City of East Palo Alto
Planning and Housing Division
1960 Tate Street • East Palo Alto • CA • 94303
650.853.3189 [tel] • 650.853.3179 [fax]

NOTICE OF INTENT

Notice of Intent to Adopt a Mitigated Negative Declaration

To: Interested Individuals, Reviewing Agencies, County Clerk of San Mateo County

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration (MND) in compliance with Section 21092.3 of the Public Resources Code.

This is to advise that the **City of East Palo Alto Planning Division** has prepared an **Initial Study** for the project identified below and intends to adopt a **Mitigated Negative Declaration** on the project. The minimum review period for this document is thirty (30) days. The document is available for review at the City of East Palo Alto Planning Division office, 1960 Tate Street, East Palo Alto and online at https://www.cityofepa.org/planning/page/ceqa-notices

Project Location: 2194 University Avenue, East Palo Alto, CA 94303

Project Title: 2194 University Avenue Gas Station Improvements

Project Description: The proposed project is a remodel and construction of additions to an existing three-pump gas station. The proposed project includes demolition and replacement of the existing three pumps, awning and underground storage tanks, and construction of a new convenience store, parking, and car wash tunnel. The proposed carwash tunnel would be placed on the west side of the site adjacent to University Avenue. The proposed convenience store would be placed near the southeast interior corner of the project site. Access to the site is provided on University Avenue and Bell Street and would remain unchanged by the project.

Public Review and Comment: The review period for the draft MND extends from **August 12, 2022 to September 12, 2022 (30 days).** Comments on the draft MND must be submitted in writing to the Planning Division at the address below prior to the close of the public comment period. The Initial Study and draft MND are available for review during the circulation period at https://www.cityofepa.org/planning/page/ceqa-notices or in print at the City of East Palo Alto Planning Division office, 1960 Tate Street, East Palo Alto during normal office hours. A copy is also available at the San Mateo County Public Library located at 2415 University Avenue, East Palo Alto, CA 94303.

Public Hearing: A public hearing on the project, the Initial Study and the proposed Mitigated Negative Declaration has been tentatively scheduled before the **Planning Commission on September 12, 2022 at 7:00 p.m.**

Interested residents, agencies and other concerned citizens may transmit their concerns or comments within the public review period. Please direct your comments regarding potential environmental impacts to:

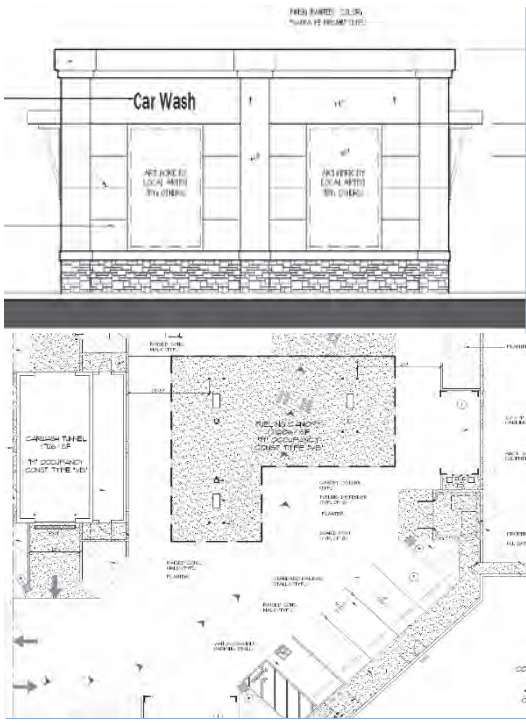
Michelle Huang, Assistant Planner
Planning Division, 1960 Tate Street, East Palo Alto, CA 94303, mhuang@cityofepa.org, 650-853-3189

Mitigated Negative Declaration

2194 University Avenue Gas Station Improvements

DR18-022, V20-002, CUP20-002

July 25, 2022



Prepared by

EMC Planning Group

MITIGATED NEGATIVE DECLARATION

2194 UNIVERSITY AVENUE GAS STATION IMPROVEMENTS

DR18-022, V20-002, CUP20-002

PREPARED FOR

City of East Palo Alto

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July 25, 2022

PROPOSED MITIGATED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	2194 University Avenue Gas Station Improvements
Lead Agency	City of East Palo Alto
Project Proponent	Vikash Bansal 809 E. Stanley Blvd. Livermore, CA 94550
Project Location	2194 University Avenue, East Palo Alto, CA 94303
Project Description	The proposed project is a remodel and construction of additions to an existing three-pump gas station. The proposed project includes demolition and replacement of the existing three pumps, awning and underground storage tanks, and construction of a new convenience store, parking, and car wash tunnel. The proposed carwash tunnel would be placed on the west side of the site adjacent to University Avenue. The proposed convenience store would be placed near the southeast interior corner of the project site. Access to the site is provided on University Avenue and Bell Street and would remain unchanged by the project.
Public Review Period	Begins – August 12, 2022 Ends – September 12, 2022
Written Comments To	Michelle Huang, Assistant Planner City of East Palo Alto Planning Division 1960 Tate Street East Palo Alto, CA 94303
Proposed Findings	The City of East Palo Alto is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant

level. There is no substantial evidence, in light of the whole record before the lead agency (City of East Palo Alto) that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

Mitigation Measures

Air Quality

AQ-1 Prior to issuance of a grading permit, the project applicant shall include the following air district basic control measures for construction projects on all project bid and construction documents.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. 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.

6. 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.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8. Post a publicly visible sign with the telephone number and person to contact at the sewer district 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.

9. Compliance with these measures during construction is the responsibility of the project contractor, subject to review and approval by the City of East Palo Alto Planning Director or his/her designee.

AQ-2 The project developer shall prepare, and the project contractor shall implement, an emissions avoidance and reduction plan to reduce construction particulate matter exhaust emissions by using equipment that can meet Tier 3 or better standards that reduces diesel particulate matter by 85 percent. The plan shall be prepared prior to the issuance of a demolition or grading permit and shall be reviewed and approved by the City of East Palo Alto Planning Director and may include the following measures:

a. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall use Tier 3 engines with Level 3 diesel particulate features or Tier 4 engines;

b. Use alternatively fueled equipment or equipment with zero emissions (i.e., electrical equipment); and/or

c. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators.

The plan shall utilize the above measures or equivalent measures, and must demonstrate that particulate matter exhaust emissions would be reduced by 85 percent subject to review and approval of the City of East Palo Alto Planning Director.

Biological Resources

BIO-1 To avoid impacts to nesting birds, the removal of vegetation shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (January 15 through September 15) to the greatest extent feasible. If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct pre-construction surveys for nesting birds to ensure that no nests would be disturbed during project construction.

If project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys. Two surveys for active nests of such birds shall occur within 14 days prior to start of construction, with the second survey conducted with 48 hours prior to start of construction. Appropriate minimum

survey radius surrounding each work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities.

If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

A report documenting survey results and a plan for active bird nest avoidance (if needed) will be completed by the biologist and submitted to the City for review and approval prior to disturbance and/or construction activities. If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for bird nest avoidance will be prepared to determine and clearly delineate an appropriately-sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities.

Cultural Resources

CR-1 Prior to issuance of a tree removal permit or grading permit, because the possibility that significant buried cultural resources might incidentally be found during construction activities, the applicant shall include the following language on all construction documents and on any permits issued for the project site:

> "If archaeological resources are unexpectedly discovered during construction, work shall be halted immediately within 50 meters (160 feet) of the find, and the Planning Department notified, until it can be evaluated by a qualified professional archaeologist. If the find is determined to be unique, appropriate mitigation measures shall be formulated and implemented subject to the review and approval of the City planning department."

CR-2 Due to the possibility that Native American human remains may be discovered during project construction activities, the following language shall be included in all construction documents and on any permits issued for the project site, including, but not limited to, tree removal, grading, and building permits.

"If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Mateo County Coroner is contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98.

The landowner or authorized representative will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Geology and Soils

GEO-1 Prior to issuance of any permits, and due to the possibility that unique paleontological resources might be found during construction, the applicant shall include the following language on all construction documents and on any permits issued for the project site, including, but not limited to, tree removal, grading, and building permits:

"If paleontological resources are unexpectedly discovered during construction, work shall be halted immediately within 50 meters (160 feet) of the find, and the Planning Department notified, until it can be evaluated by a qualified professional paleontologist. If the find is determined to be unique, appropriate mitigation measures shall be formulated and implemented subject to the review and approval of the City planning department."

Noise

N-1 The applicant shall prepare a detailed construction noise logistics plan. The construction noise logistics plan shall be submitted for review and approval by the City planning department prior to issuance of any permit on the site, and the contractor shall implement the plan during all site preparation, grading, and construction. The construction noise logistics plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. The construction noise logistics plan must include provisions requiring implementation of the following best management practices to reduce noise from construction activities near sensitive land uses:

- Construction activities shall be limited to the hours between 7:00 am and 6:00 pm, Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays. No construction activity is allowed on Sundays or national holidays;
- Notify all adjacent land uses of the construction schedule in writing;
- 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. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) or temporary barriers shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site;
- If impact pile driving is proposed, the following measures shall be implemented:

- multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced;

- temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected; and

- foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.

▪ Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented; and

▪ Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction.

N-2 The project's proposed masonry walls located along the perimeter of the site to the east and south shall be constructed as early as possible to reduce construction noise levels at the adjacent residences.

N-3 Prior to the issuance of building permits, the following improvements shall be reflected on construction plans:

▪ The car wash shall be equipped with a silencer and exit door.

N-4 Fuel truck deliveries shall be limited to daytime hours between 7:00 a.m. and 10:00 p.m. Planned fuel truck delivery schedule shall be subject to verification by Planning Department staff.

N-5 Prior to issuance of building permits, construction plans shall show all HVAC equipment located a minimum distance of 20 feet from the adjacent residential property lines to the south and east. Alternatively, the equipment shall be located a minimum distance of 10 feet from adjacent residential property lines with enclosures or barriers designed such that the line of sight between the equipment and the nearest residential property line is broken.

N-6 A construction vibration monitoring plan shall be prepared by the applicant prior to the issuance of any permit, and shall be reviewed and approved by the Community Development Department Director or his/her designee. The approved construction vibration monitoring plan shall be implemented during construction by the project contractor to document conditions at the residences and commercial structures adjacent to the site prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:

- Identification of sensitivity to ground-borne vibration of the residences and commercial structures adjacent to the site. A vibration survey (generally described below) would need to be performed.

- Performance of a photo survey, elevation survey, and crack monitoring survey for the residences and commercial structures adjacent to the site. Surveys shall be performed prior to and after completion of vibration generating construction activities located within 25 feet of the structure. The surveys shall include internal and external crack monitoring in the structure, settlement, and distress, and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of the structure.

- Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs where damage has occurred as a result of construction activities.

- The results of any vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report will include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper documentation supporting any such claims.

- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

- Limit the use of vibratory rollers, hoe rams, large bulldozers, and caisson drilling, and avoid clam shovel drops within 15 feet of shared property lines to the south and east.

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.

- Use smaller equipment to minimize vibration levels below the limits.

- Select demolition methods not involving impact tools.

- Avoid dropping heavy objects or materials near vibration sensitive locations.

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor, prior to the commencement of demolition and construction activity. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.

Tribal Cultural Resources

TR-1 The applicant shall contract with the Tamien Nation to develop and implement a cultural resource sensitivity training program for the construction work crew on the first days of excavation. The project contractor shall provide evidence of the training to the City Planning Division, which shall include the training materials and a sign-in list of trained construction personnel, at the end of the first day of excavation.

TR-2 Should Tribal or cultural resources be inadvertently discovered during project excavation activity, work shall be halted and the Tamien Nation Treatment Protocol shall be implemented.

The location of Tribal resources is confidential, may be redacted from monitoring reports, and shall not be made available for public review. The location of sensitive cultural resources is exempt from the Public Records Act.