary traffic barricades would result in temporary visual impacts by altering the composition of the viewsheds throughout the Project corridor. In addition, the proposed Project would remove the existing bridge; construct new approaches, and accommodate bicycle and pedestrian travel (including a sidewalk and potential road widening for sharrows or a mixed-use path); add and reconfigure utilities including street lighting; modify street signage; add retaining walls; and stabilize creek bank disturbed by the construction. Construction would also require the removal of trees to accommodate construction. This resource change (changes to visual resources as measured by changes in visual character and visual quality) would be moderate for Build Alternatives 1–3, including the Project during the short-term until replacement plantings can mature.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.1.5, *Visual/Aesthetics*, and Section 3.2.1, *Aesthetics*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM-AES-1: Install Visual Barriers between Construction Work Areas and Sensitive**

**Receptors.** The City of Palo Alto's contractor shall install visual barriers to obstruct undesirable views of construction activities and staging areas from sensitive receptors, namely residents and viewers on neighborhood sidewalks and streets, which are located adjacent to the construction site. The visual barrier may be chain link fencing with privacy slats, fencing with windscreen material, wood, or other similar barrier. The visual barrier shall be a minimum of 6 feet high to help to maintain the privacy of residents and block long-term ground-level views toward construction activities. While this visual barrier would introduce a visual intrusion, it would greatly reduce the visual effects associated with visible construction activities and screening construction activities and protecting privacy is deemed desirable by residents. The contractor shall also provide daily visual inspections to ensure the immediate surroundings of construction staging areas are free from construction-related clutter and to maintain the areas in a clean and orderly manner throughout the construction period.

**MM-AES-2: Replace or Relocate Site Features and Landscaping Affected by the Project.**

Where appropriate and to the degree possible, the City of Palo Alto's contractor will relocate, replace, or restore in-kind landscaping and related appurtenances, such as fencing, driveway gates, and similar features that would be removed from private properties as a result of construction to reduce visual impacts and to maintain the quality of views from neighborhood roadways and sidewalks. If the site cannot accommodate this relocation or replacement, then the Project proponent will compensate parcel owners for site features (e.g., fencing, mailboxes, driveway gates) and landscaping that would be removed or damaged as a result of the Project. Replacement of site features and landscaping would be of value at least equal to that of existing features.

**MM-AES-3: Implement Project Design Aesthetics.** The City of Palo Alto will implement an aesthetic design treatment with a consistent motif for new structures such as retaining walls, bridge sides, fencing, and wing walls. Choosing earth-toned colors for the surfaces would be less distracting to viewers than light or brightly colored surfaces. The shade of the wall will also be carefully considered to complement the project setting. However, studies have shown that structures two to three degrees darker than the color of the general surrounding area have the ability to complement the surrounding vegetation and create less of a visual impact than matching or lighter hues (U.S. Bureau of Land Management 2008). Safety barriers and fencing will be chosen, and could be plastic, powder, or vinyl coated with colors selected using the U.S. Bureau of Land Management selection techniques to make fences to appear more see-through than non-treated, light grey fencing that acts as a visual barrier to a degree.

The design of the bridge will be reviewed and approved by the City of Palo Alto Architectural Review Board (ARB). The ARB is a recommending body that reviews projects and provides recommendations to the Director of Planning or Council. The Project would

require Architectural Review in accordance with Palo Alto Municipal Code Section 18.76.020. The ARB reviews projects for consistency with a series of findings outlined in the Municipal Code relating to aspects such as compatibility with the immediate environment of the site, compatibility with the design character of the surrounding area, harmonious transitions in scale and character in areas between different designated land uses, internal sense of order, amount and arrangement of open space, integration of natural features, and appropriate materials, textures, colors, and details of construction and plant material. Although some architectural refinements may be expected as the ARB process proceeds, such refinements are not expected to change the impact conclusions in this environmental analysis.

**MM-AES-4: Implement Project Streetscaping and Plantings along Top of Creek Bank.**

Streetscaping and planting native vegetation at the tops of the creek's banks will improve the visual quality of the roadway corridor by improving corridor aesthetics. The City of Palo Alto will select street tree species from the City's approved list of street trees or will be selected to match existing street trees in close proximity to the Project corridor and in compliance with the City of Palo Alto Urban Forest Master Plan<sup>1</sup>, Palo Alto Tree Technical Manual<sup>2</sup>, and the City of East Palo Alto's Development Code. Replacement street trees shall have attributes that are at least equivalent to the trees that are removed or that provide a higher degree of aesthetic benefit such as better fall color, interesting bark, or less tree litter. Tree and shrub plantings along the tops of the creek's banks will be installed where space allows and will utilize native plant species that are indigenous to the riparian corridor. Low-lying evergreen and deciduous shrubs and groundcovers, such as *Ceanothus* spp., and an herbaceous understory will also be planted. Plant variety will increase the effectiveness of the streetscape by providing multiple layers, seasonality, and reduced susceptibility to disease. Special attention should be paid to plant choices to prevent driving hazards by obscuring site distances. Vegetation shall be planted within the first six (6) months following Project completion. An irrigation and maintenance program will be implemented during the plant establishment period and carried on, as needed, to ensure plant survival. However, design of the landscaping plan will try to maximize the use of planting zones that are water efficient. The design may also incorporate aesthetic features, such as a cobbling swales or shallow detention areas, which can reduce or eliminate the need for irrigation in certain areas.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. MM-AES-1 would ensure that staging areas are screened, minimizing the amount of visual disruption caused by construction staging. MM-AES-2 would relocate or replace

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<sup>1</sup> Available: <https://www.cityofpaloalto.org/civicax/filebank/documents/36187>

<sup>2</sup> Available: <http://www.cityofpaloalto.org/civicax/filebank/documents/6436>

affected landscaping, fencing, and other landscape features, reducing visual impacts. MM-AES-3 would apply aesthetic treatments to the bridge, wall surfaces, and fencing, improving Project aesthetics and reducing visual impacts and the potential for glare. MM-AES-4 would improve Project aesthetics by improving the visual quality of planter strips along Newell Road through landscaping. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure AES-1 through AES-4, as specified above, would reduce all potential impacts to less than significant.

**Impact AES-d: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.** Overhead street lighting could negatively affect sensitive receptors if the replaced lighting is modified to include light-emitting diode (LED) lighting that is not properly designed. In particular, LED lighting can negatively affect humans by increasing nuisance light and glare, in addition to increasing ambient light glow, if proper shielding is not provided and blue-rich white light lamps are used.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.1.5, *Visual/Aesthetics*, and Section 3.2.1, *Aesthetics*, of the EIR.

**b) Mitigation Measures.** The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM-AES-5: Apply Minimum Lighting Standards.** The City of Palo Alto and its contractor will limit all artificial outdoor lighting to safety and security requirements, designed using Illuminating Engineering Society's design guidelines, and in compliance with International Dark-Sky Association approved fixtures. All lighting is designed to have minimum impact on the surrounding environment and will use downcast, cut-off type fixtures that are shielded and direct the light only towards objects requiring illumination. Therefore, lights will be installed at the lowest allowable height and cast low-angle illumination while minimizing incidental light spill onto adjacent properties, the creek corridor, or backscatter into the nighttime sky. Shielding will also be employed for traffic signals. Light fixtures will have non-glare finishes that will not cause reflective daytime glare. Lighting will be designed for energy efficiency and have daylight sensors or be timed with an on/off program.

LED lighting will avoid the use of blue-rich white light lamps and use a correlated color temperature that is no higher than 3,000 Kelvin, consistent with the International Dark-Sky Associations Fixture Seal of Approval program (International Dark-Sky Association 2010a, 2010b, 2015). In addition, LED lights will use shielding to ensure nuisance glare and that light spill does not affect sensitive residential viewers.

Technologies to reduce light pollution evolve over time and design measures that are currently available may help but may not be the most effective means of controlling light pollution once the project is designed. Therefore, all design measures used to reduce light



pollution will employ the technologies available at the time of project design to allow for the highest potential reduction in light pollution.

Lastly, due to the short bridge length, jurisdiction limitations, and in an effort to provide a sidewalk free of obstructions, lighting is not currently proposed on the bridge. On the East Palo Alto side, electrical services are provided by Pacific Gas and Electric and would need to be slightly relocated to accommodate the project. On the Palo Alto side, an existing light will be replaced along Newell Road, due to the change in grade, in approximately the same location. The relocated light would be less than 80-feet away from the bridge. It is not anticipated that additional lighting would be needed on the bridge. If an additional light is needed in the vicinity, a City of Palo Alto standard light could be added on the roadway on the Palo Alto side. This light, if needed, as well as the other lights being replaced would be required to conform to City standards.

**c) Finding and Rationale.** Changes or alterations have been required, or incorporated into the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Implementation of the Mitigation Measure AES-5 would require that the applicant employ the technologies available at the time of project design to allow for the highest potential reduction in light pollution to mitigate the potential for risks associated with a new source of light or glare. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure AES-5 specified above would reduce all potential impacts to less than significant.

### **Air Quality**

**Impact AIR-a: Conflict with or obstruct implementation of the applicable air quality plan**

**Impact AIR-b: Violate any air quality standard or contribute substantially to an existing or projected air quality violation.** Table 2.2.6-3 in Section 2.2.6, *Air Quality*, summarizes construction criteria pollutant emissions for all build alternatives, including the Project. Per Table 2.2.6-3, all construction emissions would be less than the BAAQMD daily threshold except for nitrogen oxides (NO<sub>x</sub>), which would be higher than the threshold.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.2.6, *Air Quality*, and Section 3.2.3, *Air Quality*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM-AQ-1: Utilize clean diesel-powered equipment during construction to control construction-related NOX emissions.** The City of Palo Alto's construction contractor will ensure that all off-road diesel-powered equipment used during construction is equipped with EPA Tier 4 Final engines.

**SM-AQ-1: Implement California Department of Transportation Standard Specifications.**

- The Project applicant will comply with California Department of Transportation Standard Specifications in Section 14-9 Air Quality (2010).
- Section 14-9.02 specifically requires compliance by the contractor with all applicable laws and regulations related to air quality, including air pollution control district and air quality management district regulations and local ordinances.
- Section 14-9.03 is directed at controlling dust. If dust palliative materials other than water are to be used, material specifications are contained in Section 18.

**SM-AQ-2: Implement BAAQMD Basic Control Measures to Control Construction-Related Dust.**

- In accordance with the BAAQMD's current Air Quality Guidelines (Bay Area Air Quality Management District 2011), the Project applicant will implement the following BAAQMD-recommended control measures to reduce particulate matter emissions from construction activities.
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day by the contractor.
- All haul trucks transporting soil, sand, or other loose material off site will be covered by the contractor.
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day by the contractor. The use of dry power sweeping is prohibited.
- The contractor will limit all vehicle speeds on unpaved roads to 15 miles per hour.
- The contractor will complete all roadways, driveways, and sidewalks to be paved as soon as possible.
- The contractor will post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The Air District's phone number will also be visible to ensure compliance with applicable regulations.

**c) Finding and Rationale.** Changes or alterations have been required, or incorporated into the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of the Mitigation Measure AQ-1 and Standardized Measures AQ-1 and AQ-2, construction of the proposed project would not result in NOx emissions that exceed thresholds established by BAAQMD. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure AQ-1, SM-AQ-1, and SM-AQ-2 specified above would reduce all potential impacts to less than significant.

**Impact AIR-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).** Exceedances of the project-level thresholds would also be cumulatively considerable. Table 2.2.6-3 in Section 2.2.6, *Air Quality*, summarizes construction criteria pollutant emissions for all build alternatives, including the Project. Per Table 2.2.6-3, all construction emissions would be less than the BAAQMD daily threshold except for nitrogen oxides (NO<sub>x</sub>), which would be higher than the threshold.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.2.6, *Air Quality*, and Section 3.2.3, *Air Quality*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM-AQ-1: Utilize clean diesel-powered equipment during construction to control construction-related NOX emissions.** The City of Palo Alto's construction contractor will ensure that all off-road diesel-powered equipment used during construction is equipped with EPA Tier 4 Final engines.

**c) Finding and Rationale.** Changes or alterations have been required, or incorporated into the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of Mitigation Measure AQ-1, criteria pollutant emissions during construction would not exceed BAAQMD's thresholds for construction with implementation of MM-AQ-1. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure AQ-1 specified above would reduce all potential impacts to less than significant.

**Impact AIR-d: Expose sensitive receptors to substantial pollutant concentrations.** With respect to toxic air contaminants, nearby sensitive receptors could be exposed to substantial pollutant concentrations such as diesel particulate matter and emissions of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) from exhaust sources during construction.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.2.6, *Air Quality*, and Section 3.2.3, *Air Quality*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM-AQ-1: Utilize clean diesel-powered equipment during construction to control construction-related NOX emissions.** The City of Palo Alto's construction contractor will ensure that all off-road diesel-powered equipment used during construction is equipped with EPA Tier 4 Final engines.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of Mitigation Measure AQ-1, toxic air contaminant concentrations during construction, such as diesel particulate matter and emissions of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) from exhaust sources during construction would be reduced through the requirement to use Tier 4 equipment. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure AQ-1 specified above would reduce all potential impacts to less than significant.

### **Biological Resources**

**Impact BIO-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.** California red-legged frogs could be directly and indirectly affected by construction activities occurring in or adjacent to the Biological Study Area (BSA). If California red-legged frogs are present within the construction work area, they could be inadvertently killed or wounded by construction vehicles, construction personnel, and accidental spill of toxic fluids. Construction activities associated with road and bridge construction in potential California red-legged frog habitat in the Project area could result in indirect effects on water quality downstream from the construction work area.

The proposed Project could also affect habitat conditions for Central California Coast steelhead. Activities associated with bridge removal and reconstruction and revegetation could increase erosional processes, thereby increasing sedimentation and turbidity in downstream waterways. Excessive sediment deposited in or near stream channels can degrade aquatic habitats. Increased turbidity can increase fish mortality, reduce feeding opportunities for fish including rearing steelhead, and cause fish to avoid important habitat. The effects on essential fish habitat for Pacific salmon would be same as the effects described for Central California Coast steelhead.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.3.5, *Threatened and Endangered Species*, and Section 3.2.4, *Biological Resources*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM-BIO-1: Compensate for Permanent Loss of Valley Foothill Riparian.** The City of Palo Alto will compensate for permanent construction-related loss of valley foothill riparian habitat by replanting trees in the disturbed area after completion of the construction activities. Loss of native riparian trees will be compensated by replanting at a ratio of 3:1 (three native trees planted for every one native tree removed that was at least 4 inches diameter at breast height [approximately 4.5 feet above existing grade]). Loss of non-native riparian trees will be compensated at a ratio of 1:1 (one native tree planted for every one non-native tree removed that was at least 4 inches diameter at breast height). The compensatory ratios and planting locations will be confirmed through coordination by the City with other regulatory agencies as part of the environmental permitting process for the proposed Project.

The City will prepare a riparian mitigation planting plan, including a species list and number of each species, planting locations, and maintenance and monitoring requirements. Plantings will consist of cuttings taken from native plants, or plants grown at a plant nursery from local native material obtained within the San Francisquito Creek watershed. Planted species will be similar in structure and stature (at maturity) to those removed from the Project area. Plantings will be monitored annually for 5 years or as required in the Project permits. If 75% of the plants survive and the riparian canopy covers 75% at the end of the monitoring period, the revegetation will be considered successful. If this survival and canopy cover criteria are not met at the end of the monitoring period, planting and monitoring will be repeated after mortality causes have been identified and corrected.

**AMM-BIO-1: Install Construction Barrier Fencing around Environmentally Sensitive Areas.**

The City of Palo Alto or its contractor will install orange construction barrier fencing to identify environmentally sensitive areas in and adjacent to the construction area. A qualified biologist will identify sensitive biological resources adjacent to the construction area before the final design plans are prepared so that the areas to be fenced can be included in the plans. The area that would generally be required for construction, including staging and access, is shown in Figure 2.3-1. Portions of this area that are to be avoided during construction will be fenced off to avoid disturbance. Sensitive biological resources that occur adjacent to the construction area include sensitive natural communities and protected trees to be retained. Temporary fences around the environmentally sensitive

areas will be installed as one of the first orders of work following California Department of Transportation (Caltrans) specifications. Before construction, the construction contractor will work with the Project engineer and a resource specialist to identify the locations for the barrier fencing and will place stakes around the sensitive resource sites to indicate these locations. The protected areas will be designated as environmentally sensitive areas and clearly identified on the construction plans. The fencing will be installed before construction activities are initiated, maintained throughout the construction period, and removed after completion of construction.

**AMM-BIO-2: Prepare Environmental Awareness Program and Conduct Environmental Awareness Training for Construction Employees.** The City of Palo Alto will retain a qualified biologist to develop an environmental awareness program and conduct environmental awareness training for construction employees. The program will explain the importance of on-site biological resources, including sensitive natural communities, protected trees to be retained, and special-status wildlife habitats, and how to avoid take of listed species. The program will include invasive plant identification and the importance of controlling and preventing the spread of invasive plant infestations.

The environmental awareness program will be provided to all construction personnel to inform them on the life history of special-status species in or adjacent to the Project, the need to avoid impacts on sensitive biological resources, any terms and conditions required by state and federal agencies, and the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the Project, the contractor's superintendent will ensure that the personnel receive the mandatory training before starting work. An environmental awareness handout that describes and illustrates sensitive resources to be avoided during Project construction and identifies all relevant permit conditions will be provided to each person.

**AMM-BIO-3: Retain a Biological Monitor to Conduct Visits during Construction.** The City of Palo Alto will retain a qualified biologist to conduct construction monitoring in and adjacent to all identified environmentally sensitive areas. The frequency of monitoring will range from daily to weekly depending on the biological resource. The monitor, as part of the overall monitoring duties, will inspect the fencing once a week at a minimum in the construction area along the river and drainages that support woody vegetation; surrounding native trees and woodlands; and special-status plants. The biological monitor will assist the construction crew as needed to comply with all Project implementation restrictions and guidelines. The biological monitor also will be responsible for ensuring that the contractor maintains the staked and flagged perimeters of the construction area and staging areas adjacent to sensitive biological resources.

**AMM-BIO-4: Avoid and Minimize Potential Disturbance of Valley Foothill Riparian**

**Community.** The City of Palo Alto and its construction contractor will avoid and minimize potential disturbance of the valley foothill riparian community by implementing the following measures.

- The potential for long-term loss of woody vegetation will be minimized by trimming vegetation rather than removing entire shrubs. Shrubs that need to be trimmed will be cut at least 1 foot above ground level to leave the root systems intact and allow for more rapid regeneration. Cutting will be limited to the minimum area necessary within the construction zone.
- A certified arborist will be retained to perform any necessary pruning or root cutting of retained trees.
- The areas that undergo vegetative pruning will be inspected immediately before construction, immediately after construction, and 1 year after construction to determine the amount of pre-Project vegetative cover, cover that has been removed, and cover that regrows. After 1 year, if vegetation in these areas has not regrown sufficiently to return the cover to the pre-Project level, the City of Palo Alto will replant the areas with native species to reestablish the cover to the pre-Project condition.

**AMM-BIO-5. Protect Water Quality and Prevent Erosion and Sedimentation in San**

**Francisquito Creek.** The City of Palo Alto and its construction contractor shall ensure the construction specifications include water quality protection and erosion and sediment control BMPs, based on standard Caltrans requirements, to minimize construction-related contaminants and mobilization of sediment to the San Francisquito Creek.

The construction contractor will select BMPs to achieve maximum sediment removal and represent the best available technology that is economically achievable. BMPs are subject to review and approval by the City of Palo Alto. The City will perform routine inspections of the construction area to verify the BMPs are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance.

The BMPs will include, but are not limited to, the following.

- All earthwork or foundation activities involving San Francisquito Creek and the bridge will occur in the dry season (between June 1 and October 15).
- A netting and tarp system will be implemented at the bridge site to prevent and minimize debris from entering the river during demolition and construction activities.
- Equipment used around San Francisquito Creek will be in good working order and free of dripping or leaking engine fluids. All vehicle maintenance will be performed at least 300 feet from all drainages and wetlands. Any necessary equipment washing will be carried out where the water cannot flow into drainages or wetlands.
- A hazardous material spill prevention control and countermeasure plan will be developed before construction begins that will minimize the potential for and the

effects of hazardous or toxic substances spills during construction. The plan will include storage and containment procedures to prevent and respond to spills and will identify the parties responsible for monitoring the spill response. During construction, any spills will be cleaned up immediately according to the spill prevention and countermeasure plan. The City of Palo Alto will review and approve the contractor(s)' toxic materials spill prevention control and countermeasure plan before allowing construction to begin. The following types of materials will be prohibited from being rinsed or washed into the streets, shoulder areas, or gutters: concrete, solvents and adhesives, thinners, paints, fuels, sawdust, dirt, gasoline, asphalt and concrete saw slurry, and heavily chlorinated water.

- Baseline turbidity, pH, specific conductance, and temperatures in the San Francisquito Creek channel will be measured when flow is present. As required by the Regional Water Quality Control Board (RWQCB), water quality standards specified in the Basin Plan standards will not be exceeded over the natural in-situ conditions. If dewatering activities are required, water samples will be taken periodically during construction.
- Any surplus concrete rubble, asphalt, or other rubble from construction will be taken to a local landfill.
- An erosion and sediment control plan will be prepared and implemented for the proposed Project. It will include the following provisions and protocols. The stormwater pollution prevention plan for the Project will detail the applications and type of measures and the allowable exposure of unprotected soils.
  - Discharge from dewatering operations, if needed, and runoff from disturbed areas will be made to conform to the water quality requirements of the waste discharge permit issued by the RWQCB.
  - Temporary erosion control measures, such as sandbagged silt fences, will be applied throughout construction of the proposed Project and will be removed after the working area is stabilized or as directed by the engineer. Soil exposure will be minimized through use of temporary BMPs, groundcover, and stabilization measures. Exposed dust-producing surfaces will be sprinkled daily, if necessary, until wet; this measure will be controlled to avoid producing runoff. Paved streets will be swept daily following construction activities.
  - The contractor will conduct periodic maintenance of erosion and sediment control measures.
  - An appropriate seed mix of native species will be planted on disturbed areas upon completion of construction.
  - The contractor will cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways.
  - The contractor will enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways. Material stockpiles will be located in non-traffic areas only. Side slopes will not



be steeper than 2:1. All stockpile areas will be surrounded by a filter fabric fence and interceptor dike.

- Runoff from disturbed areas will be contained and filtered by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
- Other temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary re-vegetation or other ground cover) will be used to control erosion from disturbed areas as necessary.
- The contractor will avoid depositing or placing earth or organic material where it may be directly carried into the channel.

**AMM-BIO-9: Avoid Work during Active Breeding and Dispersal Period for Special-Status Frogs (October 15 through June 1).** The City of Palo Alto's contractor will conduct site preparation and construction activities that involve earthwork, other ground disturbance, and/or vehicle traffic through frog-sensitive areas (intermittent stream and riparian habitat) outside the period when special-status frogs are actively breeding and dispersing (October 15 through June 1).

**AMM-BIO-10: Conduct Preconstruction Surveys at Work Sites in and near Frog-Sensitive Areas (no more than 3 days prior to onset of construction).** No more than 3 days prior to the onset of site preparation and construction activity at each site, a qualified wildlife biologist will conduct a preconstruction survey for special-status frogs within the Project footprint. The survey will cover all areas where special-status frogs may be present or concealed, including cracks, burrows, vegetation adjacent to wet areas, and other temporary refugia, as well as any riparian or intermittent stream habitat affected. If special-status frogs are determined to be absent from the Project footprint, no further action will be required with regard to these species. If any special-status amphibians are found within the Project footprint, whenever possible, construction work in their vicinity will be avoided until they have moved outside of the Project area of their own volition.

**AMM-BIO-11: Provide Construction Worker Awareness Training for Special-Status Frogs.** The City of Palo Alto will provide, or require contractors to provide, worker awareness training for construction personnel to enable them to recognize special-status frogs and other aquatic and riparian wildlife. Trained construction personnel will also understand where sensitive resource areas are within the construction zone so they can minimize their impact on upland (dispersal and aestivation) habitat. Training will be presented by a qualified wildlife biologist experienced in training non-specialists. The training program will include at least the following: a description of the special-status species likely to use the site, and their habitat needs; photographs of these species; an explanation of the legal status of these species and their protection under the Endangered Species Act (ESA) and other laws and regulations; a list of measures being taken to reduce effects to these species

during Project construction; and distribution of a fact sheet summarizing training content. The City of Palo Alto will also distribute, or require contractors to distribute, the training summary fact sheet to anyone else who may enter the Project site. Upon completion of training, employees will sign a form stating that they attended the training and understand all the conservation and protection measures.

**AMM-BIO-12: Install Exclusion Fencing and Conduct Construction Monitoring for Special-Status Frogs.** Once it has been determined that no special-status frogs are present on the Project site, the City of Palo Alto's contractor will install barrier fencing along the perimeter of the work area where necessary to ensure that frogs do not enter the site during construction. Fencing will be installed promptly (within 3 days) after clearance surveys are performed, to prevent frogs from entering the work area. A qualified biologist will be present during the installation of exclusion fencing, will determine which areas need to be monitored on a daily basis during construction activities to avoid harm to California red-legged frog, and will be responsible for follow-up monitoring as needed. The monitor will inspect and maintain the integrity of the exclusion fencing.

**AMM-BIO-13: Limit Stream Bank Construction to Dry Season (June 1 through October 15).** The City of Palo Alto's contractor will limit stream bank construction from June 1 to October 15 in order to avoid the migratory season for adult steelhead. This timing will also limit any excess sedimentation and runoff from entering the San Francisquito Creek.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of the Mitigation Measure BIO-1 and AMMs BIO-1 through AMM-BIO-5 and AMM-BIO-9 through AMM-BIO-13, impacts on water quality and habitat would be reduced. In addition, work would be seasonally limited to avoid the breeding season and worker awareness and biological monitoring would be required. With implementation of these measures, impacts on California red-legged frog, Central California Coast steelhead, and essential fish habitat would be reduced. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure BIO-1 and AMMs BIO-1 through AMM-BIO-5 and AMM-BIO-9 through AMM-BIO-13, as specified above, would reduce all potential impacts to less than significant.

**Impact BIO-b: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.** Construction of the Project on the proposed alignment would result in permanent loss of some riparian vegetation along San Francisquito Creek within the Project footprint.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.3.1, *Natural Communities*, and Section 3.2.4, *Biological Resources*, of the EIR.

**b) Mitigation Measures.** Mitigation Measure BIO-1 and AMMs BIO-1 through AMM-BIO-5, as described above, will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Implementation of Mitigation Measure BIO-1 as well as AMM-BIO-1 through AMM-BIO-5 would reduce impacts on valley foothill riparian and require compensation for the permanent loss of valley foothill riparian. In addition, implementation of these measures would ensure that the proposed Project minimizes direct and indirect effects on intermittent stream habitat. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure BIO-1 and AMM-BIO-1 through AMM-BIO-5, as specified above, would reduce all potential impacts to less than significant.

**Impact BIO-c: Have a substantial adverse effect on 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.** Activities associated with the removal of existing abutments, construction of new abutments and the installation of check dams would result in direct impacts within the creek, which is considered a water of the state and a water of the U.S. Additionally, indirect impacts on intermittent stream habitat could occur from construction activity due to erosion and sedimentation and discharge of pollutants into the creek.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.3.2, *Wetlands and Other Waters*, and Section 3.2.4, *Biological Resources*, of the Final EIR.

**b) Mitigation Measures.** Mitigation measures AMM-BIO-1 through AMM-BIO-5, as described above, will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Implementation of AMM-BIO-1 through AMM-BIO-4 minimize the impacted area, increase construction worker awareness of potential impacts, and require a biological monitor during construction to monitor activities and reduce impacts on wildlife. AMM-BIO-5 would ensure that the proposed Project minimizes direct and indirect effects on intermittent stream habitat and waters of the U.S. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Implementation of AMM-BIO-1 through AMM-BIO-5, as specified above would reduce all potential impacts to less than significant.

**Impact BIO-d: 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.** Activities associated with bridge removal and reconstruction and revegetation could increase erosional processes, thereby increasing sedimentation and turbidity in downstream waterways. Excessive sediment deposited in or near stream channels can degrade aquatic habitats. Increased turbidity can increase fish mortality, reduce feeding opportunities for fish including rearing steelhead, and cause fish to avoid important habitat, causing impacts on migratory fish. Impacts are potentially significant and the following mitigation measure and avoidance and minimization measures are proposed.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.3.1, *Natural Communities*, and Section 3.2.4, *Biological Resources*, of the Draft EIR.

**b) Mitigation Measures.** Mitigation Measures MM-BIO-1, AMM-BIO-1 through AMM-BIO-5, and AMM-BIO-9 through AMM-BIO-13, as described above, will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of the Mitigation Measure BIO-1 and AMM BIO-1 through AMM-BIO-5 and AMM BIO-9 through AMM-BIO-13, would reduce the area of temporary and permanent disturbance, require biological monitoring and preconstruction surveys, increase worker awareness, limit the time period of in-creek construction to the dry season, and reduce erosion and siltation that can result in increased turbidity. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Implementation of MM-BIO-1, AMM-BIO-1 through AMM-BIO-5, and AMM-BIO-9 through AMM-BIO-13, as specified above would reduce all potential impacts to less than significant.

**Impact BIO-e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.** The loss of the protected oak and seven other regulated trees (street trees) within the City of Palo Alto would be an impact. However, removal of these trees is allowed in accordance with Palo Alto Municipal Code Section 8.10.050(d)(1). As outlined in the Municipal Code, replacement for these trees is required in accordance with the Tree Technical Manual, which includes a formula for replacement based on the measured size of the canopy lost. In addition, the City of East Palo Alto requires replacement of trees approved for removal in accordance with the East Palo Alto Municipal Code Section 18.28.040(I), which similarly requires replacement of the canopy. However,

because replacement of these trees in accordance with the Tree Technical Manual may not be feasible within the Project area, impacts are potentially significant.

**a) Potential Impact.** The impact identified above is described and discussed in Section 3.2.4, *Biological Resources*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM-BIO-2: Tree Replacement Plan.** The City of Palo Alto shall be required, in accordance with the Tree Protection and Management Regulations (Palo Alto Municipal Code Chapter 8.10) and the Tree Technical Manual (Palo Alto Municipal Code Section 8.10.120), to replace the tree canopy for the eight protected trees, in accordance with the tree canopy formula identified in the Tree Technical Manual (Tree Technical Manual, Section 3.20). If the tree canopy cannot be replaced on-site, the canopy shall be replaced off-site as close to the Project site as feasible. If trees are being replaced off-site, the City applicant must submit a Tree Planting Plan to the Urban Forestry Division and obtain the Urban Forestry Division's approval of the plan prior to issuance of a building permit. The Tree Planting Plan must include the following:

- The canopy calculation for trees removed and the number of trees planned to replace them, consistent with the formula identified in the Tree Technical Manual
- The specific location where the new trees would be planted with specific baseline information about that proposed site (e.g., surrounding vegetation or development)
- The species of trees to be planted
- Specific planting details (e.g., size of sapling, size of containers, irrigation plan)
- Success criteria
- Monitoring and maintenance schedule

Replacement tree planting will be monitored by a qualified arborist. To verify the success of replacement trees, monitoring shall occur for two years after initial planting. After the two-year period, the arborist will determine if the trees are capable of surviving without further maintenance.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Compliance with the East Palo Alto Municipal Code, Palo Alto Municipal Code, and the City of Palo Alto Tree Technical Manual, which is incorporated by reference as part of the Palo Alto Municipal Code, as well as implementation of MM BIO-2 for the replacement of any trees off site, which would ensure that if trees cannot be replaced on site, suitable locations will be found off site, would reduce impacts associated with the removal of the protected and regulated trees. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure-BIO-2, as specified above would reduce all potential impacts to less than significant.

### **Cultural, Paleontological, and Tribal Cultural Resources**

**Impact CUL-c: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.** There is limited archaeological sensitivity within the area of potential effects (APE) and it is not anticipated that previously unidentified prehistoric or historic archaeological sites are located in the APE. However, unknown cultural materials could be discovered during construction.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.16, *Cultural Resources*, and Section 3.2.5, *Cultural Resources*, of the EIR.

**b) Mitigation Measures.** The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-CUL-1:** If cultural materials are discovered during construction, the City of Palo Alto's contractor will cease all earth moving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find and recommend/implement appropriate data collection/recovery activities.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of SM-CUL-1, archeological resources, if discovered during construction, would be protected. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Implementation of SM-CUL-1, as specified above would reduce all potential impacts to less than significant.

**Impact CUL-c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.** For build alternatives 3 and 4, due to excavation activities, there is a potential to disrupt, alter, or eliminate undiscovered archeological resources including those of human remains.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.2.4, *Paleontology*, and Section 3.2.5, *Cultural Resources*, of the EIR.

**b) Mitigation Measures.** If the approved project is build alternative 3 or 4, the following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings. (Because Impact CUL-c was not identified for projects alternative 1, 2, or the No Build Alternative\_, this mitigation measure will not be implemented if either of those alternatives is the approved Project.)

**MM-PA-1: Educate Workers, Stop Work in Case of Discovery of Paleontological Resources, and Prepare and Implement a Recovery Plan.** Given the potential for paleontological resources to be present in construction areas at ground surface and at excavation depths below 5 feet in sensitive geologic units in the Project area, the following measures will be undertaken to avoid any potentially significant effect from the improvements on paleontological resources. Before the start of any excavation, the California Department of Transportation (Caltrans) and the City of Palo Alto will retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology. If paleontological resources are discovered during earthmoving activities, the construction crew will immediately cease work near the find and notify Caltrans and the City of Palo Alto. Construction work in the affected areas will remain stopped or be diverted to allow recovery of fossil remains in a timely manner. Caltrans and the City of Palo Alto will retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (Society of Vertebrate Paleontology 2010). The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by Caltrans and the City of Palo Alto to be necessary and feasible will be implemented before construction activities can resume at the site where the paleontological resources were discovered. Caltrans and the City of Palo Alto will be responsible for ensuring that the paleontologist's recommendations regarding treatment and reporting are implemented.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of the Mitigation Measure PA-1, the project would be required to prepare and implement a Recovery Plan for paleontological resources in the event that they are uncovered due to work in previously undisturbed soil. Therefore, the impacts under build Alternatives 3 and 4 would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measure-PA-1, as specified above would reduce all potential impacts to less than significant.

**Impact CUL-d. Disturb any human remains, including those interred outside of formal cemeteries.** There is limited archaeological sensitivity within the area of potential effects (APE) and it is not anticipated that previously unidentified prehistoric or historic archaeological sites are located in the APE. However, unknown human remains could be discovered during construction.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.16, *Cultural Resources*, and Section 3.2.5, *Cultural Resources*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-CUL-2:** If human remains are discovered, California Health and Safety Code Section 7050.5 requires that the contractor will stop further disturbances and activities in any area or nearby area suspected to overlie remains, and the contractor will contact the County Coroner. Pursuant to Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), which will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will contact the Caltrans District 4 Office of Local Assistance archaeologist so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC Section 5097.98 shall be followed as applicable.

**c) Finding and Rationale:** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. In the event of the unanticipated discovery of human remains, implementation of SM-CUL-2 would reduce impacts by stopping construction activities within the area of the remains until the remains are properly treated in accordance with state regulations.

**d) Remaining Impact:** Implementation of SM-CUL-2 specified above would reduce all potential impacts to less than significant.

### **Geology and Soils**

**Impact GEO-aii: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.** The Project area is likely to experience strong ground shaking due to earthquake during the life of the Project. Therefore, the project, if not properly designed could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.2.3, *Geology/Soils/Seismic/Topography*, and Section 3.2.6, *Geology and Soils*, of the EIR.



**b) Mitigation Measures.** The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-GEO-1:** The City of Palo Alto will adhere to current Caltrans Seismic Design Criteria (SDC) for bridge design and construction.

**c) Finding and Rationale:** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Implementation of SM-GEO-1 would reduce the effects from earthquakes and the potential for damage resulting from strong ground shaking due to earthquake.

**d) Remaining Impact:** Implementation of SM-GEO-1, as specified above, would reduce all potential impacts to less than significant.

**Impact GEO-aiii: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.** The Project area contains soils that have a risk of liquefaction, which could result in structural damage to the bridge during an earthquake.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.2.3, *Geology/Soils/Seismic/Topography*, and Section 3.2.6, *Geology and Soils*, of the EIR.

**b) Mitigation Measures.** The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-GEO-1:** The City of Palo Alto will adhere to current Caltrans Seismic Design Criteria (SDC) for bridge design and construction.

**c) Finding and Rationale:** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Implementation of SM-GEO-1 would ensure that the bridge is properly designed so as to not exacerbate the liquefaction tendencies of soils present at the site. Accordingly, effects from earthquakes would be minimized, and the potential for damage resulting from liquefaction due to earthquake would be reduced.

**d) Remaining Impact:** Implementation of SM-GEO-1, as specified above, would reduce all potential impacts to less than significant.

**Impact GEO-b: Result in substantial soil erosion or the loss of topsoil.** Site preparation and grading associated with Project construction activities would potentially expose bare soil to erosive forces.

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.2.3, *Geology/Soils/Seismic/Topography*, and Section 3.2.5, *Cultural Resources*, of the EIR.

**b) Mitigation Measures.** The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-WQ-2: Prepare and Implement Stormwater Pollution Prevention Plan (SWPPP).** The project will comply with the Construction General Plan by preparing and implementing a SWPPP to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level. The SWPPP will identify the sources of pollutants that may affect the quality of storm water and include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management, and non-storm water BMPs. All work must conform to the construction site BMP requirements specified in the latest edition of the Caltrans Construction Site Best Management Practices Reference Manual (California Department of Transportation 2011) to control and minimize the impacts of construction and construction-related activities, materials, and pollutants on the watershed. These include, but are not limited to, temporary sediment control, temporary soil stabilization, scheduling waste management, materials handling, and other non-storm water BMPs. In addition, a temporary creek flow diversion will be installed prior to any construction to prevent sediments from washing downstream. Temporary BMPs will be selected and identified in the SWPPP to protect water bodies, within or near the project limits, from potential storm water runoff resulting from construction activities. Temporary sediment and erosion control measures may include the following.

- Fiber rolls and/or silt fences.
- Gravel bag berm.
- Rolled erosion-control product (e.g., netting).
- Designated construction entrance/exit.
- Re-establishment of vegetation or other stabilization measures (hydroseeding, mulch) on DSAs and newly constructed slopes.
- Wind erosion control.

**c) Finding and Rationale:** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Standardized Measure-WQ-2 would require that Project would incorporate BMPs that include but are not limited to stabilizing soil through mulching, hydroseeding, use of soil binders, or other means; temporary sediment control measures; and wind erosion control measures, reducing impacts associated with soil erosion.

**d) Remaining Impact:** Implementation of SM-WQ-2 specified above would reduce all potential impacts to less than significant.

**Impact GEO-C: 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.**

**Impact GEO-D: Would the project expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques.** Unstable soils are present in the study area and the potential for lateral spreading in the Project area is high.

**a) Potential Impact.** The impacts identified above are described and discussed in Section 2.2.3, *Geology/Soils/Seismic/Topography*, and Section 3.2.6, *Geology and Soils*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-GEO-1:** The City of Palo Alto will adhere to current Caltrans Seismic Design Criteria (SDC) for bridge design and construction.

**c) Finding and Rationale:** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. SM-GEO-1 would ensure that the bridge is designed so as to reduce effects from earthquakes, and the potential for damage resulting from unstable soils, lateral spreading due to earthquake-induced liquefaction.

**d) Remaining Impact:** Implementation of SM-GEO-1 specified above would reduce all potential impacts to less than significant.

### **Hazardous Waste and Materials**

**Impact HAZ-a: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

**Impact HAZ-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.** Impacts from lead contamination from paint could occur where reconstruction of the bridge involves disturbing or removing the existing paint, which could create a hazard to the public or to the environment during routine transport, use or disposal of hazardous materials or through upset and accident conditions. In addition,

construction activities could produce dust, which could expose workers or nearby residents and business occupants to lead via inhalation.

**a) Potential Impact.** The impacts described above are discussed in Section 2.2.5, *Hazardous Waste/Materials*, and Section 3.2.8, *Hazards and Hazardous Materials*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**MM-HAZ-1: Properly Dispose of and Abate Potential Lead-Based Paint.** All paint will be treated as lead-containing for the purposes of complying with Division of Occupational Safety and Health worker safety requirements, which apply to all worksites where construction workers may be exposed to lead. The California Department of Transportation (Caltrans) and the City of Palo Alto will have all lead-based paint abated and removed by a licensed lead-based paint contractor. The licensed lead-based paint contractor shall dispose of all lead-based paint or coatings at landfills that meet acceptance criteria for the waste being disposed.

**MM-HAZ-2: Properly Handle and Dispose of Potentially Contaminated Soils and Materials** Caltrans and the City of Palo Alto's contractor shall stockpile soil generated by construction activities on site in a secure and safe manner. All contaminated soils determined to be hazardous or nonhazardous waste shall be adequately profiled (i.e., sampled and analyzed) prior to acceptable reuse or disposal at an appropriate offsite facility. Specific sampling, handling, and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal agencies' laws, in particular the Regional Water Quality Control Board, the Department of Toxic Substances Control, the City of Palo Alto, the City of East Palo Alto, Santa Clara County, and San Mateo County. Material from existing roadway or bridge elements that is removed or modified by the contractor will be handled and disposed of in accordance with all local, state, and federal requirements.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of the Mitigation Measures HAZ-1 and HAZ-2, impacts associated with the removal of lead-based paint and the presence of construction related dust that could be contaminated would be minimized through proper handling and disposal of paint and soil. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Mitigation Measures HAZ-1 and HAZ-2 specified above would reduce all potential impacts to less than significant.

**Impact HAZ-g: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.** During construction of the Project, the existing Newell Road Bridge would be closed to vehicles, including emergency services. As a result, first responders would have to use other existing nearby crossings (University Avenue and West Bayshore Road).

**a) Potential Impact.** The impact described above is discussed in Section 2.1.3, *Utilities and Emergency Services*, and Section 3.2.8, *Hazards and Hazardous Materials*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-TR-1: A Traffic Management Plan will be prepared by the Project proponent or its contractor.** A Traffic Management Plan (TMP) will be prepared by the City of Palo Alto or its contractor (and approved by the City of Palo Alto), and will be implemented by the contractor during construction activities. The TMP will contain requirements for public noticing, traffic control implementation, signage, property and business access, parking, and safety during construction. It also will contain information about the construction schedule and detours.

- Advance notice and coordination with businesses and property owners will be included in the TMP to minimize any potential temporary impacts on commute times.
- Advance notice and coordination with emergency service providers will be included in the TMP to minimize any potential temporary impacts on response times.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of SM TR-1, advance notice and coordination with emergency service providers will be included in the Traffic Management Plan to minimize any potential temporary impacts on response times. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Implementation of SM-TR-1, as specified above would reduce all potential impacts to less than significant.

## **Hydrology and Water Quality**

**Impact WQ-a. Violate any water quality standards or waste discharge requirements.**

**Impact WQ-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.**

**Impact WQ-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.**

**Impact WQ-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.**

**Impact WQ-f. Otherwise substantially degrade water quality.**

During construction, potential short-term increases in turbidity would result from soil erosion and suspended solids being introduced into San Francisquito Creek from both in-water and land construction activities. As a result, temporary increases in turbidity may occur in the immediate area and potentially downstream. Therefore, these construction activities could violate water quality standards or waste discharge requirements related to turbidity since the waterbody is already impaired for sediment, and would have the potential to result in adverse effects on the physiology, behavior, and habitat of aquatic life.

**a) Potential Impact.** The impacts described above are discussed in Section 2.2.2, *Water Quality and Storm Water Runoff*, and Section 3.2.9, *Hydrology and Water Quality*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-WQ-1: Implement National Pollutant Discharge Elimination System (NPDES) Permit and Construction General Permit Water Quality Measures.** The Project will comply with the provisions of the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Storm water NPDES Permit (Order No. R2-2015-0049-DWQNPDES No. CAS612008) and the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) Order No. 2009-0009-DWQ, NPDES No. CAS000002 as amended by 2010-0014-DWQ and 2012-0006-DWQ and any subsequent permits in effect at the time of construction. In addition, the City of Palo Alto and/or its construction contractor shall ensure the construction specifications include water quality protection and erosion and

sediment control BMPs to minimize construction-related contaminants and mobilization of sediment to San Francisquito Creek. The City will perform routine inspections of the construction area to verify the BMPs are properly implemented and maintained.

**SM-WQ-2: Prepare and Implement SWPPP.** The project will comply with the Construction General Plan by preparing and implementing a SWPPP to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level. The SWPPP will identify the sources of pollutants that may affect the quality of stormwater and include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management, and non-storm water BMPs. All work must conform to the construction site BMP requirements specified in the latest edition of the Caltrans Construction Site Best Management Practices Reference Manual (California Department of Transportation 2011) to control and minimize the impacts of construction and construction-related activities, materials, and pollutants on the watershed. These include, but are not limited to, temporary sediment control, temporary soil stabilization, scheduling waste management, materials handling, and other non-stormwater BMPs. In addition, a temporary creek flow diversion will be installed prior to any construction to prevent sediments from washing downstream. Temporary BMPs will be selected and identified in the SWPPP to protect water bodies, within or near the project limits, from potential stormwater runoff resulting from construction activities. Temporary sediment and erosion control measures may include the following.

- Fiber rolls and/or silt fences.
- Gravel bag berm.
- Rolled erosion-control product (e.g., netting).
- Designated construction entrance/exit.
- Re-establishment of vegetation or other stabilization measures (hydroseeding, mulch) on DSAs and newly constructed slopes.
- Wind erosion control.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of SM-WQ-1 and SM-WQ-2, water quality protection measures would be implemented during construction to prevent or minimize sediment and suspended solids from entering the creek. In addition, the Project design would incorporate post-construction measures and other permanent erosion control elements to ensure that stormwater runoff would not cause soil erosion, and to reduce or avoid permanent impacts on water quality. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Implementation of SM-WQ-1 and SM-WQ-2, as specified above would reduce all potential impacts to less than significant.

## **Noise**

**Impact NOI-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.**

**Impact NOI-b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.**

**Impact NOI-c. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.**

Noise from Project construction activities may intermittently dominate the noise environment in the immediate area of construction. Equipment operations associated with demolition and building activities would be a source of noise. Implementation of detours may increase noise in some areas as a result of temporarily diverted traffic. Noise increases during construction could be substantial at nearby residences. In addition, the operation of heavy equipment would generate localized groundborne vibration during construction of the Project. For construction activities of the bridge, a pile driver, which is considered to be impact equipment, would be required. The level of vibration generated by pile driving and transmitted to nearby structures would depend on the type of pile driver used and site-specific soil properties. Some existing homes are located 25 to 50 feet from where the pile driver could be operated, and under average soil conditions, those homes could be exposed to vibration levels in excess of the 0.3 and 0.4 inches per second PPV thresholds at which vibration may damage older residential structures and be severely perceptible to observers, respectively. Vibration impacts may also be potentially significant for homes located within approximately 50 feet of the construction site when the use of non-impact construction equipment (i.e., a large bulldozer) occurs. These residences could experience vibration levels as high as 0.089 inches per second PPV, which would exceed the threshold of perceptibility and could cause annoyance.

**a) Potential Impact.** The impact described above is discussed in Section 2.2.7, *Noise*, and Section 3.2.12, *Noise*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-NOI-1.** The City of Palo Alto's construction contractor must comply with Caltrans Standard Specifications Section 14-8.02, Noise Control, which states the following:

- Control and monitor noise resulting from work activities.
- Do not exceed 86 A-weighted decibels (dBA) at 50 feet from the job site activities from 9:00 p.m. to 6:00 a.m.



**SM-NOI-2:** All equipment used by the City of Palo Alto's contractor will have sound-control devices that are no less effective than those provided on the original equipment. No equipment will have an unmuffled exhaust.

**SM-NOI-3:** The City of Palo Alto and/or its construction contractor will do the following.

- Review and ensure that construction activities are conducted in accordance with local noise standards from the cities of Palo Alto and East Palo Alto.
- Implement additional noise mitigation measures, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity to allowed timeframes, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources, as appropriate.

**MM-NOI-1: Provide advance notification of construction schedule and 24-hour hotline to residents.** The City of Palo Alto's construction contractor will provide advance written notification of the proposed construction activities to all residences and other noise-sensitive uses within 750 feet of the construction site. Notification will include a brief overview of the proposed project and its purpose, as well as the proposed construction activities and schedule. It will also include the name and contact information of the project manager at the City of Palo Alto or another City of Palo Alto representative or designee responsible for ensuring that reasonable measures are implemented to address the problem.

**MM-NOI-2: Designate a noise disturbance coordinator to address resident concerns.** The City of Palo Alto's construction contractor will designate a representative to act as construction noise disturbance coordinator, responsible for resolving construction noise concerns. The disturbance coordinator's name and contact information will be included in the preconstruction notices sent to area residents, per MM-NOI-1. The coordinator will be available during regular business hours to monitor and respond to concerns; if construction hours are extended, the disturbance coordinator will also be available during the extended hours. In the event a noise complaint is received, she or he will be responsible for determining the cause of the complaint and ensuring that all reasonable measures are implemented to address the problem.

**MM-NOI-3: Install temporary noise barriers.** As described in MM-NOI-1 and MM-NOI-2, the City of Palo Alto's construction contractor will notify noise-sensitive land uses near the site of upcoming activity before construction begins, will require construction-site noise reduction measures, and will provide a 24-hour complaint hotline. If a resident or other noise-sensitive person submits a complaint about construction noise and the contractor is unable to reduce noise to a level that does not cause annoyance or disruption to adjacent land uses through other means, the contractor will install temporary noise barriers to reduce noise levels below the applicable construction noise

standard. Barriers will be installed as promptly as possible, and work responsible for the disturbance will be suspended or modified until barriers have been installed. The following minimum criteria will be required of the contractor.

- The barrier will be 10 feet tall. It will surround the work area to block the line of sight for all diesel-powered equipment on the ground, as viewed from any private residence or any building.
- The barrier will be constructed of heavyweight plywood (5/8 inch thick) or other material providing a Sound Transmission Classification of at least 25 dBA. Note that 5/8 inch is sufficiently thick to provide optimal noise buffering; increasing the thickness of the barrier above 5/8 inch would not provide a noticeable improvement in noise reduction.
- The barrier will be constructed with no gaps or holes that would allow noise to transmit through the barrier.
- To minimize reflection of noise toward workers at the construction site, the surface of the barrier facing the workers will be covered with a sound-absorbing material meeting a Noise Reduction Coefficient of at least 0.70.

**MM-NOI-4: Conduct construction vibration monitoring and implement control approach(es).** During periods of construction, the City of Palo Alto's construction contractor will retain a qualified acoustical consultant or engineering firm to conduct vibration monitoring at homes or occupied vibration-sensitive buildings located within 315 feet<sup>3</sup> of pile driving locations and 25 feet of construction sites using other non-impact equipment. If at any point the measured PPV is in excess of 0.3 in/sec, construction activity will cease and alternative methods of construction and excavation will be considered to prevent possible exposure of vibration-sensitive buildings and structures to levels of 0.3 in/sec PPV or higher. Prior to construction activity, and assuming the property owner gives permission, a preconstruction survey will be conducted that documents any existing cracks or structural damage at vibration-sensitive receptors located within the distances identified above by means of color photography or video. Additionally, a designated complaint coordinator will be responsible for handling and responding to any complaints received during such periods of construction. The construction contractor will also implement a reporting program that will be required to document complaints received, actions taken, and the effectiveness of these actions in resolving disputes.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. Construction noise is controlled by Caltrans Standard Specifications Section 14-8.02, Noise Control and local noise standards (see SM-NOI-1, SM-NOI-2, and

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<sup>3</sup> Beyond 315 feet, vibration from pile driving would attenuate to less than 0.4 inches per second and thus less than the distinctly perceptible threshold.

SM-NOI-3 in Section 2.2.7.4, *Avoidance, Minimization, and/or Mitigation Measures*) and with adherence to SM-NOI-1, SM-NOI-2, and SM-NOI-3, these potential impacts would be reduced. This potential impact would be further minimized through implementation of mitigation measures MM-NOI-1, MM-NOI-2, and MM-NOI-3, which would ensure that construction noise does not cause excessive increases in ambient noise levels at any noise-sensitive land uses. These mitigation measures would provide advance notice to nearby residences, designate a disturbance coordinator to handle resident complaints, and install noise barriers to further attenuate noise. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Implementation of MM-NOI-1, MM-NOI-2, MM-NOI-3, and MM-NOI-4, and SM-NOI-1, SM-NOI-2, and SM-NOI-3, as specified above, would reduce all potential impacts to less than significant.

### **Transportation**

**Impact TRA-a: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit**

**Impact TRA-b: Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways**

**a) Potential Impact.** The impact identified above is described and discussed in Section 2.1.4, *Traffic and Transportation/Pedestrian and Bicycle*, and Section 3.2.16, *Transportation/Traffic*, of the EIR.

**b) Finding and Rationale.** Table 2.1.4-2 shows the LOS and delay for diverted traffic from Newell Road Bridge to University Avenue during construction. The Woodland Avenue/University Avenue intersection would continue to operate at LOS D during the a.m. and p.m. peak periods. However, the East Crescent Drive/University Avenue intersection would operate at unacceptable LOS F and E during the a.m. and p.m. peak periods respectively, exceeding the CEQA delay threshold of 4 seconds.

Although this would be a temporary impact, impacts are potentially significant during construction. There is no feasible mitigation to reduce this impact. It is not feasible to keep the bridge open during construction due to the constricted area surrounding the bridge.

**c) Remaining Impact.** Significant and unavoidable.

**Impact TRA-e: Result in inadequate emergency access.** The existing Newell Road Bridge would be closed to vehicles, including emergency services. As a result, first responders would have to use other existing nearby crossings (University Avenue and West Bayshore Road).

**a) Potential Impact.** The impact described above is discussed in Section 2.1.3, *Utilities and Emergency Services*, and Section 3.2.8, *Hazards and Hazardous Materials*, of the EIR.

**b) Mitigation Measures.** The following mitigation measures will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings.

**SM-TR-1: A Traffic Management Plan will be prepared by the Project proponent or its contractor.** A Traffic Management Plan (TMP) will be prepared by the City of Palo Alto or its contractor (and approved by the City of Palo Alto), and will be implemented by the contractor during construction activities. The TMP will contain requirements for public noticing, traffic control implementation, signage, property and business access, parking, and safety during construction. It also will contain information about the construction schedule and detours.

- Advance notice and coordination with businesses and property owners will be included in the TMP to minimize any potential temporary impacts on commute times.
- Advance notice and coordination with emergency service providers will be included in the TMP to minimize any potential temporary impacts on response times.

**c) Finding and Rationale.** Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect identified in the EIR. With implementation of SM TR-1, advance notice and coordination with emergency service providers will be included in the Traffic Management Plan to minimize any potential temporary impacts on response times. Therefore, the impacts would be less than significant with mitigation incorporated.

**d) Remaining Impact.** Implementation of SM-TR-1, as specified above would reduce all potential impacts to less than significant.

### **SECTION 3. Findings on Project Alternatives**

#### **Feasibility of Project Alternatives**

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available

which would substantially lessen the significant environmental effects of [the] project.” Where a lead agency determines that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether there are any project alternatives that are feasible within the meaning of CEQA and that would substantially lessen or avoid the project's significant impacts. Although an EIR must evaluate this range of *potentially* feasible alternatives, a lead agency’s decision-making body may ultimately conclude that a potentially feasible alternative is actually infeasible. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4<sup>th</sup> 957, 1001-1002.) CEQA Guidelines Section 15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site ....”

Grounds for a conclusion of infeasibility might be the failure of an alternative to fully satisfy project objectives deemed to be important by decision-makers, or the fact that an alternative fails to promote policy objectives of concern to such decision-makers. (*Id.* at 992, 1000-1003.) The definition of feasibility encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by substantial evidence. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of a proposed project as mitigated, the decision-makers may reject the alternative for such reasons.

CEQA Guidelines Section 15126.6(f) states that the range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Further CEQA Guidelines Section 15126(a) requires that an EIR describe a reasonable range of alternatives that would “feasibly obtain most of the basic project objectives” but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. CEQA case law has further indicated that the lead agency has the discretion to determine how many alternatives constitute a “reasonable range” and that an EIR need not present alternatives that are incompatible with fundamental project objectives. Thus, the project objectives described in the EIR provided the framework for defining the possible alternatives. Based upon guidance contained in the CEQA Guidelines and applicable case law as well as the project objectives, the EIR considered four build alternatives including the proposed Project (referred to in the EIR as Build Alternative 2 (LPA): as well as the no project alternative (referred to as the No Build Alternative) as required by CEQA.

The City Council finds that a good faith effort was made to evaluate a reasonable range of potentially feasible alternatives in the EIR that are reasonable alternatives to the project and could feasibly obtain most of the basic objectives of the project, even when the alternatives might impede the attainment of some of the project’s objectives.

There are no feasible build alternatives or mitigation that could substantially reduce or eliminate the identified significant transportation impact. Due to the constricted area surrounding the bridge, closure of Newell Road bridge is necessary for construction of any of the build alternatives. Therefore, the proposed project as well as all build alternatives would have a significant and unavoidable impact to traffic during construction.

### **Alternatives to the Proposed Project**

#### **A. No Project Alternative (No Build Alternative)**

##### **1. Description**

Under the No Project Alternative, no changes would be made to the existing bridge and approaches. No construction activities would occur and there would be no change in the operations of the existing facilities.

##### **2. Comparison to Proposed Project**

Since the No Build Alternative would preserve the existing conditions, it would have a lesser environmental impact on all environmental resources, except hydrology. Therefore, the No Project Alternative is the environmentally superior alternative. At the same time, the No Project Alternative would not include the environmental benefits of the proposed Project, as discussed below and more fully in the EIR.

##### **3. Finding**

Although there would be no new environmental impacts from the No Project Alternative, this alternative would not meet or achieve any of the project objectives. It would not include roadway improvements including new bike and pedestrian facilities, and thus would not improve safe pedestrian and bicycle access across the bridge, nor would it allow for improved vehicular safety. Under the No Project Alternative, the flooding risk along San Francisquito Creek would not be addressed. The existing bridge flow that can pass under is 6,600 cfs, which can handle the existing flow of 5,400 cfs, but would not be sufficient to handle the future natural creek flow of 7,500 cfs for the 70-year storm event. The two existing bridge restrictions within San Francisquito Creek would remain as 5,400 CFS and 6,600 CFS for Pope/Chaucer and Newell Road bridges, respectively, far below the natural creek flow capacity of 7,500 cfs. The No Project Alternative would also not include additional environmental benefits of the proposed Project, including, but not limited to, bank stabilization that would improve creek hydrology and water quality. In each of these respects, the No Project Alternative would not achieve the environmental and other benefits of the proposed project and the other build alternatives.

The No Project Alternative may be environmentally superior in a technical sense in that, without demolition of the bridge, it avoids the identified significant unavoidable impact that would occur during the construction period, and other potential impacts. However, as discussed above, this alternative would fail to achieve any of the project's objectives and is therefore rejected as infeasible.

B. Build Alternative 1

1. Description

Under Build Alternative 1, the existing bridge would be demolished and replaced with a one-lane bridge with two-way traffic (under signal control) on the existing alignment of Newell Road. Bicycle access across the bridge would be via a shared vehicle/bicycle lane and would be subject to the traffic signal control for the bridge. Complete signalization of the intersections of Newell Road with Woodland Avenue and Edgewood Avenue would be required to control the direction of travel on the bridge and adjacent roadways. One additional signal would be provided for the sole residential driveway on the Palo Alto side of the bridge to indicate the direction of traffic on Newell Road at all times.

2. Comparison to Proposed Project

Alternative 1 would result in longer delays at Newell Road/Woodland Avenue (North Leg) and Newell Avenue/Edgewood Drive compared to the proposed project and other build alternatives. The number of required easements would be similar to the proposed project and the anticipated impacts on paleontological resources would be less than significant, similar to the proposed project. Impacts to trees would be substantially similar to those under the proposed project. The area of disturbance would be the same (45,000 sf) but there would be less impervious surface added (666 sf versus 1,700 sf) because the single lane bridge would be narrower than a two-lane bridge.

3. Findings

The City Council finds that Build Alternative 1 would not reduce any significant and unavoidable impact of the proposed project because closure of the existing bridge would be required for construction of Alternative 1, similar to the proposed project. Although this alternative would slightly reduce the total impervious surface of the project, it would permanently increase impacts on traffic, specifically at the Newell Road/Woodland Avenue (North Leg) and Newell Avenue/Edgewood Drive intersections. Build Alternative 1 would provide bicycle access across the bridge via shared vehicle/bicycle lanes (sharrows) (10-foot-wide travel lanes for vehicles and 4-foot-wide shoulders for bicyclists), similar to the proposed project. However, bicycles would only be allowed to travel in the

same direction as the vehicle traffic. Control of bicyclist movement would rely on the ability/willingness of bicyclists to obey the traffic signals at each intersection. Overall, although Alternative 1 meets the project objectives, it would not meet the objectives as well as the proposed project. Specifically, the installation of traffic signals and the change from a two-lane bi-directional bridge to a one-lane bi-directional bridge would be less desirable for multi-modal circulation. Bicyclists and vehicles would be required to stop at traffic lights, resulting in delays in comparison to the proposed project.

Additionally, under Alternative 1 the replacement bridge would remain functionally obsolete in that the deck geometry would still not conform to Caltrans standards, and thus would not be eligible for Federal Highway Administration/Caltrans funding for bridge design and construction of Alternative 1. This funding is available only for improvement projects that address functionally obsolete roadways.

For all of the above reasons, and each of them, this alternative is rejected as infeasible.

C. Build Alternative 3

1. Description

Under Build Alternative 3, the existing bridge would be demolished and replaced with a standard two-lane bridge (with stop signs) on a partial realignment of Newell Road.

2. Comparison to Proposed Project

Under Alternative 3, Newell Road south of Woodland Avenue would be partially realigned (approximately 30 feet) so that the degree of offset between the existing north and south intersections with Woodland Avenue would be reduced compared to the existing condition. Because the alignment would change, Alternative 3 would involve disturbance of previously undisturbed soil in the area of the road alignment; therefore, impacts on sensitive paleontological resources would be more significant in comparison to the proposed project. requiring mitigation to reduce this impact to a less than significant level. Alternative 3 would affect the same number of trees as the proposed project, but would require removal of 2 more trees than in comparison to the proposed project. The area of disturbance would slightly increase and the area of impervious surface would also increase in comparison to the proposed project. Alternative 3 would also require at least one additional temporary easement.



3. Findings

The City Council finds that Build Alternative 3 would not reduce any significant and unavoidable impact of the proposed project because closure of the existing bridge would be required for construction of Alternative 3, similar to the proposed project. This alternative would not reduce the degree of impacts of the proposed project. It would increase the degree of impacts on paleontological resources, necessitating mitigation to reduce impacts to a less than significant level. Additionally, because the bridge would be realigned, the total area of disturbance would slightly increase, resulting in slightly increased impacts to biological resources and resulting in the need for at least one additional easement. The total cost for construction of the project is also anticipated to increase in comparison to the proposed project. For these reasons, and each of them, this alternative is rejected.

D. Build Alternative 4

1. Description

Under Build Alternative 4, the existing bridge would be demolished and replaced with a standard two-lane bridge (with stop signs) on a full realignment of Newell Road.

2. Comparison to Proposed Project

Newell Road south of Woodland Avenue would be fully realigned (approximately 90 feet) to eliminate the offset between the existing north and south intersections with Woodland Avenue. This would provide a standard four-way intersection at Newell Road and Woodland Avenue. Alternative 4 would increase overall soil disturbance, including increased impacts to intermittent stream and valley foothill riparian habitat, and increase the total impervious area in comparison to the proposed project. It would slightly increase permanent noise levels at the nearest sensitive receptors, and would permanently increase the overall visual impacts due to vegetation removal, including the removal of 6 more trees in comparison to the proposed project. Alternative 4 would also require approximately 100 additional feet of retaining wall in comparison to the proposed project.

3. Findings

The City Council finds that this alternative would not reduce or avoid any significant impacts in comparison to the proposed project. It would increase the degree of impacts on paleontological resources, necessitating mitigation to reduce impacts to a less than significant level. Additionally, because the bridge

would be realigned, the total area of disturbance would slightly increase, resulting in slightly increased impacts to biological resources, and aesthetics, and resulting in the need for at least one additional easement. The total cost for construction of the project is also anticipated to increase in comparison to the proposed project. For these reasons, and each of them, this alternative is rejected.

#### **SECTION 4. Statement of Overriding Considerations**

The City Council adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impact of the project and the anticipated benefits of the Project.

##### **A. Significant Unavoidable Impact**

With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the Project will result in a significant unmitigated impact to transportation as disclosed in the EIR, to wit: a temporary impact to the East Crescent Drive/University Avenue intersection would occur during construction of the Project. Specifically, while Newell Road bridge is closed, diverted traffic would cause the East Crescent Drive/University Avenue intersection to operate at unacceptable LOS F and E during the a.m. and p.m. peak periods respectively, exceeding the CEQA delay threshold of 4 seconds. The impact would not be reduced to a less than significant level by feasible mitigation or alternatives to the Project.

##### **B. Overriding Considerations**

After review of the entire administrative record, including, but not limited to, the EIR, the staff reports, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the unavoidable adverse environmental impact, and therefore justify the approval of this Project. The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation measures), and finds that the remaining significant, unmitigated or unavoidable impacts of the Project described above are acceptable because the benefits of the Project outweigh them. The City Council finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. The Project will result in the following substantial benefits, which constitute the specific economic, legal, social, technological and other considerations that justify the approval of the Project.

**C. Benefits of the Project**

1. Improves safety for pedestrians, bicyclists, as well as motor vehicle drivers. The project will create designated lanes for vehicles and sidewalks for pedestrians. Bicyclists will continue to share the road but will now be in the appropriate directional lane.
2. Improves visibility for all modes of transportation by eliminating sight distance constraints caused by overgrown landscaping and steep roadway slope at the Woodland Avenue approach.
3. Replaces a 110-year-old, functionally obsolete bridge. The 18-foot wide bi-directional bridge continues to deteriorate; over the years the structure has been maintained by the cities of Palo Alto and East Palo Alto, and replacing it will eliminate the increased maintenance needs that result from an aging structure.
4. Improves circulation by standardizing the signing and striping on the bridge and adjacent streets consistent with current City and Caltrans standards.
5. Maintains the current bridge/roadway alignment while requiring all users to perform complete stops at the Woodland Avenue and Newell Road intersection.
6. Facilitates area-wide and regional bike and pedestrian multi-modal travel. The project is located near the recently completed East Palo Alto Bike and Pedestrian bridge that crosses over Highway 101, and will encourage regional multi-modal use.
7. Increases flow capacity within San Francisquito Creek from 6,600 CFS to 7,500 CFS, allows the conveyance flows from a 70-year storm event, thus reduces the flooding risks imposed by the existing bridge abutments within the creek. Higher flows would be allowed to pass, but under pressurized conditions.
8. This Project is part of a multi-agency effort to increase flow capacity within San Francisquito Creek. Replacing Newell Road Bridge will allow the replacement of the Pope/Chaucer Street bridge and in channel improvements thus avoiding future flooding and substantial property loss of the kind that occurred in 1998, the largest flood on record.
9. Provides the opportunity to add a new special feature, fiber and power lines to serve a creek level sensor and allow the community to monitor water levels during storm events.
10. Removes the abutments in San Francisquito Creek and restores a small section of the creek with more natural material.

**SECTION 5.**     Mitigation Monitoring and Reporting Program

- (a)     CEQA requires the lead agency approving a project to adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes made to the project that it has adopted in order to mitigate or avoid significant effects on the environment. An MMRP has been prepared and is recommended for adoption by the City Council concurrently with the adoption of these findings to ensure compliance with standard project requirements incorporated as part of the project and mitigation measures during Project implementation. As required by Public Resources Code section 21081.6, the MMRP designates responsibility and anticipated timing for the implementation of the mitigation measures recommended in the Final EIR. The MMRP will remain available for public review during the compliance period.
  
- (b)     The City Council hereby adopts the MMRP for the Project attached hereto as Exhibit A and incorporated by reference, and finds, determines, and declares that the adoption of the MMRP will ensure enforcement and continued imposition of the mitigation measures recommended in the Final EIR, and set forth in the MMRP, in order to mitigate or avoid significant impacts on the environment.

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**SECTION 6.**    Location and Custodian of Records

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning and Development Services, City Hall, 250 Hamilton Avenue, 5<sup>th</sup> Floor, Palo Alto, CA 94301. The official custodian of the record is the Planning Director at the same address.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
Director of Planning and  
Development Services

**APPROVAL NO. 2018-\_  
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR NEWELL  
ROAD BRIDGE REPLACEMENT PROJECT: ARCHITECTURAL REVIEW, ENVIRONMENTAL  
IMPACT REPORT/ENVIRONMENTAL ASSESSEMENT, AND MITIGATION MONITORING  
AND REPORTING PLAN [FILE NO 19PLN-00130]**

On \_\_\_\_\_, 2020, the City Council certified the Environmental Impact Report and Approved the Mitigation Monitoring and Reporting Program as well as the Architectural Review application to allow for demolition of an existing two-lane bi-directional bridge on Newell Road between Woodland Avenue in East Palo Alto and Edgewood Drive in Palo Alto and construction of a new bridge along the same alignment making the following findings, determination, and declarations:

SECTION 1. BACKGROUND. The City Council of the City of Palo Alto ("City Council") finds, determines, and declares as follows:

- A. On April 17, 2019 the City of Palo Alto Public Works Engineering Division applied for Architectural Review [19PLN-00130] for the replacement of the existing Newell Road Bridge across San Francisquito Creek between Edgewood Drive in Palo Alto and Woodland Avenue in East Palo Alto.
- B. The project site includes work within public right-of-way along Newell Road and Woodland Avenue within the Cities of Palo Alto and East Palo Alto, as well as five private parcels, including: APN Nos. 063-515-370; 063-515-380; and 063-513-350 in East Palo Alto; APN No. 063-514-130 which spans Palo Alto and East Palo Alto within San Francisquito Creek; and APN 003-12-013, in Palo Alto. Work on property owned by the private entities require access/encroachment permits, which will be obtained by the City following adoption of the environmental analysis and approval of the Architectural Review application. Such permits are required as a condition of approval of the project, as outlined in Section 4 of this Record of Land Use Action.
- C. Following staff review, the Architectural Review Board (ARB) reviewed the project and considered the EIR/EA for the Newell Road Bridge Replacement Project as well as the Mitigation Monitoring and Reporting Plan (MMRP) and recommended adoption of the EIR/EA, approval of the MMRP, and approval of the Architectural Review application on May 7, 2020 subject to conditions of approval.
- D. On June 1, 2020, the City Council reviewed the project design, the EIR/EA and the MMRP. After hearing public testimony, the Council voted to approve the Architectural Review Application subject to the conditions set forth in Section 4 of this Record of Land Use Action.

SECTION 2. ENVIRONMENTAL REVIEW. In conformance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), the City and the California Department of Transportation (Caltrans) prepared an Environmental Impact Report/Environmental Assessment ("EIR/EA") to provide an assessment of the potential environmental consequences of approving and constructing the Project. A Draft EIR/EA was circulated for public review for a 60 day period from May 30, 2019 through July 30, 2019. A Final EIR/EA was prepared to respond to comments and published on April 24, 2020; the City Council certified and made related findings by resolution No \_\_\_\_ on June 1, 2020, prior to approval of the decision that is the subject of this RLUA. All mitigation measures as stated in the approved Mitigation

Monitoring and Reporting Program (MMRP) have been incorporated into the conditions of approval. The MMRP is included in Exhibit A of this Record of Land Use Action.

**SECTION 3. ARCHITECTURE REVIEW BOARD FINDINGS.** The design and architecture of the proposed improvements, as conditioned, complies with the Findings for Architectural Review as required in Chapter 18.76 of the PAMC.

***Finding #1:** The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.*

*The project is consistent with Finding #1 because:*

The proposed project is consistent with the Comprehensive Plan and Bicycle and Pedestrian Transportation (BPTP) Plan. Table 1 includes an analysis of the projects consistency with applicable goals and policies outlined in the City of Palo Alto Comprehensive Plan and Table 2 includes an analysis of the project's consistency with applicable goals and policies outlined in the City of Palo Alto BPTP. The project includes modifications to a bridge and City streets within the public right-of-way and therefore is not subject to zoning and land use restrictions for any specific zone district or land use designation. Some minor work on private properties would be necessary, primarily for temporary access to build retaining walls and guard rails along the shared property line between the public right-of-way and private properties. Although this roadway project is not subject to zoning regulations for a specific zone district, the project is designed to fit in with the adjacent area and would not create any conflicts with zoning requirements for adjacent parcels, which include single family residential (R-1[10,000]) zoned parcels in Palo Alto and Multiple family High Density Residential (R-HD-5) zoned parcels in East Palo Alto. There are no other coordinated area plans or relevant design guides adopted by the City of Palo Alto or East Palo Alto that are applicable to the project/project site. Therefore, the project is consistent with the Comprehensive Plan, Zoning code, and applicable design guides.

**Table 1: Analysis of Project's Consistency with the City of Palo Alto Comprehensive Plan**

<b>Comp Plan Goals and Policies</b>	<b>How project adheres or does not adhere to Comp Plan</b>
The Comprehensive Plan land use designation for the site is Single-family Residential.	The project consists of the replacement of an existing bridge within the public right-of-way with a new bridge in the same location that conforms to Caltrans standards for multi-modal transportation (vehicles, bicyclist, and pedestrians) and site distances.
<b>Land Use and Community Design</b>	
<b>Goal L-1:</b> A compact and resilient city providing residents and visitors with attractive neighborhoods, work places, shopping districts, public facilities and open spaces.	The proposed project provides the city with an attractive bridge, similar to the existing bridge. The bridge is designed to accommodate all modes of transportation and was designed in coordination with the ARB to meet the City's Architectural Review Findings.
<b>Policy L-1.3:</b> Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.	The proposed project is compatible with its surroundings and the overall scale and character of the city. It includes the replacement of an existing bridge in the same location but the new bridge is designed to accommodate multi-modal access.

<b>Policy L-2.2</b> Enhance connections between commercial and mixed use centers and the surrounding residential neighborhoods by promoting walkable and bikeable connections and a diverse range of retail and services that caters to the daily needs of residents.	The project includes better pedestrian and bicycle connections between neighborhoods.
<b>Policy L-5.3.</b> Design paths and sidewalks to be attractive and comfortable and consistent with the character of the area where they are located.	This project would improve pedestrian facilities within this area by providing pedestrian access across San Francisquito Creek.
<b>Policy L-6.1:</b> Promote high-quality design and site planning that is compatible with surrounding development and public spaces.	The project would be compatible with surrounding development and public spaces because there would be no change in land use and it would provide better connections between neighborhoods.
<b>Goal L-9:</b> Attractive, inviting public spaces and streets that enhance the image and character of the city.	The project includes replacement of an existing bridge with a new bridge that allows for better connections between neighborhoods. The project would include landscaping and better pedestrian facilities, consistent with Goal L-9.
<b>Policy L-9.3.</b> Treat residential streets as both public ways and neighborhood amenities. Provide and maintain continuous sidewalks, healthy street trees, benches and other amenities that promote walking and “active” transportation.	The project allow for a continuous sidewalk crossing San Francisquito Creek, making the area safer for residents.
<b>Transportation Element</b>	
<b>Goal T-1:</b> Create a sustainable transportation system, complemented by a mix of land uses, that emphasizes walking, bicycling, use of public transportation and other methods to reduce greenhouse gas emissions and the use of single-occupancy motor vehicles.	The project improves circulation along a portion of Newell Road and would improve existing pedestrian and bike safety.
<b>Policy T-1.19:</b> Provide facilities that encourage and support bicycling and walking	The project improves existing pedestrian and bike safety and allow for better, safer multi-modal access between neighborhoods across San Francisquito Creek
<b>Goal T-3:</b> Maintain an efficient roadway network for all users.	The project provides safe access for pedestrians and bicyclists, encouraging multi-model transportation.
<b>Policy T-3.2:</b> Enhance connections to, from and between parks, community centers, recreation facilities, libraries and schools for all users.	The project improves existing pedestrian and bike connections between Palo Alto and East Palo Alto across San Francisquito Creek.
<b>Policy T-3.5:</b> When constructing or modifying roadways, plan for use of the roadway by all users.	The project improves bike, pedestrian, and automotive safety along a portion of Newell Road.



<b>Goal T-6:</b> Provide a safe environment for motorists, pedestrians and bicyclists on Palo Alto Streets.	The project complies with Americans with Disabilities Act (ADA) requirements and would improve infrastructure to allow for all modes of transit to more safely utilize this bridge.
<b>Policy T-6.1:</b> Continue to make safety the first priority of citywide transportation planning. Prioritize pedestrian, bicycle, and automobile safety over motor vehicle level of service at intersections and motor vehicle parking.	
<b>Goal T-7:</b> Provide mobility options that allow people who are transit dependent to reach their destinations.	
<b>Policy T-7.1:</b> Support mobility options for all groups in Palo Alto who require transit for their transportation.	
<b>Policy T-7.2:</b> Utilize the principles of Universal Design, and local and State design standards, to guide the planning and implementation of transportation and parking improvement projects to ensure the needs of community members with limited mobility, including some seniors and people with disabilities, are addressed.	
<b>Natural Environment Element</b>	
<b>Policy N-2.1:</b> Recognize the importance of the urban forest as a vital part of the city’s natural and green infrastructure network that contributes to public health, resiliency, habitat values, appreciation of natural systems and an attractive visual character which must be protected and enhanced	The EIR/EA requires replacement of the tree canopy at the ratios described in the East Palo Alto and Palo Alto Municipal codes for trees removed within their respective jurisdictions. Landscaping will be replaced, to the extent feasible, within the project area. Any trees that cannot be replaced within the project area will be replaced within the vicinity as required by the mitigation measures in the EIR/EA.
<b>Safety Element</b>	
<b>Policy S-2.8</b> —Minimize exposure to flood hazards by protecting existing development from flood events and adequately reviewing proposed development in flood prone areas.	The project is integral to flood control efforts for the region that are designed to better protect existing development from flood events. It removes the existing abutments within the creek, allowing for greater capacity to flow beneath Newell Road bridge.
<b>Program S2.8.3</b> —Collaborate with the San Francisquito Creek Joint Powers Authority and the Santa Clara Valley Water District on environmentally-sensitive efforts to stabilize, restore, maintain and provide one percent (100-year) flood protection adjacent to San Francisquito Creek.	The project is designed to accommodate the 70-year flood event to improve flood control within San Francisquito Creek. The project is specifically designed so as not to preclude future improvements that will work toward the 100-year flood protection.
<b>Program S2.8.4</b> —Work with East Palo Alto, Santa Clara Valley Water District and San Francisquito Creek Joint Powers Authority on	Replacement of Newell Road bridge with a bridge that allows for greater flow capacity will allow for upstream improvements planned by the SFCJPA, including

efforts to increase the flows within the San Francisquito Creek. Possible solutions include replacing the City-owned Newell Road Bridge and District-owned Pope Chaucer Street Bridge.	replacement of the Pope Chaucer Bridge. The replacement of these bridges is part of a series of solutions that work toward better flood control within San Francisquito Creek.
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**Table 2: Analysis of the Project's Consistency with the Bicycle and Pedestrian Transportation Plan**

<b>BPTP Plan Objectives and Policies</b>	<b>How project adheres or does not adhere to BPTP</b>
<b>Objective 1:</b> Double the rate of bicycling for both local and total work commutes by 2020 (to 15% and 5%, respectively).	The project encourage bicycling and walking by providing better, safer access for multi-modal transportation across San Francisquito Creek.
<b>Objective 2:</b> Convert discretionary vehicle trips into walking and bicycling trips in order to reduce City transportation-related greenhouse gas (GHG) emissions 15% by 2020.	
<b>Objective 3:</b> Develop a core network of shared paths, bikeways, and traffic-calmed streets that connects business and residential districts, schools, parks, and open spaces to promote healthy, active living.	
<b>Objective 4:</b> Plan, construct, and maintain 'Complete Streets' that are safe and accessible to all modes and people of all ages and abilities.	The project furthers the objectives of providing complete streets by providing continuous sidewalks and sharrows.
<b>Policy T-1:</b> Make land use decisions that encourage walking, biking, public transit use.	The project encourages bicycling and walking by improving access for these modes of transportation.
<b>Policy T-25:</b> When constructing or modifying roadways, plan for usage of the roadway space by all users, including motor vehicles, transit vehicles, bicyclists, and pedestrians	The project plans for the use of roadway space by all modes of transportation.
<b>Policy T-42:</b> Address the needs of people with disabilities and comply with the requirements of the Americans with Disabilities Act (ADA) during the planning and implementation of transportation and parking improvement projects.	The project replaces the existing Newell Road bridge, which is not ADA compliant, with a new bridge that is ADA compliant.

***Finding #2:*** *The project has a unified and coherent design, that:*

- a. creates an internal sense of order and desirable environment for occupants, visitors, and the general community,*
- b. preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,*
- c. is consistent with the context-based design criteria of the applicable zone district,*
- d. provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,*
- e. enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.*

*The project is consistent with Finding #2 because:*

It enhances the existing conditions at the site by mitigating flood risk and impacts for nearby parcels; allowing for additional flood control projects to be constructed upstream of the project site; and by improving safety for bicyclists, pedestrians, and vehicles along Newell Road. There are no historical features at/immediately adjacent the site and there are no other context-based design criteria applicable to this area.

Although the project would remove existing vegetation at the site, including mature trees and valley foothill woodland riparian habitat; Mitigation measures (MM) BIO-1 and MM BIO-2, which have been incorporated as conditions of approval of the project, require the replacement of the riparian habitat and tree canopy, respectively, consistent with California Department of Fish and Wildlife recommendations and the Cities of Palo Alto and East Palo Alto's municipal codes. The bridge is designed to be as narrow as feasible while still meeting the Caltrans bridge design standards and the basic project objectives. The bridge is also designed to be as low as possible, while still meeting all applicable Caltrans bridge design standards and Federal Emergency Management Agency requirements. The proposed project assessed in the environmental analysis assumes a worst-case-scenario; however, City of Palo Alto Public Works Engineering is working in conjunction with wildlife and water resource agencies to identify creek bank stabilization measures that utilize bio-engineering techniques rather than hardscape. It is anticipated that these will be feasible and would be utilized to the extent feasible in order to improve the overall native riparian habitat within this area of San Franciquito Creek. Therefore, with implementation of the conditions of approval, the proposed project would be consistent with Finding 2.

*Finding #3: The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.*

*The project is consistent with Finding #3 because:*

The project will utilize galvanized steel guardrails and cement, as is appropriate for a roadway project. The project minimizes the height and width of the bridge to the extent feasible, as discussed in Finding 2, while still meeting Caltrans bridge design standards and meeting all other applicable safety requirements. City of Palo Alto Public Works Engineering is working with wildlife agencies to reduce stream bank impacts by utilizing bio engineering techniques rather than hardscape for a more natural setting and channel. It has been verified that soil nail walls will not be required for the project. A landscaping plan has been developed for the replacement of trees within the public right-of-way and the City will work with private property owners to replace any landscaping removed within their property. Therefore, the project is consistent with Finding 3.

*Finding #4: The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).*

*The project is consistent with Finding #4 because:*

The project has been identified as a capital improvement PE-12011 in past capital improvement plans and the currently adopted 2020 Capital Improvement Plan. It is specifically designed to improve safety and connections for all modes of transportation and to mitigate flood risk within the City of Palo Alto and neighboring jurisdictions. Special consideration has been given to ensuring safety of all users by ensuring

visibility around corners, providing signage, ensuring ADA accessibility, and ensuring that all aspects of the design are functional for a variety of users.

***Finding #5:** The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.*

*The project is consistent with Finding #5 because:*

Consistent with MM BIO-1 and MM BIO-2, and in accordance with City of Palo Alto and SCVWD requirements for work adjacent stream banks, the landscape design utilizes native plants that are appropriate to the site. All plants that are proposed are drought tolerant. The landscaping is designed to avoid line-of-sight conflicts at the bridge approaches. Landscaping along the adjacent roads will ensure preservation of the pedestrian experience.

***Finding #6:** The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.*

*The project is consistent with Finding #6 because:*

The project will use native, low water-use, drought resistant plants. In accordance with MM BIO-1 and BIO-2, all existing vegetation will be replaced in accordance with City of Palo Alto, City of East Palo Alto and wildlife agency (California Department of Fish and Game and U.S. Fish and Wildlife Service) requirements. The City of Palo Alto Public Works Department will continue to work with wildlife agencies throughout the permitting process to improve the habitat within the creek bank as part of the proposed project. The project also provides a dedicated pedestrian and bicycle connection, which help to reduce the use of single-occupancy vehicles, which, in turn, helps to reduce emissions. Therefore, the project is consistent with Finding #6.

#### SECTION 4. Conditions of Approval.

##### **PLANNING & DEVELOPMENT SERVICES**

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "Newell Road Bridge Over San Francisquito Creek Replacement Project," stamped as received by the City on January 27, 2020 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. BUILDING PERMIT PLAN SET. The approval letter, including all Department conditions of approval for the project, shall be printed on the plans submitted for building permit.
4. PROJECT MODIFICATIONS. All modifications to the approved project shall be submitted for review and approval prior to construction. If, during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to

highlight any proposed changes to the project and to bring it to the project planner's attention.

5. MITIGATION MONITORING AND REPORTING PROGRAM. The Mitigation Monitoring and Reporting Program associated with the project and attached here as Exhibit A is incorporated by reference and all mitigation measures shall be implemented as described in such document.
6. TEMPORARY AND PERMANENT EASEMENTS. Prior to issuance of the building permit, the City of Palo Alto Public Works Engineering Division shall work with applicable private property owners to obtain the necessary temporary easements for access to those properties, as identified in Table 1-3, *Permanent ROW Acquisitions and Temporary Easements*, of the Final EIR. Prior to final inspection, the City of Palo Alto Public Works Engineering Division shall work with all applicable private property owners and the City of East Palo Alto to record any permanent right-of-way acquisitions/access easements for future maintenance of the bridge and will record a maintenance agreement for the future repair of the bridge and associated improvements.
7. PLAQUE. Prior to approval, the building permit plans shall show the location and details of a plaque that identifies the bridge and acknowledges the effort involved by various agencies in replacing the bridge. The plaque may also reference associated projects along San Francisquito Creek.
8. FINAL INSPECTION. A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Claire Raybould, at [claire.raybould@cityofpaloalto.org](mailto:claire.raybould@cityofpaloalto.org) to schedule this inspection.

#### **PUBLIC WORKS ENGINEERING**

The following comments are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc.

9. OTHER PERMITS AND APPROVALS. Applicant shall provide evidence of Santa Clara Valley Water District (SCVWD), San Francisquito Creek Joint Powers Authority (SFCJPA) and all other affected agencies and/or neighboring cities review/approval prior to issuance of any City permits.
10. STAGING. The access route to the staging area shall be prepared with material to minimize damage to the existing surface and shall be restored to original condition or as otherwise shown on the approved plans at the end of the project.
11. DEMOLITION PLAN. Place the following note adjacent to an affected tree on the Site Plan and Demolition Plan: "Excavation activities associated with the proposed scope of work shall occur no closer than 10-feet from the existing street tree, or as approved by the Urban Forestry Division contact 650-496-5953. Any changes shall be approved by the same".
12. GRADING PERMIT. A separate Excavation and Grading Permit will be required for grading activities on private properties that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. The applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website.

[http://www.cityofpaloalto.org/gov/depts/pwd/forms\\_and\\_permits.asp](http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp)

13. GRADING & DRAINAGE PLAN. The building plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2% or 5% for 10-feet per 2013 CBC section 1804.3. Downspouts and splashblocks should be shown on this plan, as well as any site drainage features such as swales, area drains, bubblers, etc. Grading that increases drainage onto, or blocks existing drainage from neighboring properties, will not be allowed. Public Works generally does not allow rainwater to be collected and discharged into the street gutter, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site.
14. PUBLIC WORKS STANDARDS CONDITIONS. The City's full-sized "Standard Conditions" sheet must be included in the building permit plan set. Copies are available from Public Works on our website: <http://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=67175.06&BlobID=66261>
15. STORM WATER POLLUTION PREVENTION. The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the building and grading permit plan sets. Copies are available from Public Works on our website <http://www.cityofpaloalto.org/civicax/filebank/documents/2732>
16. LOGISTICS PLAN. The contractor shall submit a logistics plan with the building plan that addresses all impacts to the City of Palo Alto and City of East Palo Alto's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact, noticing of affected surrounding properties, and schedule of work.  
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=2719>

#### **PUBLIC WORKS UTILITIES DIVISION**

17. UTILITY INSPECTOR. The applicant shall notify the Electric Utility Inspector prior to construction near any electric utility substructure. The inspector can be reached at 650-496-6977.
18. UNDERGROUND SERVICE ALERT. The contractor shall contact underground service alert (800) 227-2600 a minimum of 48 hours in advance of starting excavation to provide marking of underground utilities.
19. POTHOLING. Electric utilities found to be in proximity of the proposed work area shall be potholed. Verification by the Electric Utility Inspector is required.
20. CLEARANCE. The contractor shall maintain 12" clear, above and below from the existing utilities to new underground facilities.
21. UTILITY PROTECTION. The Applicant shall provide protection for utility lines that may be subject to damage. Exposed electric conduit or duct shall be inspected by the Electrical Utility Inspector prior to backfilling.
22. DISTRIBUTION LINES. Any extension or relocation of the existing distribution lines or equipment shall be done at customer/developer's expense.
23. ELECTRICAL SYSTEM DAMAGE. The applicant's contractor shall immediately notify the Utilities Department

(650) 496-6914 if the existing electric system is damaged or disturbed.

24. UTILITIES OUTSIDE OF CPA. Overhead facilities on East Palo Alto side of the project are not part of the CPAU electric system. The applicant shall obtain all necessary approvals from Pacific Gas & Electric (PG&E) and follow applicable PG&E specifications for work on the electrical system outside of CPAU's jurisdiction.

**PUBLIC WORKS URBAN FORESTRY DIVISION**

25. HAND EXCAVATION. Regarding tree #3, 4, 22, 42, 54 and 57: As noted on sheet 19 of 22 in the 1/27/2020 submittal, roots of these tree will be excavated and assessed during demolition to determine the potential to retain these trees. Given the undetermined status of these trees as to be retained or removed, the following change should be made to the drawing set at building permit phase: *all trees to be excavated by pneumatic and hand tool methods for the assessment of potential tree preservation, must be labeled as such on the plan drawing and in the legend, to clearly differentiate the trees to protect, remove and potentially preserve.*
26. TREE PROTECTION. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR & Sheet T-1, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. The mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City ([pwps@cityofpaloalto.org](mailto:pwps@cityofpaloalto.org)) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.
27. TREE DAMAGE. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.
28. GENERAL. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.
29. TREE PROTECTION VERIFICATION. Prior to any site work verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section. The fencing shall contain required warning sign and remain in place until final inspection of the project.
30. EXCAVATION RESTRICTIONS APPLY (TTM, Sec. 2.20 C & D). Any approved grading, digging or trenching beneath a tree canopy shall be performed using 'air-spade' method as a preference, with manual hand shovel as a backup. For utility trenching, including sewer line, roots exposed with diameter of 1.5 inches and greater shall remain intact and not be damaged. If directional boring method is used to tunnel beneath roots, then Table 2-1, Trenching and Tunneling Distance, shall be printed on the final plans to be implemented by Contractor.

### **FIRE DEPARTMENT**

31. BRIDGE LOADING. The bridge shall support a 75,000 lbs fire apparatus.

### **BUILDING DIVISION**

32. SOIL REPORT. A soil report shall be required for the foundation design.

### **WATERSHED PROTECTION DIVISION**

33. MUNICIPAL STORMWATER PERMITS. All Bay Area Municipal Regional Stormwater Permit requirements shall be followed.

34. USE OF PESTICIDE. Add this bullet as a note to the building plans: "Do not use chemical fertilizers, pesticides, herbicides or commercial soil amendment. Use Organic Materials Review Institute (OMRI) materials and compost." Refer to the BayFriendly Landscape Guidelines: <http://www.stopwaste.org/resource/brochures/bayfriendly-landscape-guidelines-sustainable-practices-landscape-professional> for guidance.

35. SOIL COMPACTION. Add this bullet as a note to the building plans: "Avoid compacting soil in areas that will be unpaved"

36. COVERAGE OF WASTE. Temporary and permanent waste, compost and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.

37. SOIL CELLS AND BIOTREATMENT. Meet with PW Storm Drain Engineering, Urban Forestry and WPG to discuss potential soil cell and biotreatment soil mix implementation relative to any new trees being planted according to the landscape plan.

### **UTILITIES- WATER, GAS, WASTEWATER**

38. SERVICE CONNECTION APPLICATION. The applicant shall submit a completed water-gas-wastewater service connection application - loadsheet per unit for City of Palo Alto Utilities. The applicant must provide all the information requested for utility relocations.

39. UTILITY IMPROVEMENT PLANS. The applicant shall submit improvement plans for utility construction. The plans must show the **size** and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities.

40. RELOCATION OF UTILITY SERVICES. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

41. UTILITY ABANDONMENT. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.

42. PLACEMENT OF UTILITIES. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear



separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10' or existing trees unless otherwise approved by WGW Utilities. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters unless otherwise approved by WGW Utilities.

43. CPAU STANDARDS. All utility installations shall be in accordance with the City of Palo Alto current utility standards for water, gas & wastewater.

SECTION 5. Term of Approval.

Architectural Review Approval. The project approval shall be valid for a period of two years. In the event a building permit(s), if applicable, is not secured for the project within the time limit specified above, the Architectural Review approval shall expire and be of no further force or effect. Application for extension of this entitlement may be made prior to the one year expiration.

PASSED:  
AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:  
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Senior Assistant City Attorney

\_\_\_\_\_  
Mayor

APPROVED:

\_\_\_\_\_  
Director of Planning and  
Development Services

**EXHIBIT A:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL FOR THE NEWELL ROAD BRIDGE REPLACEMENT PROJECT  
(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
<b>Community Impacts</b>				
<b>AMM-COM-1:</b> The contractor will provide bilingual notification of construction activities including any utility disruptions to the local residents and businesses.	Contractor.	Prior to and during construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>AMM-COM-2:</b> The contractor will maintain ongoing coordination with the Orthodox Jewish Community during pre-construction and construction of the Project. In the event that the poles supporting the eruv over Newell Road require moving during any period of construction when the bridge structure is in place and accessible to pedestrians, the contractor will take the following steps to ensure a temporary eruv is in place prior to any Friday evening. <ul style="list-style-type: none"> <li>The existing poles must be dug out completely so that they may be reused.</li> <li>Temporary replacement shall be installed consisting of 20-foot conduits to be fastened to nearby structures.</li> <li>Fishing line, or other unobtrusive wire, shall be fastened to the conduits to maintain the eruv alignment.</li> </ul>	Contractor.	Prior to and during construction; prior to every Friday evening.	City of Palo Alto; Caltrans.	When construction is complete.
<b>AMM-COM-3:</b> Access to all properties for property owners and users will be maintained by the contractor during construction.	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>Utilities/Emergency Services</b>				
<b>SM-UT-1:</b> The contractor will provide bilingual notification of construction activities including any utility disruptions to the local residents and businesses.	Contractor.	Prior to and during construction.	City of Palo Alto; Caltrans.	When construction is complete.

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<b>Traffic and Transportation/Pedestrian and Bicycle Facilities</b>				
<p><b>SM-TR-1:</b> A TMP will be prepared by the Project proponent or its contractor, approved by the City of Palo Alto, and will be implemented by the contractor during construction activities. The TMP will contain requirements for public noticing, traffic control implementation, signage, property and business access, parking, and safety during construction. It also will contain information about the construction schedule and detours.</p> <ul style="list-style-type: none"> <li>Advance notice and coordination with businesses and property owners will be included in the TMP to minimize any potential temporary impacts on commute times.</li> <li>Advance notice and coordination with emergency service providers will be included in the TMP to minimize any potential temporary impacts on response times.</li> </ul>	Contractor.	Prior to and during construction.	City of Palo Alto; Caltrans.	Following approval of the TMP by the City of Palo Alto; when construction is complete.
<b>AMM-TR-1:</b> Access along Edgewood Drive for the southeast resident's driveway will be maintained by the contractor at all times during construction.	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>AMM-TR-2:</b> On Woodland Avenue, the contractor will maintain one-lane of traffic to assure passage along Woodland Avenue during the majority of construction. When one-lane of traffic is not available a detour route will be identified. The construction zone will be established such that the maximum amount of existing parking is available in the area during non-construction hours. <sup>1</sup> Access for all residents on Woodland Avenue in the study area will be maintained throughout the construction period.	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.

<sup>1</sup> The allowed hours of construction are M-F 8-6PM, Sat 9AM-6PM in Palo Alto (Municipal Code 09.10.060) and M-F 7AM-6PM, Sat 9AM-5PM in East Palo Alto (Municipal Code 15.04.125), and both jurisdictions prohibit construction activities on Sunday/Holidays,

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<b>AMM-TR-3:</b> The City of Palo Alto shall coordinate with the City of East Palo Alto to identify nearby locations including private parcels where additional parking accommodations can be provided during construction.	City of Palo Alto.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>AMM-TR-4:</b> During stages 2, 3, and 4 of construction, the contractor will make accommodations for nighttime parking during non-construction hours. This would include opening the work zone up for residents to park at night and utilizing head-in (perpendicular) parking rather than parallel parking in these areas.	Contractor.	During stages 2, 3, and 4 of construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>Visual/Aesthetics</b>				
<b>MM-AES-1: Install Visual Barriers between Construction Work Areas and Sensitive Receptors.</b> The contractor shall install visual barriers to obstruct undesirable views of construction activities and staging areas from sensitive receptors, namely residents and viewers on neighborhood sidewalks and streets, which are located adjacent to the construction site. The visual barrier may be chain link fencing with privacy slats, fencing with windscreen material, wood, or other similar barrier. The visual barrier shall be a minimum of six (6) feet high to help to maintain the privacy of residents and block long-term ground-level views toward construction activities. While this visual barrier would introduce a visual intrusion, it would greatly reduce the visual effects associated with visible construction activities and screening construction activities and protecting privacy is deemed desirable by residents. The contractor shall also provide daily visual inspections to ensure the immediate surroundings of construction staging areas are free from construction-related clutter and to maintain the areas in a clean and orderly manner throughout the construction period.	Contractor.	Daily during construction.	City of Palo Alto; Caltrans; contractor to monitor on a daily basis.	When construction is complete.
<b>MM-AES-2: Replace or Relocate Site Features and Landscaping Affected by the Project.</b> Where appropriate and to the degree	Contractor.	Following completion of	City of Palo Alto.	When construction is

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possible, the contractor will relocate, replace, or restore in kind landscaping and related appurtenances, such as fencing, driveway gates, and similar features that would be removed from private properties as a result of construction to reduce visual impacts and to maintain the quality of views from neighborhood roadways and sidewalks. If the site cannot accommodate this relocation or replacement, then the Project proponent will compensate parcel owners for site features (e.g., fencing, mailboxes, driveway gates) and landscaping that would be removed or damaged as a result of the Project. Replacement of site features and landscaping would be of value at least equal to that of existing features.		construction.		complete.
<b>MM-AES-3: Implement Project Design Aesthetics.</b> The City of Palo Alto will implement an aesthetic design treatment with a consistent motif for new structures such as retaining walls, bridge sides, fencing, and wing walls. Choosing earth-toned colors for the surfaces would be less distracting to viewers than light or brightly colored surfaces. The shade of the wall will also be carefully considered to complement the project setting. However, studies have shown that structures two (2) to three (3) degrees darker than the color of the general surrounding area have the ability to complement the surrounding vegetation and create less of a visual impact than matching or lighter hues (U.S. Bureau of Land Management 2008). Safety barriers and fencing will be chosen, and could be plastic, powder, or vinyl coated with colors selected using the U.S. Bureau of Land Management selection techniques to make fences to appear more see-through than non-treated, light grey fencing that acts as a visual barrier to a degree. The design of the bridge will be reviewed and approved by the City of Palo Alto Architectural Review Board. The Architectural Review Board is a recommending body that reviews projects and provides recommendations to the Director of Planning or Council. The Project would require Architectural Review in accordance with Palo Alto	City of Palo Alto.	During final design.	City of Palo Alto Architectural Review Board.	Following approval of the aesthetic design treatments and bridge design.

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Municipal Code Section 18.76.020. The Architectural Review Board reviews the project for consistency with a series of findings outlined in the municipal code relating to aspects such as compatibility with the immediate environment of the site; compatibility with the design character of the surrounding area; harmonious transitions in scale and character in areas between different designated land uses; internal sense of order; amount and arrangement of open space; integration of natural features; and appropriate materials, textures, colors and details of construction and plant material. Although some architectural refinements may be expected as the Architectural Review Board process proceeds, such refinements are not expected to change the impact conclusions in this environmental analysis.				
<b>MM-AES-4: Implement Project Streetscaping and Plantings along Top of Creek Bank.</b> Streetscaping and planting native vegetation at the tops of the creek's banks will improve the visual quality of the roadway corridor by improving corridor aesthetics. The City of Palo Alto will select street tree species from the Cities' approved list of street trees or will be selected to match existing street trees in close proximity to the Project corridor and in compliance with the Urban Forest Master Plan <sup>2</sup> , Palo Alto Tree Technical Manual <sup>3</sup> and East Palo Alto's Development Code. Replacement street trees shall have attributes that are at least equivalent to the trees that are removed or that provide a higher degree of aesthetic benefit such as better fall color, interesting bark, or less tree litter. Tree and shrub plantings along the tops of the creek's banks will be installed where space allows and will utilize native plant species that are indigenous to the riparian corridor. Low-lying evergreen and deciduous shrubs and groundcovers, such as <i>Ceanothus</i> spp., and an herbaceous understory	City of Palo Alto.	Select tree species during final design; plant landscaping within the first six (6) months following Project completion, and maintenance during project operation.	City of Palo Alto; Caltrans.	Following selection of tree species, planting of landscaping, and ongoing during project operation to ensure survival.

<sup>2</sup> Available: <https://www.cityofpaloalto.org/civicax/filebank/documents/36187>

<sup>3</sup> Available: <http://www.cityofpaloalto.org/civicax/filebank/documents/6436>

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will also be planted. Plant variety will increase the effectiveness of the streetscape by providing multiple layers, seasonality, and reduced susceptibility to disease. Special attention should be paid to plant choices to prevent driving hazards by obscuring site distances. Vegetation shall be planted within the first six (6) months following Project completion. An irrigation and maintenance program will be implemented during the plant establishment period and carried on, as needed, to ensure plant survival. However, design of the landscaping plan will try to maximize the use of planting zones that are water efficient. The design may also incorporate aesthetic features, such as a cobbling swales or shallow detention areas, which can reduce or eliminate the need for irrigation in certain areas.				
<p><b>MM-AES-5: Apply minimum lighting standards.</b> The contractor and the City of Palo Alto will limit all artificial outdoor lighting to safety and security requirements, designed using Illuminating Engineering Society's design guidelines, and in compliance with International Dark-Sky Association approved fixtures. All lighting is designed to have minimum impact on the surrounding environment and will use downcast, cut-off type fixtures that are shielded and direct the light only towards objects requiring illumination. Therefore, lights will be installed at the lowest allowable height and cast low-angle illumination while minimizing incidental light spill onto adjacent properties, the creek corridor, or backscatter into the nighttime sky. Shielding will also be employed for traffic signals. Light fixtures will have non-glare finishes that will not cause reflective daytime glare. Lighting will be designed for energy efficiency and have daylight sensors or be timed with an on/off program.</p> <p>LED lighting will avoid the use of blue-rich white light lamps and use a correlated color temperature that is no higher than 3,000 Kelvin, consistent with the International Dark-Sky Associations Fixture Seal of Approval program (International Dark-Sky Association 2010a, 2010b,</p>	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.



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<p>2015). In addition, LED lights will use shielding to ensure nuisance glare and that light spill does not affect sensitive residential viewers. Technologies to reduce light pollution evolve over time and design measures that are currently available may help but may not be the most effective means of controlling light pollution once the project is designed. Therefore, all design measures used to reduce light pollution will employ the technologies available at the time of project design to allow for the highest potential reduction in light pollution.</p> <p>Lastly, due to the short bridge length, jurisdiction limitations, and in an effort to provide a sidewalk free of obstructions, lighting is not currently proposed on the bridge. On the East Palo Alto side, electrical services are provided by Pacific Gas and Electric and would need to be slightly relocated to accommodate a wider bridge. On the Palo Alto side, an existing light will be replaced along Newell Road, due to the change in grade, in approximately the same location. The relocated light would be less than 80-feet away from the bridge. It is not anticipated that additional lighting would be needed on the bridge. If an additional light is needed in the vicinity, a City standard light could be added on the roadway on the Palo Alto side. This light, if needed, as well as the other lights being replaced would be required to conform to City standards.</p>				
<b>Cultural Resources</b>				
<b>SM-CUL-1:</b> If cultural materials are discovered during construction, the contractor will cease all earth-moving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find and recommend/implement appropriate data collection/recovery activities.	Contractor; qualified archaeologist.	During construction.	City of Palo Alto; Caltrans.	When appropriate data collection/ recovery activities have been recommended and implemented.

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<b>SM-CUL-2:</b> If human remains are discovered, State Health and Safety Code Section 7050.5 states that the contractor will stop further disturbances and activities in any area or nearby area suspected to overlie remains, and the contractor will contact the County Coroner. Pursuant to PRC Section 5097.98, if the remains are thought to be Native American, the coroner will notify the NAHC, which will then notify the MLD. At this time, the person who discovered the remains will contact the District 4 Cultural Resources Studies Office so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC Section 5097.98 are to be followed as applicable.	Contractor.	During construction.	City of Palo Alto; Caltrans; County Coroner; Most Likely Descendent (if applicable).	When the County Coroner and Most Likely Descendent (if applicable) have been contacted.
<b>Water Quality and Storm Water Runoff</b>				
<b>SM-WQ-1: Implement NPDES Permit and Construction General Permit Water Quality Measures.</b> The Project will comply with the provisions of the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Storm water NPDES Permit (Order No. R2-2015-0049-DWQNPDES No. CAS612008) and the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) Order No. 2009-0009-DWQ, NPDES No. CAS000002 as amended by 2010-0014-DWQ and 2012-0006-DWQ and any subsequent permits in effect at the time of construction. In addition, the Project proponent and/or their construction contractor shall ensure the construction specifications include water quality protection and erosion and sediment control BMPs to minimize construction-related contaminants and mobilization of sediment to San Francisquito Creek. The Project proponent will perform routine inspections of the construction area to verify the BMPs are properly implemented and maintained.	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.

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<p><b>SM-WQ-2: Prepare and Implement SWPPP.</b> The project will comply with the Construction General Plan by preparing and implementing a SWPPP to address all construction-related activities, equipment, and materials that have the potential to impact water quality for the appropriate risk level. The SWPPP will identify the sources of pollutants that may affect the quality of storm water and include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management, and non-storm water BMPs. All work must conform to the construction site BMP requirements specified in the latest edition of the Caltrans Construction Site Best Management Practices Reference Manual (California Department of Transportation 2011) to control and minimize the impacts of construction and construction-related activities, materials, and pollutants on the watershed. These include, but are not limited to, temporary sediment control, temporary soil stabilization, scheduling waste management, materials handling, and other non-storm water BMPs. In addition, a temporary creek flow diversion will be installed prior to any construction to prevent sediments from washing downstream. Temporary BMPs will be selected and identified in the SWPPP to protect water bodies, within or near the project limits, from potential storm water runoff resulting from construction activities. Temporary sediment and erosion control measures may include the following.</p> <ul style="list-style-type: none"> <li>• Fiber rolls and/or silt fences.</li> <li>• Gravel bag berm.</li> <li>• Rolled erosion-control product (e.g., netting).</li> <li>• Designated construction entrance/exit.</li> <li>• Re-establishment of vegetation or other stabilization measures (hydroseeding, mulch) on DSAs and newly constructed slopes.</li> <li>• Wind erosion control.</li> </ul>	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.

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<b>AMM-WQ-1: Flood Capacity.</b> The City of Palo Alto will not reduce the flood capacity of existing drainage or water conveyance features within the Project study area during construction or operation in a way that causes ponding or flooding during storm events.	City of Palo Alto.	During construction and operation.	City of Palo Alto; Caltrans.	When construction is complete and ongoing during Project operations.
<p><b>AMM-WQ-2: Limit Stream Bank Construction to Dry Season.</b> The contractor will limit stream bank construction from June 1 to October 15 in order to avoid the migratory season for adult steelhead and to limit any excess sedimentation and runoff from entering San Francisquito Creek.</p> <p>The Project proponent will compensate for temporary construction-related loss of valley foothill riparian habitat by replanting trees in the temporarily disturbed area after completion of the construction activities and before October 15 to minimize erosion and sedimentation into San Francisquito Creek.</p> <p>The Project proponent will compensate for the permanent loss of riparian vegetation by planting riparian trees at a minimum ratio of 3:1 (three trees planted for every one tree removed) in the project vicinity as determined appropriate by a qualified biologist and Project proponent. This ratio and the location will be confirmed through coordination with the Project proponent and other agencies as part of the permitting process for the Project.</p>	Contractor; City of Palo Alto; qualified biologist.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>Geology/Soils/Seismic/Topography</b>				
<b>SM-GEO-1:</b> The City of Palo Alto will adhere to current Caltrans SDC for bridge design and construction.	City of Palo Alto.	During final design.	Caltrans.	When the bridge is fully designed.
<b>Paleontology</b>				
<b>MM-PA-1: Educate workers, stop work in case of discovery of</b>	Contractor;	During	City of Palo Alto;	Following

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<p><b>paleontological resources, and Prepare and Implement a Recovery Plan.</b> Given the potential for paleontological resources to be present in construction areas at ground surface and at excavation depths below 5 feet in sensitive geologic units in the Project area, the following measures will be undertaken to avoid any potentially significant effect from the improvements on paleontological resources. Before the start of any excavation, the California Department of Transportation (Caltrans) and the City of Palo Alto will retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology. If paleontological resources are discovered during earthmoving activities, the construction crew will immediately cease work near the find and notify Caltrans and the City of Palo Alto. Construction work in the affected areas will remain stopped or be diverted to allow recovery of fossil remains in a timely manner. Caltrans and the City of Palo Alto will retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (Society of Vertebrate Paleontology 2010). The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by Caltrans and the City of Palo Alto to be necessary and feasible will be implemented before construction activities can resume at the site where the paleontological resources were discovered. Caltrans and the City of Palo Alto will be responsible for ensuring that the paleontologist's recommendations regarding treatment and reporting are implemented.</p>	qualified paleontologist.	excavation depths below 5 feet.	Caltrans.	approval of a recovery plan and implementation of treatment and reporting (if required).
<b>Hazardous Waste/Materials</b>				
<b>MM-HAZ-1:</b> All paint will be treated as lead-containing for the purposes of complying with Division of Occupational Safety and Health	Licensed lead-based paint	During all removal of paint	City of Palo Alto; Caltrans.	Following removal of all

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

<b>Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/ Report Responsibility</b>	<b>Status/Date Completed</b>
worker safety requirements, which apply to all worksites where construction workers may be exposed to lead. The California Department of Transportation (Caltrans) and the City of Palo Alto will have all lead-based paint abated and removed by a licensed lead-based paint contractor. The licensed lead-based paint contractor shall dispose of all lead-based paint or coatings at landfills that meet acceptance criteria for the waste being disposed.	contractor.	during construction.		paint during construction.
<b>MM-HAZ-2:</b> Caltrans and the contractor shall stockpile soil generated by construction activities on site in a secure and safe manner. All contaminated soils determined to be hazardous or nonhazardous waste shall be adequately profiled (i.e., sampled and analyzed) prior to acceptable reuse or disposal at an appropriate offsite facility. Specific sampling, handling, and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal agencies' laws, in particular the Regional Water Quality Control Board, the Department of Toxic Substances Control, the City of Palo Alto, the City of East Palo Alto, Santa Clara County, and San Mateo County. Material from existing roadway or bridge elements that is removed or modified by the Contractor will be handled and disposed of in accordance with all local, state, and federal requirements.	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>Air Quality</b>				
<b>SM-AQ-1: Implement California Department of Transportation Standard Specifications</b> <ul style="list-style-type: none"> <li>The Project applicant will comply with California Department of Transportation Standard Specifications in Section 14-9 Air Quality (2010).</li> <li>Section 14-9.02 specifically requires compliance by the contractor with all applicable laws and regulations related to air quality, including air pollution control district and air quality management</li> </ul>	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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<p>district regulations and local ordinances.</p> <ul style="list-style-type: none"> <li>Section 14-9.03 is directed at controlling dust. If dust palliative materials other than water are to be used, material specifications are contained in Section 18.</li> </ul>				
<p><b>SM-AQ-2: Implement BAAQMD Basic Control Measures to Control Construction-Related Dust</b></p> <ul style="list-style-type: none"> <li>In accordance with the BAAQMD's current Air Quality Guidelines (Bay Area Air Quality Management District 2011), the Project applicant will implement the following BAAQMD-recommended control measures to reduce particulate matter emissions from construction activities.</li> <li>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day by the contractor.</li> <li>All haul trucks transporting soil, sand, or other loose material off site will be covered by the contractor.</li> <li>All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day by the contractor. The use of dry power sweeping is prohibited.</li> <li>The contractor will limit all vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>The contractor will complete all roadways, driveways, and sidewalks to be paved as soon as possible.</li> <li>The contractor will post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The Air District's phone number will also be visible to ensure compliance with applicable regulations.</li> </ul>	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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<b>MM-AQ-1: Utilize clean diesel-powered equipment during construction to control construction-related NOx emissions.</b> The construction contractor will ensure that all off-road diesel-powered equipment used during construction is equipped with EPA Tier 4 Final engines.	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>Noise</b>				
<b>SM-NOI-1:</b> The construction contractor must comply with Caltrans Standard Specifications Section 14-8.02, Noise Control, which states the following: <ul style="list-style-type: none"> <li>Control and monitor noise resulting from work activities.</li> <li>Do not exceed 86 dBA at 50 feet from the job site activities from 9:00 p.m. to 6:00 a.m.</li> </ul>	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>SM-NOI-2:</b> All equipment used by the contractor will have sound-control devices that are no less effective than those provided on the original equipment. No equipment will have an unmuffled exhaust.	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>SM-NOI-3:</b> The Project proponent and/or their construction contractor will do the following. <ul style="list-style-type: none"> <li>Review and ensure that construction activities are conducted in accordance with local noise standards from the cities of Palo Alto and East Palo Alto.</li> <li>Implement additional noise mitigation measures, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity to allowed timeframes, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources, as appropriate.</li> </ul>	Contractor.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>MM-NOI-1: Provide advance notification of construction schedule and 24-hour hotline to residents</b>	Contractor.	Prior to construction	City of Palo Alto; Caltrans.	When construction is



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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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The construction contractor will provide advance written notification of the proposed construction activities to all residences and other noise-sensitive uses within 750 feet of the construction site. Notification will include a brief overview of the proposed project and its purpose, as well as the proposed construction activities and schedule. It will also include the name and contact information of the project manager at the City of Palo Alto or another City of Palo Alto representative or designee responsible for ensuring that reasonable measures are implemented to address the problem.		activities and during construction.		complete.
<b>MM-NOI-2: Designate a noise disturbance coordinator to address resident concerns</b> The construction contractor will designate a representative to act as construction noise disturbance coordinator, responsible for resolving construction noise concerns. The disturbance coordinator's name and contact information will be included in the preconstruction notices sent to area residents, per MM-NOI-1. The coordinator will be available during regular business hours to monitor and respond to concerns; if construction hours are extended, the disturbance coordinator will also be available during the extended hours. In the event a noise complaint is received, she or he will be responsible for determining the cause of the complaint and ensuring that all reasonable measures are implemented to address the problem.	Contractor; construction noise disturbance coordinator.	During construction.	City of Palo Alto; Caltrans.	When construction is complete.
<b>MM-NOI-3: Install temporary noise barriers.</b> As described in MM-NOI-1 and MM-NOI-2, the construction contractor will notify noise-sensitive land uses near the site of upcoming activity before construction begins, will require construction-site noise reduction measures, and will provide a 24-hour complaint hotline. If a resident or other noise-sensitive person submits a complaint about construction noise and the contractor is unable to reduce noise to a level that does not cause annoyance or disruption to adjacent land	Contractor.	During construction following noise complaint that cannot be resolved.	City of Palo Alto; Caltrans.	When construction is complete.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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<p>uses through other means, the contractor will install temporary noise barriers to reduce noise levels below the applicable construction noise standard. Barriers will be installed as promptly as possible, and work responsible for the disturbance will be suspended or modified until barriers have been installed. The following minimum criteria will be required of the contractor.</p> <ul style="list-style-type: none"> <li>• The barrier will be 10 feet tall. It will surround the work area to block the line of sight for all diesel-powered equipment on the ground, as viewed from any private residence or any building.</li> <li>• The barrier will be constructed of heavyweight plywood (5/8 inch thick) or other material providing a Sound Transmission Classification of at least 25 dBA. Note that 5/8 inch is sufficiently thick to provide optimal noise buffering; increasing the thickness of the barrier above 5/8 inch would not provide a noticeable improvement in noise reduction.</li> <li>• The barrier will be constructed with no gaps or holes that would allow noise to transmit through the barrier.</li> </ul> <p>To minimize reflection of noise toward workers at the construction site, the surface of the barrier facing the workers will be covered with a sound-absorbing material meeting a Noise Reduction Coefficient of at least 0.70.</p>				
<p><b>MM-NOI-4: Conduct construction vibration monitoring and implement control approach(es).</b> During periods of construction, the construction contractor will retain a qualified acoustical consultant or engineering firm to conduct vibration monitoring at homes or occupied vibration-sensitive buildings located within 315 feet<sup>4</sup> of pile driving locations and 25 feet of construction sites using other non-impact equipment. If at any point the measured PPV is in</p>	Contractor; qualified acoustical consultant or engineering firm; complaint coordinator.	Prior to and during construction.	City of Palo Alto; Caltrans.	When construction is complete.

<sup>4</sup> Beyond 315 feet, vibration from pile driving would attenuate to less than 0.4 inches per second and thus less than the distinctly perceptible threshold.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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excess of 0.3 in/sec, construction activity will cease and alternative methods of construction and excavation will be considered to prevent possible exposure of vibration-sensitive buildings and structures to levels of 0.3 in/sec PPV or higher. Prior to construction activity, and assuming the property owner gives permission, a preconstruction survey will be conducted that documents any existing cracks or structural damage at vibration-sensitive receptors located within the distances identified above by means of color photography or video. Additionally, a designated complaint coordinator will be responsible for handling and responding to any complaints received during such periods of construction. The construction contractor will also implement a reporting program that will be required to document complaints received, actions taken, and the effectiveness of these actions in resolving disputes.				
<b>Natural Communities</b>				
<b>AMM-BIO-1: Install Construction Barrier Fencing around Environmentally Sensitive Areas.</b> The Project proponent or its contractor will install orange construction barrier fencing to identify environmentally sensitive areas in and adjacent to the construction area. A qualified biologist will identify sensitive biological resources adjacent to the construction area before the final design plans are prepared so that the areas to be fenced can be included in the plans. The area that would generally be required for construction, including staging and access, is shown in Figure 2.3-1. Portions of this area that are to be avoided during construction will be fenced off to avoid disturbance. Sensitive biological resources that occur adjacent to the construction area include sensitive natural communities and protected trees to be retained. Temporary fences around the environmentally sensitive areas will be installed as one of the first orders of work following California Department of Transportation (Caltrans)	Contractor; qualified biologist.	Identify the sensitive biological resources on plans during final design; prior to and during construction.	City of Palo Alto; Caltrans.	When construction is complete.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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specifications. Before construction, the construction contractor will work with the Project engineer and a resource specialist to identify the locations for the barrier fencing and will place stakes around the sensitive resource sites to indicate these locations. The protected areas will be designated as environmentally sensitive areas and clearly identified on the construction plans. The fencing will be installed before construction activities are initiated, maintained throughout the construction period, and removed after completion of construction.				
<p><b>AMM-BIO-2: Prepare Environmental Awareness Program and Conduct Environmental Awareness Training for Construction Employees.</b> The Project proponent will retain a qualified biologist to develop an environmental awareness program and conduct environmental awareness training for construction employees. The program will explain the importance of on-site biological resources, including sensitive natural communities, protected trees to be retained, and special-status wildlife habitats, and how to avoid take of listed species. The program will include invasive plant identification and the importance of controlling and preventing the spread of invasive plant infestations.</p> <p>The environmental awareness program will be provided to all construction personnel to inform them on the life history of special-status species in or adjacent to the Project, the need to avoid impacts on sensitive biological resources, any terms and conditions required by state and federal agencies, and the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the Project, the contractor's superintendent will ensure that the personnel receive the mandatory training before starting work. An environmental awareness handout that describes and illustrates sensitive resources to be avoided during Project construction and identifies all relevant permit conditions will be provided to each</p>	Contractor; qualified biologist.	Prior to and during construction.	City of Palo Alto; Caltrans.	When construction is complete.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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person.				
<p><b>AMM-BIO-3: Retain a Biological Monitor to Conduct Visits during Construction.</b> The Project proponent will retain a qualified biologist to conduct construction monitoring in and adjacent to all identified environmentally sensitive areas. The frequency of monitoring will range from daily to weekly depending on the biological resource. The monitor, as part of the overall monitoring duties, will inspect the fencing once a week at a minimum in the construction area along the river and drainages that support woody vegetation; surrounding native trees and woodlands; and special-status plants. The biological monitor will assist the construction crew as needed to comply with all Project implementation restrictions and guidelines. The biological monitor also will be responsible for ensuring that the contractor maintains the staked and flagged perimeters of the construction area and staging areas adjacent to sensitive biological resources.</p>	Contractor; qualified biologist.	Daily or weekly during construction.	City of Palo Alto; Caltrans.	When construction is complete.
<p><b>AMM-BIO-4: Avoid and Minimize Potential Disturbance of Valley Foothill Riparian Community.</b> The Project proponent and its construction contractor will avoid and minimize potential disturbance of the valley foothill riparian community by implementing the following measures.</p> <ul style="list-style-type: none"> <li>• The potential for long-term loss of woody vegetation will be minimized by trimming vegetation rather than removing entire shrubs. Shrubs that need to be trimmed will be cut at least 1 foot above ground level to leave the root systems intact and allow for more rapid regeneration. Cutting will be limited to the minimum area necessary within the construction zone.</li> <li>• A certified arborist will be retained to perform any necessary pruning or root cutting of retained trees.</li> <li>• The areas that undergo vegetative pruning will be inspected immediately before construction, immediately after construction,</li> </ul>	Contractor; certified arborist.	During construction; for vegetation pruning, before construction, immediately after construction, and 1 year after construction.	City of Palo Alto; Caltrans.	When construction is complete; for vegetation pruning, 1 year after construction.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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and 1 year after construction to determine the amount of pre-Project vegetative cover, cover that has been removed, and cover that regrows. After 1 year, if vegetation in these areas has not regrown sufficiently to return the cover to the pre-Project level, the Project proponent will replant the areas with native species to reestablish the cover to the pre-Project condition.				
<p><b>MM-BIO-1: Compensate for Permanent Loss of Valley Foothill Riparian.</b> The Project proponent will compensate for permanent construction-related loss of valley foothill riparian habitat by replanting trees in the disturbed area after completion of the construction activities. Loss of native riparian trees will be compensated by replanting at a ratio of 3:1 (three native trees planted for every one native tree removed that was at least 4 inches diameter at breast height [approximately 4.5 feet above existing grade]). Loss of non-native riparian trees will be compensated at a ratio of 1:1 (one native tree planted for every one non-native tree removed that was at least 4 inches diameter at breast height). The compensatory ratios and planting locations will be confirmed through coordination with the Project proponent and other agencies as part of the environmental permitting process for the proposed Project.</p> <p>The Project proponent will prepare a riparian mitigation planting plan, including a species list and number of each species, planting locations, and maintenance and monitoring requirements. Plantings will consist of cuttings taken from native plants, or plants grown at a plant nursery from local native material obtained within the San Francisquito Creek watershed. Planted species will be similar in structure and stature (at maturity) to those removed from the Project area. Plantings will be monitored annually for 5 years or as required in the Project permits. If 75% of the plants survive and the riparian canopy covers 75% at the end of the monitoring period, the revegetation will be considered successful. If this survival and canopy cover criteria are not met at the</p>	City of Palo Alto; contractor.	During construction; monitored annually for 5 years or as required in the Project permits.	City of Palo Alto; Caltrans.	When construction is complete; 5 years after Project completion.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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end of the monitoring period, planting and monitoring will be repeated after mortality causes have been identified and corrected.				
<p><b>AMM-BIO-5. Protect Water Quality and Prevent Erosion and Sedimentation in San Francisquito Creek.</b> The Project proponent and/or their construction contractor shall ensure the construction specifications include water quality protection and erosion and sediment control BMPs), based on standard Caltrans requirements, to minimize construction-related contaminants and mobilization of sediment to the San Francisquito Creek.</p> <p>The BMPs will be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable. BMPS are subject to review and approval by the Project proponent. The Project proponent will perform routine inspections of the construction area to verify the BMPs are properly implemented and maintained. The Project proponent will notify contractors immediately if there is a noncompliance issue and will require compliance.</p> <p>The BMPs will include, but are not limited to, the following.</p> <ul style="list-style-type: none"> <li>• All earthwork or foundation activities involving San Francisquito Creek and the bridge will occur in the dry season (between June 1 and October 15).</li> <li>• A netting and tarp system will be implemented at the bridge site to prevent and minimize debris from entering the river during demolition and construction activities.</li> <li>• Equipment used around San Francisquito Creek will be in good working order and free of dripping or leaking engine fluids. All vehicle maintenance will be performed at least 300 feet from all drainages and wetlands. Any necessary equipment washing will be carried out where the water cannot flow into drainages or wetlands.</li> </ul>	Contractor.	During final design; construction.	City of Palo Alto; Caltrans.	When construction is complete.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> <li>• A hazardous material spill prevention control and countermeasure plan will be developed before construction begins that will minimize the potential for and the effects of hazardous or toxic substances spills during construction. The plan will include storage and containment procedures to prevent and respond to spills and will identify the parties responsible for monitoring the spill response. During construction, any spills will be cleaned up immediately according to the spill prevention and countermeasure plan. The Project proponent will review and approve the contractors' toxic materials spill prevention control and countermeasure plan before allowing construction to begin. The following types of materials will be prohibited from being rinsed or washed into the streets, shoulder areas, or gutters: concrete, solvents and adhesives, thinners, paints, fuels, sawdust, dirt, gasoline, asphalt and concrete saw slurry, heavily chlorinated water.</li> <li>• Baseline turbidity, pH, specific conductance, and temperatures in the San Francisquito Creek channel will be measured when flow is present. As required by the Regional Water Quality Control Board (RWQCB), water quality standards specified in the Basin Plan standards will not be exceeded over the natural in-situ conditions. If dewatering activities are required, water samples would be taken periodically during construction.</li> <li>• Any surplus concrete rubble, asphalt, or other rubble from construction will be taken to a local landfill.</li> <li>• An erosion and sediment control plan will be prepared and implemented for the proposed Project. It will include the following provisions and protocols. The stormwater pollution prevention plan for the Project will detail the applications and type of measures and the allowable exposure of unprotected soils.               <ul style="list-style-type: none"> <li>○ Discharge from dewatering operations, if needed, and runoff</li> </ul> </li> </ul>				



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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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<p>from disturbed areas will be made to conform to the water quality requirements of the waste discharge permit issued by the RWQCB.</p> <ul style="list-style-type: none"> <li>○ Temporary erosion control measures, such as sandbagged silt fences, will be applied throughout construction of the proposed Project and will be removed after the working area is stabilized or as directed by the engineer. Soil exposure will be minimized through use of temporary BMPs, groundcover, and stabilization measures. Exposed dust-producing surfaces will be sprinkled daily, if necessary, until wet; this measure will be controlled to avoid producing runoff. Paved streets will be swept daily following construction activities.</li> <li>○ The contractor will conduct periodic maintenance of erosion and sediment control measures.</li> <li>○ An appropriate seed mix of native species will be planted on disturbed areas upon completion of construction.</li> <li>○ The contractor will cover or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more) that could contribute sediment to waterways.</li> <li>○ The contractor will enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways. Material stockpiles will be located in non-traffic areas only. Side slopes will not be steeper than 2:1. All stockpile areas will be surrounded by a filter fabric fence and interceptor dike.</li> <li>○ Runoff from disturbed areas will be contained and filtered by berms, vegetated filters, silt fencing, straw wattle, plastic sheeting, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.</li> <li>○ Other temporary erosion control measures (such as silt</li> </ul>				

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
<p>fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary re-vegetation or other ground cover) will be used to control erosion from disturbed areas as necessary.</p> <ul style="list-style-type: none"> <li>The contractor will avoid depositing or placing earth or organic material where it may be directly carried into the channel.</li> </ul>				
<p><b>MM-BIO-2: Tree Replacement Plan.</b> The applicant shall be required, in accordance with the Tree Protection and Management Regulations (Palo Alto Municipal Code 8.10) and Tree Technical Manual (Palo Alto Municipal Code 8.10.120), to replace the tree canopy for the six protected trees, in accordance with the tree canopy formula identified in the Tree Technical Manual (Tree Technical Manual, 3.20). If the tree canopy cannot be replaced on-site, the canopy shall be replaced off-site as close to the Project site as feasible. If trees are being replaced off-site, the applicant must submit a Tree Planting Plan to the Urban Forestry Division and obtain the Urban Forestry Division's approval of the plan prior to issuance of a building permit. The Tree Planting Plan must include the following:</p> <ul style="list-style-type: none"> <li>The canopy calculation for trees removed and the number of trees planned to replace them, consistent with the formula identified in the Tree Technical Manual</li> <li>The specific location where the new trees would be planted with specific baseline information about that proposed site (e.g., surrounding vegetation or development)</li> <li>The species of trees to be planted</li> <li>Specific planting details (e.g., size of sapling, size of containers, irrigation plan)</li> <li>Success criteria</li> <li>Monitoring and maintenance schedule</li> </ul>	City of Palo Alto; qualified arborist.	During final design; construction; 2 years after initial planting.	City of Palo Alto; Caltrans; if trees are planted offsite, City of Palo Alto Urban Forestry Division.	If trees are planted offsite, following approval of the Tree Planting Plan by the City of Palo Alto Urban Forestry Division; 2 years after initial planting if trees can survive without further maintenance.

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

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Replacement tree planting will be monitored by a qualified arborist. To verify the success of replacement trees, monitoring shall occur for two years after initial planting. After the two-year period, the arborist will determine if the trees are capable of surviving without further maintenance.				
<b>Animal Species</b>				
<b>AMM-BIO-6: Conduct Preconstruction Surveys for Western Pond Turtles; Relocate if Needed.</b> A qualified biologist will examine the BSA for western pond turtles and their nests no more than 24 hours before Project activities begin and during any initial removal of vegetation, woody debris, or trees, or other initial ground-disturbing activities. If a western pond turtle is observed at any time before or during Project activities, all activities will cease. If western pond turtles are determined to be absent from the Project footprint, no further action will be required with regard to these species. If any western pond turtles are found within the Project footprint, whenever possible construction work in their vicinity will be avoided until they have moved outside of the Project area of their own volition. If the relocation of western pond turtle is necessary, a relocation plan will be developed and submitted to CDFW for approval. The plan will include subsequent details of monitoring by a CDFW-approved biologist, agency-approved disinfection and handling protocols, animal care while being relocated, suitable deposition locations, and reporting requirements. The CDFW-approved biologist will follow all applicable CDFW disinfection and handling protocols per the relocation plan.	Contractor; qualified biologist; CDFW-approved biologist (if required).	No more than 24 hours before Project activities begin and during any initial removal of vegetation, woody debris, or trees, or other initial ground-disturbing activities.	City of Palo Alto; Caltrans; CDFW.	Following approval of a relocation plan (if required); following completion of vegetation, woody debris, or tree removal, or other initial ground-disturbing activities.
<b>AMM-BIO-7: Conduct Preconstruction Surveys for Pallid and Hoary Bats.</b> A qualified biologist will examine trees within the BSA for roosting hoary bats no more than 24 hours before any initial removal of vegetation, woody debris, or trees, or other initial ground-disturbing activities. If a bat is observed roosting at any time before or	Contractor; qualified biologist.	No more than 24 hours before Project activities begin and during any initial	City of Palo Alto; Caltrans; CDFW.	Following approval of avoidance measures (if required);

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(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

<b>Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/ Report Responsibility</b>	<b>Status/Date Completed</b>
during Project activities, all activities will cease. The Project proponent will coordinate with CDFW to develop and implement avoidance measures before commencing Project activities.		removal of vegetation, woody debris, or trees, or other initial ground-disturbing activities.		following completion of vegetation, woody debris, or tree removal, or other initial ground-disturbing activities.
<p><b>AMM-BIO-8: Implement Nesting Bird Impact Avoidance Measures.</b> The Project proponent and/or their construction contractor will be responsible for avoiding effects on migratory and non-migratory birds including special-status species (e.g., snowy egret, saltmarsh common yellowthroat). Accordingly, the following measures will be implemented.</p> <ul style="list-style-type: none"> <li>• Vegetation (including trees) trimming or removal will be conducted during the nonbreeding season (September 1 to January 31), to the extent feasible.</li> <li>• Construction activities will be conducted during the nonbreeding season (September 1 to January 31), to the extent feasible.</li> <li>• Construction activities will begin during the nonbreeding season (September 1 to January 31) and prior to the nesting season (February 1 to August 31), if feasible. Beginning construction prior to the breeding season will establish a level of noise disturbance that will dissuade noise-sensitive raptors and other birds from attempting to nest within or near the study area.</li> <li>• Bridge work (including existing bridge expansion and new bridge installation) will be conducted during the nonbreeding season (September 1 to January 31), to the extent feasible. It is recommended that inactive nests be removed from any bridge</li> </ul>	Contractor; qualified wildlife biologist.	During construction.	City of Palo Alto; Caltrans; CDFW, USFWS.	After a biologist determines that the young have fledged and moved out of the Project area; completion of construction.

**TABLE A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL FOR THE NEWELL ROAD BRIDGE REPLACEMENT PROJECT  
(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Report Responsibility	Status/Date Completed
<p>work location and from any vegetation or structure within the Project area or within 50 feet of where bridge work will take place. In addition, nest exclusion measures (e.g., fine mesh netting, panels, or metal projectors) are recommended to be installed outside of the nesting season, to the extent feasible. If installed, exclusionary devices will be monitored and maintained throughout the breeding season to ensure that they are fully functional (i.e., successful in preventing the birds from accessing cavities or potential nesting sites).</p> <ul style="list-style-type: none"> <li>• If construction activities (including vegetation trimming or removal and bridge work) occur within the breeding season (February 1 to August 31), a qualified wildlife biologist with demonstrated nesting bird survey experience will conduct preconstruction surveys for nesting birds. A minimum of three separate surveys will be conducted for migratory birds, including raptors. Surveys will include a search of all suitable nesting habitat (e.g., grassland, bushes, trees, bridges, culverts, overpasses, and structures) in the Project area. In addition, a 300-foot area around the Project area will be surveyed for nesting raptors. When feasible, surveys should occur during the height of the breeding season (March 1 to June 1) with one survey being conducted in each of 2 consecutive months within this peak period and the final survey being conducted within 1 week of the start of construction. If no active nests are detected during these surveys, no additional measures are required.</li> <li>• If a lapse in construction activities of 3 days or longer at a previously surveyed study area occurs, another preconstruction survey will be conducted.</li> <li>• If an active nest is found in the Project area, a no-disturbance buffer (marked with high-visibility fencing, flagging, or pin flags) will be established by a qualified wildlife biologist around the site</li> </ul>				

**TABLE A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL FOR THE NEWELL ROAD BRIDGE REPLACEMENT PROJECT  
(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

<b>Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/ Report Responsibility</b>	<b>Status/Date Completed</b>
to avoid disturbance or destruction of the nest until the end of the breeding season (August 31) or until after the biologist determines that the young have fledged and moved out of the Project area (this date varies by species). The extent of these buffers will be determined by the biologist in coordination with USFWS and/or CDFW as appropriate. Buffer size will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Buffer size is based on a species' sensitivity to disturbance and planned work activities in the vicinity and has the potential to vary with different species. Typical buffer sizes are 300 feet for raptors and 50 feet for other birds.				
<b>Threatened and Endangered Species</b>				
<b>AMM-BIO-9: Avoid Work during Active Breeding and Dispersal Period for Special-Status Frogs.</b> The contractor will conduct site preparation and construction activities that involve earthwork, other ground disturbance, and/or vehicle traffic through frog-sensitive areas (intermittent stream and riparian habitat) outside the period when special-status frogs are actively breeding and dispersing (October 15 through June 1).	Contractor.	During construction.	City of Palo Alto; Caltrans.	Completion of construction.
<b>AMM-BIO-10: Conduct Preconstruction Surveys at Work Sites in and near Frog-Sensitive Areas.</b> No more than 3 days prior to the onset of site preparation and construction activity at each site, a qualified wildlife biologist will conduct a preconstruction survey for special-status frogs within the Project footprint. The survey will cover all areas where special-status frogs may be present or concealed, including cracks, burrows, vegetation adjacent to wet areas, and other temporary refugia, as well as any riparian or intermittent stream habitat affected. If special-status frogs are determined to be absent	Contractor; qualified wildlife biologist.	No more than 3 days prior to the onset of site preparation and construction activity.	City of Palo Alto; Caltrans.	Completion of construction.

**TABLE A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL FOR THE NEWELL ROAD BRIDGE REPLACEMENT PROJECT  
(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

<b>Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/ Report Responsibility</b>	<b>Status/Date Completed</b>
from the Project footprint, no further action will be required with regard to these species. If any special-status amphibians are found within the Project footprint, whenever possible, construction work in their vicinity will be avoided until they have moved outside of the Project area of their own volition.				
<b>AMM-BIO-11: Provide Construction Worker Awareness Training for Special-Status Frogs.</b> The City of Palo Alto will provide, or require contractors to provide, worker awareness training for construction personnel to enable them to recognize special-status frogs and other aquatic and riparian wildlife. Trained construction personnel will also understand where sensitive resource areas are within the construction zone so they can minimize their impact on upland (dispersal and aestivation) habitat. Training will be presented by a qualified wildlife biologist experienced in training non-specialists. The training program will include at least the following: a description of the special-status species likely to use the site, and their habitat needs; photographs of these species; an explanation of the legal status of these species and their protection under the ESA and other regulations; a list of measures being taken to reduce effects to these species during Project construction; and distribution of a fact sheet summarizing training content. The City of Palo Alto will also distribute, or require contractors to distribute, the training summary fact sheet to anyone else who may enter the Project. Upon completion of training, employees will sign a form stating that they attended the training and understand all the conservation and protection measures.	Contractor; qualified wildlife biologist.	Prior to the start of construction.	City of Palo Alto; Caltrans.	After all employees sign a form stating that they attended the training and understand all the conservation and protection measures.
<b>AMM-BIO-12: Install Exclusion Fencing and Conduct Construction Monitoring for Special-Status Frogs.</b> Once it has been determined that no special-status frogs are present on the Project site, the contractor will install barrier fencing along the perimeter of the work area where necessary to ensure that frogs do not enter the site during	Contractor; qualified biologist.	Within 3 days after clearance surveys are performed; daily during	City of Palo Alto; Caltrans.	Completion of construction.

**TABLE A: MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL FOR THE NEWELL ROAD BRIDGE REPLACEMENT PROJECT  
(TO BE IMPLEMENTED BY THE CITY OF PALO ALTO)**

<b>Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/ Report Responsibility</b>	<b>Status/Date Completed</b>
construction. Fencing will be installed promptly (within 3 days) after clearance surveys are performed, to prevent frogs from entering the work area. A qualified biologist will be present during the installation of exclusion fencing, will determine which areas need to be monitored on a daily basis during construction activities to avoid harm to California red-legged frog, and will be responsible for follow-up monitoring as needed. The monitor will inspect and maintain the integrity of the exclusion fencing.		construction as needed.		
<b>AMM-BIO-13: Limit Stream Bank Construction to Dry Season.</b> The contractor will limit stream bank construction from June 1 to October 15 in order to avoid the migratory season for adult steelhead. This timing will also limit any excess sedimentation and runoff from entering the San Francisquito Creek.	Contractor.	During construction	City of Palo Alto; Caltrans.	Completion of construction.
<b>Invasive Species</b>				
<b>AMM-BIO-14: Avoid the Introduction of Invasive Plants.</b> The Project proponent, or their contractor, will be responsible for avoiding the introduction of new invasive plants and the spread of invasive plants previously documented in the BSA. Accordingly, the following measures will be implemented during construction. <ul style="list-style-type: none"> <li>• Surface disturbance within the construction work area will be minimized to the greatest extent possible.</li> <li>• All disturbed areas will be seeded with certified weed-free native mixes and mulched with certified weed-free mulch (rice straw may be used in upland areas).</li> <li>• Native, noninvasive species will be used in erosion control plantings to stabilize site conditions and prevent invasive species from colonizing.</li> </ul>	Contractor.	During construction.	City of Palo Alto; Caltrans.	Completion of construction.



**AMENDMENT NO. 3 TO CONTRACT NO. C12142825  
BETWEEN THE CITY OF PALO ALTO AND  
NV5, INC.**

This Amendment No. 3 (this "Amendment") to Contract No. C12142825 (the "Contract" as defined below) is entered into as of June 1, 2020, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and NV5, INC., a California corporation, located at 2025 Gateway Place, Suite 156, San Jose, CA 95110 ("CONSULTANT"). CITY and CONSULTANT are referred to collectively as the "Parties" in this Amendment.

**RECITALS**

A. The Contract (as defined below) was entered into by and between the Parties hereto for the provision of professional engineering design and environmental assessment services in conjunction with the Newell Road/San Francisquito Creek Bridge Project (the "Project"), as detailed therein.

B. The Parties now wish to amend the Contract in order to extend the Contract term and update the schedule of performance, as detailed herein.

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the Parties agree:

**SECTION 1. Definitions.** The following definitions shall apply to this Amendment:

a. **Contract.** The term "Contract" shall mean Contract No. C12142825 between CONSULTANT and CITY, dated March 5, 2012, as amended by:

Amendment No.1, dated June 4, 2013, and  
Amendment No.2, dated March 10, 2015.

b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

**SECTION 2.** Section 2, entitled "TERM", of the Contract is hereby amended to read as follows:

"The Term of the Agreement shall be from the date of its full execution through December 31, 2021 unless terminated earlier pursuant to Section 19 of this Agreement."

SECTION 4. Exhibit B entitled "SCHEDULE OF PERFORMANCE", Exhibit B-1 entitled "AMENDMENT NO. ONE SCHEDULE OF PERFORMANCE", and Exhibit B-2 entitled "AMENDMENT NO. TWO SCHEDULE OF PERFORMANCE" of the Contract are hereby deleted and replaced in the entirety to read as set forth in the Exhibit B attached to this Amendment, entitled "SCHEDULE OF PERFORMANCE, AMENDMENT No. 3", which is hereby attached and incorporated in full into this Amendment and into the Contract by reference.

SECTION 5. **Legal Effect.** Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 6. **Incorporation of Recitals.** The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

*(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)*

## **SIGNATURES OF THE PARTIES**

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

### **CITY OF PALO ALTO**

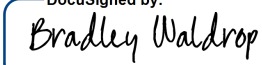
City Manager

APPROVED AS TO FORM:

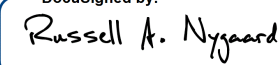
Cassie Coleman  
City Attorney or designee

### **NV5, INC.**

#### **Officer 1**

DocuSigned by:  
By:   
Name: Bradley Waldrop  
Title: Regional Managing Director

#### **Officer 2 (Required for Corp. or LLC)**

DocuSigned by:  
By:   
Name: Russell A. Nygaard  
Title: Director of Structures

### **Attachments:**

EXHIBIT "B": SCHEDULE OF PERFORMANCE, AMENDMENT NO.3 (AMENDED, REPLACES PREVIOUS EXHIBIT "B" AND EXHIBITS "B-1" AND "B-2")

**EXHIBIT “B”**  
**SCHEDULE OF PERFORMANCE, AMENDMENT NO. 3**  
**(AMENDED, REPLACES PREVIOUS EXHIBIT “B” AND EXHIBITS “B-1” AND “B-2”)**

CONSULTANT shall perform the Services so as to complete each milestone within the completion dates specified below. The completion dates shown below are the final completion date of the tasks which include 30%, 60%, 90%, final design, specifications of PS&E and all relevant tasks to complete the Project. The time to complete each milestone may be increased or decreased by mutual written agreement of the project managers for CONSULTANT and CITY so long as all work is completed within the term of the Agreement. CONSULTANT shall provide a detailed schedule of work consistent with the schedule shown below within 2 weeks of receipt of the notice to proceed (NTP).

<b>Milestones</b>	<b>Completion Date for Tasks</b>
1. Project Management	December 31, 2021
2. Existing Document Review	May 9, 2012 (completed)
3. Utility Coordination	February 27, 2013 (completed)
4. Environmental Studies	June 30, 2020
5. Survey	July 20, 2015 (completed)
6. Bridge Hydraulic Report	September 14, 2015 (completed)
7. Geotechnical Investigation	September 20, 2012 (completed)
8. Preliminary Engineering and Type Selection	September 30, 2020
9. Final Design & PS&E Development	September 30, 2020
10. Regulatory Agency Permitting	December 31, 2021
11. Bidding and Construction Support	December 31, 2021

## **ATTACHMENT E**

### **Project Plans and Environmental Impact Report/Environmental Assessment (EIR/EA)**

Hardcopies of project plans and the EIR/EA are provided to the Council. These plans and environmental documents are available to the public online and/or by visiting the Planning and Community Environmental Department on the 5<sup>th</sup> floor of City Hall at 250 Hamilton Avenue.

#### **Directions to review Project plans online:**

1. Go to: [bit.ly/PApendingprojects](http://bit.ly/PApendingprojects)
2. Scroll to find “Newell Road Bridge” and click the address link
3. On this project specific webpage you will find a link to the Project Plans, Final EIR/EA (including the response to comments), Technical Reports and other important information

#### **Direct Link to Project Webpage:**

[Cityofpaloalto.org/Newell](http://Cityofpaloalto.org/Newell)