

Final Environmental Report Approval Memorandum

University Plaza Phase II Project

SCH Number 2017052045



September 2020



MEMORANDUM

To: Ami Upadhyay
Contract Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

From: Demetri Loukas
Principal Project Manager
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San José, CA 95126

Re: University Plaza Phase II – Approved Project

This memorandum: 1) documents the revisions to the University Plaza Phase II Final EIR contained in the December 17, 2019 City Council Staff Report 2) explains why the environmental impacts of the modified project approved by the City Council on December 17, 2019 are fully evaluated in the EIR certified by the City Council on December 17, 2019, and 3) updates the “Findings of Fact Regarding the Environmental Impact Report for the University Plaza Phase II Project and Statement of Overriding Considerations” to reflect the approved project, and 4) updates the Mitigation Monitoring and Report Program (MMRP) to be consistent with the approved modified project.

1) REVISIONS TO FINAL EIR

Attachment E: Conditions of Project Approval of the Staff Report contains revisions to Section 4.0 of the University Plaza Phase II Final EIR. An Errata Sheet showing the revisions is included as Attachment A.

2) PROJECT MODIFICATIONS

The Draft EIR evaluated an eight-story (120-foot-tall), 231,883-square-foot office building with an adjacent 284,094-square-foot, five-story, 773-space parking structure with 40 bicycle parking spaces.

On December 17, 2019, the East Palo Alto City Council approved a seven-story, 203,967-square-foot office building with an adjacent 246,097-square-foot, five-story, 695-space parking structure with 40 bicycle parking spaces and 8,690 square feet of retail space.

Environmental Conclusion

Except for the relatively small differences in square footage and uses, the project evaluated in the Draft EIR and the project approved by the City Council on December 17, 2019 are very similar. The projects would both be constructed on the same project site within the same general footprint using the same construction methods and schedule. Vehicular ingress and egress would be the same. Except for potential environmental impacts related to trip generation (e.g., intersection operations,

noise, air quality, and greenhouse gas emissions), impacts under the evaluated and approved projects would not be substantially different. For this reason, a trip generation analysis was completed by Hexagon Transportation Consultants. The analysis was completed on October 21, 2019, prior to the City Council project approval. The memorandum summarizing the results of the trip generation analysis is included as Attachment B. As demonstrated in the trip generation analysis, compared to the project evaluated in the Draft EIR, the approved project would generate 18 fewer vehicle trips during the AM peak hour and 17 fewer vehicle trips during the PM peak hour. The trip reduction under the approved project would decrease the magnitude of impacts related to trip generation. For these reasons, compared to the project evaluated in the Draft EIR, the modified project approved by the City Council on December 17, 2019 would not result in new impacts or substantially increase the severity of previously identified impacts.

3) FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed above, on December 17, 2019, the East Palo Alto City Council approved a modified version of the project evaluated in the EIR. The *Findings of Fact Regarding the Environmental Impact Report for the University Plaza Phase II Project and Statement of Overriding Considerations* has been updated to reflect the approved project and is included as Attachment C.

4) MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Report Program has been updated to be consistent with the approved project and is included as Attachment D.

ATTACHEMNT A: ERRATA SHEET

University Plaza Phase II Project
SCH Number 2017052045

Errata Sheet – July 14, 2020

As identified in the East Palo Alto City Council Staff Report for the University Plaza Phase II Project dated December 17, 2020, Section 4.0, Draft EIR Text Revisions of the University Plaza Phase II Project Final Environmental Impact Report is replaced in its entirety with the following:

SECTION 4.0 DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the University Plaza Phase II Project Draft EIR dated December 2018. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page and Section	Text Revisions
Page v; Summary, Project Location Appendix A, Page 6; Section 3.4 Project Location	The project site is located at 2111 University Avenue and is approximately 2.5 acres. The project site includes four <u>three</u> parcels, Assessor’s Parcel Numbers 063-292-160, 170, 190, and 200 (<u>APNs 160 and 200 compose a single, legal parcel</u>). The project’s University Avenue frontage is currently developed with two one-story structures (occupied by retail and office uses totaling approximately 12,000 square feet) and associated surface parking. The parcel at the corner of University Avenue and Donohoe Street (not part of the project) is currently developed with an operating gas station. The project site is bordered by park and industrial uses to <u>the</u> north, school district office and <u>school bus</u> parking uses to the west, Donohoe Street to the south and University Avenue to the east. Regional, vicinity, and aerial maps of the project site are shown in, Figure 2.4-1, Figure 2.4-2, and Figure 2.4-3, respectively.
Page v; Summary, Project Overview Appendix A, Page 6; Section 3.4 Project Description	The project would demolish the two existing buildings on-site and construct an eight-story structure with approximately 231,883 square feet of office space, <u>4,102 square feet of ground-floor community flex space</u> , and a five-story, 284,094-square-foot parking structure with 773 parking spaces. Vehicular and bicycle access to the parking garage would be provided via a full-access driveway off of Donohoe Street and two right-turn-only driveways off of University Avenue. Pedestrian access would be provided to the structures from sidewalks along University Avenue and Donohoe Street. The existing four three parcels would be merged into a single parcel. <u>The adjacent public park encroaches on the northern property line of the project site: however, the project would grant a perpetual park easement to the City of East Palo Alto to maintain the location of the park.</u> Three protected trees and 27 non-protected trees (30 total trees) would be removed from the project site to accommodate the proposed structures. <u>Four non-protected trees would be removed from within the Caltrans right-of-way.</u>

Page and Section	Text Revisions
Page 15; Section 1.2.1 Focusing the EIR	<p>The project also proposes to shift the northbound United States US 101 (US 101) on-ramp approximately 30 feet east, to line up with the project driveway <u>and install a new traffic signal at the Donohoe Street and Euclid Avenue intersection.</u> Four trees would be removed from the Caltrans right-of-way to accommodate the relocation of the northbound US 101 on-ramp. The existing on-ramp would be removed, and the area would be landscaped per Caltrans standards. A Development Agreement could be required (between the City and project applicant) for project implementation.</p>
Page 17; Section 2.4 Project Location	<p>The project site is located at 2111 University Avenue and is approximately 2.5 acres in size. The project site includes four <u>three</u> parcels, Assessor's Parcel Numbers 063-292-160, 170, 190, and 200 (<u>APNs 160 and 200 compose a single, legal parcel</u>).</p>
Page 17; Section 2.5 Project Description	<p>The project would demolish the two existing on-site buildings and construct an eight-story structure with approximately 231,883 square feet of office space and a five-story (seven-level), 284,094-square-foot parking structure with 773 parking spaces <u>and approximately 4,102 square feet of ground-floor community flex space facing Donohoe Street.</u> As shown on the conceptual site plan in Figure 2.5-1, vehicular and bicycle access to the parking garage would be provided via a full-access driveway off of Donohoe Street and two right-turn-only driveways off of University Avenue. Pedestrian access would be provided to the structures from sidewalks along University Avenue and Donohoe Street. The existing four parcels would be merged into a single parcel. Three protected trees and 27 non-protected trees would be removed <u>to accommodate the office building and parking garage as part of the project.</u> <u>Four non-protected trees would be removed from within the Caltrans right-of-way.</u></p>

Page and Section	Text Revisions
Page 26; Section 2.5.2 Transportation Modifications	The proposed project includes transportation system modification in the project vicinity. The US 101 Northbound On-Ramp would be shifted approximately 30 feet east to align with the proposed office project driveway on the north side of Donohoe Street and a new traffic signal would be installed at the US 101 Northbound On-Ramp/proposed office project driveway and Donohoe Street. <u>A new traffic signal would also be installed at the Donohoe Street and Euclid Avenue intersection and coordinated with other closely spaced traffic signals along Donohoe Street.</u> The westbound Donohoe Street approach to the US 101 Northbound On-Ramp would be restriped to accommodate an approximately 60-foot-long left-turn pocket, a shared left/through lane, and an exclusive through lane (as shown in Figure 2.5-5). These improvements would require widening of the US 101 Northbound On-Ramp to accommodate two lanes that taper down to a single lane before this ramp connects with the loop on-ramp from northbound University Avenue. Environmental review by other agencies (e.g., the California Department of Transportation) may be required to supplement this Draft EIR analysis prior to implementation of the US 101 on-ramp modification.
Page 26; Footnote	<u>The applicant shall be required to adopt the TDM ordinance in effect at the time of final occupancy of the structure.</u>
Page 29; Section 2.6.1 General Plan Designation and Zoning	The site has a General Plan designation of Mixed Use High, which allows up to a 2.5 floor area ratio (FAR) with a maximum height of eight stories or 100 feet (whichever is greater) and up to 260 persons per acre (<u>applicable to residential projects</u>). The project proposes a FAR of 2.1 and height of eight stories.
Page 29; Section 2.7 Project-Related Approvals, Agreements, and Permits	This Draft EIR is intended to provide the City of East Palo Alto, other responsible agencies, and the general public with relevant environmental information needed in considering the proposed project. The City of East Palo Alto anticipates that this document would be utilized for the discretionary approvals required to implement the project, as well as any Development Agreement that might be needed for the project. <u>The project would require the following approvals:</u> <ul style="list-style-type: none"> • <u>Site Plan and Design Review</u> • <u>Lot Merger</u> • <u>Ministerial demolition, grading, building, and occupancy permits</u> • <u>Encroachment Permit (Caltrans)</u>
Page 31; Section 3.0 Timeframe of Analysis	The project applicant anticipates that construction of the project will take approximately take 24 months and would consist of demolition of the existing buildings, paving, and landscaping, site preparation, construction of the office building and parking garage, and installation of landscaping. It is anticipated that construction would start in spring 2018 <u>2020</u> and the building would be completed in spring 2020 <u>2022</u> .

Page 53;
Section 3.2.3.3
Violation of
Standards

Criteria Pollutants

Construction of the project would involve demolition of existing buildings and surface parking lots, site grading, trenching, paving, building construction, ~~and architectural coatings, and relocation of the freeway ramp.~~ The duration of project construction would be approximately 12 ~~to 13~~ months. Construction-related automobiles, trucks, and heavy equipment are a primary concern with regard to criteria pollutant emissions as a result of diesel particulate matter.

Table 3.2-3: Construction Criteria Pollutant Emissions				
Scenario	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Total construction emissions	1.49 1.47 tons	2.39 2.55 tons	0.05 0.04 tons	0.04 tons
Average daily emissions ¹	11.5 10.7 lbs./day	18.4 18.6 lbs./day	0.4 0.3 lbs./day	0.3 lbs./day
BAAQMD Thresholds	54 lbs./day	54 lbs./day	82 lbs./day	54 lbs./day
Threshold Exceeded?	No	No	No	No
¹ Assumes 260 274 workdays.				

~~Construction would involve demolition of buildings and surface parking lots, site grading, trenching, paving, building construction, and architectural coating.~~ As shown in Table 3.2-3, the emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust associated with construction would not exceed the BAAQMD significance thresholds and, therefore, would not result in a significant impact from construction emissions. **(Less than Significant Impact)**

Page 55;
Section 3.2.3.3
Violation of
Standards

Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Construction exhaust emissions pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. The health risk assessment of project construction activities (refer to Appendix C) evaluated potential health effects of sensitive receptors at nearby residences and identified a maximally exposed individual (MEI) for construction emissions of DPM and PM_{2.5}. The MEI and receptors are shown in Figure 3.2-1.

Results of the assessment for project construction indicate the maximum incremental residential infant/child cancer risk at the MEI receptor would be ~~3.09~~ 3.09 in one million ~~and the residential adult incremental cancer risk would be 0.1 in one million,~~ below the significance threshold of 10 in one million. The maximum modeled annual PM_{2.5} concentration, was ~~0.024~~ 0.024 micrograms per cubic

Page and Section	Text Revisions
Page 55; Section 3.2.3.3 Violation of Standards	<p>meter ($\mu\text{g}/\text{m}^3$), which would not exceed the BAAQMD significance threshold of $0.3 \mu\text{g}/\text{m}^3$. The maximum modeled annual residential DPM concentration was $0.0159 \mu\text{g}/\text{m}^3$, also lower than the BAAQMD significance criterion of a hazard index greater than 1.0. Because cancer risk, annual $\text{PM}_{2.5}$ concentrations, and non-cancer hazards from construction activities would be below the significance thresholds, the impact would be less than significant. (Less than Significant Impact)</p>
	<p style="text-align: center;">Operation</p> <p><u>The project includes one 500-kilowatt diesel generator to provide emergency back-up power, which would be considered a new stationary pollutant source in the area. Annual average DPM and $\text{PM}_{2.5}$ concentrations were modeled assuming that generator testing could occur at any time between the hours of 7:00 a.m. and 7:00 p.m. and the generator is operated for 50 hours per year. The MEI most impacted by the generator was the same MEI identified in the construction dispersion modeling. Increased cancer risk impacts from the emergency back-up diesel generator at the MEI would be 0.1 per million, which is less than 1.0 per million BAAQMD threshold. Annual $\text{PM}_{2.5}$ and Hazard Index exposures would both be less than 0.01, which is below the $0.3 \mu\text{g}/\text{m}^3$ and 1.0 thresholds (respectively) specified by BAAQMD. Thus, the impact is less than significant.</u></p> <p><u>During operation, the project would generate an increase in vehicle traffic due to employees driving autos to and from the site. Operational emissions from the increased vehicular traffic on University Avenue and Donohoe Street were assessed. For operational emissions at the MEI for both roadways, the cancer risk would be 0.2 (less than 1.0 per million threshold) and the $\text{PM}_{2.5}$ concentration would be less than $0.01 \mu\text{g}/\text{m}^3$ (which is less than the $0.3 \mu\text{g}/\text{m}^3$ threshold). BAAQMD has found that non-cancer hazards from all local roadways would be below 0.03. For these reasons, the impact would be less than significant. (Less than Significant Impact)</u></p>
Page 55; Section 3.2.2.4 Cumulative Pollutant Increase	<p>3.2.2.4 Cumulative Pollutant Increase</p> <p><u>The following Table 3.2-4 presents a summary of the project health risk impacts during construction and operation for single sources and cumulative sources. As shown, health risk levels would be below BAAQMD-established thresholds and impacts would be less than significant during construction and operation of the project. A further discussion of the project's construction and operational cumulative air quality impacts follows.</u></p>

Table 3.2-4: Summary of Risk Impacts at MEI			
<u>Source</u>	<u>Cancer Risk (per million)</u>	<u>Annual PM_{2.5} ($\mu\text{g}/\text{m}^3$)</u>	<u>Hazard Index</u>
<u>Project Construction</u>	<u>3.9 (infant)</u>	<u>0.04</u>	<u><0.01</u>
<u>Project Generator</u>	<u>0.1 (infant)</u>	<u><0.01</u>	<u><0.01</u>
<u>Project Traffic Increase</u>	<u>0.2</u>	<u><0.01</u>	<u><0.03</u>
<u>Combined Project Total</u>	<u>4.1 (infant)</u>	<u><0.06</u>	<u><0.05</u>
<u>BAAQMD Single-Source Threshold</u>	<u>>10.0</u>	<u>>0.3</u>	<u>>1.0</u>
<u>Significant?</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Cumulative Sources</u>			
<u>Highway 101</u>	<u>49.1</u>	<u>0.33</u>	<u>0.04</u>
<u>University Avenue</u>	<u>1.3</u>	<u>0.04</u>	<u><0.03</u>
<u>Donohoe Street</u>	<u>2.0</u>	<u>0.07</u>	<u><0.03</u>
<u>Shell Gas Dispensing Facility</u>	<u>0.3</u>	<u>=</u>	<u><0.01</u>
<u>Chevron, Gas Dispensing Facility</u>	<u>2.7</u>	<u>=</u>	<u>0.01</u>
<u>Ravenswood School District, Gas Dispensing Facility</u>	<u>0.4</u>	<u>=</u>	<u><0.01</u>
<u>IKEA, Generator Source</u>	<u>4.5</u>	<u>0.01</u>	<u><0.01</u>
<u>Four Seasons Hotel Generator</u>	<u>0.5</u>	<u><0.01</u>	<u><0.01</u>
<u>Cumulative Total</u>	<u>64.9</u>	<u>0.46</u>	<u><0.20</u>
<u>BAAQMD Cumulative Threshold</u>	<u>>100</u>	<u>>0.8</u>	<u>>10.0</u>
<u>Significant?</u>	<u>No</u>	<u>No</u>	<u>No</u>

Page x;
Summary and
Page 76;
Section 3.4.2.3
Ground
Vibration and
Noise

MM NOI-1.1: To the extent feasible, avoid using vibratory rollers, tampers, or dropping heavy equipment within 20 feet of a shared property line. If avoidance is infeasible, perform vibration monitoring within 20 feet of shared property lines throughout construction work, to ensure that construction-related vibration levels do not exceed the 0.3 in/sec PPV threshold (adjusting work and equipment as necessary to meet this standard.

Page 95;
Section 3.5.2.4
Intersection
Levels of
Service

As shown in the table above, measured against the significance criteria, the project would have a less than significant impact on all study intersections both with and without the loop road, and in some cases improve traffic on University Avenue and Donohoe Street.

Page and Section	Text Revisions
Page xii - xiii; Summary and Page 102; Section 3.5.2.9 Cumulative Intersection Level of Service	<p>MM C-TRAN-1.1: The project shall fund or construct the widening of Donohoe Street at University Avenue to accommodate dual westbound left-turn lanes, one through lane, a shared through-right lane and an exclusive right-turn lane. This improvement will require the acquisition of additional right-of-way on the south side of Donohoe Street between University Avenue and the US 101 Northbound off ramp. <u>The improvements shall either be added to the City's Capital Improvement Program so that the improvements can be credited against future fees, or a reimbursement agreement between the applicant and the City to reimburse the applicant over time as the City collects fees or fair share contributions from benefitting projects shall be implemented. In addition, the inner left-turn lane on the northbound University Avenue approach to Donohoe Street shall be extended by an additional 250 feet. Extension of the northbound left-turn lane can be accommodated within the existing right-of-way, by cutting into the raised median on University Avenue. This improvement would not require any additional right-of-way acquisition or reconfiguration of the US 101 overpass.</u></p>
	<p>MM C-TRAN-1.2: The project shall fund or construct the widening of the westbound approach on Donohoe Street at the US 101 Northbound off-ramp shall be to accommodate four through lanes to improve the vehicular throughput at this intersection. This improvement will require median modifications and narrowing the eastbound Donohoe Street approach to Cooley Avenue to include two through lanes and a full length left-turn lane. <u>The improvements shall either be added to the City's Capital Improvement Program so that the improvements can be credited against future fees, or a reimbursement agreement between the applicant and the City to reimburse the applicant over time as the City collects fees or fair share contributions from benefitting projects shall be implemented.</u></p>
	<p><u>Some intersections would improve under cumulative plus project conditions; however, Wwith implementation of the above mitigation measures, the Euclid Avenue/Donohoe Street intersection would operate at acceptable LOS D during the PM peak hour. During the AM peak hour, the intersection would operate at unacceptable LOS F, but the average delay would be lower than under cumulative no project conditions.</u></p>
	<p>MM C-TRAN-2.1: The significant cumulative impact at this intersection could be mitigated by constructing the planned loop road and converting the right-turn lane on eastbound Bay Road to a shared through-right turn lane. This intersection improvement would not require additional right-of-way beyond that described in the Ravenswood/4 Corners TOD Specific Plan. The proposed project shall make a fair share contribution towards these improvements <u>and the improvement shall be added to the City's Capital Improvement Program so that improvements can be credited against future fees.</u></p>

Page and Section	Text Revisions
Page 108; Section 3.6.1.2 Existing Conditions	<p style="text-align: center;">Wastewater</p> <p>Wastewater <u>collection and conveyance</u> services are provided to the project site by the East Palo Alto Sanitary District (EPASD), including approximately 30 miles of sewer pipeline and 560 manholes.</p>
	<p style="text-align: center;">Storm Drainage</p> <p>The existing project site is partially developed with office buildings, as well as paved and <u>compacted graveled</u> parking areas and is approximately 46 percent impervious <u>roof and pavements</u>, 40 percent compacted gravel, and 14 percent <u>landscape</u>.</p>
Page 115; Section 4.0 Growth- Inducing Impacts	<p>The proposed project is an in-fill office development to replace two existing commercial buildings, totaling 12,000 square feet and associated surface parking, and a vacant lot with an eight-story office building and five-story parking structure. The proposed project would also seek a rezoning to a PUD rezoning in order to accommodate the proposed buildings <u>is consistent with the site's General Plan land use and zoning designations.</u></p>
Page 121; Section 7.5.1.1 Comparison of Impacts	<p>Under the No Project Alternative, the project site would remain as it is, and all of the environmental impacts anticipated to occur under the proposed project would be avoided. <u>The proposed roadway improvements that would improve the LOS on area roadways (freeway onramp, new traffic light, and Donohoe Street reconfiguration)</u> would also not occur.</p>
Appendix A, Page 70; Section 4.11.2a	<p>The proposed project includes approximately 240,000 <u>231,883</u> square feet of office space and assuming 165 <u>230</u> square feet of office space per employee, the proposed project would bring approximately 1,400 <u>1,008</u> jobs to the City.</p>

ATTACHEMNT B: HEXAGON TRIP GENERATION MEMO



Memorandum

Date: October 21, 2019
To: Mr. Guido Persicone, City of East Palo Alto
From: Michelle Hunt
Subject: University Plaza Phase II Project – Trip Generation for New Project Options

Hexagon has prepared a traffic impact analysis (TIA) report for the proposed University Plaza Phase II development. The TIA report, dated 11/20/18, is based on the original project description, which comprised an 8-story office building with 233,840 square feet (s.f.). Subsequently, the project description was revised to add 4,102 s.f. of community flex space on the ground floor of the parking garage and to slightly reduce the office space to 231,883 s.f. Following the Planning Commission meeting on 10/7/19, and in response to feedback from the Commission and members of the community, the applicant has developed two new project options for consideration. This memo compares the trip generation estimates for the existing project application to the following new project options:

- Option A: 7-story office (203,967 s.f.) and 1-story community flex space (4,500 s.f.)
- Option B: 7-story office (203,967 s.f.) and 2-story retail space (8,690 s.f.)

Table 1 shows the trip generation estimates for the existing project application with an 8-story office building (231,883 s.f.) and 1-story community flex space (4,102 s.f.). After applying the 25% TDM trip reduction, the proposed project would generate 1,731 new daily vehicle trips, with 267 new trips occurring during the AM peak hour and 236 new trips occurring during the PM peak hour. The trips generated by the existing project application are slightly greater than the project trip generation evaluated in the TIA report (1,701 daily trips with 264 AM peak hour trips and 232 PM peak hour trips). However, the small increase in peak-hour vehicle trips (three trips in the AM peak hour and four trips in the PM peak hour) would not affect the conclusions of the traffic analysis.

Compared to the existing application, Option A (community flex space) is estimated to generate 31 fewer vehicle trips during the AM and 29 fewer vehicle trips during the PM peak hour (see Table 2).

The trips that would be generated under Option B may vary depending upon the type of tenants that occupy the retail space. The potential retail tenants are unknown at this time. This analysis assumes that the project would include a coffee shop (2,000 s.f.) and general retail (6,690 s.f.). Coffee shops generate much more vehicle traffic per square foot than other retail uses, thus this is a conservative assumption. The trip estimates for the retail uses in this option reflect reductions for internal trips (office workers who walk to and from the retail uses) and pass-by trips (vehicles already on the road that stop at the project site on their way to another destination). Compared to the existing application, Option B (retail space) would generate 18 fewer vehicle trips during the AM peak hour and 17 fewer vehicle trips during the PM peak hour (see Table 3).

Thus, neither of the proposed new project options would generate any new project impacts that have not been identified in the previous TIA report or Draft Environmental Impact Report (DEIR).

**Table 1
Project Trip Generation Estimates – Existing Application**

Land Use	Size	Units	Daily		AM Peak Hour			PM Peak Hour				
			Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Existing Use												
Office/Retail ¹				(110)		(5)	(3)	(8)		(5)	(9)	(14)
Proposed Use												
Office ²	231,883	s.f.	10.33	2,395	1.55	316	43	359	1.40	55	270	325
25% TDM Trip Reduction				(599)		(79)	(11)	(90)		(14)	(67)	(81)
Flex/Community ³	4,102	s.f.	11.03	45	1.56	5	1	6	1.49	1	5	6
Net Project Trips				1,731		237	30	267		37	199	236
<p>1 Trip generation counts conducted at existing driveways from 7-9 AM and 4-6 PM on Tuesday, February 14, 2017. Existing daily trips were estimated.</p> <p>2 Trip generation for the proposed office development based on fitted curve equations for General Office Building (Land Use Code 710) published in ITE <i>Trip Generation Manual, 9th Edition (2012)</i>.</p> <p>3 Trip generation for the proposed flex/community space based on average rates for General Office Building (Land Use Code 710) published in ITE <i>Trip Generation Manual, 9th Edition (2012)</i>.</p>												

**Table 2
Project Trip Generation Estimates – Option A**

Land Use	Size	Units	Daily		AM Peak Hour			PM Peak Hour				
			Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Existing Use												
Office/Retail ¹				(110)		(5)	(3)	(8)		(5)	(9)	(14)
Proposed Use												
Office ²	203,967	s.f.	10.33	2,107	1.55	278	38	316	1.40	49	237	286
25% TDM Trip Reduction				(527)		(70)	(9)	(79)		(12)	(60)	(72)
Flex/Community ³	4,500	s.f.	11.03	50	1.56	6	1	7	1.49	1	6	7
Net Project Trips				1,520		209	27	236		33	174	207
<p>1 Trip generation counts conducted at existing driveways from 7-9 AM and 4-6 PM on Tuesday, February 14, 2017. Existing daily trips were estimated.</p> <p>2 Trip generation for the proposed office development based on fitted curve equations for General Office Building (Land Use Code 710) published in ITE <i>Trip Generation Manual, 9th Edition (2012)</i>.</p> <p>3 Trip generation for the proposed flex/community space based on average rates for General Office Building (Land Use Code 710) published in ITE <i>Trip Generation Manual, 9th Edition (2012)</i>.</p>												

**Table 3
Project Trip Generation Estimates – Option B**

Land Use	Size	Units	Daily		AM Peak Hour			PM Peak Hour				
			Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Existing Use												
Office/Retail ¹				(110)		(5)	(3)	(8)		(5)	(9)	(14)
Proposed Use												
Office²	203,967	s.f.	10.33	2,107	1.55	278	38	316	1.40	49	237	286
25% TDM Trip Reduction				(527)		(70)	(9)	(79)		(12)	(60)	(72)
Coffee Shop³	2,000	s.f.	820.38	1,641	101.1	135	67	202	36.31	40	33	73
internal trips (25%)				(410)		(34)	(17)	(51)		(10)	(8)	(18)
pass-by trips (89%)				(1096)		(89)	(45)	(134)		(27)	(22)	(49)
				135		12	5	17		3	3	6
Retail⁴	6,690	s.f.	37.75	253	0.94	4	2	6	3.81	12	13	25
internal trips (25%)				(63)		(1)	(1)	(2)		(3)	(3)	(6)
pass-by trips (34%)				(65)		(1)	0	(1)		(3)	(3)	(6)
				125		2	1	3		6	7	13
Proposed Total				1,840		222	35	257		46	187	233
Net Project Trips				1,730		217	32	249		41	178	219

1 Trip generation counts conducted at existing driveways from 7-9 AM and 4-6 PM on Tuesday, February 14, 2017. Existing daily trips were estimated.

2 Trip generation for the proposed office development based on fitted curve equations for General Office Building (Land Use Code 710) published in ITE *Trip Generation Manual, 9th Edition (2012)*.

3 Peak-hour trip generation based on average rates for Coffee/Donut Shop without Drive-Through Window (Land Use Code 936) and daily trip generation based on average rate for Coffee/Donut Shop with Drive-Through Window (Land Use Code 937) published in ITE *Trip Generation Manual, 10th Edition (2017)*. Pass-by rate based on Coffee/Donut Shop with Drive-Through Window and No Indoor Seating (Land Use Code 938) published in ITE *Trip Generation Handbook, 3rd Edition (2017)*.

4 Trip generation for the proposed retail space based on average rates for Shopping Center (Land Use Code 820) published in ITE *Trip Generation Manual, 10th Edition (2017)*. Pass-by rate based on Shopping Center (Land Use Code 820) published in ITE *Trip Generation Handbook, 3rd Edition (2017)*.

**ATTACHEMNT C: FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS**

**FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR
THE UNIVERSITY PLAZA PHASE II PROJECT, and STATEMENT OF OVERRIDING
CONSIDERATIONS**

Final Environmental Impact Report SCH No. 2017052045

The City of East Palo Alto

**FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT
(STATE CLEARINGHOUSE NUMBER 2017052045) FOR THE UNIVERSITY PLAZA
PHASE II PROJECT**

I. Introduction

The California Environmental Quality Act of 1970 ("CEQA"), Public Resources Code Section 21081, and the Guidelines for Implementation for the California Environmental Quality Act, Title 14 California Code of Regulations, Section 15091 ("State CEQA Guidelines") require that a public agency consider the environmental impacts of a project before a project is approved and make specific Findings. 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 such projects[.]" The same statute provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

Public Resources Code section 21002 is implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. As set forth in CEQA Guidelines Section 15901(a):

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of these significant effect, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Pursuant to CEQA Guidelines Section 15091(b), these findings must be supported by substantial evidence in the record, and pursuant to CEQA Guidelines Section 15091(d), when the lead agency makes the first finding, it must also adopt a program for reporting on or monitoring the

changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects; these measures must be fully enforceable through permit conditions, agreements, or other measures.

The following Findings of Fact set forth the City of East Palo Alto's evidentiary and policy bases for its decision to approve the discretionary actions to be undertaken by the City for the development of the Project in a manner consistent with CEQA requirements, after having reviewed and considered, in its sole and independent judgment, the Draft EIR and Final EIR. The City of East Palo Alto hereby binds itself to implement the mitigation measures reproduced here and identified as feasible in the Final EIR. In addition, a Mitigation Monitoring and Report Program (MMRP) has been prepared for the Project and is incorporated into the approval resolution and approved in conjunction with certification of the EIR and adoption of these Findings of Fact.

A. Document Format

These Findings of Fact have been organized in to the following sections:

- (I) Introduction
- (II) Project Summary
- (III) Environmental Review and Public Participation
- (IV) Findings Regarding Project Environmental Impacts Determined to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment
- (V) Findings Regarding Project Impacts Determined to Be Less Than Significant with Mitigation Incorporated
- (VI) Findings Regarding Project Impacts Determined to Be Significant and Unavoidable
- (VII) Findings Regarding Alternatives
- (VIII) Findings Regarding Growth-Inducing Impacts of the Project (Draft EIR Section 4.0)

B. Custodian and Location of Records

The East Palo Alto Community Development Department is the custodian of the EIR, and record considered by the City in connection with its approval of Project. The documents and materials that constitute this record are available for review at the City of East Palo Alto Community Development Department, Planning Division, 1960 Tate Street, Palo Alto, California 94303. The location and custodian of these documents is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e). For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of the items listed in Public Resources Code Section 21167.6(e), and consist of, at a minimum, the following (which are incorporated by reference and made part of the record supporting these findings):

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR for the Project and all documents therein relied upon or incorporated by reference, including Plan Bay Area 2040 and the Plan Bay Area 2040 EIR, the 2035 East Palo Alto General Plan and 2035 East Palo Alto General Plan EIR, and the East Palo Alto 2011 Climate Action Plan and East Palo Alto 2011 Climate Action Plan EIR;
- All comments and correspondence submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the Project, including the Planning Commission staff report, minutes of the Planning Commission public hearing; City Council staff report; minutes of the City Council public hearing; comments received on the Draft EIR; the City's responses to those comments; technical appendices; and all documents relied upon or incorporated by reference;
- The MMRP for the Project;
- All findings and resolutions adopted by the City in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with CEQA requirements and with respect to the City's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearings;
- Any minutes and/or verbatim transcripts and all documentary or other evidence presented at all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- All resolutions adopted by the City regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- The City's General Plan and all updates and related environmental analyses;
- Matters of common knowledge to the City, including but not limited to Federal, State, and local laws and regulations;
- The City's Zoning Code;
- Any documents expressly cited in these findings, in addition to those cited above; and

- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The City has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Planning Commission, City Council, or City staff as part of the City's files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories: (1) prior planning or legislative decisions of which the City Council was aware in approving the Project; and (2) documents that influenced the expert advice provided to the City staff or consultants, who then provided advice to the Planning Commission and the City Council as final decision makers. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to approval of the Project.

II. Project Summary

A. Project Location

The Project site is located at 2111 University Avenue and is approximately 2.5 acres. The Project site includes three parcels, Assessor's Parcel Numbers 063-292-160, 170, 190, and 200 (APNs 160 and 200 compose a single, legal parcel). The Project's University Avenue frontage is currently developed with two one-story structures (occupied by retail and office uses totaling approximately 12,000 square feet) and associated surface parking. The parcel at the corner of University Avenue and Donohoe Street (not part of the Project) is currently developed with an operating gas station. The Project site is bordered by park and industrial uses to the north, school district office and school bus parking uses to the west, Donohoe Street to the south and University Avenue to the east.

B. Project Description

The Project would demolish the two existing buildings on-site and construct a seven-story structure with approximately 203,967 square feet of office space with an adjacent 246,097-square-foot, five-story, 695-space parking structure with 8,690 square feet of retail space. Vehicular and bicycle access to the parking garage would be provided via a full-access driveway off of Donohoe Street and two right-turn-only driveways off of University Avenue. Pedestrian access would be provided to the structures from sidewalks along University Avenue and Donohoe Street. The existing three parcels would be merged into a single parcel. The adjacent public park encroaches on the northern property line of the Project site; however, the Project would grant a perpetual park easement to the City of East Palo Alto to maintain the location of the park. Three protected trees and 27 non-protected trees (30 total trees) would be removed from the Project site to accommodate the proposed structures.

The Project also proposes service-improving traffic improvements, including: (1) to shift the northbound United States US 101 (US 101) on-ramp approximately 30 feet east, to line up with the Project driveway and (2) install a new traffic signal at the Donohoe Street and Euclid Avenue

intersection to be coordinated with other closely spaced traffic signals along Donohoe Street. The westbound approach on Donohoe Street shall be restriped

Four non-protected trees would be removed from the Caltrans right-of-way to accommodate the relocation of the northbound US 101 on-ramp. The existing on-ramp would be removed, and the area would be landscaped per Caltrans standards.

C. Statement of Project Objectives

Pursuant to CEQA Guidelines Section 15124, the Project Objectives are to:

1. Develop a high-profile office building that improves the area and promotes redevelopment of neighboring sites.
2. Attract emerging high-tech companies or retain existing tech companies in the City of East Palo Alto, contribute to the City's tax and job base, and provide flexibility to support companies to grow.
3. Promote in-fill development by building up to 232,000 square feet of office space on existing commercial property consistent with the recently approved General Plan.
4. Meet CALGreen standards optimizing efficient use of energy, water, and building materials.
5. Locate near existing transit corridors, bicycle infrastructure, and traffic arterials.
6. Minimize the impact of scale of a high-density office by building within the current General Plan and zoning height limits and established FAR limits.
7. Ensure a sustainable demolition and construction operation.
8. Establish pedestrian- and bicycle-oriented connections within the area.
9. Utilize on-site amenities to minimize impact on community infrastructure and provide flexibility of work environment.
10. Improve traffic flow and safety with signalization of the Euclid Avenue/East Bayshore Road/Donahoe Street intersection and modifications to the northbound US 101 onramp.

III. Environmental Review and Public Participation

The Final EIR dated September 27, 2019 includes the Draft EIR dated December 2018, written comments on the Draft EIR that were received during the public review period, written responses to those comments, clarifications/changes to the Draft EIR, and the MMRP. In conformance with CEQA, the City conducted a thorough environmental review of the Project, as described below:

- The City prepared a Notice of Preparation (NOP) of the Draft EIR and circulated it to local, state, and federal agencies on May 18, 2017. The standard 30-day comment period

concluded on June 19, 2017 but was extended by request of members of the public until June 26, 2017. The NOP provided a description of the Project and identified possible environmental impacts that could result from implementation of the Project and specified that the Project EIR would tier off the East Palo Alto General Plan EIR as applicable. The City of East Palo Alto also held a public scoping meeting on June 12, 2017 to discuss the Project and solicit public input as to the scope and contents of the Draft EIR. The meeting was held at the East Palo Alto City Council Chambers.

- Based on an Initial Study (Draft EIR Appendix A) and the NOP, potentially significant impacts were identified for discussion in the EIR pursuant to CEQA Guidelines Section 15063(c)(3)(a). The Initial Study concluded that the EIR should focus on Aesthetics, Air Quality, Noise, Transportation/Traffic, and Utilities and Service Systems resource areas. Energy is also discussed as it is a required analysis in an EIR. Agricultural and Forest Resources, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, and Recreation resource areas were analyzed in the Initial Study. The Project's impacts in these subject areas were determined to be less than significant or less than significant with mitigation included in the Project.
- A Draft EIR was prepared and circulated for a 60-day public comment period beginning on December 7, 2018 and ending on February 7, 2019. The Draft EIR was made available to local, state, and federal agencies and to interested organizations and individuals for review. Notice of the Draft EIR's availability was sent directly to every agency, person, and organization that commented on the NOP. The City collected all written comments concerning the Draft EIR during the 60-day public comment period. In addition, a public hearing of the Draft EIR was conducted before the Planning Commission on January 28, 2019 and public testimony was heard at the hearing and considered in the preparation of the Final EIR.
- Following the conclusion of the 60-day public comment period, the City prepared the Final EIR published on September 27, 2019, which provided responses to all public comments received during the 60-day public comment period pursuant to CEQA Guidelines Section 15088, and distributed to all agencies and interested parties who requested copies as well as made available to the public. The Final EIR was published and available for public review at least 10 days prior to the Planning Commission hearing to consider the EIR and related Project approvals.
- The Planning Commission considered the EIR and related Project approvals at a duly noticed public hearing on October 7, 2019. Planning staff presented the Project and the EIR conclusions, and the Planning Commission heard and considered public testimony. At the conclusion of the public hearing, the Planning Commission voted to recommend approval of the requested Project approvals as conditioned, certification of the EIR, and adoption of CEQA Findings of Fact and a Statement of Overriding Considerations to the City Council.

- The City Council considered the EIR and related Project approvals at a duly noticed public hearing on November 7, 2019. Planning staff presented the Project and the EIR conclusions, and the City Council heard and considered public testimony. At the conclusion of the public hearing, the City Council directed staff to confer with the Applicant and return with Project revisions on December 3, 2019.
- The City Council considered the EIR and related Project approvals at a duly noticed public hearing on December 3, 2019. Planning staff presented the Project and the EIR conclusions, and the City Council heard and considered public testimony. At the conclusion of the public hearing, the City Council directed staff to confer with the Applicant and return with Project revisions on December 17, 2019.
- The City Council considered the EIR and related Project approvals at a duly noticed public hearing on December 17, 2019. Planning staff presented the Project and the EIR conclusions, and the City Council heard and considered public testimony. At the conclusion of the public hearing, the City Council voted to approve the requested Project approvals as conditions, certification of the EIR, and adoption of CEQA Findings and a Statement of Overriding Consideration.

IV. Findings Regarding Project Environmental Impacts Determined to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment

A. Aesthetics

The Project will not have a substantial adverse effect on a scenic vista. The views of the site are limited to the immediately surrounding land uses and roadways due to the flat nature of the area, the presence of US 101 and other adjacent tall buildings. Views of mountains to the south and southwest are mostly obscured by existing tall buildings. Other than thirty trees located at the Project site, the site does not contain significant visual or aesthetic resources. There are no designated scenic vistas or scenic resources within the City, and the site itself is not part of a scenic view corridor. The site is adjacent a gateway entry point into the City and would be reviewed for consistency with Land Use and Design Policy 10.5. Therefore, the Project would not result in significant impacts to scenic vistas or resources.¹ (**Less than Significant Impact**).

The Project will have no effect on scenic resources within state scenic highways because there are no state scenic highways in East Palo Alto or adjacent cities that might be impacted.² (**No Impact**).

The Project will not significantly degrade the existing visual character or quality of the site and its surroundings. The Project represents a change or shift in the built environment, but this would occur without an alteration in established General Plan development standards related to mass and scale, which allow for taller and more massive buildings than those currently in place. General Plan Policy 10.10 specifically calls for a variety of architectural styles, building forms, and building heights along University Avenue. Further, the design of the Project is subject to design review and approval by the City. Given the context of the area that is in transition and that the Project would use quality architectural details and materials, including transitions at site boundaries, and improvements to activate the frontage at the pedestrian level, the visual

¹ EIR (Section 3.1.2.2) at p. 44.

² EIR (Section 3.1.2.3) at p. 44.

quality of the site or area will not be significantly impacted.³ The Project will not substantially change shade or shadows in the area. Outdoor uses are not present on site that might be impacted by shading. Shading impacts on the overall aesthetic character of the site would be less than significant due to the uses on the site and the limited time the site would be shaded. The longest Project shadows would fall on the adjacent school offices and parking lot to the north and west during the winter. Shading of the playground at Bell Street Park to the north would occur during spring and winter as a result of the Project. This playground is, however, already substantially shaded by existing mature trees and a substantial increase in shade is not anticipated. Incremental changes in shading at the playground would be temporary as the sun moves westward during winter afternoons.⁴ (**Less than Significant Impact**).

The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Outside lighting of the Project site would be limited and includes pedestrian-level bollard lights along the site interior and pole lighting, which decrease nighttime light pollution and spillovers. Signage is not proposed at this time.⁵ (**Less than Significant Impact**).

B. Agricultural and Forest Resources

The Project will have no impact,⁶ because there are no agricultural or forest resources on or in the vicinity of the Project site, which is in an entirely urban area.

C. Air Quality

The Project will not conflict with or obstruct implementation of the applicable air quality plan. The proposed Project would not conflict with the 2017 CAP, and is not required to incorporate Project-specific control measures, because it would have emissions below BAAQMD thresholds, is considered urban infill, and would be located near bike paths (including a new US 101 bicycle and pedestrian overcrossing) and transit (Caltrain and local/regional bus routes). Further, implementation of the Project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP.⁷ (**Less than Significant Impact**).

Emissions from the Project will not violate any air quality standard or contribute substantially to an existing or Projected air quality violation, in both the construction (for criteria pollutants and toxic air contaminants) and operation periods. With regard to criteria pollutants in the construction period, construction of the Project would be approximately 12 to 13 months and would involve demolition of existing buildings and surface parking lots, site grading, trenching, paving, building construction, architectural coatings, and relocation of the freeway ramp. Emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust associated with construction will not exceed the BAAQMD significance thresholds.⁸ With regard to toxic air contaminants in the construction period, results of the assessment for Project construction indicate the maximum incremental residential infant/child cancer risk at the maximally exposed individual (MEI) receptor would be 3.9 in one

³ EIR (Section 3.1.2.4) at p. 44-5.

⁴ EIR (Section 3.1.2.4) at p. 45.

⁵ EIR (Section 3.1.2.4) at p. 45.

⁶ Draft EIR, at p. 15.

⁷ EIR (Section 3.2.2.2) at p. 53.

⁸ EIR (Section 3.2.3.3) at p. 53.

million, below the significance threshold of 10 in one million; maximum-modeled annual PM_{2.5} concentration was 0.04 micrograms per cubic meter and thus below the BAAQMD's 0.3 micrograms per cubic meter threshold; and maximum modeled annual residential DPM concentration was 0.02 micrograms per cubic meter, below the BAAQMD significance criteria of greater than 1.0. Because cancer risk, annual PM_{2.5} concentrations, and non-cancer hazards from construction activities would be below the significance thresholds, this impact would be less than significant.

The Project's operation period emissions will also not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The Project includes one 500-kilowatt diesel generator to provide emergency back-up power, which would be considered a new stationary pollutant source in the area. Increased cancer risk impacts from the emergency back-up diesel generator at the MEI would be 0.1 per million, which is less than 1.0 per million BAAQMD threshold. Annual PM_{2.5} and Hazard Index exposures would both be less than 0.01, which is below the 0.3 µg/m³ and 1.0 thresholds (respectively) specified by BAAQMD. During operation, the Project will generate an increase in vehicle traffic due to employees driving autos to and from the site. For operational emissions, the cancer risk from increased vehicular traffic on University Avenue and Donohoe Street would be 0.2, which is less than the 1.0 per million threshold; and the PM_{2.5} concentration would be less than 0.01 µg/m³, which is less than the 0.3 µg/m³ threshold. BAAQMD found that non-cancer hazards from all local roadways would be below 0.03. With regard to criteria pollutants, the Project is below the 346,000 square-foot threshold size for BAAQMD significance screening criteria, and operational impacts for office projects smaller than that size (the Project is below the threshold size) are less than significant.⁹ (**Less than Significant Impact**).

The Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors. The health risk levels would be below BAAQMD-established thresholds during construction and operation of the Project. While not required to reduce cumulative impacts to a less than significant level, the implementation of *MM AQ-1.1* (see Section V.A.(1) below for measure text) would further reduce this impact, and cumulative projects in the vicinity would occur on different schedules and also be required to implement similar measures and BAAQMD BMPs to reduce construction impacts. With regard to operational impacts, the Project would not exceed the office development threshold (346,000 square feet) for criteria pollutants (if an individual project exceeds this threshold, its impacts would be considered cumulatively considerable); therefore, the Project's operations would not make a cumulatively considerable contribution to regional air quality impacts.¹⁰ See EIR Table 3.2-4 for a summary of risk impacts at MEI. (**Less than Significant Impact**).

The Project will not expose sensitive receptors, such as surrounding residents, to substantial pollutant concentrations. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. The health risk assessment of Project construction activities indicates the maximum incremental residential infant/child cancer risk would be 3.9 in

⁹ FEIR (Section 3.2.3.3), at p. 63 and 64.

¹⁰ FEIR (Section 3.2.2.4), at p. 63 and 64.

one million, below the significance threshold of 10 in one million. The maximum-modeled annual PM_{2.5} concentration, was 0.04 micrograms per cubic meter (µg/m³), which would not exceed the BAAQMD significance threshold of 0.3 µg/m³. The maximum- modeled annual residential DPM concentration was 0.01 µg/m³, also lower than the BAAQMD significance criterion of a hazard index greater than 1.0. Therefore, the cancer risk, annual PM_{2.5} concentrations, and non-cancer hazards from construction activities would be below the significance thresholds.¹¹ (**Less than Significant Impact**).

The Project will not create objectionable odors affecting a substantial number of people. Odors from construction equipment (e.g. diesel fumes) would be temporary in nature and, while not required to ensure less than significant odor impacts, would be further minimized through implementation of *MM AQ-1.1*. The Project does not include any land uses typically associated with significant odors, such as industrial land uses or waste transfer stations. Garbage and solid wastes associated with operation of the Project would be stored in an on-site covered trash enclosure, in accordance with City of East Palo Alto requirements, and would not be a source of long-term odor in the area.¹² (**Less than Significant Impact**).

D. Biological Resources:

The Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS; There are no riparian areas, wetlands, waters, or other natural communities located within or immediately adjacent to the Project site that might be impacted.¹³ (**No Impact**).

The Project will not 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.¹⁴ There are no riparian areas, wetlands, waters, or other natural communities located within or immediately adjacent to the Project site that might be impacted.¹⁵ (**No Impact**).

The Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Thirty-one trees would be removed from the site, with approximately three considered protected trees due to their size or species under the East Palo Alto Tree Regulations in the Municipal Code, and the Project would provide street trees and replacement trees on site.¹⁶ If the proposed Project is approved by the City, a tree removal permit would not be required and the proposed Project would not conflict with the City of East Palo Alto Tree Regulations.¹⁷ (**Less Than Significant Impact**).

The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The Project site is not covered by any such plan.¹⁸ (**No Impact**).

¹¹ FEIR (Section 3.2.2.3), at p. 64.

¹² EIR (Section 3.2.2.4), at p. 57.

¹³ Draft EIR Appendix A, Initial Study (“Initial Study”), at p. 24.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

E. Cultural Resources:

The Project will not cause a substantial adverse change in the significance of historical resources because there are no designated historic resources on or adjacent to the Project site.¹⁹ (**No Impact**).

The Project will not cause a substantial adverse change in the significance of a tribal cultural resource that is: 1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources or 2) determined to be a significant resource to a California Native American tribe, because no tribes have requested notice within the geographic area of the proposed Project under AB 52, and no known tribal cultural resources are located at the Project site.²⁰ (**No Impact**).

F. Energy

The operation of the Project will not use fuel or energy in a wasteful manner. The Project would be required to be constructed in conformance with CALGreen requirements and would comply with Title 24 state energy standards. The building design optimizes daylight to interiors and includes low-emissivity glazing, installation of a cool roof and use of energy-efficient LED. The Project would provide 40 bicycle parking spaces and would implement a TSM plan for employees to incentivize use of alternative methods of transportation to and from the site in order to reduce single-occupancy vehicle trips by at least 25 percent.²¹ The Project would also be consistent with the City's General Plan policies related to energy efficiency, would achieve LEED Silver certification, and would meet CALGreen Code requirements.²² (**Less than Significant Impact**).

The Project will not result in a substantial increase in demand upon energy resources in relation to projected supplies:

- Electricity and Natural Gas Resources: With regard to electricity and natural gas resources annual GWh electricity use in California was projected to increase by approximately one percent each year through 2027. The Project would increase annual electricity use by approximately 18,219,031 kWh, or 18 GWh (which is less than 0.006 percent of the state's total energy use); therefore, the Project would not result in a substantial increase in demand on electrical energy resources in relation to projected supply. Growth trends in natural gas supply, decreasing demand, and existing available pipeline capacity to and within California indicate that the relatively small natural gas demand from the Project would not result in a substantial increase in demand relative to projected supplies.²³ (**Less than Significant Impact**).
- Gasoline: With regard to gasoline, the Project would increase annual gasoline demand at the site by approximately 258,651 gallons over the existing conditions, which is not a

¹⁹ Initial Study (Section 4.4.2), at p. 29.

²⁰ Initial Study (Section 4.4.2), at p. 31.

²¹ EIR (Section 3.3.2.2), at p. 64.

²² EIR (Section 3.3.2.5), at p. 66.

²³ EIR (Section 3.3.2.4), at p. 65. FEIR (section 3.3.2.4), at p. 65.

substantial increase in the context of gasoline supply and demand of East Palo Alto and in the State of California. Future new automobile purchases by occupants at the Project would be subject to fuel economy and efficiency standards applied throughout the State of California and would improve fuel efficiency of vehicles associated with the site overtime. Further, a required TSM plan and bicycle parking will reduce the Project's VMT overall. Six bus lines serve the Project area with bus stops within walking distance of the Project on University Avenue, Donohoe Street, and Capitol Street. Existing facilities and services can accommodate an increase in ridership as will proposed wide sidewalks, facilitating pedestrian movements between the Project site and the nearest transit stops and encouraging residents and employees of the Project to commute using transit.²⁴ (**Less than Significant Impact**).

The Project would not have significant cumulative energy impacts. With regard to efficiency of use, the overall construction schedule and process is for all projects to be efficient in order to avoid exceed monetary costs; further, all projects would include air quality-related measures to less idling times and improve energy efficiency during construction. All projects in East Palo Alto and surrounding jurisdictions would be required to be constructed consistent with each city's adopted Green Building Ordinance. Operation/occupation of projects in the cumulative scenario would not result in a substantial increase in demand upon energy resources because their combined energy requirements would not exceed anticipated state, county, or local energy supplies.²⁵ (**Less than Significant Cumulative Impact**).

G. Geology and Soils:

The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving surface fault rupture and seismic shaking. The Project site is not located in an Alquist-Priolo Earthquake Fault Zone; however, the project site is located within a seismically active region. A Geotechnical Investigation was prepared for the proposed Project in compliance with General Plan Safety and Noise Element policies 1.1, 1.2 and 1.3. Compliance with the recommendations in the site-specific Geotechnical Investigation report would reduce effects of seismic ground shaking, such that there is no environmental impact.²⁶ (**No Impact**).

The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure. The Project site is within a state-designated Seismic Hazard Zone for liquefaction hazards during an earthquake. To avoid damage to building and infrastructure from soil layers that could experience liquefaction that could result in post-liquefaction settlement at the ground surface, the Project would: comply with General Plan Safety and Noise Element policies (1.1, 1.2, and 1.3); and adhere to CBC requirements, Municipal Code and recommendations for building foundation/footings in the Geotechnical Investigation. As a result, effects associated with seismic ground failure or subsidence would be lessened, such that there is no environmental impact.²⁷ (**No Impact**).

²⁴ EIR (Section 3.3.2.4), at p. 66.

²⁵ EIR (Section 3.3.2.6), at p. 66-7.

²⁶ Initial Study, (Section 4.5.2) at p.35.

²⁷ Initial Study, (Section 4.5.2) at p.36.

The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides because the Project site is flat and does not contain steep or other features that would result in a landslide or collapse.²⁸ **(No Impact)**.

The Project will not result in substantial soil erosion or the loss of topsoil. The 2.5-acre development site is mostly composed of paved and gravel surfaces with a less than 0.2 acre of landscaped areas. The existing Caltrans right-of-way where the northbound US 101 on-ramp will be relocated is mostly unpaved and landscaped. Compliance with applicable regulations related to erosion control would reduce impacts from construction, including any temporary increase in erosion due to site grading, clearing of existing vegetation and similar activities. If Project construction occurs during the wet season (between April 15 and October 15), the Project would prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes BMPs to reduce impacts related to erosion.²⁹ **(Less than Significant Impact)**.

The Project would not be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. While the Project site is located in a liquefaction zone, the Project will not cause the Project site or immediately surrounding sites to experience on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. During the building permit process the Project would be reviewed for compliance with General Plan Safety and Noise Element policies 1.1, 1.2, and 1.3 as well as for compliance with CBC requirements, Chapter 15.48 of the Municipal Code, and the Geotechnical Investigation recommendations to address unstable soils and appropriate fill material.³⁰ **(No Impact)**.

The Project will not create substantial risks to life or property due to location on expansive soil, as defined in Section 1802.3.2 of the 2007 CBC. Moderately expansive surficial soils generally cover the site. Compliance with recommendations pertaining to building foundations, fill material, and managing on-site soils in the Geotechnical Investigations prepared for the Project would reduce the effect of expansive soils on proposed structures and foundations, such that there is no environmental impact.³¹ **(No Impact)**.

The Project will not require the use of septic systems or alternative wastewater systems because the site is currently serviced by the City's sanitary sewer system and would continue to be connected to the City's sewer system; therefore, there is no impact with regard to soils, septic systems, or alternative wastewater systems.³² **(No Impact)**.

H. Greenhouse Gas Emissions

The Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, in either the construction or operation periods. Construction of the Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Neither the City of East Palo

²⁸ Initial Study, (Section 4.5.2) at p.36.

²⁹ Initial Study, (Section 4.5.2) at p.36.

³⁰ Initial Study, (Section 4.5.2) at p.36.

³¹ Initial Study, (Section 4.5.2) at p.37.

³² Initial Study, (Section 4.5.2) at p.37.

Alto nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions. The emissions summary calculations for the construction phase of the Project show there would be approximately 477 metric tons of CO₂e. BAAQMD BMPs incorporated into construction of the Project to reduce GHG emissions would include using at least 10 percent local building materials and recycling or reusing at least 50 percent of construction waste or demolition materials. In accordance with General Plan policy ISF-4.4 Construction waste, the Project would divert 80 percent of its construction waste away from landfills, which would exceed the minimum construction waste diversion BMPs.³³ (**Less than Significant Impact**).

Operation of the Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Long-term GHG emissions sources would be employee vehicle travel, building energy and water usage, and solid waste disposal. The Project size is below BAAQMD's adopted screening criteria for operational-period emissions for office projects; therefore, GHG emissions impacts would be considered less than significant.³⁴ (**Less than Significant Impact**).

The Project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The Project would comply with requirements of the City-adopted CALGreen Building Code requirements, including high-efficiency water fixtures, water-efficient irrigation systems, and energy-efficient electrical systems and fixtures. These energy efficiency and water conservation and reuse measures would not conflict with the CARB *Climate Change Scoping Plan* for reducing GHG emissions through 2020.³⁵ The Project will not conflict with the latest clean air and GHG reduction planning efforts. The Project is below the BAAQMD GHG size criteria for impacts. The Project would provide employment in an area with more housing than jobs and would not be a substantial source of emission of methane or other super-GHGs. The Project is generally consistent with the employment assumptions for development contained within the City's General Plan, Plan Bay Area, and the 2017 CAP.³⁶ The Project will not conflict with the East Palo Alto General Plan and Climate Action Plan. The Project would implement GHG and energy reduction measures including: compliance with the current CALGreen requirements, as adopted by the City of East Palo Alto; water conservation measures for landscaping, consistent with the City's landscape ordinance; Energy Star appliances and water-reducing fixtures; and installation of pedestrian improvements. Through conformance with the goals, policies, and development standards in the General Plan and the City of East Palo Alto's CAP, the Project would not conflict with local applicable plans adopted for the purpose of reducing the emissions of GHGs and meeting statewide GHG reduction goals.³⁷ (**Less than Significant Impact**).

I. Hazards and Hazardous Materials:

The Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The Project would use limited amounts

³³ Initial Study, (Section 4.6.2) at p.41.

³⁴ Initial Study, (Section 4.6.2) at p.41.

³⁵ Initial Study, (Section 4.6.2) at p.42.

³⁶ Initial Study, (Section 4.6.2) at p.42.

³⁷ Initial Study, (Section 4.6.2) at p.42.

of cleaning materials and landscape maintenance-related chemicals that would be stored and used in compliance with current product recommendations and state and federal requirements.³⁸ **(Less than Significant Impact)**.

The Project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The nearest school is Brentwood Academy (an elementary school), which is greater than 0.25 miles from the site. As such, emissions (e.g. construction equipment emissions) and minor hazardous substances handling as part of normal building operations would not result in a significant impact to nearby schools.³⁹ **(Less than Significant Impact)**.

The Project will not result in a nearby airport-related safety hazard for people residing or working in the Project area. The Project site is not within any airport safety zones established in the Palo Alto Airport CLUP; nor is it within a FAA FAR Part 77 height restriction area.⁴⁰ **(No Impact)**.

The Project will not result in a private airstrip-related safety hazard for people residing or working in the Project area because the Project site is not within the vicinity of a private airstrip.⁴¹ **(No Impact)**.

The Project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The Project site does not provide emergency access or facilities and is not identified or referred to in the EOP.⁴² **(No Impact)**.

The Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with Wildlands. The Project site is in an urbanized area; therefore, the Project would not place people or structures in an area subject to significant wildfire.⁴³ **(Less than Significant Impact)**.

J. Hydrology and Water Quality:

The Project will not violate water quality standards or waste discharge requirements in the operations period. The Project is required to comply with the RWQCB's MRP/C.3 requirements, which require the installation of post-construction controls to minimize water quality impacts following the completion of construction, as described in MM HYD-1.1 and MM HYD-2.2.⁴⁴ **(Less than Significant Impact with Mitigation Incorporated)**.

The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells will not drop

³⁸ Initial Study, (Section 4.7.3) at p. 48.

³⁹ Initial Study, (Section 4.7.3), at p. 50.

⁴⁰ Initial Study, (Section 4.7.3), at p. 51.

⁴¹ Initial Study, (Section 4.7.3) at p. 51.

⁴² Initial Study, (Section 4.7.3) at p. 51.

⁴³ Initial Study, (Section 4.7.3) at p. 51.

⁴⁴ Initial Study, (Section 4.8.2), at p. 58-9.

to a level which will not support existing land uses or planned uses for which permits have been granted). It is not anticipated that groundwater will be encountered during construction. The Project would not require groundwater pumping or dewatering that might cause lowering of the groundwater table. The Project site is currently developed and does not provide significant groundwater recharge; nor would it interfere with on-going groundwater recharge activities.⁴⁵ (**No Impact**).

The Project will not 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 will result in substantial erosion or situation on-or off-site; nor will the Project substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site. Stormwater runoff from the Project site would be collected via new six-to 12-inch, on-site storm drains, which would connect to existing storm drains on University Avenue and Donohoe Street. Runoff from the Caltrans right-of-way would flow into existing storm drain inlets on the south side of Donohoe Street (similar to existing conditions). Runoff would be collected via the City's storm drain system and ultimately flow into the San Francisco Bay. The Project would not substantially change the existing drainage patterns or alter the course of San Francisquito Creek or other local drainage courses. Stormwater would also be collected via biotreatment areas on the office development site, which would not increase the runoff that enters the City's stormwater system. Surface runoff from the site would, therefore, not result in significant flooding. Further, implementation of erosion control measures in *MM HYD-1.1*, *MM HYD-1.2*, and SMCWPPP's BMPs, while not required to ensure a less than significant environmental impact to drainage patterns, would further ensure the Project would not cause erosion.⁴⁶ (**Less than Significant Impact**).

The Project will not create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The Project would comply with General Plan Infrastructure, Services and Facilities Policies 1.1 through 1.5, 1.8, and 1.9 as well as RWQCB's Municipal

Regional Stormwater Permit/C.3 requirements to reduce polluted runoff and would result in more pervious surfaces when compared to the existing condition, which would decrease the amount of runoff generated at the site. Stormwater would also be collected via biotreatment areas on-site, which would reduce the amount of polluted runoff entering the City's stormwater system. The existing City's stormwater system has the capacity to accommodate the Project and the Project would not include substantial sources of polluted runoff.⁴⁷ (**Less than Significant Impact**).

The Project will not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The Project is an office development that would not include housing and is located in Flood Zone X, which is not within a 100-year flood area.⁴⁸ (**No Impact**).

⁴⁵ Initial Study, (Section 4.8.2), at p. 59.

⁴⁶ Initial Study, (Section 4.8.2), at p. 59.

⁴⁷ Initial Study, (Section 4.8.2), at p. 59-60.

⁴⁸ Initial Study, (Section 4.8.2), at p. 60.

The Project will not place within a 100-year flood hazard area structures which will impede or redirect flood flows because the Project is not located within a 100-year flood hazard area.⁴⁹ **(No Impact)**.

The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. The Project site is not located in an area subject to dam failure; nor is the site subject to inundation from sea level rise.⁵⁰ **(No Impact)**.

The Project will not result in inundation by seiche, tsunami, or mudflow due to the distance of the site from the San Francisco Bay and its topography.⁵¹ **(No Impact)**.

K. Land Use and Planning:

The Project will not physically divide an established community. The EIR evaluates an eight-story (120-foot-tall), 231,883-square-foot office building with an adjacent 284,094-square-foot, five-story, 773-space parking structure with 40 bicycle parking spaces. On December 17, 2019, the East Palo Alto City Council approved a seven-story, 203,967-square-foot office building with an adjacent 246,097-square-foot, five-story, 695-space parking structure with 40 bicycle parking spaces and 8,690 square feet of retail space. The Project will replace existing commercial uses. Residential neighborhoods begin outside of this existing commercial corridor, and the Project is consistent with current patterns of development along Donohoe Street and the City's General Plan policies for the Project area. Relocating the northbound US 101 on-ramp approximately 30 feet east would not divide an established community because the area is vacant of structures and only occupied by existing landscaping.⁵² **(No Impact)**.

The Project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purposes of avoiding or mitigating an environmental effect. Consistent with the City's General Plan, which specifically calls for development of commercial office space at the University Avenue and Donohoe Street intersection, the Project would construct a large office building on one consolidated parcel with improved sidewalks and landscaping. The Project site is located in a *Mixed Use High* (MUH) zoning district and has a maximum height of eight stories and a 2.1 FAR, which is consistent with MUH development standards. Setbacks for the development are also consistent with MUH zoning standards. The front setback is 17 feet from the office building to the curb on University Avenue. The side setback from the garage and office buildings range from five to 20 feet to the northern and southern property lines and the rear setback is five feet from the garage to the western property line. Given the Project's consistency with the existing General Plan and zoning district's development standards, the Project would not have a significant impact on current land use and planning policies.⁵³ **(Less than Significant Impact)**.

⁴⁹ Initial Study, (Section 4.8.2), at p. 60.

⁵⁰ Initial Study, (Section 4.8.2), at p. 60.

⁵¹ Initial Study, (Section 4.8.2), at p. 60.

⁵² Initial Study, (Section 4.9.2) at p. 64.

⁵³ Initial Study, (Section 4.9.2) at p. 64-5.

The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan because the Project site is not located within a designated Habitat Plan or Natural Community Conservation area.⁵⁴ **(No Impact)**.

L. Mineral Resources

The Project will not result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. No statewide or regionally significant mineral resources have been documented by the California Geological Survey in the City of East Palo Alto.⁵⁵ **(No Impact)**.

M. Noise

The Project will not result in 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:

- **Mechanical equipment noise:** The exterior noise level thresholds at the property line of residences on University Avenue and Euclid Avenue would be 55 dBA L₅₀ between 7:00 a.m. and 10:00 p.m. and 50 dBA L₅₀ between 10:00 p.m. and 7:00 a.m. The most substantial noise-generating equipment would likely be large exhaust fans and building air conditioning units. The site plan indicates a mechanical enclosure consisting of painted plaster or a corrugated panel screen wall extending to a height of approximate 10 feet above the parapet on the roof, which is meant to provide shielding for expected rooftop equipment. The mechanical screen would provide up to five to 10 dBA reduction, assuming the screen would break the line-of-sight to the surrounding land uses without any gaps or cracks. Due to the rooftop equipment being over 120 feet above ground level and the nearby single-family residences being no more than 25 feet above the ground, approximately five to 10 dBA of noise reduction would be expected. Given the distance of separation, and considering the shielding provided by the height of the proposed buildings and roof screens, the exterior mechanical equipment noise expected at the nearest residential receptors would be less than 50 dBA L_{eq}. This would meet the City's exterior noise threshold during daytime and nighttime hours. Assuming standard residential construction materials and methods for the existing residences surrounding the Project site would provide a 15 dBA reduction from exterior-to-interior spaces, the expected interior noise levels due to the mechanical equipment noise would be less than 40 dBA L_{eq}. This would meet the City's interior noise threshold for daytime and nighttime hours.⁵⁶ **(Less than Significant Impact)**.
- **Truck Loading and Unloading:** While the City of East Palo Alto does not define allowable hours for deliveries, it is assumed that deliveries would occur during daytime hours only. Based on the size of the Project, smaller delivery trucks would likely be used for deliveries. These types of trucks typically generate maximum noise levels of 65 to 70

⁵⁴ Initial Study, (Section 4.9.2) at p.65.

⁵⁵ Initial Study, (Section 4.5.2) at p.37.

⁵⁶ EIR (Section 3.4.2.2) at p. 74.

dBA at a distance of 50 feet. Loading and trash access is designated to occur along the northern boundary of the site, with entrance and exit from University Avenue. The distance from the loading area to the nearest noise-sensitive receptor would be approximately 255 feet or more, resulting in a maximum noise level at the nearest sensitive receptor ranging from 51 to 56 dBA L₂₅. Assuming a standard 15 dBA reduction for residential construction, interior noise levels due to loading and unloading activities would be at or below 41 dBA L₂₅.⁵⁷ (**Less than Significant Impact**).

- Parking Structure Noise: The nearest sensitive receptor, to the east of the Project site adjacent to the residential receptor at Noise Measurement Location ST-1, would be approximately 255 feet from the parking structure. At this distance and taking into account the shielding from the proposed eight-story office building, hourly average noise levels due to parking structure noise would be below 35 dBA Leq. The nearest residential property to the west would be approximately 315 feet from the parking structure. While some shielding would occur due to the intervening existing industrial buildings, the unmitigated parking structure noise would range from 31 to 36 dBA Leq at the property line of the residences to the west. This would be below the daytime and nighttime exterior noise thresholds established in the Municipal Code. Assuming a 15 dBA reduction for standard residential construction, the expected interior noise levels due to the parking structure noise would be less than the daytime 45 dBA L₅₀ threshold.⁵⁸ (**Less than Significant Impact**).

The Project would not cause a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project (long-term impacts). According to the City's General Plan, a significant impact would occur if the permanent noise level increase due to Project-generated traffic was three dBA CNEL and exceed the normally acceptable level or was five dBA CNEL or greater and remained normally acceptable. While the General Plan does not define what level would be normally acceptable, it is assumed that the 65 dBA CNEL exterior noise standard would be considered normally acceptable. Existing noise levels measured along University Avenue exceed 65 dBA CNEL; therefore, future noise levels are expected to exceed 65 dBA CNEL. Noise-sensitive receptors along Euclid Avenue have existing noise levels of 65 dBA CNEL or greater, and future noise levels are expected to be at or exceed 65 dBA CNEL, as well. Therefore, a significant impact would occur if Project-generated traffic increased levels by three dBA CNEL or more. For reference, a three dBA CNEL noise increase would be expected if the Project would double existing traffic volumes along a roadway. Peak hour existing plus Project traffic volumes indicate an increase of one dBA CNEL or less along every roadway segment included in the traffic study. Therefore, the Project-generated traffic would not result in a permanent noise increase of 3 dBA CNEL or more at the surrounding noise-sensitive receptors. As a result, the impact is less than significant.⁵⁹ (**Less Than Significant Impact**).

The Project would not expose people residing or working in the Project area to excessive noise levels from an airport. The Palo Alto Airport is located approximately 1.25 miles east of the Project site and there are no private airstrips in the Project area. The Project site lies outside the

⁵⁷ EIR (Section 3.4.2.2) at p. 75. —

⁵⁸ EIR (Section 3.4.2.2), at p. 75.

⁵⁹ EIR (Section 3.4.2.4), at p. 76.

60 dBA CNEL noise contour specified in the CLUP. Additionally, the Project would not exacerbate noise levels from the airport.⁶⁰ **(No Impact)**.

The Project would not have significant cumulative noise impacts. Construction of the proposed Project and the projects listed in the cumulative project table may occur at the same time such that temporary construction-related noise impacts could occur. However, the majority of the surrounding projects are significant distances away from the proposed Project, which would reduce any overlapping construction noises or vibration. In addition, all projects must incorporate noise and vibration reduction measures as identified in the City's General Plan and explained in MM NOI-1.1 and NOI-2.1 above. The proposed Project would also not require piledriving, a major source of ground vibration and noise. Once operational, the noise impacts resulting from the proposed Project would be below the City's thresholds of significance; thus, the Project's contribution to cumulative to noise and vibration impacts would be less than significant. **(Less Than Significant Impact)**.

N. Population and Housing

The Project will not induce substantial population growth in an area, directly (for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads or other infrastructure). The Project site is located in an identified gateway area, with General Plan policies to promote the construction of major office developments (see Section 4.9 Land Use and Planning) for job growth. The Draft EIR evaluated an eight-story (120-foot-tall), 231,883-square-foot office building with an adjacent 284,094-square-foot, five-story, 773-space parking structure with 40 bicycle parking spaces. On December 17, 2019, the East Palo Alto City Council approved a seven-story, 203,967-square-foot office building with an adjacent 246,097-square-foot, five-story, 695-space parking structure with 40 bicycle parking spaces and 8,690 square feet of retail space. Assuming 230 square feet of office space per employee, the approved Project would bring approximately 925 jobs to the City. East Palo Alto currently has a larger housing stock than job opportunities, and the increase in jobs from the Project would incrementally decrease the overall jobs to housing imbalance.⁶¹ **(Less than Significant Impact)**.

The Project will not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. There are no existing housing units on the Project site. The Project is located on an infill site that is currently developed with two commercial office buildings. The remainder of the site contains surface parking, vacant space, and an abandoned street-right-of-way. No housing or people would be displaced as a result of the proposed Project.⁶² **(No Impact)**.

The City also studied whether the Project would impact the City's Regional Housing Needs Allocation (RHNA) and found that it would not. Implementation of the Project would effectively preclude development of 24 residential units on the Project site, which would be approximately five percent of the City's RHNA share exceeding the General Plan's two percent threshold of

⁶⁰ EIR (Section 3.4.2.6), at p. 78.

⁶¹ Initial Study (Section 4.1.1.2) at p. 70.

⁶² Initial Study (Section 4.1.1.2) at p. 70.

significance for loss of housing opportunity sites. However, the impact would not be significant because the city has sufficient RHNA capacity to reduce the housing impacts associated with the Project and the Project would be consistent with SB 166. The Project would not require the identification of additional housing opportunity sites, given that development of the remaining sites would sufficiently meet the City's RHNA.⁶³ (**Less than Significant Impact**).

O. Public Services

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following services and/or facilities:

- Fire protection services. Consistent with the General Plan FEIR, the Project would not result in a need to construct new fire stations or significantly expand existing stations or other facilities. Since the Project is consistent with the development assumptions for the site, provision of new or physically altered governmental facilities (resulting in associated environmental impacts) would not be required. The Project would also be consistent with the City's General Plan policies related to the delivery of fire services (in particular Infrastructure, Services, and Facilities Policy 5.1 requiring the payment of impact fees) and would be constructed in conformance with current Fire Code standards.⁶⁴ (**Less than Significant Impact**).
- Police protection services. Implementation of the Project would intensify the use of the Project site and increase the demand for police protection services compared to existing conditions. Currently, the EPAPD does not have any adopted service ratios or standard impact calculations and is unable to estimate the need for additional staff, equipment, or facilities as a result of new growth in the City. The Project would, however, be required to be maintained in accordance with applicable City policies to promote public and property safety (including Economic Development Policy 3.1 and Policy 3.3, and Transportation Policy 1.5).⁶⁵ (**Less than Significant Impact**).
- Schools. The Project is an office development and would not result in an increase in students nor impact existing school services or result in the need for new or physically altered schools in the Project area.⁶⁶ (**Less than Significant Impact**).
- Parks. The proposed Project would not create demand for more parks within the City. While employees of the proposed Project may use the Bell Street Park (or others in the vicinity, such as Bay Trail, Cooley Landing, or Jack Farrell Park) during their lunch hour or breaks, usage of these facilities by future employees is not anticipated to result in their deterioration.⁶⁷ (**Less than Significant Impact**).

⁶³ Initial Study (Section 4.1.1.2) at p. 70-1.

⁶⁴ Initial Study (Section 4.12.2) at p. 75.

⁶⁵ Initial Study (Section 4.12.2) at p. 75.

⁶⁶ Initial Study (Section 4.12.2) at p. 76.

⁶⁷ Initial Study (Section 4.12.2) at p. 76.

- Libraries (“Other Public Facilities”). The Project does not include residential uses and would not increase the number of residents in the area. Employees associated with the Project would likely use library facilities near their homes.⁶⁸ (**Less than Significant Impact**).

P. Recreation

The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated. Employees of the proposed office development may use Bell Street Park during their lunch hour or breaks; however, usage of this facility by future employees is not anticipated to result in the deterioration of Bell Street Park or other park and recreational facilities in the City.⁶⁹ (**Less than Significant Impact**).

The Project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The Project does not include residences and would not create demand for more parks within the City.⁷⁰ (**Less than Significant Impact**).

Q. Traffic

With regard to individual intersections’ Level of Service, the Project would not 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. See EIR Table 3.5-2.⁷¹ (**Less Than Significant Impact**).

The Project would be consistent with the San Mateo County CMP. The CMP roadway system consists of 16 intersections and 53 roadway/freeway segments. Based on the Project’s TIA results, the addition of Project traffic would not result in a significant impact to the CMP’s intersections or freeway segments.⁷² (**Less Than Significant Impact**).

The Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The Project would not substantially increase hazards due to a design feature (e.g. sharp curve or dangerous intersections) or incompatible uses (e.g. farm equipment), nor would it result in inadequate emergency access. (**Less Than Significant Impact**).⁷³

The Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities.

⁶⁸ Initial Study (Section 4.12.2) at p. 76.

⁶⁹ Initial Study (Section 4.13.2), at p. 78.

⁷⁰ Initial Study (Section 4.13.2) at p. 78.

⁷¹ EIR (Section 3.5.2.4), at pp. 93-95; 98-99.

⁷² EIR (Section 3.5.2.8), at p. 98.

⁷³ Initial Study (Section 4.7.3), at p. 51.

Along with proposed Project traffic improvements, appropriate pedestrian and bicycle accommodations would be provided. This includes crosswalks, pedestrian countdown timers, Americans with Disabilities Act (ADA) compliant curbs, and bicycle detection loops. Existing bicycle facilities provide immediate access to the Project site, with additional facilities planned. The Project would also provide 40 bicycle parking spaces. Excluding the school-day only and mid-day only bus routes, the study area is served by four Samtrans bus routes with a total of 20 buses that stop within walking distance of the Project site each hour during the peak commute periods. The existing bus service provides sufficient capacity to allow the Project to achieve the required minimum 25 percent trip reduction through TDM plan measures. Given the above Project features and area improvements, the proposed Project would have a less than significant impact on pedestrian, bicycle, and mass transit facilities and their performance, and would in fact have beneficial impacts by providing new and improved access and facilities. The proposed Project would be consistent with the City's General Plan transportation policies. Consistent with Policies 3.3 and 4.4, the Project would create a safe pedestrian network by improving sidewalks and providing pedestrian lighting along University Avenue and Donohoe Street. The proposed Project would comply with the City's Automobile LOS Standards Policy 7.1 by implementing feasible mitigation measures at intersections that would exceed the City's LOS standards. The Project would meet the City's vehicle parking and bicycle standards, in accordance with Policies 4.6 and 6.2. Consistent with Policy 8.1, the Project would implement a TSM program to reduce vehicle trips and provide employees opportunities for alternative modes of transportation. **(Less Than Significant Impact)**.⁷⁴

The Project would not have cumulative freeway impacts. Based on the applicable thresholds of significance described in EIR Section 3.5.2.1, no study freeway segments in San Mateo County or Santa Clara County would be significantly impacted by the Project under cumulative conditions, as shown in EIR Tables 3.5-6 and 3.5-7, respectively.⁷⁵ **(Less Than Significant Cumulative Impact)**.

R. Utilities and Service Systems

The Project will not exceed wastewater treatment requirements of the applicable Regional Quality Control Board. According to the General Plan Update EIR, the Palo Alto Regional Water Quality Control Plan (PARWQCP) is in good condition and is considered to have sufficient capacity to serve the community for 30 years without the need for expansion.⁷⁶ **(Less than Significant Impact)**.

The Project will not require or result in the construction of new waste or wastewater treatment facilities and would not result in a determination by the PARWCQCP that it does not have capacity to serve the Project. Assuming 90 percent of the annual Project water demand of 11,678,498 gallons ends up as wastewater, the Project would generate approximately 41,935 gallons per day of wastewater treatment demand, which would not result in the need for increased wastewater treatment facilities given the PARWQCP's dry weather capacity of 39 mgd and wet weather capacity of 80 mgd.⁷⁷ The Project would connect to existing sanitary sewer lines located in

⁷⁴ EIR (Section 2.5.2.4 through 3.5.2.8), at p. 93 through 99.

⁷⁵ EIR (Section 3.5.2.10), at pp. 103-104.

⁷⁶ EIR (Section 3.6.2.3) at p. 110.

⁷⁷ EIR (Section 3.6.2.3), at p. 110-1.

University Avenue. Prior to permit issuance, a Project-specific analysis to determine if the existing utilities have adequate capacity will be completed. Connections and any offsite improvements to sanitary sewer lines needed are anticipated to be constructed on-site or within existing street right-of-way, per City standards for construction and sizing. Work would be completed by the applicant or as a fair share contribution.⁷⁸ **(Less than Significant Impact)**.

The Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The existing stormwater system has capacity to accommodate the existing runoff generated by the Project. Further, the amount of runoff generated by the Project would decrease from existing conditions as completion of the Project would result in a four percent decrease in impervious surfaces from 46 percent to 42 percent. Proposed on-site bioretention areas would also limit flow rates to existing conditions. Therefore, the Project would not exceed the capacity of the downstream system.⁷⁹ **(Less than Significant Impact)**.

The Project will have sufficient water supplies available to serve the Project from existing entitlements and resources and will not need new or expanded entitlements. The Project would have a water demand of up to approximately 36 acre-feet per year. Individually, this additional demand in normal years could be accommodated by the recent permanent SFPUC Hetch Hetchy water supply transfer of 1,000,000 gallons per day (gpd) from Mountain View and 500,000 gpd transfer from Palo Alto. Site-specific water conservation and efficiency measures will be developed in consultation with the City during the building permit process, in accordance with water conservation requirements for new structures and water efficient landscaping in Sections 17.04 and 17.06 of the Municipal Code (Chapter 17 Environmental Control). Measures will include, at a minimum, water efficient plumbing fixtures per the California Green Building Code and demonstrated water conservation in landscape design and installation.⁸⁰ The Project will not impact water supply infrastructure. The Project would connect to existing water lines located in University Avenue. Prior to building permit issuance, a Project-specific analysis to determine if the existing utilities have adequate capacity will be completed. Connections and any offsite improvements to sanitary sewer lines needed are anticipated to be constructed on-site or within existing street right-of-way, per City standards for construction and sizing. Work would be completed by the applicant or as a fair share contribution.⁸¹ **(Less than Significant Impact)**.

The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs, and would comply with federal, state, and local statutes and regulations related to solid waste. New landfill facilities would not be needed to serve the Project. The Project would result in approximately 925 new employees, who would generate solid waste and recyclables at the Project site. The Ox Mountain Landfill has an agreement with San Mateo County to provide disposal capacity for development within East Palo Alto. The Ox Mountain Landfill has sufficient capacity to accommodate waste materials from East Palo Alto through the

⁷⁸ EIR (Section 3.6.2.3), at p. 111.

⁷⁹ EIR (Section 3.6.2.4), at p. 111.

⁸⁰ EIR (Section 3.6.2.2), at p. 110.

⁸¹ EIR (Section 3.6.2.2), at p. 110.

year 2034 and increased recycling throughout the City would extend the useful life of the landfill. Construction waste would be generated during construction activities. In accordance with General Plan Policy 4.4 Construction Waste, the Project would divert 80 percent of its construction waste away from landfills, which would exceed CalGreen construction waste diversion requirements.⁸² **(Less than Significant Impact).**

The Project would have less than significant cumulative utilities and service systems impacts:

- **Water Demand and Supply**: With regard to water demand and supply, individual projects will be required to demonstrate the adequacy of water supplies prior to issuance of a building permit, in conformance with General Plan Infrastructure, Services, and Facilities Policy 2.4. As with the proposed Project, individual projects will also be required to implement site-specific water conservation and efficiency measures in accordance with water conservation requirements for new structures and water efficient landscaping in Sections 17.04 and 17.06 of the Municipal Code (Chapter 17 Environmental Control). Compliance with the General Plan and Municipal Code water conservation policies and requirements along with the combination of increased water supply and innovative water conservation and water efficiency measures, would reduce the potential for cumulative water supply impacts in the City of East Palo Alto service area to a less significant level.⁸³ **(Less Than Significant Cumulative Impact).**
- **Wastewater, stormwater, and solid waste**: The Project would increase demands on existing wastewater, stormwater, and solid waste services and facilities. The proposed Project is located in the University Avenue gateway area, on a site that is served by existing infrastructure and services, and the site is currently designated for urban uses. Based upon on the analysis in the Vista 2035 East Palo Alto General Plan EIR and the adopted General Plan Infrastructure, Services, and Facilities policies, the Project (which is consistent with the General Plan designation for the site) would not create, or make a considerable contribution to a cumulative impact to wastewater treatment, solid waste, or stormwater facilities.⁸⁴ **(Less Than Significant Cumulative Impact).**

V. Findings Regarding Project Impacts Determined to Be Less Than Significant with Mitigation Incorporated

The following potentially significant impacts were analyzed in the EIR, and the effects of the Project were considered. Because of the environmental analysis of the Project and compliance with existing laws, codes, and statutes, and the identification and incorporation of feasible mitigation measures, the following potentially significant impacts have been determined by the City to be reduced to a level of less than significant with mitigation incorporated; and the City has found - in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) -that "Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment."

⁸² EIR (Section 3.6.2.5), at p. 111

⁸³ EIR (Section 3.6.2.7), at pp. 112-114.

⁸⁴ EIR (Section 3.6.2.7), at p. 114.

A. Air Quality

- (1) **Potential Impact:** Prior to mitigation, the Project may violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: During the construction period, while the impact would be less than significant with regard to criteria pollutants (emissions would be below the BAAQMD thresholds), construction activities would temporarily generate fugitive dust in the form of PM10 and PM2.5, and unless properly controlled these could cause a significant impact.⁸⁵ The imposition of MM AQ-1.1 would ensure this impact is mitigated to a less than significant level by incorporating best management practices determined by the BAAQMD CEQA Air Quality Guidelines to reduce impacts to a less than significant level.⁸⁶ With implementation of MM AQ-1.1, dust emissions during construction of the proposed Project would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Mitigation Measures:

MM AQ-1.1: During any construction period ground disturbance, the applicant shall ensure that the Project contractor implements measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweeps at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13,

⁸⁵ Draft EIR, p. 53.

⁸⁶ Id., at pp. 53-54.

Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

B. Biological Resources:

- (1) **Potential Impact:** Prior to mitigation, the Project could 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 CDFW or USFWS.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: While there are no riparian areas, wetlands, or other natural communities located within or immediately adjacent the site, construction activities and removal of trees at the Project site could disrupt the nesting, breeding and foraging of urban-adopted raptors (birds of prey) or other protected birds. Nesting birds are protected by the MBTA and CDFW regulations. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.⁸⁷ Mitigation measures *MM BIO-1.1*, the scheduling of construction to avoid breeding season, *MM BIO-1.2*, creation of a buffer zone around active nests, and *MM BIO-1.3*, submittal of a report regarding active nest buffers prior to the issuance of any demolition or grading permits, would result in a less than significant impact.⁸⁸ (**Less than Significant Impact with Mitigation Incorporated**).

Mitigation Measures:

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible to avoid the nesting season (February 1 to August 31). If it is not feasible to schedule construction between September 1 and January 31, pre-construction nesting bird surveys shall be completed prior to tree removal or construction activities in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 14 days before demolition or construction activities begin. During this survey, the biologist

⁸⁷ Initial Study (Section 4.3.2), at p. 23.

⁸⁸ Id. at pp. 23-24; Mitigation Monitoring & Reporting Program, University Plaza Phase II Project, at 3-4.

or ornithologist shall inspect all trees and other nesting habitats in and immediately adjacent to the construction areas for nests.

MM BIO-1.2: If an active nest is found in an area that will be disturbed by construction, the ornithologist shall designate an adequate buffer zone to be established around the nest, in consultation with the California Department of Fish and Wildlife. The buffer will ensure that nests shall not be disturbed during Project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes again during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

MM BIO-1.3: The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City of East Palo Alto Planning Manager, prior to the issuance of any City demolition or grading permits.

- (2) **Potential Impact:** Prior to mitigation, the Project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede use of native wildlife nursery sites.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: The Project site is located within a developed urban area. It does not contain native resident wildlife species or wildlife movement corridors. Though birds may use trees as at the site for nesting, implementation of *MM BIO-1.1* through *MM BIO-1.3*, reproduced above, would reduce any potential impacts to nesting migratory birds to a less than significant level. (**Less than Significant Impact with Mitigation**).

Mitigation Measures: See MM-BIO-1.1 through MM-BIO-1.3, above.

C. Cultural Resources

- (1) **Potential Impact:** Prior to mitigation, the Project may cause a substantial adverse change in the significance of an archaeological resource and/or disturb any human remains, including those interred outside of dedicated cemeteries.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: The Project involves demolition of existing pavement sections, structures, and landscaping as well as construction of foundation structures and below-grade utilities. Given the presence of buried archaeological sites in the area and the Project's proximity to a former branch of San Francisquito Creek, the Project has the potential to impact cultural resources (including human remains) during demolition and construction activities. Any disruption to archaeological sites in the area will be mitigated through measures: *MM CUL-1.1*, an archaeological survey by a qualified archaeologist to

identify any cultural materials or deposits; *MM CUL-1.2*, the ceasing of construction for assessment of any exposed materials; and *MM CUL-1.3*, the compliance with state law. Implementation would result in a less than significant impact.⁸⁹ (**Less than Significant Impact with Mitigation**).

Mitigation Measures:

MM CUL-1.1: A qualified archaeologist shall conduct an archaeological survey of the property and hand augering to determine if any archaeological deposits are within the zone where proposed impacts are planned and to improve surface soil visibility. Auger logs should document soil depositional processes and whether or not cultural materials or deposits were identified.

MM CUL-1.2: In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during the archaeological survey and augering or during construction activities, work within 50 feet of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete.

MM CUL-1.3: In compliance with state law (Section 7050.5 of the Health and Safety Code and Section 5097.99 of the Public Resources Code), in the event that human remains are encountered during the archaeological survey and augering or during construction activities, work within 50 feet of the find will stop and the San Mateo County Coroner's office will be notified. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) to identify the Most Likely Descendant (MLD). The City of East Palo Alto (in consultation with the MLD) will then develop and implement a plan for treatment, study, and reinternment of the remains.

- (2) **Potential Impact:** Prior to mitigation, the Project may directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: While no major or unique paleontological resources are known to exist in the City of East Palo Alto, and the likelihood of encountering unique paleontological resources in the future is low given the limited depth of disturbance and likely presence of fill material in the Project site, there is potential that the Project could disturb currently unknown paleontological resources. Mitigation *MM CUL-2.1* requires that construction activities on private property or City property be stopped within 24

⁹¹ Mitigation Monitoring & Reporting Program, University Plaza Phase II Project, at 6-7.

hours of any paleontological resource finding so that a qualified paleontologist can inspect and efforts made to preserve any resources identified as unique per CEQA guidelines.⁹⁰ For resources discovered within a Caltrans right-of-way, *MM CUL-2.2* requires implementation of Caltrans Standard Specification 14-7.02, which provides for investigation by Caltrans.⁹¹ These implementation measures will reduce any impact by the Project on paleontological resources to less than significant. (**Less than Significant Impact with Mitigation**).

Mitigation Measures:

MM CUL-2.1: For work occurring on private property or City of East Palo Alto right-of-way: If paleontological resources are encountered during grading or excavation, all construction activities within 50 feet shall stop and the City of East Palo Alto shall be notified. A qualified paleontologist shall inspect the findings within 24 hours of discovery. If it is determined that the proposed development could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, Project applicants shall pay in-lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by a Project. Possible mitigation under CEQA emphasizes preservation-in-place measures, including planning construction avoid paleontological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement. Under CEQA Guidelines, when preservation in place is not feasible, data recovery through excavation shall be conducted with a data recovery plan in place. Therefore, when considering these possible mitigations, the City shall have a preference for preservation in place.

MM CUL-2.2: For work occurring within Caltrans right-of-way: Implementation of Caltrans Standard Specification 14-7.02 would be required to avoid potential impacts to sensitive paleontological resources. If paleontological resources are discovered at the job site, Caltrans Standard Specification 14-7.02 states the following:

- Do not disturb the material and immediately;
- Stop all work within a 60-foot radius of the discovery;
- Protect the area; and
- Notify the Engineer.

⁹⁰ Mitigation Monitoring & Reporting Program, University Plaza Phase II Project, at 5-6.

⁹¹ Mitigation Monitoring & Reporting Program, University Plaza Phase II Project, at 6-7.

Caltrans will investigate and modify the dimensions of the protected area if necessary. Do not move paleontological resources or take them from the job site. Do not resume work within the specified radius of the discovery until authorized.

D. Hazards and Hazardous Materials

- (1) **Potential Impact:** Prior to mitigation, the Project may 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. Demolition and construction activities associated with the Project could disturb petroleum hydrocarbon contamination in on-site soils, groundwater, or soil vapors that could result in a release impacting construction workers or residents in the vicinity. The existing structures on the site may have been constructed with asbestos containing materials and lead-based paint, which could be released upon demolition.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: No uses of hazardous materials were observed at the Project site.⁹² The site was listed in the HAZNET database as a former generator of photo processing and photochemical wastes, but the former uses at the site are not considered an environmental concern as no hazardous material violations associated with this use were noted.⁹³ Low concentrations of contaminants have been reported for groundwater beneath the southeast corner of the Project site; the source of contamination is from a previous release at the Chevron property to the south.⁹⁴ Residual concentrations of petroleum hydrocarbons may also present in on-site soil vapors, which could be released as a result of demolition and construction activities, impacting construction workers or residents in the vicinity.⁹⁵ Preparation of site specific health and safety plans by an Environmental Professional per *MM HAZ-1.1* will reduce the impact to less than significant. With regard to asbestos and lead paint, existing structures on the site may have been constructed with asbestos containing materials and lead-based paint, which could be released upon demolition.⁹⁶ Implementation of *MM HAZ-2.1*, compliance with National Emissions Standards for Hazardous Air Pollutants guidelines, and *MM HAZ-2.2*, preparation of a lead-based paint survey and compliance with the requirements of the California Code of Regulations, will reduce impacts from lead-based paint and ACMs to less than significant.⁹⁷ (**Less than Significant Impact with Mitigation**).

⁹² Initial Study (Section 4.7.3), at p.49.

⁹³ Initial Study (Section 4.7.3), at p.49.

⁹⁴ Initial Study (Section 4.7.3), at p.49.

⁹⁵ Initial Study (Section 4.7.3), at p.49.

⁹⁶ Initial Study (Section 4.7.3), at p.50.

⁹⁷ Mitigation Monitoring & Reporting Program, University Plaza Phase II Project, at 7-8.

Mitigation Measures:

MM HAZ-1.1: Prior to development of the Site, the Project Applicant shall retain an Environmental Professional to prepare a Site Management Plan (SMP) and Health and Safety Plan (HSP) to establish appropriate management practices for handling and monitoring of impacted soil, soil vapor, and groundwater that potentially may be encountered during construction activities. A copy of the SMP and HSP shall be provided to the City of East Palo Alto Planning Manager prior to the issuance of a demolition permit.

MM HAZ-2.1: In accordance with National Emissions Standards for Hazardous Air Pollutants guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District (BAAQMD). Demolition and disposal of asbestos containing materials will be completed in accordance with the procedures specified by BAAQMD's Regulation 11, Rule 2. A copy of the asbestos survey shall be provided to the City of East Palo Alto Planning Manager for review and approval prior to issuance of a demolition permit.

MM HAZ-2.2: A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing state and federal hazardous waste regulations. Requirements set forth in the California Code of Regulations will be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed. A copy of the lead-based paint survey shall be provided to the City of East Palo Alto Planning Manager for review and approval prior to issuance of a demolition permit.

- (2) **Potential Impact:** The Project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, prior to mitigation it may create a significant hazard to the public or the environment.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: The site is listed on DTSC’s HAZNET database for former uses of photoprocessing and photochemical wastes, unspecified waste, and unspecified organic liquid mixture at the site. However, no violations or releases were reported, and therefore, the former uses at the site are not considered a hazard to the public or environment. Additionally, the Project would implement MM HAZ-1.1, which would further lessen any potential impacts to the public as a result of hazardous materials to a less than significant level. **(Less than Significant Impact with Mitigation).**

Mitigation Measures: See *MM-HAZ-1.1*, above.

E. Energy

- (1) **Potential Impact:** Prior to mitigation, the Project may use fuel or energy in a wasteful manner, in the construction period.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: With mitigation incorporation, construction of the Project will not use fuel or energy in a wasteful manner. The overall construction schedule and process is designed to be energy efficient; however, there will be some adverse effects caused by construction because the use of fuels and building materials are fundamental to construction of new buildings. Implementation of the BAAQMD Best Management Practices (BMPs) associated with *MM AQ-1.1* would restrict excessive equipment use by reducing idling times to five minutes or less and would require the applicant to post signs on the Project site reminding workers to shut off idle equipment, ensuring that short-term energy impacts of construction would be less than significant.⁹⁸ **(Less than Significant Impact with Mitigation).**

F. Hydrology and Water Quality

- (1) **Potential Impact:** Prior to mitigation, the Project may violate water quality standards or waste discharge requirements during the construction period.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: Construction activities could degrade water quality in the vicinity of the site. Construction activities would temporarily increase the amount of unconsolidated materials on-site, and grading activities could increase erosion and sedimentation that could be carried by runoff into natural waterways, which could increase sedimentation impacts to area creeks and San Francisco Bay.⁹⁹ Implementation of the Project would result in the disturbance of most of the 2.5-acre office development site. Additional disturbance would occur within Caltrans right-of-way as part of

⁹⁸ EIR (Section 3.3.2.2) at p. 63.

⁹⁹ Initial Study (Section 4.8.2), at p. 57.

relocation of the northbound US 101 on-ramp.¹⁰⁰ Mitigation measures *MMHYD-1.1*, compliance with the NPDES General Construction Activities Permit, and *MM HYD-1.2*, inclusion of BMPs in the SWPP, will avoid or minimize water quality impacts during construction.¹⁰¹ (**Less than Significant Impact with Mitigation**).

Mitigation Measures:

MM HYD-1.1: Prior to the commencement of any ground disturbing activities, the Project will comply with the National Pollutant Discharge Elimination System General Construction Activities Permit, to the satisfaction of the City of East Palo Alto, as follows:

- The Project contractor will develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities; and
- The Project contractor will file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

MM HYD-1.2: The Project will include best management practices (BMPs) in the SWPPP to control the discharge of stormwater pollutants including sediments associated with construction activities. The BMPs will be consistent with those specified by the SMCWPPP's BMPs and could include the following:

- Schedule grading and excavation work during dry weather.
- Prevent sediment from migrating offsite and protect storm drain inlets, gutters, ditches, and drainage courses by installing and maintaining appropriate BMPs, such as fiber rolls, silt fences, sediment basins, gravel bags, and berms.
- Stabilize all cleared areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- Keep excavated soil on site and transfer it to dump trucks on site, not in the streets.
- Designate an area of the construction site, well away from streams or storm drain inlets and fitted with appropriate BMPs, for auto and equipment parking, and storage.

- (2) **Potential Impact:** Prior to mitigation, the Project may otherwise substantially degrade water quality.

¹⁰⁰ Initial Study (Section 4.8.2), at p. 57.

¹⁰¹ Mitigation Monitoring & Reporting Program, University Plaza Phase II Project, at 9-10.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: Compliance with the above listed mitigation measures *MM HYD-1.1* and *MM HYD-1.2*, City policies, RWQCB's municipal Regional Stormwater Permit/C.3 requirements, and SWPPP BMPs, the Project would have a less than significant impact on water quality.¹⁰² (**Less than Significant Impact with Mitigation**).

Mitigation Measures: See *MM HYD-1.1* and *MM HYD-1.2* above.

G. Noise

- (1) **Potential Impact:** Prior to mitigation, the Project may expose persons to or generate excessive groundborne vibration or groundborne noise levels. Construction-related vibration levels at the existing parking pavilion and commercial gas station, to the north and south of the Project site, will be up to 1.23 in/sec PPV, which would exceed the 0.3 in/sec PPV threshold without mitigation.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: An existing park pavilion structure and gas station structures are located within five to ten feet of the Project site's property lines to the north and south of the Project, respectively.¹⁰³ Jack hammers, rock drills and other high-power vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity.¹⁰⁴ Construction operations occurring within five to ten feet of the shared property lines would potentially generate vibration levels up to 1.23 in/sec PPV at the nearby structures.¹⁰⁵ Best practices specified in mitigation measure NOI-5b of the City's General Plan EIR, as well as implementation of *MM NOI-1.1* will reduce vibration from construction activities to a less than significant level.¹⁰⁶ (**Less than Significant Impact with Mitigation**).

Mitigation Measures:

MM NOI-1.1: To the extent feasible, avoid using vibratory rollers, tampers, or dropping heavy equipment within 20 feet of a shared property line. If avoidance is infeasible, perform vibration monitoring within 20 feet of share property lines throughout construction work, to ensure that construction-related vibration levels do not exceed the 0.3 in/sec PPV threshold (adjusting work and equipment as necessary to meet this standard).

¹⁰² Initial Study (Section 4.8.2), at p. 60.

¹⁰³ EIR (Section 3.4.2.3), at p. 76.

¹⁰⁴ EIR (Section 3.4.2.3), at p. 76.

¹⁰⁵ EIR (Section 3.4.2.3), at p. 76.

¹⁰⁶ Mitigation Monitoring & Reporting Program, University Plaza Phase II Project, at p. 10.

- (2) **Potential Impact:** The Project will create a substantial temporary or periodic increase in ambient noise level in the Project vicinity above levels existing without the Project.

Finding: The City hereby determines this impact to be less than significant with mitigation incorporated.

Facts in Support of Finding: Estimated construction noise levels would at times exceed 60 dBA L_{eq} at residential land uses, exceed 70 dBA L_{eq} at commercial land uses, and would exceed ambient levels by more than 5dBA L_{eq} during construction, which is expected to last for one year or more.¹⁰⁷ The highest maximum noise levels generated by Project construction would typically range from about 80 to 90 dBA L_{max} at a distance of 50 feet from the noise source.¹⁰⁸ Construction noise impacts primarily result when activities occur during noise-sensitive times of the day (e.g. early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.¹⁰⁹ Consistent with mitigation measure NOI-3, identified in the General Plan EIR, *MM NOI-2.1* measures¹¹⁰ will reduce construction noise impacts to a less than significant level. **(Less than Significant Impact with Mitigation).**

Mitigation Measures:

MM NOI-2.1: Contractors shall use available noise suppression devices and techniques and limit construction hours near residential uses. Reasonable noise reduction measures shall be incorporated into the construction plan and implemented during all phases of construction activity to minimize the exposure of neighboring properties. A construction noise logistics plan shall be prepared and submitted to the Planning Manager and shall include the following measures:

- Limit construction activity to weekdays between 7:00 am and 7:00 pm and Saturdays and holidays between 9:00 am and 7:00 pm, with no construction on Sundays;
- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;

¹⁰⁷ EIR (Section 3.4.2.5), at p. 77.

¹⁰⁸ EIR (Section 3.4.2.5), at p. 77.

¹⁰⁹ EIR (Section 3.4.2.5), at p. 77.

¹¹⁰ Mitigation Monitoring & Reporting Program, University Plaza Phase II Project, at p. 10-11.

- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.

H. Traffic

- (1) **Potential Impact:** Cumulative Intersection Level of Service Impacts – Euclid Avenue and Donohoe Street/East Bayshore Road. The Project's contribution to the cumulative impact at the intersection of Euclid Avenue and Donohoe Street/East Bayshore Road would be cumulatively considerable

Finding: The City hereby determines this cumulative impact to be less than significant with mitigation incorporated.

Facts in Support of Findings: This intersection is expected to operate at an unacceptable LOS F during the AM peak hour and acceptable LOS C during the PM peak hour under cumulative no Project conditions. Including the Project-sponsored improvement (i.e., installation of a new traffic signal), the intersection would improve to LOS C during the AM peak hour. During the PM peak hour, however, the intersection would operate at unacceptable LOS F with the proposed Project. This constitutes a significant impact based on the thresholds established by the City of East Palo. With the implementation of Mitigation Measures MM-C-TRAN-1.1 through MM-C-TRAN-1.3, the Euclid Avenue/Donohoe Street intersection would operate at acceptable LOS D during the PM peak hour. During the AM peak hour, the intersection would operate at unacceptable LOS F, but the average delay would be lower than under cumulative no Project conditions.

Mitigation Measures:

MM C-TRAN-1.1: The project shall fund or construct the widening of Donohoe Street at University Avenue to accommodate dual westbound left-turn lanes, one through lane, a shared through-right lane, and an exclusive right-turn lane. This improvement will require the acquisition of additional right-of-way on the south side of Donohoe Street between University Avenue and the US 101 Northbound off ramp.

The improvements shall either be added to the City's Capital Improvement Program so that the improvements can be credited against future fees, or a reimbursement agreement between the applicant and the City to reimburse the applicant over time as the City collects fees or fair share contributions from benefitting projects shall be implemented. In addition, the inner left-turn lane on the northbound University Avenue approach to Donohoe Street shall be extended by an additional 250 feet. Extension of the northbound left-turn lane can be accommodated within the existing

right-of-way, by cutting into the raised median on University Avenue. This improvement would not require any additional right-of-way acquisition or reconfiguration of the US 101 overpass.

MM C-TRAN-1.2: The Project shall fund or construct the widening of the westbound approach on Donohoe Street at the US 101 Northbound off-ramp shall be to accommodate four through lanes to improve the vehicular throughput at this intersection. This improvement will require median modifications and narrowing the eastbound Donohoe Street approach to Cooley Avenue to include two through lanes and a full length left-turn lane. The improvements shall either be added to the City's Capital Improvement Program so that the improvements can be credited against future fees, or a reimbursement agreement between the applicant and the City to reimburse the applicant over time as the City collects fees or fair share contributions from benefitting projects shall be implemented.

Some intersections would improve under cumulative plus project conditions; however, with implementation of the above mitigation measures, the Euclid Avenue/Donohoe Street intersection would operate at acceptable LOS D during the PM peak hour. During the AM peak hour, the intersection would operate at unacceptable LOS F, but the average delay would be lower than under cumulative no project conditions.

MM C-TRAN-1.3: Traffic signals shall be coordinated with adjacent traffic signals on Donohoe Street.

- (2) **Potential Impact:** Cumulative Intersection Level of Service Impacts – US 101 Northbound Off-Ramp and Donohoe Street. The Project's contribution to the cumulative impact at the US 101 Northbound Off-Ramp and Donohoe Street intersection would be cumulatively considerable.

Finding: The City hereby determines this cumulative impact to be less than significant with mitigation incorporated.

Facts in Support of Findings: With the addition of Project traffic, and including the proposed Project improvement (i.e., installation of a new traffic signal), the intersection would improve to LOS D during the AM peak hour. During the PM peak hour, however, the average delay would increase by more than four seconds per vehicle. This constitutes a significant adverse impact per the City's thresholds of significance. Implementation of MM C-TRAN-1.1, MM C-TRAN-1.2, and MM C-TRAN-1.3 (reproduced above) would also reduce impacts at the US 101 northbound off-ramp and Donohoe Street intersection to a less than significant level.

Mitigation Measures: See Mitigation Measures MM C-TRAN-1.1 through MM-C-TRAN-1.3 above.

VI. Findings Regarding Project Impacts Determined to Be Significant and Unavoidable

A. Traffic

- (1) **Potential Impact:** With regard to freeway segments, the Project would 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. Project trips would cause the mixed-flow lanes on the US 101 northbound freeway segment between San Antonio Road and Oregon Expressway to degrade from acceptable LOS E to an unacceptable LOS F during the AM peak hour.

Finding: There are no feasible mitigation measures that would reduce this impact to a less than significant level. The City hereby determines this impact will be significant and unavoidable.

Facts in Support of Finding: The addition of Project traffic would not add demand equal to one percent or cause the v/c capacity to increase by one percent; therefore, the Project would result in a less than significant impact on study freeway segments in San Mateo County, as shown in EIR Table 3.5-3.¹¹¹ However, within Santa Clara County, the addition of Project trips would cause the mixed-flow lanes on the US 101 northbound freeway segment between San Antonio Road and Oregon Expressway to degrade from an acceptable LOS E to an unacceptable LOS F during the AM peak hour, as shown in Table 3.5.4 of the EIR.¹¹² Mitigation measure MM TRAN-1.1 would reduce Project impacts to a less than significant level. Freeways are under Caltrans jurisdiction, and a managed lane project on US 101 in the Project vicinity is currently being evaluated by Caltrans. Implementation of the improvements described under MM TRAN-1.1 cannot be assured by the City of East Palo Alto; therefore, Project impacts on freeway segments are considered significant and unavoidable (**Significant and Unavoidable Impact**).

¹¹¹ EIR (Section 3.5.2.5), at pp.95-96.

¹¹² EIR (Section 3.5.3.5), at pp.96-97.

Mitigation Measure:

MM TRAN-1.1: VTA's Valley Transportation Plan 2040 identifies freeway express lane projects along US 101 between Cochrane Road (in Morgan Hill) and Whipple Avenue (in San Mateo County). The planned conversion of the existing HOV lane to an express lane and the construction of a second express lane in each direction would increase the capacity of the freeway and would mitigate the Project's freeway impacts. Planned managed lane projects along this reach of US 101 are designed and approved. The Project could make a fair

hare contribution toward the cost of the identified managed lane project along US 101.

- (2) **Potential Impact:** Cumulative Intersection Level of Service Impacts – University Avenue and Bay Road. The Project’s contribution to the cumulative impact at the intersection of University Avenue and Bay Road would be cumulatively considerable.

Finding: There are no feasible mitigation measures that would reduce this impact to a less than significant level. The City hereby determines this impact will be significant and unavoidable.

Facts in Support of Finding: This intersection would operate at an unacceptable LOS E and F during the AM and PM peak hours, respectively, under cumulative no Project conditions. The addition of Project traffic would cause the critical-movement delay at the intersection to increase by four or more seconds and the V/C to increase by .01 or more during the AM and PM peak hours under cumulative plus Project conditions. This constitutes a significant impact during the AM and PM peak hours according to the thresholds established by the City of East Palo Alto. MM C-TRAN-2 would be implemented, which would require a fair share contribution toward construction the planned loop road and converting the right-turn lane on eastbound Bay Road to a shared through-right turn lane, and the improvement shall be added to the City’s Capital Improvement Program so that improvements can be credited against future fees. With these improvements, the intersection would operate at an acceptable LOS D during the AM peak hour. The intersection would continue to operate at an unacceptable LOS E during the PM peak hour; however, the average delay would be less than under cumulative no Project conditions. Construction of the planned loop road requires approval from other government agencies. Because the City does not have full control to implement this mitigation measure, the impact is considered significant and unavoidable.

Mitigation Measure:

MM C-TRAN-2.1: The significant cumulative impact at this intersection could be mitigated by constructing the planned loop road and converting the right-turn lane on eastbound Bay Road to a shared through-right turn lane. This intersection improvement would not require additional right-of-way beyond that described in the Ravenswood/4 Corners TOD Specific Plan. The proposed Project shall make a fair share contribution towards these improvements and the improvement shall be added to the City’s Capital Improvement Program so that improvements can be credited against future fees.

VII. Findings Regarding Alternatives

CEQA Guidelines Section 15126.6 state than and EIR must analyze a range of reasonable alternatives to the Project that are feasible, would “feasibly attain most of the basic objectives of the Project”, and would substantially lessen any of the Project’s significant impacts. The range of alternatives selected for analysis is governed by the “rule of reason”, which requires the EIR to discuss only those alternatives necessary to permit a reasoned choice and attempt to feasibly attain most of the basic objectives.

The CEQA Guidelines do not require that all possible alternatives be evaluated, only that a range of feasible alternatives be discussed so as to encourage both meaningful public participation and informed decision making. In selecting alternatives to be evaluated, consideration may be given to their potential for reducing significant unavoidable impacts, reducing significant impacts that are mitigated to less than significant levels by the Project, and further reducing less than significant impacts. Three critical factors to consider in selecting and evaluating alternatives are, therefore: (1) the significant impacts from the proposed Project which could be reduced or avoided by an alternative, (2) the Project's objectives, and (3) the feasibility of the alternatives available.

The City appropriately took these factors into account and the EIR presents a reasonable range of potentially feasible alternatives to the Project that will reduce and/or avoid some of the Project's potentially significant environmental effects while achieving most of the Project objectives. The selected alternatives promote informed decision making and public participation by providing for consideration a range of alternative land use patterns and siting options that will reduce and/or avoid some of the Project's significant environmental effects and attain most of the Project objectives. The following findings and brief explanation of the rationale for the findings regarding Project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(a)(3) of the CEQA Guidelines.

A. Alternatives Given Preliminary Consideration but Ultimately Rejected

i. Location Alternative:

CEQA encourages consideration of an alternative site when significant effects of the Project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the significant impacts of the Project and meet most of the Project objectives need be considered for inclusion in an EIR (CEQA Guidelines Section 15126.6(f)(2)).

An alternative site would need to be able to accommodate an approximately 231,883-square-foot building and associated parking structure. In order to identify an alternative site that might reasonably be considered to "feasibly accomplish most of the basic purposes" of the Project, and would also mitigate some or all of the significant impacts of the Project, the EIR assumed that such a site would need to have the following characteristics:

- Approximately two or more acres in size;
- Located close to transit;
- A zoning designation that allows office uses at a height and FAR similar to the proposed Project site in East Palo Alto;
- Served by available infrastructure; and
- Immediately available (or available in the near future).

There are six parcels larger than two acres listed on the City's Vacant Parcels Inventory that could potentially accommodate an office development similar to the Project; however, two sites (1490 Weeks and 2005 Bay Road) have development projects under review, one site (without a street address off of Purdue Avenue) is designated Parks/Recreation/Conservation, and two sites (2519 and 2555 Pulgas Avenue) have commercial designations but would only allow offices with a 1.0 FAR and the Project proposes a FAR of 2.1. As a result, these five sites were eliminated from

further consideration. Of the six vacant parcels more than two acres in size only, one site—1675 Bay Road (approximately 0.50 mile north of the proposed Project) has appropriate zoning to allow a large-scale office building. While this site has the appropriate land use designations for a large office development, it is farther from transit (the Project site is served by six bus lines and Caltrain is closer to the Project site than any other vacant site). Additionally, this site is not available for acquisition or purchase. Further, locating the proposed Project at 1675 Bay Road (or any other site in East Palo Alto or in the immediate vicinity of the City) would not eliminate its significant transportation impacts. East Palo Alto is relatively small (approximately 2.5 square miles) and the same freeway segments and intersections would be impacted regardless of Project location. Other impacts (i.e. air quality, noise, hydrology, and water quality, etc.) would likely be the same regardless of where the development would be located.

Because no feasible alternative site was identified that would meet the primary objectives of the Project and reduce significant transportation impacts to a less than significant level, an off-site location alternative was not further analyzed.

B. Project Alternatives

i. No Project Alternative

A No Project Alternative is “what would be reasonably expected to occur in the foreseeable future if the Project is not approved, based on current plans and consistent with available infrastructure and community services.” The CEQA Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment [Section 15126.6(e)(3)(B)].”

Under the No Project Alternative, the Project site would remain developed with the existing buildings and parking lots, unchanged. All of the environmental impacts anticipated to occur under the Project would be avoided. The No Project Alternative, however, would not meet any of the specific General Plan objectives of the City of East Palo Alto to create a gateway development with a high-intensity office use to help balance the City’s jobs/housing ratio and provide a more efficient and economically productive use at the site. The proposed beneficial roadway improvements that would improve the LOS on area roadways (freeway onramp, new traffic light, and Donohoe Street reconfiguration) would also not occur. The No Project Alternative would also not meet any of the Project Objectives.

Finding: The EIR, including Section 7.0, contains facts and analysis supporting the Finding, some of which are set forth here. Under the No Project Alternative, the Project’s entitlements would not be approved, and no new development would occur on the Project site. The No Project Alternative would have fewer adverse environmental impacts than the Project and would avoid all of the significant and unavoidable impacts. However, the No Project Alternative would not achieve the Project Objectives and is therefore hereby rejected.

ii. Reduced Intensity Alternative

The Reduced Intensity Alternative would allow for the development of approximately 60 percent of the proposed Project’s square footage; an approximately 140,000-square-foot of office building and a 170,000-square-foot parking garage would be built. This alternative would reduce the total number of employee vehicle trips generated by the Project by a corresponding amount. Despite

the reduced size, this alternative would require the same footprint as the original Project, but the office building would be approximately six stories tall (proposed is eight) and the parking garage would be three stories tall (proposed is five). This alternative also assumes the 25 percent City-required TDM plan trip reduction.

As compared to the Project, the Reduced Intensity Alternative impacts would be as follows:

- **Air Quality:** Potentially significant fugitive dust impacts related to construction equipment (specifically described in Impact AQ-1) would potentially be lessened with a smaller Project and a shorter construction timeframe. Like the proposed Project, any potential air quality impacts would be reduced to a less than significant level with the implementation of mitigation measures and standard City conditions related to heavy- equipment use and dust-control.
- **Biological Resources:** The Reduced Intensity Alternative would remove the same number of trees as the proposed Project, resulting in the same potential impacts to nesting birds. Like the proposed Project, potential impacts to nesting birds would be reduced to a less than significant impact with mitigation incorporated.
- **Cultural Resources:** The Reduced Intensity Alternative would disturb the same amount of land during the construction period, resulting in the same potential impacts to archaeological and paleontological resources. Like the proposed Project, potential impacts to cultural resources would be reduced to a less than significant level with mitigation incorporated.
- **Hazardous Materials:** The Reduced Intensity Alternative would demolish all existing on-site buildings, disturbing existing on-site contaminated soil and resulting in the same potential exposure to petroleum hydrocarbons, lead paint, and asbestos. Like the proposed Project, implementation of mitigation measures would reduce hazards and hazardous material impacts to a less than significant level.
- **Hydrology and Water Quality:** The Reduced Intensity Alternative would pose the same potential impacts to water quality during construction activities. Like the proposed Project, implementation of mitigation measures would reduce water quality impacts to a less than significant level.
- **Noise and Vibration:** The construction period would potentially be shorter with a Reduced Intensity Alternative; thus, construction-related noise and vibration impacts

would be lessened, but not to a less than significant level due to construction duration. Like the proposed Project, however, construction noise and vibration impacts would be reduced to a less than significant level with mitigation incorporated as part of the required noise logistics plan.

- **Transportation and Traffic:** The Reduced Intensity Alternative would substantially reduce the anticipated employee size and vehicle trips to and from the Project. As a result, the significant unavoidable Project-level freeway segment impact (US 101 northbound between San Antonio Road and Oregon Expressway) would be avoided, as would the significant unavoidable cumulative intersection impact (Bay Road and University Avenue).
- **Other Less Than Significant Impact Areas:** The Reduced Intensity Alternative would have the same less than significant geology and soils, land use and planning, population and housing, public services, and recreation impacts. With a smaller building height and footprint, however, the less than significant aesthetics, water supply, and GHG impacts (as a result of building shading of Bell Street Park and fewer operational vehicle trips/energy use, respectively) would be further reduced.

The Reduced Intensity Alternative would meet most of the Project objectives, in that it would create a prominent office building that would attract tech companies and encourage redevelopment of neighboring sites. However, this alternative would not meet the Project objective of providing high-density infill development as laid out in the City's General Plan. The alternative would reduce the size of the proposed development by approximately 40 percent, reducing the number of jobs created by a proportional amount.

Finding: The EIR, including Section 7.0, contains facts and analysis supporting the Finding, some of which are set forth here. The Reduced Intensity Alternative would avoid the significant unavoidable Project-level freeway and cumulative intersection impacts; however, the remaining impacts to air quality, biological resources, cultural resources, hazardous materials, water quality, and noise would not be avoided (these impacts would be reduced to a less than significant level with mitigation, similar to the proposed Project). The Reduced Intensity Alternative would meet the majority of the Project objectives; however, the objective related to the size of the development would not be met, as the alternative would be approximately 60 percent the size of the proposed building. Therefore, the Reduced Intensity Alternative is hereby rejected.

iii. 55 Percent TSM Alternative

The 55 Percent Transportation System Management Alternative would eliminate 55 percent of vehicle trips generated by the office building, allowing the office building and parking garage to maintain their proposed size and intensity (231,883 and 284,094 square feet respectively). The proposed Project includes a 25 percent TSM vehicle reduction goal. A 55 percent TSM trip reduction would be accomplished through providing additional shuttles, incentives, subsidies, and/or various other measures to the proposed TSM plan.

As compared to the Project, the 55 Percent TSM Alternative impacts would be as follows:

- **Air Quality:** Potentially significant fugitive dust impacts related to construction equipment would be the same. Like the Project, any potential air quality impacts would be reduced to a less than significant level with the implementation of mitigation measures and standard City conditions related to heavy-equipment use and dust-control.
- **Biological Resources:** The 55 Percent TSM Alternative would remove the same number of trees as the Project, resulting in the same potential impacts to nesting birds. As with the Project, potential impacts to nesting birds would be reduced to a less than significant impact with mitigation incorporated.
- **Cultural Resources:** Construction of the 55 Percent TSM Alternative would disturb the same amount of land as the Project, resulting in the same potential impacts to archaeological and paleontological resources. As with the Project, potential impacts to archaeological and paleontological resources would be reduced to a less than significant impact with mitigation incorporated.
- **Hazardous Materials:** The 55 Percent TSM Alternative would demolish all existing on-site buildings, disturbing existing on-site contaminated soil and resulting in the same potential exposure to petroleum hydrocarbons, lead paint, and asbestos. Like the Project, implementation of mitigation measures would reduce hazards and hazardous material impacts to a less than significant level.
- **Hydrology and Water Quality:** Compared to the Project, the 55 Percent TSM Alternative would pose the same potential impacts to water quality during construction activities. Like the Project, implementation of mitigation measures would reduce water quality impacts to a less than significant level.
- **Noise and Vibration:** Compared to the Project, the 55 Percent TSM Alternative would result in the same construction noise and vibration impacts. As with the Project, these impacts would be reduced to a less than significant level with mitigation incorporated as part of the required noise logistics plan.
- **Transportation and Traffic:** The 55 Percent TSM Alternative would reduce the number of vehicle trips to and from the Project site. As a result, the significant unavoidable Project-level freeway segment impact on northbound US 101 between San Antonio Road and Oregon Expressway would be avoided, as would the significant unavoidable cumulative intersection impact at Bay Road and University Avenue.
- **Other Less Than Significant Impact Areas:** The 55 Percent TSM Alternative would have the same less than significant aesthetics, geology and soils, greenhouse gas emissions, land use and planning, population and housing, public services, utility and service systems, and recreation impacts as the Project.

The 55 Percent TSM Alternative would meet many of the Project's objectives related to development density and encouragement of neighboring redevelopment. With the requirement to create a 55 percent TSM plan, however, the objective of attracting high-tech companies and employees could prove challenging. This alternative would require companies to invest heavily

in providing employees alternative modes of transportation, incentives, and subsidies. While large employers in the area, such as Stanford University and Google, can effectively offer TSM programs that result in over a 50 percent trip reduction, the feasibility of this level of trip reduction for a smaller site or employer is questionable (especially given the lack of regionally connected transit to and from the site)

Finding: The EIR, including Section 7.0, contains facts and analysis supporting the Finding, some of which are set forth here. The 55 Percent TSM Alternative would avoid the Project’s significant unavoidable freeway segment impact and cumulative intersection impact and would meet the majority of the Project objectives. This alternative is likely infeasible and therefore undesirable, however, given the difficulties of meeting a 55 percent TSM requirement. The remaining impacts to construction air quality, biological resources, cultural resources, hazardous materials, water quality, and noise would not be avoided. As with the proposed Project, however, these impacts would be reduced to a less than significant level with mitigation. Due to feasibility concerns, the 55 Percent TSM Alternative is hereby rejected.

iv. Environmentally Superior Alternative:

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (Section 15126.6(e)(2)). The environmentally superior alternative would be the No Project Alternative, which would avoid all Project impacts. This alternative, however, would not meet any Project objectives and would not provide the beneficial Project impacts associated with proposed traffic and pedestrian improvements. The Reduced Intensity Alternative would avoid the Project-level freeway impact (US 101 northbound freeway segment between San Antonio Avenue and Oregon Expressway) and cumulative intersection impact (at Bay Road and University Avenue). The Reduced Intensity Alternative would reduce, but not eliminate, achievement of at least some of basic Project objectives and would lessen potential construction air quality and noise impacts due to a shorter construction timeframe. Thus, the Reduced Intensity Alternative would be environmentally superior to the Project.

VIII. Findings Regarding Growth-Inducing Impacts of the Project (Draft EIR Section 4.0)

Section 15126.2(d) of the CEQA Guidelines provides the following guidance on growth-inducing impacts: a project is identified as growth inducing if it "could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The Project is an in-fill office development to replace two existing commercial buildings, totaling 12,000 square feet and associated surface parking, and a vacant lot with an eight-story office building and five-story parking structure. The Project would not require extension of unplanned utilities, and no new infrastructure is proposed by the Project that would lead to unplanned population growth in the Project area or other parts of the City. Development of the Project would result in a net jobs increase; however, General Plan policies currently call for increasing job opportunities in the City to balance out the existing abundance of housing. The

Project would help the City move towards a stable jobs to housing ratio in accordance with its General Plan and within the City's urban boundary; therefore, the Project would not have a significant growth inducing impact.¹¹³

IX. Findings Regarding Mandatory Findings of Significance

Finding: The Project could result in impacts to migratory birds if they are present in trees located on or immediately adjacent to the Project site. The Project could also result in impacts to buried cultural resources, should they be discovered on site. With the implementation of the mitigation and avoidance measures and included in the Project and described in Section 4.3 Biological Resources and Section 4.4 Cultural Resources, the Project would not result in significant environmental impacts to those resources.¹¹⁴ (**Less Than Significant With Mitigation Incorporated**).

Finding: Because the Project is located in a developed urban environment on a site specifically designated for high-density offices uses, it would not result in a considerable contribution to a cumulative impact with regard to land use and planning, public services, or recreation. Because the Project would be required to incorporate CALGreen standards, be LEED certified (or equivalent), and be consistent with the City's CAP; it would not result in a considerable contribution to a cumulative impact with regard to GHG emissions. The Project's geology and soils and hazardous materials impacts are specific to the Project site and would not contribute to cumulative impacts elsewhere. The Project would be required to implement BMPs to control hydrology-related impacts, as would other cumulative developments in the vicinity; thus, a cumulative impact is not anticipated. Further, with the implementation of the identified mitigation measures for nesting birds and cultural resources, the Project would not result in a considerable contribution to cumulatively significant impacts and it is assumed that other cumulative developments would incorporate similar measures to lessen impacts. The Project, in combination with the Primary School at 1200 Weeks Street Project, would result in the loss of 46 potential residential units, which would be approximately 10 percent of the City's RHNA share and exceeds the General Plan-specified two percent threshold of significance for loss of housing lands. The City's Housing Element, however, identifies the potential for 839 residential units on housing opportunity sites in the City. The residential development potential (i.e., 793 residences) on the remaining housing opportunity sites with implementation of the cumulative projects would continue to be sufficient to meet the City's RHNA. For this reason, although the cumulative loss of potential residential units would exceed the City's two percent threshold, the impact is not considered significant. For this same reason, the cumulative projects would be consistent with SB 166. The Project, in combination with other foreseeable development in the area, would not result in significant cumulative population or housing impacts.¹¹⁵ (**Less Than Significant Cumulative Impact**). The Project's potential to contribute to a cumulative impact with regard to aesthetics, air quality, noise and vibration, transportation/traffic, and utilities and service systems, and findings regarding the same, are discussed in Sections V and VI of this document.

¹¹³ EIR (Section 4.0), at p. 115.

¹¹⁴ Initial Study (Section 4.16), at p. 81.

¹¹⁵ Initial Study (Section 4.16), at pp. 81-82.

Finding: While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, geological hazards, hazardous materials, and noise. Air quality and noise will be analyzed within the Focused EIR. As stated within this Initial Study, geological and hazardous impacts would be less than significant or less than significant with mitigation incorporated. No other direct or indirect adverse effects on human beings are anticipated.¹¹⁶ (**Less Than Significant Impact**).

X. Statement of Overriding Considerations (CEQA Guidelines Section 15093)

The California Environmental Quality Act ("CEQA") requires the City to balance the benefits of the Project against its significant unavoidable adverse impacts in determining whether to approve the Project. The Project, encompassing the approvals listed in the EIR and in this document, will result in environmental impacts which, although mitigated to the extent feasible by the implementation of mitigation measures required for the Project, will remain significant and unavoidable, as discussed in the EIR and in this document. These impacts are summarized below and constitute those impacts for which this Statement of Overriding Considerations is made.

- Despite the implementation of all feasible and reasonable mitigation measures, Project trips would cause the mixed-flow lanes on the US 101 northbound freeway segment between San Antonio Road and Oregon Expressway to degrade from acceptable LOS E to an unacceptable LOS F during the AM peak hour. (**Significant Unavoidable Impact**)
- Despite the implementation of all feasible and reasonable mitigation measures, the Project would make a considerable contribution to a cumulative impact at the intersection of University Avenue and Bay Road. (**Significant Unavoidable Impact**).

All other significant impacts of the proposed Project would be mitigated to a less than significant level with incorporation of applicable mitigation measures identified in this EIR.

Findings: The City Council hereby finds and determines in approving the Project that the EIR has considered the identified means of lessening or avoiding the Project's significant effects and that to the extent any significant direct or indirect environmental effects, including cumulative Project impacts, remains unavoidable or not mitigated to below a level of significance after mitigation, such impacts are at an acceptable level in light of social, legal, economic, environmental, technological and other Project benefits, and such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the Project. (CEQA Guidelines Section 15092(b)).

The following benefits and considerations, taken together or individually, outweigh such significant and unavoidable adverse environmental impacts, and the City Council determines that the evidence in the record constitutes substantial evidence to support this determination, that the facts stated in this document and in the CEQA Findings are supported by substantial evidence in the record, including testimony received at the public hearings, in staff presentations, staff reports and all materials in the Project files. Each of these benefits and considerations is a

¹¹⁶ Initial Study (Section 4.16), at p. 82.

separate and independent basis that justifies approval of the Project, so that if a court were to set aside the determination that any particular benefit or consideration will occur and justifies Project approval, this Board of Supervisors determines that it would stand by its determination that the remaining benefits) or considerations) is or are sufficient to warrant Project approval.

Facts in Support of Statement of Overriding Considerations: Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, and the City Council determines that the adverse environmental impacts of the Project are "acceptable" if any one of these benefits will be realized. The Project will provide benefits to the City of East Palo Alto as follows:

1. *Provides Economic Benefits and Jobs*

The Project will provide temporary construction work and during the operations period, will create approximately 925 permanent job opportunities. It will attract emerging high-tech companies and/or retain existing tech companies in the City of East Palo Alto, contributing to the City's tax and job base, and providing flexibility to support companies to grow and community members to achieve upward mobility. See fiscal analysis – attachment to City Staff Report

2. *Provides Community Benefits:*

- a. New Bell Park Restroom and Lighting. The Applicant will pay to the City a one-time payment of \$250,000, payable prior to grading permits, for the City to design and install a new restroom and lighting in Bell Street Park (to the extent the new restroom/lighting costs less than \$250,000 the City may retain and use any excess funds for other Bell Street Park capital repairs or maintenance costs). The payment shall be received at time of Grading Permit. The funding shall be escalated annually by a construction cost index.
- b. Bell Park Property Rights. The Applicant will grant the City a permanent property right (e.g. no build easement, park easement or similar recordable agreement) for the portion of the existing City park built on the Applicant's property, in a form reasonably acceptable to the City Attorney (e.g. no build easement, park easement or similar recordable agreement) for the City to continue to operate and maintain the park in its current configuration. This shall be recorded on the final map. Such agreement shall prohibit any structures or improvements that would affect zoning or code compliance for the Project.
- c. Measure HH. The Applicant shall comply with the requirement of Measure HH, which is estimated to generate \$580,000 annually after project construction.
- d. Construction Local Hire: Consistent with General Plan 2035 Economic Development Policy Implementation Program #2 and Economic Development Policy ED-5 and 5.3, the Applicant will ensure the construction of the core, shell and tenant improvements of

the development complies with First Source Hiring and Local Business Enterprise Policy (Sections 3 and 6, dated February 2, 2010).

- f. Local Hire. For ten (10) consecutive years, the Applicant entity (tenant or owner) will commit to an annual contribution of up to \$100,000 to the City of East Palo Alto to assist local residents with career advancement, job training and job placement. The funds will be distributed at the discretion of the City of East Palo Alto. In addition, the Applicant entity (tenant or owner) agrees to make an earnest effort to coordinate with the City of East Palo Alto (or Designee):
- Coordinate all local and regional job postings via the entity’s web-based postings;
 - Participate in quarterly meetings with designated staff to discuss existing and anticipated hiring needs and potential internship programs;
 - Visit schools in East Palo Alto during career day or other similar events to introduce students to the type of work being performed;
 - Identify opportunities to participate in local school career day or similar events to introduce students to the types of careers available within the entity’s business industry; and
 - Engage as a resource to assist the City with future local hire initiatives.
- g. Community Flex Space. The Applicant will provide the approximately 8,690 sf of retail/community flex space (“Flex Space”) on Donohoe to the City (or 501(c)(3) non-profit organization approved by the City) (for Community Flex Space) with a rent-free lease, on otherwise standard triple net lease terms with tenant responsible for triple net expenses, for a period not to exceed 20 years from the issuance of the certificate of occupancy for the development. The Flex Space shall be provided in “Warm Shell” condition (see definition attached as Exhibit C) prior to final certificate of occupancy for the office building. The Applicant shall make the offer available until 12 months after the issuance of the Final Certificate of Occupancy for the office building. The lease shall specify that the City shall have the right to sublease the Flex Space to a tenant(s) selected by the City, subject only to the Applicant’s right to consent to such tenant(s), which approval shall not be unreasonably withheld or delayed. If the City (or City-approved 501(c)(3) non-profit organization) does not give written notice to the Applicant of its commitment to enter a lease within 12 months of the Final Certificate of Occupancy for the Project, the Applicant shall meet and confer with City officials on a reasonable extension of time to the written notice requirement of no less than six months. If the City fails to provide written notice of its commitment to enter a lease following a reasonable extension of time, the Applicant may select a 501(c)(3) non-profit organization to use the Flex Space consistent with this condition, subject to the City’s consent, which shall not be unreasonably withheld.
- g. Water Loan. At issuance of the certificate of occupancy, the Applicant will forgive the City’s existing \$1,000,000.00 loan (Reimbursement Agreement dated 7/16/17) in full. Until issuance of the certificate of occupancy, the City shall comply with all terms of the Reimbursement Agreement.
- h. General Plan Major Strategy #6. The development will satisfy one of 18 Major Strategies in the General Plan 2035 “[c]onstruct office uses at University Avenue and Highway 101.”

- i. Traffic Improvements and Payments. The Applicant will implement the following traffic improvements that will improve traffic service in the area, including: (1) shifting the northbound United States US 101 (US 101) on-ramp approximately 30 feet east, to line up with the Project driveway, (2) installing a new traffic signal at the Donohoe Street and Euclid Avenue intersection to be coordinated with other closely spaced traffic signals along Donohoe Street, and (3) restriping the westbound approach on Donohoe Street as set forth on the MMRP and conditions of approval.
- j. Public Access to Parking. The Applicant shall provide limited public access to the ground floor of the parking structure for up to six (6) community events each year under the following circumstances: event(s) must occur on Saturday or Sunday, and the City must notify the Applicant (as owner) at least 120 days prior to the event to ensure ample preparation time. The host entity or the organizer shall provide a certificate of insurance.
- k. Mural Space: The Applicant will pay \$50,000 to the City, for the City to design and install up to two new mural(s) on the retail building/parking structure in the locations shown on the project plans. The Applicant shall provide payment at issuance of the Grading Permit. The Applicant will provide the City with all necessary access rights for installation, maintenance, and removal of the mural(s) in an agreement with standard terms and conditions. The City shall provide the Applicant a reasonable opportunity to review and approve the content of the mural(s) prior to installation. The City shall obtain a California Art Protection Act (CAPA)/federal Visual Artists Rights Act (VARA) waiver reasonably acceptable to the Applicant for the mural(s). The City shall consider options for installing the mural(s) in such a way that it/they can be removed without damage to the mural or the building in a manner consistent with/allowed by CAPA/VARA.

3. *Enhances the Built Environment:*

As discussed in more detail above, the Project will provide sustainable and walkable development, enhancing the area and helping to meet local, regional, and statewide energy efficiency and greenhouse gas emission reduction goals.

4. *Provides Transportation Improvements That Have Beneficial Traffic Service Impacts:*

As discussed in more detail above, the Project would pay traffic impact fees and/or construct traffic improvements that are part of the Project and contribute toward the implementation of additional traffic improvements identified by the City as beneficial to the community.

XI. Mitigation Monitoring and Reporting Program

The MMRP, considered by the City Council prior to making these Findings, sets forth specific monitoring actions, timing requirements and monitoring/verification entities for each mitigation measure adopted in these Findings, in compliance with Public Resources Code Section 21081.6(a)(1) and CEQA Guidelines Section 15097. The City Council hereby adopts the MMRP and determines that compliance with the MMRP is a condition of approval of the Project.

XII. Findings That Recirculation is Not Warranted

As described in the Final EIR, minor changes were made to the EIR after circulation of the Draft EIR. CEQA Guidelines Section 15088.5(a) addresses when new information requires recirculation of a Draft EIR:

A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of the minor EIR modifications qualifies as new information requiring recirculation and would not result in a new significant impact or substantially increase the severity of a previously identified impact. For these reasons, per Section 15088.5 of the CEQA Guidelines, recirculation of the EIR is not required.

XIII. Filing Notice of Determination

The City Council hereby directs the Planning Division to file a Notice of Determination regarding the approval of the Project and certification of the EIR within five (5) business days of adoption of this resolution.

ATTACHEMNT D: MITIGATION MONITORING AND REPORT PROGRAM



MITIGATION MONITORING & REPORTING PROGRAM

University Plaza Phase II Project

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
AIR QUALITY					
<p><u>MM AQ-1</u>: During any construction period ground disturbance, the applicant shall ensure that the project contractor implements measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweeps at least once per day. The use of dry power sweeping is prohibited. 	Project Applicant and Contractors	During construction	Oversight of implementation by the City's Planning Division and Building Division	<p>Ensure that the project contractor implements measures to control dust and exhaust.</p> <p>All measures will be printed on the project plans prior to issuance of permits.</p>	As needed during construction

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<ul style="list-style-type: none"> • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacture’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations. 					

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
BIOLOGICAL RESOURCES					
<p><u>MM BIO-1.1:</u> Construction shall be scheduled to avoid the nesting season to the extent feasible to avoid the nesting season (February 1 to August 31). If it is not feasible to schedule construction between September 1 and January 31, pre-construction nesting bird surveys shall be completed prior to tree removal or construction activities in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 14 days before demolition or construction activities begin. During this survey, the biologist or ornithologist shall inspect all trees and other nesting habitats in and immediately adjacent to the construction areas for nests.</p> <p><u>MM BIO-1.2:</u> If an active nest is found in an area that will be disturbed by construction, the ornithologist shall designate an adequate buffer zone to be established around the nest, in consultation with the California Department of Fish and Wildlife. The buffer will ensure that nests shall not be disturbed during project construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes again during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.</p>	Project applicant and contractors	Prior to issuance of Demolition or Grading Permit	Oversight of implementation by the City’s Planning Division and Building Division	<p>Verify pre-construction surveys</p> <p>Submittal of a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City of East Palo Alto Planning Manager</p> <p>All measures will be printed on the project plans prior to issuance of permits.</p>	Once or if active nests are found, periodic monitoring and reporting until fledglings have left the nest

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p><u>MM BIO-1.3:</u> The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City of East Palo Alto Planning Manager, prior to the issuance of any City demolition or grading permits.</p>					
CULTURAL RESOURCES					
<p><u>MM CUL-1.1:</u> A qualified archaeologist shall conduct an archaeological survey of the property and hand augering to determine if any archaeological deposits are within the zone where proposed impacts are planned and to improve surface soil visibility. Auger logs should document soil depositional processes and whether or not cultural materials or deposits were identified.</p> <p><u>MM CUL-1.2:</u> In the event that buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during the archaeological survey and augering or during construction activities, work within 50 feet of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete.</p>	Project applicant and contractors	Prior to and during ground-disturbing activities	Oversight of implementation by the City’s Planning Division and Building Division	<p>Assessment of the find and provide recommendations for further treatment, if warranted</p> <p>All measures will be printed on the project plans prior to issuance of permits.</p>	<p>Once prior to construction grading and building permit issuance</p> <p>When resources are encountered</p>

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p><u>MM CUL-1.3</u>: In compliance with state law (Section 7050.5 of the Health and Safety Code and Section 5097.99 of the Public Resources Code), in the event that human remains are encountered during the archaeological survey and augering or during construction activities, work within 50 feet of the find will stop and the San Mateo County Coroner’s office will be notified. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) to identify the Most Likely Descendant (MLD). The City of East Palo Alto (in consultation with the MLD) will then develop and implement a plan for treatment, study, and reinternment of the remains.</p>			<p>Oversight of implementation by the City’s Planning Division and Building Division</p>	<p>Coroner will notify the NAHC to identify the MLD</p> <p>The City of East Palo Alto (in consultation with the MLD) will then develop and implement a plan for treatment, study, and reinternment of the remains.</p>	<p>When human remains are encountered</p>
<p><u>MM CUL-2.1</u>: For work occurring on private property or City of East Palo Alto right-of-way: If paleontological resources are encountered during grading or excavation, all construction activities within 50 feet shall stop and the City of East Palo Alto shall be notified. A qualified paleontologist shall inspect the findings within 24 hours of discovery. If it is determined that the proposed development could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not</p>	<p>Project applicant and contractors</p>	<p>During construction</p>	<p>Oversight of implementation by the City’s Planning Division and Building Division</p>	<p>Await notification from project applicant if paleontological resources are encountered during grading or excavation</p> <p>Determine appropriate mitigation and/or data recovery if necessary</p>	<p>When resources are encountered</p>

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p>feasible, project applicants shall pay in-lieu fees to mitigate significant effects. Excavation as mitigation shall be limited to those parts of resources that would be damaged or destroyed by a project. Possible mitigation under CEQA emphasizes preservation-in-place measures, including planning construction avoid paleontological sites, incorporating sites into parks and other open spaces, covering sites with stable soil, and deeding the site into a permanent conservation easement. Under CEQA Guidelines, when preservation in place is not feasible, data recovery through excavation shall be conducted with a data recovery plan in place. Therefore, when considering these possible mitigations, the City shall have a preference for preservation in place.</p> <p><u>MM CUL-2.2: For work occurring within Caltrans right-of-way:</u> Implementation of Caltrans Standard Specification 14-7.02 would be required to avoid potential impacts to sensitive paleontological resources. If paleontological resources are discovered at the job site, Caltrans Standard Specification 14-7.02 states the following:</p> <ul style="list-style-type: none"> • Do not disturb the material and immediately; • Stop all work within a 60-foot radius of the discovery; • Protect the area; and • Notify the Engineer. 					

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
Caltrans will investigate and modify the dimensions of the protected area if necessary. Do not move paleontological resources or take them from the job site. Do not resume work within the specified radius of the discovery until authorized.					
HAZARDOUS MATERIALS					
<u>MM HAZ-1.1:</u> Prior to development of the Site, the Project Applicant shall retain an Environmental Professional to prepare a Site Management Plan (SMP) and Health and Safety Plan (HSP) to establish appropriate management practices for handling and monitoring of impacted soil, soil vapor, and groundwater that potentially may be encountered during construction activities. A copy of the SMP and HSP shall be provided to the City of East Palo Alto Planning Manager prior to the issuance of a demolition permit.	Project applicant and contractors	Prior to issuance of a demolition permit	Oversight of implementation by the City's Planning Division and Building Division	Review of HSP and SMP All measures will be printed on the project plans prior to issuance of permits	N/A
<u>MM HAZ-2.1:</u> In accordance with National Emissions Standards for Hazardous Air Pollutants guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the BAAQMD. Demolition and disposal of asbestos containing materials will be completed in accordance with the procedures	Project applicant and contractors	Prior to issuance of a demolition permit	Oversight of implementation by the City's Planning Division and Building Division	Submit asbestos survey and lead paint survey to the City of East Palo Alto Planning Manager for review and approval	N/A

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p>specified by BAAQMD’s Regulation 11, Rule 2. A copy of the asbestos survey shall be provided to the City of East Palo Alto Planning Manager for review and approval prior to issuance of a demolition permit.</p> <p><u>MM HAZ-2.2</u>: A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing state and federal hazardous waste regulations. Requirements set forth in the California Code of Regulations will be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed. A copy of the lead-based paint survey shall be provided to the City of East Palo Alto Planning Manager for review and approval prior to issuance of a demolition permit.</p>					

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
HYDROLOGY AND WATER QUALITY					
<p><u>MM HYD-1.1:</u> Prior to the commencement of any ground disturbing activities, the project will comply with the National Pollutant Discharge Elimination System General Construction Activities Permit, to the satisfaction of the City of East Palo Alto, as follows:</p> <ul style="list-style-type: none"> • The project contractor will develop, implement, and maintain a Storm Water pollution Preventions Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities; and • The project contractor will file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB). <p><u>MM HYD-1.2:</u> The project will include best management practices (BMPs) in the SWPPP to control the discharge of stormwater pollutants including sediments associated with construction activities. The BMPs will be consistent with those specified by the SMCWPPP's BMPs and could include the following:</p> <ul style="list-style-type: none"> • Schedule grading and excavation work during dry weather. • Prevent sediment from migrating offsite and protect storm drain inlets, gutters, ditches, and drainage courses by installing and maintaining appropriate BMPs, such as 	Project applicant and contractors	Prior to construction	Oversight of implementation by the City's Planning Division and Building Division	<p>Verify NOI submitted to the SWRCB and identified BMPs in SWPP are followed</p> <p>All measures will be printed on the project plans prior to issuance of permits.</p>	As needed during construction

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
fiber rolls, silt fences, sediment basins, gravel bags, and berms. <ul style="list-style-type: none"> • Stabilize all cleared areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established. • Keep excavated soil on site and transfer it to dump trucks on site, not in the streets. • Designate an area of the construction site, well away from streams or storm drain inlets and fitted with appropriate BMPs, for auto and equipment parking, and storage. 					
NOISE					
<u>MM NOI-1.1:</u> To the extent feasible, avoid using vibratory rollers, tampers, or dropping heavy equipment within 20 feet of a shared property line. If avoidance is infeasible, perform vibration monitoring within 20 feet of share property lines throughout construction work, to ensure that construction-related vibration levels do not exceed the 0.3 in/sec PPV threshold (adjusting work and equipment as necessary to meet this standard).	Project applicant and contractors	During construction	Oversight of implementation by the City’s Planning Division and Building Division.	Ensure that the project contractor implements measures to control vibration. All measures will be printed on the project plans prior to issuance of permits.	Once, or as needed for confirmation
<u>MM NOI-2.1:</u> Contractors shall use available noise suppression devices and techniques and limit construction hours near residential uses. Reasonable noise reduction measures shall be incorporated into the construction plan and implemented during all phases of construction activity to minimize the exposure of neighboring properties. A construction noise logistics plan	Project applicant and contractors	During construction	Oversight of implementation by the City’s Planning Division and Building Division	Review and approval of construction noise logistics plan	Once at approval and as needed during construction

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p>shall be prepared and submitted to the Planning Manager and shall include the following measures:</p> <ul style="list-style-type: none"> • Limit construction activity to weekdays between 7:00 am and 7:00 pm and Saturdays and holidays between 9:00 am and 7:00 pm, with no construction on Sundays; • Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists; • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; • Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; • Locate staging areas and construction material areas as far away as possible from adjacent land uses; • Prohibit all unnecessary idling of internal combustion engines; • Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. • Control noise from construction workers’ radios to a point where they are not audible 					

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p>at existing residences bordering the project site.</p> <ul style="list-style-type: none"> The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. Designate a disturbance coordinator who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule. 					
TRANSPORTATION AND TRAFFIC					
<p><u>MM TRAN-1.1</u>: VTA’s Valley Transportation Plan 2040 identifies freeway express lane projects along US 101 between Cochrane Road (in Morgan Hill) and Whipple Avenue (in San Mateo County). The planned conversion of the existing HOV lane to an express lane and the construction of a second express lane in each direction would increase the capacity of the freeway and would mitigate the Project’s</p>	Project applicant	Prior to issuance of building permit	Oversight of implementation by the City’s Planning Division and Building Division	<p>Verify payment of fair-share contribution.</p> <p>All measures will be printed on the project plans prior to issuance of permits.</p>	Once, prior to issuance of building permit

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p>freeway impacts. Planned managed lane projects along this reach of US 101 are designed and approved. The project could make a fairshare contribution toward the cost of the identified managed lane project along US 101.</p>					
<p><u>MM C-TRAN-1.1</u>: The project shall fund or construct the widening of Donohoe Street at University Avenue to accommodate dual westbound left-turn lanes, one through lane, a shared through-right lane and an exclusive right-turn lane. This improvement will require the acquisition of additional right-of-way on the south side of Donohoe Street between University Avenue and the US 101 Northbound off ramp. The improvements shall either be added to the City's Capital Improvement Program so that the improvements can be credited against future fees, or a reimbursement agreement between the applicant and the City to reimburse the applicant over time as the City collects fees or fair share contributions from benefitting projects shall be implemented. In addition, the inner left-turn lane on the northbound University Avenue approach to Donohoe Street shall be extended by an additional 250 feet. Extension of the northbound left-turn lane can be accommodated within the existing right-of-way, by cutting into the raised median on University Avenue. This improvement would not require any additional right-of-way acquisition or reconfiguration of the US 101 overpass.</p>	<p>The project applicant in consultation with the Public Works Director and Caltrans</p>	<p>Prior to issuance of occupancy permit</p>	<p>Oversight of implementation by the City's Planning Division and Building Division.</p>	<p>Verify project will widen Donohoe Street or the City has received funding for the widening.</p> <p>All measures will be printed on the project plans prior to issuance of permits.</p>	<p>Once, prior to issuance of occupancy permit</p>

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p><u>MM C-TRAN-1.2:</u> The project shall fund or construct the widening of the westbound approach on Donohoe Street at the US 101 Northbound off-ramp shall be to accommodate four through lanes to improve the vehicular throughput at this intersection. This improvement will require median modifications and narrowing the eastbound Donohoe Street approach to Cooley Avenue to include two through lanes and a full length left-turn lane. The improvements shall either be added to the City’s Capital Improvement Program so that improvements can be credited against future fees, or a reimbursement agreement between the applicant and the City to reimburse the applicant over time as the City collects fees or fair share contributions from benefitting projects shall be implemented.</p> <p>Some intersections would improve under cumulative plus project conditions; however, with implementation of the above mitigation measures, the Euclid Avenue/Donohoe Street intersection would operate at acceptable LOS D during the PM peak hour. During the AM peak hour, the intersection would operate at unacceptable LOS F, but the average delay would be lower than under cumulative no project conditions.</p> <p><u>MM C-TRAN-1.3:</u> Traffic signals shall be coordinated with adjacent traffic signals on Donohoe Street.</p>					

Mitigation Measures	Implemented By	Implementation Timing	Monitored By	Monitoring Action	Monitoring Frequency
<p><u>MM C-TRAN-2.1</u>: The significant cumulative impact at this intersection could be mitigated by constructing the planned loop road and converting the right-turn lane on eastbound Bay Road to a shared through-right turn lane. This intersection improvement would not require additional right-of-way beyond that described in the Ravenswood/4 Corners TOD Specific Plan. The proposed project shall make a fair share contribution towards these improvements and the improvements shall be added to the City’s Capital Improvement Program so that improvements can be credited against future fees.</p>	<p>Project applicant, contractors, and City of East Palo Alto</p>	<p>Prior to issuance of building permit</p>	<p>Oversight of implementation by the City’s Planning Division and Building Division</p>	<p>Verify payment of traffic impact fee. All measures will be printed on the project plans prior to issuance of permits.</p>	<p>N/A, payment will occur prior to issuance of building permit</p>

Source: City of East Palo Alto. *University Plaza Phase II Project Focused EIR*. November 2018.

City of East Palo Alto. *University Plaza Phase II Project Final EIR*. June 2019.

City of East Palo Alto. *East Palo Alto City Council Staff Report for the Proposed Seven (7) Story Office Building at 2111 University Avenue*. December 17, 2019.