

NOTICE OF EXEMPTION

TO: Office of Planning and Research
PO Box 3044, Room 212
Sacramento, CA 95812

County Clerk
County of San Mateo
555 County Center
Redwood City, CA 94063

FROM: City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303
Attn: Michelle Huang, Planner

PROJECT TITLE: "Garden Place" Subdivision and Residential Project

PROJECT LOCATION (SPECIFIC): 990 Garden Street, between Clarke Avenue and Pulgas Avenue (APN 063-344-420 and -450)

PROJECT LOCATION (CITY AND COUNTY): East Palo Alto, San Mateo County

PROJECT DESCRIPTION:

The proposed development involves a merger of two lots and the subsequent subdivision of the resulting 1.32-acre property into seven residential lots and one common lot, for a total of eight. A total of seven (7) residential units are planned on this site. Six units will be single-family two-story units. One lot (Lot 3) will be the site of a future duplex unit. The duplex unit would be subject to a subsequent building permit, consistent with Senate Bill 9, which requires ministerial approval of up to two units in the single-family zoning districts that meet the minimum requirements and will be exempt from CEQA. The duplex is not included in this project. Each residential unit (except Lot 3) would feature an accessory dwelling unit (ADU). The homes range in size from 2,347.90 square feet to 2,678.97 square feet. The remainder lot (Lot A) consists of an internal access road (Garden Place), guest parking, and an open space.

The proposed residential development conforms to all the requirements of the City's Residential - Low Density (R-LD) zoning designation, which allows a density of up to 12 units per acre.

The residential units are designed around an interior drive extending from Garden Street, proposed as 'Garden Place,' providing vehicular access to each unit. The interior provides a common paved roadway featuring parking for guests and paved walkways on the north side of the lateral interior drive. The parking plan includes 21 off-street parking spaces (three per residential lot) and 13 spaces dedicated to guest parking.

Landscaped spaces have been planned in the interior facing portions of Garden Place, providing trees and other plantings, paved areas, and lawns for outdoor activity. Selected plants and trees provide both color and shade to the buildings, as well as visual screening.

Due to the existing 100-year flood zone (Zone AE) elevation, the project will import approximately 1,825 cubic yards of engineered fill material to raise the base elevation above the flood zone.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of East Palo Alto

NAME OF PERSON OR AGENCY CARRYING OUT THE PROJECT:

990 Garden, LLC

EXEMPT STATUS:

Categorical Exemption. Class 32, In-Fill Development Project, CEQA Guidelines Section 15332.

FINDINGS AND REASONS WHY PROJECT IS EXEMPT:

Finding 1: The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations.

Evidence: The General Plan identifies the site as “Low-Density Residential”, with a corresponding zoning of Single Family Residential (R-LD). This zone provides for the retention, maintenance, and development of existing traditional single-family residential neighborhoods. This zone allows accessory dwelling units. This zone implements the Low Density Residential (LDR) land use designation in the General Plan. Up to 12 units per acre are allowed. As proposed, the project would have a density of 5.3 units per acre. The project also meets all standards for parking, setbacks, parcel size, FAR, site coverage, and building heights.

Finding 2: The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Evidence: The project site is 1.32 acres and is completely within the city limits. Based on a review of Google satellite imagery and a field visit by Planning staff on June 30, 2021, the site is adjacent to residential neighborhoods, institutional use (Oxford Day Academy) and similar vacant parcels also zoned for residential use. Urban development is adjacent on four sides and therefore surrounds the site.

Finding 3: The project site has no value as habitat for endangered, rare or threatened species.

Evidence: The subject parcel is near the center of the urban fabric of East Palo Alto. The property consists of an open, level vacant lot dominated by ruderal non-native grasses, weeds, low

shrubs, and several mature trees. This parcel is part of a larger patch of ruderal non-native grassland common in the City and west of the Northern Coastal Salt Marsh areas of the San Francisco Bay. While visibly overgrown during the site visit, the property appears to be occasionally mowed or disked for weed control. The site does not contain wetlands, creeks, or natural areas, and is not connected to nearby baylands or marsh habitats. Based on the General Plan EIR (2016), the site does not contain the aquatic, salt marsh, riparian or other habitats that may support special status species. Wildlife use of grasslands in much of the City is limited by human disturbance, the abundance of non-native and invasive species, and the isolation of grassland remnants from more extensive grasslands that used to exist in the City. As a result, some of the wildlife species typically associated with grassland habitats are absent within these small patches within the urban matrix. The General Plan EIR does not recognize these patches as sensitive habitats.

An arborist tree report was prepared (Fujiitrees Consulting, LLC) in October 2018. Due to the condition of the trees (dead to fair condition), the arborist recommended the replacement of all trees with healthy new plantings. Only one black walnut tree was considered in “good” condition.

Finding 4: Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Evidence:

Traffic and Circulation. A traffic and circulation analysis (TIA) was conducted to evaluate the potential impacts of the proposed residential project, which would construct 8 residential units at 990 Garden Street in East Palo Alto (Kimley-Horn, July 2021)¹. Based on the trip generation evaluation, the proposed project would generate fewer than 10 peak hour trips in the AM and PM peak hours and 68 daily trips overall. The small number of peak hour trips, combined with the distribution of these trips to multiple roadways would have an insignificant effect on the adjacent roadway network.

Vehicle parking provided by the project was reviewed to determine whether the project provides adequate parking spaces to meet the City’s parking requirements. In total, the project provides sufficient parking with the combination of guest parking and resident parking for each lot. Based on the *VTA Bicycle Technical Guidelines*, the project is not required to provide any bicycle parking spaces because there are no bicycle parking requirements for single-family residential units. It is recommended that additional vehicle parking be provided to meet the City’s parking standards.

Based on the City of East Palo’s Resolution 94-2020 adopted on July 7, 2020, the proposed project would generate vehicle miles traveled (VMT) per capita equal to the citywide average VMT per capita since the project is residential land use. Therefore, since the project-generated VMT per capita is equal to and not greater than the citywide average VMT, the project would not create a VMT impact.

Noise. A detailed acoustical analysis of the project was prepared ¹(Kimley-Horn, August 2021). This analysis concludes that construction noise, while elevated, would be temporary and would be required to adhere to Standard Permit Conditions. Nearby receptors (residential uses and the charter school) are

¹ The TIA was based on the original site plan and unit count. Kimley-Horn has reviewed the current plan and concluded that the additional unit in the duplex would not change the conclusions of the study or result in significant environmental impacts.

located 10 and 50 feet from the project site, respectively. Temporary construction noise would be most noticeable at the adjacent residential uses to the east. Construction noise is recognized by land use agencies throughout California as a temporary, but necessary, consequence of development on infill sites in urban areas.

Implementation of the Project would generate increased traffic volumes along study roadway segments. With respect to traffic noise, traffic volumes on project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA (the threshold of significance). The Project is expected to generate 68 average daily trips, which would result in noise increases on project area roadways. In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable (Caltrans, *Technical Supplement to the Traffic Noise Analysis Protocol*, 2013). The project's additional traffic would be nominal in this context and less than 3 dBA. The analysis also shows that parking areas, ongoing landscape maintenance and mechanical equipment would not exceed city standards at the nearest sensitive receptors.

Air Quality. A comprehensive air quality and greenhouse gas (GHG) analysis was conducted for the project (Kimley-Horn, August 2021) to determine if the project would exceed CEQA thresholds. Based on the results of this analysis, the construction and operational emissions would be consistent with the General Plan and 2017 Clean Air Plan Progress Report, could address construction emissions through required permit conditions, would not trigger operational impact thresholds, nor result in significant cumulative effects from project emissions. The potential for objectional odors, increased GHG emissions and CO concentrations were also found to be less than significant.

Given that approval of a project would not result in significant and unavoidable air quality impacts after the application of all feasible, standard conditions, the Project is considered consistent with the 2017 Clean Air Plan.

Water Quality: The project includes a preliminary drainage plan and erosion control plan designed to stabilize soils during construction and treat surface waters entering the storm drain system. Surface water quality in East Palo Alto is primarily a function of compliance with City of East Palo Alto drainage design criteria and C.3 stormwater control and treatment requirements. On site stormwater treatment will be provided through a network of infiltration swales and a storm water infiltration trench located on the individual residential lots. With these stormwater management controls, water quality would not be adversely impacted.

Finding 5: The site can be adequately served by all required utilities and public services.

Evidence: The General Plan EIR finds that the low-density land uses envisioned by the City in this area can be served by existing utilities and service providers. The project would connect to existing electrical, communications, water, sewer, and storm drain infrastructure that currently exists within public rights of way. The project will be required to pay development impact fees intended to support public service systems such as police, fire, and government services. The project included a utility plan, domestic water analysis and sewer capacity analysis to confirm that the project can be served by existing infrastructure. While sewer capacity is constrained in the City of East Palo Alto, these residential units would not significantly affect system capacity.

Finding 6: The site is not listed on any regulatory data bases that track hazardous material sites.

Evidence: Kimley-Horn (July 2021) performed an updated regulatory database search of the Department of Toxic Substances Control Envirostor website (<http://www.envirostor.dtsc.ca.gov/public/>) and the State Water Resources Control Board's (SWRCB) Geotracker website (<http://geotracker.waterboards.ca.gov/>) to identify if any new hazardous material regulated facilities or sites within or proximate to the project are present.

The target property was not listed in any of the databases searched by Kimley-Horn. The two nearest cleanup sites (T0608106461 and T10000001950) are located north and east of the project site. T0608106461 is located to the south of Runnymede Street and T10000001950 is located north of Garden Street. Currently, the site (T0608106461) directly north of the project on Runnymede is undeveloped and vacant and is a Category 1 site meaning it does not pose any contamination threat to human health or off-site neighboring properties. T10000001950 is a completed cleanup site and is currently occupied by a charter school.

Cleanup Site	Address	Cleanup Status
Kung Property 1010 Runnymede Street (T0608106461)	1010 Runnymede Street East Palo Alto, CA 94303	Open for remediation as of April 13, 2004.
Aspire East Palo Alto Phoenix Academy 1039 Garden Street (T10000001950)	1039 Garden Street East Palo Alto, CA 94303	Completed – Case closed as of October 2, 2010

Source: SWRCB, 2021

Based on these findings, no further action is recommended.

Attachments (on file with the City of East Palo Alto):

1. Transportation Analysis, Kimley-Horn, July 2021
2. Hazardous Materials Memorandum, Kimley-Horn, July 2021
3. Air Quality and GHG Emissions Analysis, Kimley-Horn, August 2021
4. Noise Prediction Memorandum, Kimley-Horn, August 2021